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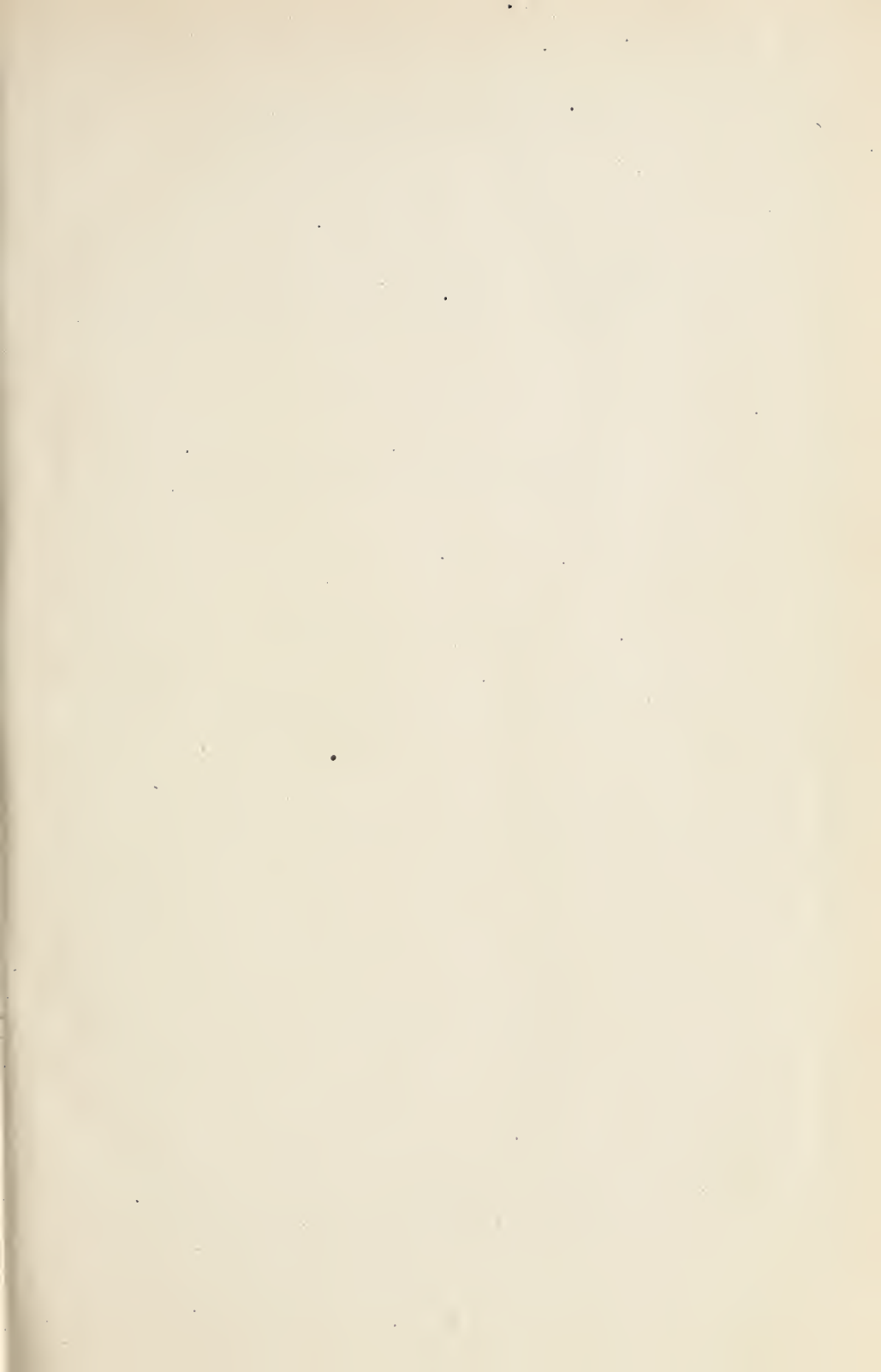
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HOUSE



PUBLIC-LOCAL LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1913

BEGUN AND HELD IN THE CITY OF RALEIGH

ON


WEDNESDAY, THE EIGHTH DAY OF JANUARY, A. D. 1913

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OF THE

PUBLIC-LOCAL LAWS

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PUBLIC-LOCAL LAWS

OF THE

STATE OF NORTH CAROLINA

SESSION 1913



PUBLIC-LOCAL LAWS

OF THE

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CHAPTER 1.

AN ACT FOR THE BETTER WORKING AND IMPROVING THE ROADS AND HIGHWAYS OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Davie County be and he is hereby authorized, empowered, and directed to appoint four citizens and taxpayers of Davie County, three of whom shall be of the opposite political party from that of the board of commissioners of Davie County, who together with the said board of commissioners shall constitute a board of road commissioners for Davie County. The present board of county commissioners of Davie County and their successors in office are hereby, by virtue of the terms of their office, constituted members of said board of road commissioners. Said appointees, as soon after their appointment as may be practicable, shall qualify by taking and subscribing an oath before the Clerk of the Superior Court of Davie County for the faithful performance of their duties as members of said board of road commissioners, and shall hold their office until the first Monday in December, one thousand nine hundred and fourteen, and until their successors are appointed and qualified; and it shall be the duty of said clerk of the Superior Court on said first Monday in December, one thousand nine hundred and fourteen, and every two years thereafter, to appoint four citizens and taxpayers of Davie County, three of whom shall be of the opposite political party of that of the board of commissioners of said county, or a majority of them, who together with the said board of commissioners shall constitute a board of road commissioners of Davie County and who shall take the oath of office and enter upon the discharge of their duties as hereinbefore prescribed: *Provided*, that no one of the four citizens and taxpayers herein authorized to be appointed by the said clerk of the Superior Court shall be appointed from any township in Davie County voting "Against Good Roads" as here-

Appointment of
road commis-
sioners.

County commis-
sioners ex officio
road commis-
sioners.

Appointees to
qualify.

Term of office.

Appointment of
successors.

Provido: persons
not eligible.

Organization.	inafter provided, in the event a majority of all the votes cast in Davie County at said election be "Against Good Roads." That said board of road commissioners, at their first meeting under the provisions of this act, shall elect one of their number chairman and perfect such other organization as to them may seem advisable; that the Register of Deeds of Davie County shall act as secretary of said board of road commissioners and shall receive such compensation for his services as such as said board of road commissioners may elect to pay, not exceeding two dollars per day for each day actually engaged in work for said board of road commissioners.
Register of deeds secretary of board.	
Compensation.	
Regular meetings.	SEC. 2. That said board of road commissioners shall meet at the courthouse in the town of Mocksville, North Carolina, on Tuesday after the first Monday in July, September, November, January, and March of each and every year, to transact such business as may come before it pertaining to the roads and highways of Davie County over which they may have jurisdiction under and by virtue of the provisions of this act, and they may have such called meetings as may be deemed advisable and necessary, first giving at least seven days notice thereof, specifying the purpose for which said meeting is called, for the better providing for the working, maintaining, laying out, and discontinuing the roads, cartways, and highways of Davie County. Said board of road commissioners shall receive the same mileage and per diem for their service in attending the meetings of the board as is now or may hereafter be allowed the members of the board of commissioners of Davie County. Vacancies in said board of road commissioners occurring from any cause shall be filled by the Clerk of the Superior Court of Davie County.
Called meetings.	
Pay of road commissioners.	
Vacancies.	
Necessary expense.	SEC. 3. That the construction, repairing, and keeping in repair the public roads and highways of the several townships of Davie County be and the same is hereby declared a necessary expense, and said roads and highways shall be repaired, constructed, maintained, and managed by the board of road commissioners of Davie County, and in the construction or repair thereof the said board of road commissioners shall use whatever material they may deem best.
Conduct and management of roads.	
Material.	
Special road tax.	SEC. 4. That the board of county commissioners of Davie County shall, in order to provide for the proper construction, improvement, and maintenance of the public roads of the several townships of said county, at their annual meeting in the year one thousand nine hundred and thirteen, to be held as provided by law for the purpose of levying other taxes for Davie County, and annually thereafter shall levy, under the general law providing for the levying of taxes, a special tax on all property subject to taxation in the several townships in Davie County of not less than ten cents and not greater than thirty-three and one-third cents on the one hundred dollars (\$100) valuation thereof, and not less than
Rate.	

thirty cents nor more than one dollar (\$1) on each taxable poll, the constitutional equation to be at all times observed. Said taxes shall be collected by the sheriff of said county as all other taxes, to be kept separate on the tax books of the several townships of the said county and to be set aside as a road fund for the several townships from which said taxes are collected and to be used in the construction, improvement, and maintenance of the public roads of the several townships from which said taxes are collected, to pay the interest on any bonds that may be issued by the board of commissioners of Davie County for the construction or repairing of the public roads of the several townships of Davie County or for any township under the provisions of this act, or to pay any of such bonds as the same may become due, the purchase of such material, implements, wagons, road scrapers, rollers, drags, etc., as may be found necessary in the proper carrying out of the work and for the purpose of employing such labor as may be deemed necessary for the proper working, maintaining, and repairing the roads and highways of the several townships or any township of Davie County under the provisions of this act.

Sec. 5. That the board of road commissioners is hereby authorized, in its discretion, to create and fill any positions which it may deem expedient for proper road construction and improvement, repairs and maintenance, such as superintendent of road construction and repairs, highway engineer, any or all of which may be united in the same person; to fix the compensation and to prescribe the form and amount 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 or appointee and to authorize him or them to employ, subject to the approval of the board, such subordinates or employees as may be needed. The board shall have power, for cause which it may deem good and of which it shall be the sole judge, to discharge any employees or appointees at any time. The board shall also have power and authority to work or construct any road or repair the same in any township by contract.

Sec. 6. For the purpose of constructing, improving, maintaining, or repairing public roads in any township in Davie County, the superintendent of road work or other person engaged in the road work or connected therewith, 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 lands when unencumbered by growing crops; to cut or carry away any timber, except fruit trees and trees left for shade or ornament; to dig or cause to be dug and carried away any stone, 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

Collection of tax.

Township road fund.

Appropriation.

Officers and employees.

Compensation and bonds.

Powers and duties.

Subordinates and employees.
Removal for cause.

Roads may be let to contract.

Entry on land for material.

Drains and ditches.

Obstructing drains misdemeanor. Punishment. Claims for damages.	as little injury to the land as possible, and any person willfully obstructing such drains or ditches shall be guilty of a misdemeanor, and upon conviction 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 of road commissioners, who shall pass thereon within thirty days, and the landowner may, within ten days from the notice of the decision, appeal to the Superior Court. If the owner shall not receive a greater amount of damages than that offered by the decision of the board of road commissioners, he shall be taxed with all the costs of appeal.
Right of appeal.	
Location and change of roads.	SEC. 7. The board of road commissioners shall have the power, on petition or upon their own motion, to locate, 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 surveying, the board of road commissioners shall give to the owner or owners of land over which the proposed new road or change of road may run, at least five days notice in writing of the 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; if there be no guardian, to the person with whom he is living. If the landowner be a nonresident or cannot be found within the county, such notice shall be mailed to his last known address and published in a newspaper published in Davie County at least ten 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 question of condemnation, the finding of the board shall not be subject to review. No strip of land wider than forty feet, with such additional width as shall 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 and construct the road. If the landowner, after the road has been relocated or 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 road commissioners. The clerk of the court shall appoint and cause to be summoned a jury of three disinterested
Entry on land for surveys. Notice to land- owners before construction.	
Order for con- demnation of land.	
Land taken under condemnation.	
Assessment of damages.	

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 jury 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, after being duly sworn by the sheriff, 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 of the court, 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 of road commissioners. Either the board of road commissioners 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 a 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 appeal. If the landowner make affidavit, by reason of poverty, to give the bond or make the deposit required, 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 location, relocation, widening, changing 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 benefit: *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 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 distinguished 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 proceeding on appeal shall be as hereinbefore set forth: *Provided*, that within ten days after filing said 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 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.

Notice of meeting of appraisers.

Right of appeal.

Bond on appeal.

Appeal without bond.

Trial on appeal.

Proviso: assessment before construction.

Right of and proceedings on appeal.

Proviso: right of election.

Obstructing
officers misde-
meanor.

SEC. 8. Any person who shall obstruct the engineer, road superintendent, or other agent, supervisor, subordinate, contractor, or employee in making a survey or engaged in any road work under authority of the board of road commissioners, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Punishment.

Power to dis-
continue roads.

SEC. 9. The board of road commissioners shall have authority to discontinue any public road in 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 section two thousand six hundred and eighty-six and two thousand six hundred and ninety-four of the Revisal of nineteen five, except that the words "board of commissioners" shall be substituted for the words "board of supervisors of the townships," and the provisions for appeal to the board of commissioners, in said sections of the Revisal, shall be stricken out.

Notice to land-
owners.

Cartways.

Separate accounts.

SEC. 10. The county treasurer of Davie County shall keep a separate account of the road funds of the several townships of the county, and of his disbursements of the same, keeping each township's receipts and disbursements separate; and he shall make a written report thereof to the board of road commissioners at their regular meetings, giving a statement of the disbursements from the road fund since the last meeting of the board of road commissioners, which report shall be filed with the clerk of the board of county commissioners.

Reports.

Annual statements
published.

SEC. 11. The clerk of the board of county commissioners shall within six days before the first Monday in December of each year make out and certify and cause to be published in some newspaper published in Davie County a statement of the preceding year, showing the amount of taxes collected in the several townships of Davie for road purposes and the amount expended in each township, the amount for opening new roads, the amount of road machinery purchased, the amount of permanent road work done, if any, and the cost thereof, and all other expenses connected with the road work in the several townships.

Township road
supervisors.

SEC. 12. That the board of road commissioners shall at their first regular meeting under the provisions of this act appoint one road supervisor for each township in Davie County the roads of which are worked under the provisions of this act, who shall qualify before the board of road commissioners and who shall hold office until the first Monday in December, one thousand nine hundred and fourteen. That there shall be elected at the general election to be held in the year one thousand nine hundred and fourteen, and every two years thereafter, by the qualified voters of the several townships in Davie County, under the provisions

Term of office.

Election of suc-
cessors.

of this act, one road supervisor for each township, who shall be a resident of the township for which he is elected and who shall qualify before the board of road commissioners on the first Monday next succeeding said election, and who shall hold office for two years or until their successors shall be elected and qualified. Vacancies in the office of supervisor, occurring between elections, shall be filled by appointment by the board of road commissioners.

SEC. 13. It shall be the duty of the township road supervisors to attend the regular meetings of the board of road commissioners and such other meetings as they may be notified by the chairman of the board or road commissioners to attend, for the purpose of informing the board of the condition and needs of the roads of their respective townships. The said road supervisors shall submit to the board of road 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 repair, 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 a compensation of two dollars a day and mileage.

SEC. 14. Such work of repairing, keeping in repair, and constructing roads in the several townships as may not be done by contract with or by the board of road commissioners shall be done by the township road supervisors 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. The board may also, from time to time, in its discretion, authorize the supervisor to expend, as may be necessary, up to certain amounts on emergency repair work which cannot without detriment be reported before doing the work: *Provided*, that the amount allowed to any supervisor for emergency work shall not exceed in the aggregate one hundred dollars for any one year.

SEC. 15. The township supervisors shall receive a 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; with the date of each item thereof, and render a sworn statement thereof to the chairman of the board of road commissioners, and the secretary of said board shall make report thereof to the next meeting of the board of county commissioners. No supervisor shall, without permission from the board of road commissioners, 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 own township. The board of road commissioners shall have power to prescribe such rules and regula-

Term of office.

Vacancies.

Supervisors to attend meetings of road commission.

Written reports.

Recommendations.

Compensation.

Hired labor.

Supervisors to submit estimates.

Emergency work.

Proviso: limit of emergency work.

Pay of supervisors.

Accounts under oath.

Supervisor not to employ relatives nor furnish teams.

Rules and regulations.

Removal for cause. tions relating to the working of the roads by the supervisors as may not be inconsistent with the provisions of this act, and said board of road commissioners, for cause which it may deem good, may remove any supervisor from office.

Bond issue authorized. SEC. 16. That if a majority of all the votes cast in Davie County at the election hereinafter provided for under the provisions of this act shall be "For Good Roads," the board of commissioners of Davie County shall be authorized and empowered and they are hereby directed to issue bonds of Davie County to an amount not exceeding one hundred and seventy-five thousand dollars (\$175,000), of such denomination and of such proportion as may be deemed advisable, bearing interest from date of issue thereof at a rate not exceeding five per cent per annum, with interest coupons attached, payable either annually or semiannually, as may be deemed best. Said bonds shall be numbered consecutively, shall be signed by the chairman of the board of commissioners of Davie County and countersigned by the register of deeds and sealed with the seal of the county. The coupons thereon may be signed by the chairman of said board of commissioners alone or may have a facsimile of his signature printed or engraved thereon. Said bonds shall state that they are Davie County road bonds, and shall be payable at such time or times and at such place as may be designated by said board of county commissioners; the principal thereof shall be payable at a time not exceeding thirty years from date of issue. Said bonds shall be of such form and tenor and transferable in such a way as may be deemed best by said board of county commissioners. None of said bonds shall be disposed of for less than par and accrued interest.

Amount. Denominations. Interest. Authentication. Maturity. Sale below par forbidden.

Bonds issued as needed. SEC. 17. Said bonds may be issued by said board of county commissioners in such amounts as may be deemed best as the permanent road work progresses throughout the several townships of Davie County: *Provided*, that one-seventh of all moneys derived from any sale or sales of the first one hundred and five thousand dollars (\$105,000) thereof, or any installment of said first one hundred and five thousand dollars (\$105,000) shall be paid to the Treasurer of Davie County as said sale or sales of said bonds may be made, and shall be set apart by said treasurer as a road fund for permanent road improvement, construction, and repair of the roads in each township in Davie County, and shall be applied and expended by the board of road commissioners of Davie County and used by them for the permanent construction, improvement, and repair of the public roads in the townships for which the same is set apart, and the same shall be paid out by the county treasurer only upon the order of said board of road commissioners, specifying the townships for which the same is paid. That the remainder of said bonds over and above the one hundred and five thousand dollars (\$105,000) above mentioned

Proviso: fund for permanent improvement.

shall be issued by said board of county commissioners, upon the recommendations of the board of road commissioners of Davie County, at such time or times as may be deemed advisable, and the proceeds of the sale thereof shall be paid to the Treasurer of Davie County and shall be set apart and kept separate by said treasurer as a fund for permanent road improvement, construction, and maintenance in said several townships, and shall be paid out only upon the order of the board of road commissioners, specifying the township for which the same is paid. That the amount of moneys derived from the sale or sales of said excess of the one hundred and five thousand dollars (\$105,000) above mentioned, to wit, seventy thousand dollars (\$70,000), shall be distributed and set apart to each of the said townships of Davie County by the board of road commissioners as they may deem best and most advantageous to public travel, after taking into consideration the condition of the roads of said several townships, the number of miles of permanent roads built, repaired, or constructed in each township and the advantage to the public generally.

Fund apportioned to townships.

SEC. 18. That for the purpose of providing for the payment of the interest on said bonds which may at any time be issued under the provisions of this act, and the creating of a sinking fund for the payment of said bonds, or for the purpose of paying said bonds as the same may become due, the said board of commissioners of Davie County shall annually set apart and apply a sufficient amount of the special-tax levy authorized under and by virtue of section four of this act. The residue or remainder of said tax levy, if any, so authorized by section four, after paying the interest on said bonds as aforesaid and the amounts set aside as a sinking fund or the amount which may be used in paying in full any of such as may be due and payable, shall be applied and set apart by said board of county commissioners for general road purposes in the several townships of Davie County: *Provided*, that for the purpose of providing a fund to be used for general road purposes in the several townships in Davie County, the said board of commissioners of Davie County are hereby authorized, empowered, and directed to levy a special tax in each township, after having provided for the interest and sinking fund on said bonds as above mentioned, not in excess of thirty-three and one-third cents on the one hundred dollars valuation of property nor more than one dollar on the poll, including the tax levied to pay the interest and create the sinking fund of said bonds.

Appropriation for interest and sinking fund.

Surplus to general road fund.

Proviso: special township taxes.

Limit of rate.

SEC. 19. That if a majority of the votes cast in Davie County at said election hereinafter provided for shall be "Against Good Roads," then the provisions of this act relative to issuing one hundred and seventy-five thousand dollars (\$175,000) of bonds for Davie County as above mentioned shall have no application and be of no force. But if at said election a majority of the votes cast in any township in Davie County shall be "For Good

Election precedent to bond issue.

Township bond issues.

Roads," then and in that event the board of commissioners of Davie County be and they are hereby authorized, empowered, and directed to issue bonds for permanent road improvement in any township in Davie County so voting "For Good Roads" under the provisions of this act hereinafter set forth, in a sum not exceeding twenty-five thousand dollars (\$25,000) for any township in said county voting for good roads as aforesaid, of such denominations and of such proportions as may be deemed advisable, bearing interest from date of issue at a rate not exceeding six per cent per annum, with interest coupons attached, payable either annually or semiannually, as may be deemed best, said bonds to be numbered consecutively, shall state the name of the township for which they are issued and shall be payable at such time or times and at such place or places as may be designated by said board of county commissioners. Said bonds shall be signed by said chairman of said board of county commissioners and countersigned by the Register of Deeds of Davie County, 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 of issue and at such place as may be determined by said board of county commissioners. None of said bonds shall be disposed of for a less price than par and accrued interest, and said bonds may be issued at such time or times and in such amounts as may be deemed best to meet the expenditures for permanent road improvements in any township voting "For Good Roads" under the terms and provisions of this act. The liability for the payment of said bonds so issued for any township in Davie County, together with all interest that may be due thereon, shall be attached to and imposed upon the township for which the same are or may be issued as said township is now constituted at the time of the ratification of this act.

Sec. 20. That for the purpose of providing for the payment of said bonds and interest thereon which may at any time be issued by said board of county commissioners for road improvements in either or any one of the said townships in Davie County voting "For Good Roads" as above mentioned in section nineteen hereof, said board of county commissioners shall annually set apart and apply a sufficient amount of the special-tax levy authorized under and by virtue of section four of this act for the purpose of paying said interest on said bonds and retiring and paying in full such of said bonds as may from time to time become due and payable. The residue or remainder of said tax levy for any such township, if any, so authorized by said section four of this act shall be applied and set apart by said board of county commissioners for general road purposes in said township so voting "For Good Roads."

Sec. 21. That any and all moneys derived from the sale of any bonds or bond issued under the provisions of section nineteen

Amount.

Denominations.

Interest.

Authentication.

Maturity.

Sale below par
forbidden.Bonds issued as
needed.Liability for
bonds.Fund for interest
and sinking fund.Surplus to town-
ship road fund.Application of
proceeds of bonds.

hereof shall be paid over to the Treasurer of Davie County and applied by the road commissioners of Davie County and used by them for the permanent construction, improvement, and repair of the public roads in the township for which said bonds are or may at any time be issued under the provisions of this act and for the purchase of such material, machinery, and implements and the employment of such agents and laborers as may be found necessary in the carrying out of the work of permanent road improvement in said township. Said county treasurer shall set apart and keep separate such moneys derived from the sale of such bonds as a permanent road fund for said township so voting "For Good Roads," and the same shall be paid out by him only upon the order of the board of road commissioners for permanent road improvements in said township for which said bonds are or may at any time be issued under the provisions hereof.

Fund for permanent improvements.

SEC. 22. That the Treasurer of Davie County be and he is hereby authorized and directed to make out and submit to the board of road commissioners of Davie County an itemized statement of any and all moneys from whatever source derived, either by tax levy or from the sale of bonds, specifying the township from which said moneys have been derived and paid to him by the terms and provisions of this act, if any, and the moneys derived and set apart from the sale of any bonds issued, under the terms of this act, whether the same be county bonds or township bonds. Said report shall be verified and filed with the secretary of said board of road commissioners on the first Monday in January and August of each and every year.

Treasurer to file itemized statements under oath.

Statements filed semiannually.

SEC. 23. That the board of commissioners of Davie County shall contract for building and keeping and repairing of all bridges across the streams of Davie County where the same may be necessary for the public travel and convenience, and shall pay for the same out of the general county fund as is now or may hereafter be provided by the general laws regulating the building and construction of bridges.

Bridges.

SEC. 24. That the board of commissioners of Davie County shall on the last Thursday in April, in the year of our Lord one thousand nine hundred and thirteen, direct and cause to be held an election in the several voting precincts in the several townships in Davie County to determine whether the provisions of section one to twenty-three, inclusive, of this act shall become effective. For the holding of said election said board of county commissioners shall first advertise the same at the courthouse door of Davie County and in such newspapers published in said county as they may designate for at least thirty days prior to said election, and said board of commissioners shall appoint registrars and pollholders and any other officers necessary for such election for each of the precincts in the several townships in said county. Said registrars and other election officers shall be served with notice

Date of election.

Advertisement of election.

Election officers.

Registration books. of their appointment by the Sheriff of Davie County; and the Register of Deeds of Davie County shall be instructed by the said board of commissioners, and it is hereby made his duty, to turn over to said registrars and election officers designated by said board of county commissioners the registration books now in his possession which were used for the general election held in November, one thousand nine hundred and twelve, for the election of State and county officers, for the purposes of the election herein authorized. Said election and the registration of persons applying therefor shall be held and conducted under the same rules and regulations as is now provided by law for registration and voting under the general laws regulating elections for members of the General Assembly, and the amendments thereto, except as otherwise provided for in this act. At said election every person qualified to vote for members of the General Assembly shall have the right to vote. At each election precinct there shall be provided a ballot box for said election which shall be labeled in plain roman letters, "For or Against Good Roads." In all other respects said ballot box shall be in conformity with the general laws regulating election for members of the General Assembly. At said election every qualified voter shall have the right to vote a written or printed ballot or a ballot partly written or partly printed, bearing the words "For Good Roads," or a written or printed ballot, or a ballot partly written and partly printed bearing the words "Against Good Roads." Said ballot shall be of white paper and without device. At the close of said election said registrar and judges of election appointed by said board of county commissioners as hereinbefore provided shall count and canvass the vote and declare the result thereof for the several election precincts of the several townships throughout Davie County, and shall certify under their hands and seals, not later than Monday following said election, a report of such canvass to the chairman of the board of county commissioners of Davie County, setting forth the number of votes cast "For Good Roads" and the number of votes cast "Against Good Roads," which said report shall be recorded in the minutes of said board of county commissioners. And said board of county commissioners shall from said reports officially determine and declare the number of votes cast "For Good Roads" in Davie County and the number cast "Against Good Roads" in Davie County. Said board of commissioners shall also declare from said reports the number of votes cast "For Good Roads" in each township in Davie County and the number of votes cast "Against Good Roads," and the result of said election and the canvass thereof by said board of county commissioners shall be recorded in their minutes, and no other canvass, report, or proceeding shall be necessary. That if a majority of all the votes cast in Davie County be "For Good Roads" at said election above specified, then said special tax shall be levied upon all taxable property and

Law governing election.

Voters.

Ballot boxes.

Ballots.

Count and return of votes.

Canvass of returns.

Record of result.

Majority of votes cast to determine election.

polls in Davie County and the bonds issued as herein above authorized in sections sixteen and seventeen of this act, and all other provisions of this act and the duties and powers provided for herein, except sections nineteen, twenty, and twenty-one of this act, shall be exercised and promulgated by the board of county commissioners of Davie County and the board of road commissioners of Davie County.

SEC. 25. That if a majority of the votes cast in Davie County at said election shall be "Against Good Roads," but a majority of the votes cast in any township or townships in Davie County shall be "For Good Roads," then all the provisions of this act except those contained in sections sixteen, seventeen, and eighteen hereof, shall be exercised and promulgated by the board of county commissioners of Davie County and the board of road commissioners as herein provided. Majorities in townships.

SEC. 26. That immediately upon the ratification of this act the Secretary of State is hereby authorized and directed to make and cause to be sent to the chairman of the board of commissioners of Davie County, Mocksville, N. C., a certified copy of this act. And the board of commissioners of Davie County are hereby authorized and directed to pay to said Secretary of State the legal fees for said certified copy. Certified copy of act.

SEC. 27. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 28. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 2.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF ROADS IN MAGNOLIA TOWNSHIP, DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Duplin County shall levy annually, at the same time other taxes for county purposes are levied, a special tax upon all the real and personal property and polls in Magnolia Township, said county: *Provided, however,* such special tax shall not exceed the sum of thirty cents on each one hundred dollars valuation of real and personal property and ninety cents on each poll. Said taxes shall be collected by the Sheriff of Duplin County as other taxes, and paid by him to the Treasurer of Duplin County, and by the said treasurer converted into a special fund to be known as "The Magnolia Road Tax Fund," and shall be kept separate from all other moneys. Special tax.
Limit of rate.
Collection and settlement.

Road commissioners. Incorporation.	SEC. 2. That L. F. Byrd, M. J. Carlton, and S. B. Hunter are hereby appointed a commission of roads for Magnolia Township, and declared to be a body corporate and politic under the title
Corporate name.	and name of The Road Commission of Magnolia Township, and as such are authorized to sue and be sued, and are hereby vested
Corporate powers.	with all the powers, rights, privileges, and immunities granted or belonging to corporations of like character, and such further powers as are expressly given in this act. That at the general election
Election of commissioners.	to be held in said township in the year one thousand nine hundred and fourteen, and biennially thereafter, three qualified voters of said township shall be elected as successors to the three said commissioners hereinbefore named, under the same provisions as justices of the peace are or may be elected by the voters of said township, whose terms of office shall begin on the first Monday in December following their election, and shall continue for a term
Vacancies.	of two years and until their successors are elected and qualified, vacancies to be filled by the board of commissioners of Duplin County. Every commissioner, before entering upon the discharge
Commissioners to qualify.	of his duties, shall take an oath for the faithful performance of his duties as such. The said commission, after qualification, shall
Organization.	organize by electing one of its members chairman and one secretary. The said commissioners shall serve without compensation
Compensation.	or remuneration.
Road superintendent and employees.	SEC. 3. That the said road commission of Magnolia Township is authorized and empowered to employ a road superintendent and such other persons as may be necessary for the purpose of building, constructing, and repairing the roads of Magnolia Township, and the said commission shall have full power and authority to do
Power and authority of commissioners.	all things necessary in the building, constructing, and repairing of said public roads, and, without publication or notice, change the location of any road, straighten, widen, or relocate the same, when right of way for such purpose can be obtained without resorting to condemnation proceedings, and shall make such orders with reference to the expenditure of the said Magnolia road fund as shall be necessary. The expenditure of said funds shall be upon
Expenditures and vouchers.	voucher drawn by said chairman and countersigned by the secretary of said commission, and shall authorize the Treasurer of Duplin County to pay the same from the Magnolia road fund, and payment so made shall fully discharge and acquit said treasurer to the extent thereof. A statement of receipts and expenditures shall be published on June first of each year.
Statements published annually.	
Overseers discharged.	SEC. 4. That the overseers of roads for Magnolia Township are hereby discharged and the duties heretofore devolving upon them
Duties imposed on superintendent.	are hereby imposed upon the superintendent of roads of Magnolia Township, and the said superintendent of roads of Magnolia Township shall be <i>ex officio</i> road overseer of all the public roads of said township, and shall summons all persons liable to road duty under the general law, and cause them to perform labor on their re-
Warning out hands.	

spective sections as heretofore required by the general law as applicable to Magnolia Township. The division of the public roads of Magnolia Township into sections and the assignment of hands to work thereon as now provided by the board of supervisors of Magnolia Township is hereby adopted, but the same may be changed in any manner without notice by the said road commission. Any person failing to perform the duties required of him by this act or who shall fail to work the roads as required by the general law shall be guilty of a misdemeanor.

SEC. 5. That the highways and public roads of said township constructed or improved under this act shall be not less than eighteen or more than thirty feet wide, and for the purpose of opening, widening, straightening, locating, or relocating any of the roads and highways of said township and repairing the same, the said Magnolia road commission, through its agents, are hereby authorized to enter upon any lands and locate, build and construct the same, and if the said commission and the owners of the land cannot agree as to the damage, if any, the said Magnolia road commission shall, at the expiration of sixty days after the said road or highway has been completed, cause five indifferent freeholders of said township to be summoned, who shall go upon the land and assess damages and benefits as now provided by law: *Provided, however,* before entering the land of any person, as authorized by this section, it shall be the duty of the said Magnolia road commission to serve notice upon the owner that the road or highway is to be located, straightened, or widened under the authority of this act.

SEC. 6. That the Magnolia road commission is hereby fully authorized and empowered, in its discretion, at any time after the adoption of this act, to abolish road duty in said township as now required by law, and the said Magnolia road commission is also fully authorized and empowered to reestablish said road duty upon giving notice for four weeks in some newspaper circulating in said township, or by posting notices at three public places in said township, whenever in its discretion it shall appear necessary.

SEC. 7. That all laws in conflict with this act are hereby repealed, and, except as repealed, all laws with reference to working the public roads of Magnolia Township are hereby reenacted.

SEC. 8. That this act shall apply only to Magnolia Township, Duplin County.

SEC. 9. That the provisions of this act shall be submitted to a vote of the qualified voters of Magnolia Township at an election to be held on the nineteenth day of April, one thousand nine hundred and thirteen. For the holding of said election, B. W. Pickett is hereby appointed registrar and D. C. Matthews and Mord Taylor are hereby appointed poll-holders, and a complete new registration is hereby ordered. At said election all qualified voters who shall favor the provisions of this act shall cast a ballot on which shall

Divisions of roads.

Failure of duty
misdemeanor.

Width of roads.

Condemnation of
land.Procedure for
condemnation.Proviso: notice to
owner.Power to establish
and reestablish
road duty.

Repealing clause.

Application.

Act submitted to
election.

Date of election.

Election officers.

New registration.

Ballots.

Count and return of vote.	<p>be printed or written the words "For Magnolia Road Law," and all such voters who shall oppose the provisions of this act shall cast a ballot on which shall be written or printed the words "Against Magnolia Road Law." At the close of said election the said registrar and poll-holders shall count and declare the result thereof, and shall make written report of same to the board of commissioners of Duplin County, which said report shall be recorded in the minutes of the said board of commissioners, and no other report, recording, or canvass shall be necessary. In all other respects the said election shall be held and conducted in the manner prescribed and under the law as near as may be for the election of the members of the General Assembly. Advertisement shall be made within twenty days after the passage of this act by publication of notice, setting forth the date of the holding of said election, the purpose of same, the names of the registrar and poll-holders, with a synopsis of the provisions of this act, once a week for four weeks in some newspaper published in Duplin County, if there be one, and if not, in some newspaper circulating in Magnolia Township. It shall be the duty of the registrar herebefore appointed to provide for the publication of said notice hereby required, and the expenses thereof, together with all other expenses incident to holding said election, shall be paid by the said Magnolia road commission out of the first moneys arising out of the provisions of this act. If a majority of the qualified voters shall vote "For Magnolia Road Law," it shall be deemed to be fully ratified, and all of the provisions hereof shall be in full force and effect from and after the close of said election.</p>
Record of returns.	
Law governing election.	
Advertisement of election.	
Expense of election.	
Effect of election.	
Secretary of State to furnish copies.	
Public roads and bridges.	
Township supervisors.	

SEC. 10. That the Secretary of State shall furnish the registrar named in this act twenty-five copies of same within twenty days after its passage.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 3.

AN ACT TO ESTABLISH, MAINTAIN, AND IMPROVE THE PUBLIC ROADS OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All roads and bridges that have been laid out or appointed by virtue of any act of the Assembly, or any order of the court in Henderson County, are hereby declared to be public roads and bridges.

SEC. 2. The justices of peace in each township in said county shall have the supervision and control of all of the public roads and bridges in their respective townships, except as hereinafter.

provided. They are hereby incorporated, and the Board of Township Trustees shall be their corporate name. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of the State.

*Incorporation.
Corporate name.
Corporate powers.*

SEC. 3. The board of township trustees shall meet at some place in their respective townships, to be agreed upon by themselves, on the first Monday of April of each year, and at such other times as they may be called together by their chairman, or by the general road supervisor, or as the majority of them may deem advisable. They shall keep a record of all of their proceedings, and shall annually at their April meeting elect one of their members chairman. It shall be the duty of the township trustees of the several townships of Henderson County, at their meeting on the first Monday in April, to divide their respective townships into suitable road districts, and to appoint a district supervisor for each district so laid out. The board of township trustees shall furnish each district supervisor with the names of all parties who are liable for road duty in his district. It shall be the duty of the township trustees to examine into the condition of the public roads and bridges of their respective townships, and to see that each district supervisor performs his duty, and to make a report of the condition of the roads and bridges in their respective townships to the judge of the Superior Court, said report to be made on the first Monday in May and the first Monday in November of each year, these reports to be transmitted to the solicitor with such instructions as the judge of the Superior Court may deem proper. And it is hereby made the duty of the solicitor to prosecute any and all such persons who shall neglect or refuse to perform the several duties enjoined upon them by this act.

*Annual meetings.
Called meetings.
Record of proceedings.
Chairman.
Road districts.
District supervisors.
Allotment of hands.
Duty of township trustees.
Semiannual reports to court.
Duty of solicitor.*

SEC. 4. The township trustees shall have the right to fill all vacancies which may occur in the office of district supervisor by death, resignation, or otherwise. Any township trustee who shall willfully neglect or refuse to fully perform the several duties enjoined upon him 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.

*Vacancies.
Neglect or duty a misdemeanor.
Punishment.*

SEC. 5. It shall be the duty of the township trustees to see that all of the district supervisors shall have performed annually five days work on the public roads or bridges in their respective townships, by each and every person subject to road duty, as hereinafter provided, and that all money coming into the hands of the said district supervisors shall be expended on the roads or bridges in his district, and properly accounted for, and that each district supervisor makes a complete and full report of the work performed and the money expended in his district for the preceding year, said report to be filed with the township trustees at their meeting on the first Monday in April, and when passed upon by the said board, to be approved by the chairman and transmitted by him to the board of county trustees as hereinafter provided.

*Duties of trustees.
Annual report.*

Road duty.

SEC. 6. All able-bodied male persons between the ages of twenty-one and forty-five years, excepting those persons who may be designated as district supervisors, shall be liable to do and to perform annually five days labor on the public highways or bridges under the direction of the district supervisor in the district in which he resides: *Provided*, that if any person, being notified as herein-after provided, shall pay the district supervisor of the district in which he lives the sum of two dollars and a half, the same shall be received in lieu of the five days labor, if said sum of two dollars and a half is paid to the said supervisor on or before the first day of May of each year.

Proviso: commutation.

Failure to perform road duty a misdemeanor.

SEC. 7. Any person subject to road duty who shall willfully refuse or neglect, after having been personally warned by the proper officer, or notified by a written notice left at his usual place of abode, said person having had at least two days notice, to attend and perform the duties specified in the foregoing section, or send a proper substitute in his place who shall be satisfactory to the supervisor, or shall spend his time when so employed on the roads or bridges in idleness or inattention to his duties, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than five dollars or imprisoned not more than thirty days for each and every offense. All such fines so collected shall be paid over to the supervisor in whose district the offense shall have been committed, and shall be applied by him on the roads or bridges in his district, and shall be accounted for by him at the annual meeting of the township trustees.

Punishment.

Fines applied to road fund.

Removal of road hands.

SEC. 8. That in case any person shall move from one district to another, who has prior to such removal performed the whole or any part of the labor required of him by this act, or in any way paid the whole or any part of the amount due by him, and who shall procure a certificate from the supervisor of the district from which he has moved, such certificate shall be accepted by the supervisor for the amount therein specified; and should any person produce a certificate or receipt from the proper authorities from any other county or State, showing that his tax has been paid in full for the year in which he is warned, then such person shall not be liable for road duty in this county for that year.

Day's work.

SEC. 9. That any person called upon to perform any labor on the public roads or bridges, under any provision of this act, shall appear at the place appointed by the district supervisor, at the hour of seven-thirty a. m., with such tools, implements, or teams as the supervisor may direct, and that nine hours shall constitute a day's work.

Residence defined.

SEC. 10. The residence of any person subject to road duty who has and lives with 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 Henderson County.

SEC. 11. In establishing new roads or in changing the location of old roads after the same have been authorized by the board of county commissioners, it shall be the duty of the general road supervisor to lay off and mark out such new roads or changes in old roads to the best interest of the public, doing as little damage to the property over which said roads shall pass as the nature of the case and the welfare of the public will permit. He shall make a report of his work to the board of county commissioners, giving the beginning and ending point of the new road or the change of the old road, the names of the landowners whose property said road shall pass over, assessing the amount of damage to be paid to each landowner (and, in assessing damage, due consideration shall be given to the benefits derived from the building or opening of said road); and when said report has been passed upon and accepted by the board of county commissioners, then such new road or change in old road shall be constituted a public road. And it shall be lawful for the general road supervisor or any district supervisor to enter upon the lands of any property-holder over which said road may pass for the purpose of constructing, building, and opening to the public travel said road: *Provided*, that after any new road or change in an old road has been granted, and made a public road according to law by the county commissioners, then the building and opening of said road shall not be delayed by any appeal from the commissioners to the Superior Court on account of damages.

Establishment and changes of roads.

Report.

Public road.

Entry on lands.

Proviso: appeal not to delay work.

SEC. 12. The general road supervisor or any district supervisor shall have the right to use thirty feet in width for the construction of any public road where it is directly under the control of the Henderson County road supervisors, if deemed advisable by the general road supervisor; and the proper authorities shall have the right to enter upon any lands for a distance of fifteen feet on either side of any public road and remove any timber that may damage said road on account of shade: *Provided*, that this shall not apply to any ornamental or shade trees surrounding buildings.

Width of road.

Removal of timber.

SEC. 13. The general road supervisor, or any district supervisor, is hereby authorized to enter upon any lands adjoining public roads for the purpose of opening ditches for draining said roads, and they shall have the right to turn the water out of any public road at any point that they may deem necessary, doing as little damage to the lands adjoining the road as the nature of the case and the public good will permit. Any person who shall willfully or negligently obstruct any such ditch shall be guilty of a misdemeanor, and on conviction shall be fined not more than twenty-five dollars or imprisoned not more than thirty days.

Drains and ditches.

Obstruction of ditch misdemeanor.

Punishment.

SEC. 14. That if any person shall willfully demolish, throw down, alter or deface any guide-board, mile-post, damage any public bridge, fill up or obstruct any side ditch or drain, or in any way willfully damage any part of the public highway, every person so

Injuring roads misdemeanor.

Punishment.	offending shall be guilty of a misdemeanor, and, upon conviction before any justice of the peace, shall be punished by a fine of not more than twenty-five dollars or be imprisoned for not more than thirty days.
Obstructing roads misdemeanor.	SEC. 15. That if any person or persons or corporation, or any agent or servant of any corporation, shall obstruct any public highway of this county, by permitting any railway cars or locomotives to remain upon or across any public road or highway for a period longer than five minutes, or shall permit any timber, iron, rock, or any other obstruction to remain upon or across any public highway, to the hindrance or inconvenience of any person or persons passing along said highway, any such person or corporation so offending shall be guilty of a misdemeanor, and on conviction shall be fined not more than twenty-five dollars and shall be liable for the damage arising to any person caused by such obstruction: <i>Provided</i> , that this section shall not apply to obstructions caused by unavoidable accidents.
Punishment.	SEC. 16. It shall be unlawful for any railway company to obstruct the drainage of any public road or highway in any manner, or to empty the water from its ditches into any public road; and it shall at all times keep in repair all public railway crossings; and if said company shall raise or lower the grade of any such crossings, it shall be the duty of such company to make, at its own expense, proper and convenient approaches to such crossings on a grade which may be easily and conveniently used; and if any railway company shall fail or refuse, after written notice by the general or district road supervisor left with any agent of such company upon whom a summons in a civil action may be served, to repair any such grade or crossing, or to change the water from any side ditch from the public road, or to make any other necessary changes as to any ditch for the protection or preservation of said public road, then such railway company so offending shall forfeit and pay the sum of twenty-five dollars for each and every such offense, to be recovered by the supervisor of the district in which such offense was committed, in an action before a justice of the peace, and all sums so recovered shall be applied by such supervisor on the roads or bridges in his district, and shall be accounted for by him as provided for in section seven of this act.
Liability for damage.	
Proviso: unavoi- dable accidents.	
Duties of railway companies with respect to roads.	
Forfeit for neglect.	
Forfeits to road fund.	
Rule of the road.	SEC. 17. That any persons meeting each other on any public road or bridge, traveling in carriages, wagons, automobiles, or other vehicles, each person shall reasonably drive his vehicle to the right of the middle of the traveled part of the road or bridge, so that the other person or vehicle may pass without interference.
Misdemeanor.	Every person so offending against the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days, and shall be liable for all damage sustained by reason of such offense.
Punishment.	
Liability for damage.	

SEC. 18. It shall be the duty of each and every supervisor to warn out every person liable for road duty in his district, and to see that every such person either performs five days labor annually or shall pay the sum of two dollars and a half as hereinbefore provided for. The district supervisors shall be responsible for the roads and bridges in their respective districts, and shall keep in repair at all times said roads and bridges. Should any district supervisor, having a large bridge, or a part of a large bridge, in his district needing repairing, find that said bridge would require more work to be repaired than he could do without assistance, then it shall be his duty to report the condition of said bridge to the general road supervisor, and thereafter do such work as may be necessary under the direction of the general road supervisor.

Supervisor to warn and work hands.

Supervisors responsible for roads and bridges. Large bridges.

SEC. 19. It shall be the duty of every district supervisor to warn out his men to work on any new road or change in any old road which has been made a public road in his district, when ordered by the chairman of his township or by the general road supervisor. Each district supervisor shall keep an accurate account of all work done in his district, giving the names of the persons, and the number of days of work done by each person, the amount of money collected, and the name of the party from whom the money was collected, as well as an account of all money expended, and shall make out this account on blanks furnished by the board of county road trustees, and shall swear to and file said account with the township trustees at their meeting on the first Monday in April.

Work in laying out and changing roads.

Supervisors to make out and return accounts under oath.

SEC. 20. Every district supervisor having less than fifteen men in his road district shall receive annually for his services the sum of five dollars, and any district supervisor having more than fifteen men in his road district shall receive ten dollars per year for his services—no district supervisor to be paid until his report has been made out and accepted by the township trustees at their meeting on the first Monday in April.

Pay of supervisors.

Payment on acceptance of report.

SEC. 21. Every district supervisor who shall neglect or fail to do his duty, or shall refuse to serve as district supervisor after having been appointed by the township trustees, shall be guilty of a misdemeanor, and shall forfeit and pay the sum of twenty dollars or be imprisoned for the term of thirty days, or both, in the discretion of the court.

Neglect of duty or refusal to serve misdemeanor.

Punishment.

SEC. 22. To make this law effectual, there shall be a board of county road trustees, which board is to be composed of the chairman of each of the boards of township trustees and the general road supervisor, who shall be their chairman. This board is to be known as the Board of County Road Trustees for Henderson County, and under this name they are hereby constituted a corporate body, with all of the rights of a corporation, to sue and be sued, and to act in general for the best interest of the public roads of Henderson County. This board shall meet at the court-

Board of county road trustees.

Corporate name.

Incorporation.

Corporate powers.

Meetings.

house in Hendersonville on the first Monday in May of each year, which shall be their annual meeting, and at such other times and places as they may agree upon, or as they may be called together by the general road supervisor.

Rules and regulations.

SEC. 23. The board of county road trustees shall have the power to make rules and regulations for the government of all of the road officers, township trustees and district supervisors, and any other such rules as they may deem advisable for the best interest of the public roads of Henderson County, not inconsistent with this act. And it shall be a misdemeanor, punishable by a fine of twenty-five dollars or thirty days imprisonment, for any one to violate any rule so made by this board.

Misdemeanor. Punishment.

General road supervisor.

SEC. 24. The board of county trustees shall annually at their May meeting elect one man to be known as general road supervisor of all of the public roads of Henderson County; they shall have the right to fix the salary of the general road supervisor, or to remove him from office at any time for good cause, by a two-thirds vote of the members after due notice and trial.

Salary.

Removal for cause.

SEC. 25. The board of county road trustees shall have full management and control of the Henderson County chain-gang, as now organized, and it shall be lawful for any of the courts of the State to send convicts to said chain-gang, to be received by said board, and governed, managed, and worked upon the public roads of Henderson County under such rules and regulations as may be adopted by said board.

Management and control of chain-gang.

Sentences to chain-gang.

Roads under county board.

SEC. 26. The board of county road trustees shall have directly under their control the following roads: Haywood Road, from the corporate limits of the town of Hendersonville to the iron bridge across Mills River; the Asheville Road, from the corporate limits of the town of Hendersonville to the Buncombe County line; the Edneyville Road, from the corporate limits of the town of Hendersonville to its intersection with the Mills Gap Road at the Coston place; the Blue Ridge Road, from its intersection with the Edneyville Road to its intersection with the old Ridge Road at the Hampton Hyder place; the Greenville Road, from the corporate limits of the town of Hendersonville to the South Carolina line; the Crab Creek Road, from the corporate limits of the town of Hendersonville to the top of the ridge at the Crab Creek Church; the Shaw's Creek Road, from the corporate limits of the town of Hendersonville to the iron bridge across the French Broad River at Horse Shoe. And it shall be directly responsible for the up-keep of these roads, and shall appoint at their May meeting one district supervisor for each of these roads, giving said supervisor a list of hands to be worked on said roads, said hands to consist of men living on said roads, and in no case shall men living off of said roads, or nearer to other roads, be required to put in their time on any of the roads which are in charge of the county

Supervisors.

Allotment of hands.

road trustees. This section applies to the maintenance of the above roads, and shall not interfere with sand-claying or otherwise hard-surfacing any road which shall be in charge of the county commissioners, as hereinafter provided. Maintenance of roads.

SEC. 27. The board of county road trustees shall have full power and authority to make rules and regulations governing all of the road officials; a right to employ and fix the salary of the officers that may be necessary to supervise and guard the chain-gang, and all other officers necessary; to remove all officers for proper cause after due notice and trial; to fill all vacancies caused by removal, death, resignation, or otherwise, and to have charge of the expenditure of all money collected for road purposes, except that received from the sale of bonds, which shall be expended by the board of county commissioners. Five members of the said board, including the chairman, shall constitute a quorum for the transaction of business. Enumeration of powers. Quorum.

SEC. 28. There shall be elected annually, as hereinbefore provided, one man to be known as the general road supervisor of all of the public roads of Henderson County. He shall have general supervision of all of the work done upon the public roads and bridges in said county, and it shall be his duty to see that the law is fairly and vigorously carried out; he shall be *ex officio* chairman of the board of county road trustees, and shall be the adviser of all of the road officers; and all bills drawn against the road account shall be approved by him and the board of county commissioners before being paid by the county treasurer. Election of general road supervisor. Powers and duties. Chairman of county board. Approval of bills.

SEC. 29. The county commissioners of Henderson County are hereby authorized, empowered, and required to levy at the June session of said board annually for road purposes not less than two mills on the dollar, and for bridge purposes not less than one mill on property, and a tax on polls as required by the constitutional equation, and the chairman of the board of county commissioners shall place the same on the tax list for the current year, to be collected with the annual tax. Road and bridge tax. Constitutional equation.

SEC. 30. That for the purpose of saving the money already spent and to be spent by Henderson County in grading, widening, and improving the leading thoroughfares in said county, the board of county commissioners are hereby authorized, empowered, and directed to issue twenty-five thousand dollars in Henderson County coupon bonds, to be due in ten years, drawing interest at the rate of six per cent, payable semiannually, and to sell said bonds at the highest market price obtainable after advertising the same for sale for thirty days. Said bonds are to be issued in denominations to suit the purchaser. The interest on said bonds and the principal at maturity shall be paid by levying a special tax for that purpose, all levies to be made on property and polls as required by law. All of the money derived from the sale of these bonds shall be spent under the supervision of the board of county commission- Bond issue authorized. Amount. Maturity. Interest. Sale after advertisement. Denominations. Special tax. Use of proceeds.

Bonds of contractors.

Claims itemized, sworn to, audited, and allowed.

Township bonds issued on petition.

Secretary of State to furnish copies of act.

Tax levy.

When act effective.

ers in sand-claying or in otherwise hard-surfacing the main thoroughfares of Henderson County, which have been or may hereafter be graded, widened, and made ready for hard-surfacing. The county commissioners shall protect the county by requiring bonds of all agents, or agencies of contractors, who shall handle any of these funds, and shall see that none of the money derived from the sale of the bonds is misused or diverted from the purpose of this act. All claims paid out of said fund must first be itemized and sworn to, and then audited and allowed by the board of county commissioners.

SEC. 31. The county commissioners of Henderson County are hereby authorized, empowered, and directed to issue township bonds for any township in Henderson County when fifty per cent of the qualified voters of any township shall have filed a petition with said board asking for said bonds to be issued, said petition to specify the amount of bonds to be issued, the manner in which the bonds are to be paid, and by whom the money derived from the sale of said bonds shall be spent.

SEC. 32. The Secretary of State shall furnish the chairman of the board of county commissioners of Henderson County a sufficient number of printed copies of this act for the use of the district supervisors, township trustees, and all road officials of said county, and the county road trustees shall furnish the necessary receipt blanks, report blanks, and other necessary stationery for the township trustees and the district supervisors.

SEC. 33. All tax levied by the county commissioners under this act shall be levied in accordance with the Constitution of the State, and shall apply to all cities and towns.

SEC. 34. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 35. This act shall be in force from and after the first day of May, one thousand nine hundred and thirteen.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 4.

AN ACT TO PAY THE JURORS OF FRANKLIN COUNTY \$2 PER DAY.

The General Assembly of North Carolina do enact:

Per diem.

Mileage.

SECTION 1. That the commissioners of Franklin County are hereby authorized and directed to pay the regular jurors of Franklin County the sum of two dollars per day and the mileage now authorized by law.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 13th day of January, A. D. 1913.

CHAPTER 5.

AN ACT TO AMEND SECTION 2798 OF THE REVISAL OF 1905, RELATIVE TO PAY OF JURORS IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

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 Warren 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 who are ordered to return another day.

Regular jurors and veniremen serving.

Talesmen and veniremen not serving.

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

Ratified this the 16th day of January, A. D. 1913.

CHAPTER 6.

AN ACT TO LEGALIZE AND VALIDATE AN ELECTION HELD IN CRAVEN COUNTY, AND AN ELECTION HELD IN No. 1 TOWNSHIP, CRAVEN COUNTY, AND THE BONDS TO BE ISSUED BY SAID COUNTY, NOT EXCEEDING \$25,000, AND THE BONDS TO BE ISSUED BY SAID TOWNSHIP, NOT EXCEEDING \$10,000, FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING A "COUNTY FARM-LIFE SCHOOL" THEREIN.

Whereas an election was duly ordered by the board of county commissioners of Craven County, North Carolina, under the provisions of chapter eighty-four of the Public Laws of one thousand nine hundred and eleven, for the purpose of submitting to the qualified registered voters of said county the question of levying and collecting a special tax on all taxable property and polls of said county for the maintenance and equipment of a "County Farm-life School" therein, which election was held on May the second, one thousand nine hundred and eleven, notice of which was given substantially as required by the provisions of said chapter eighty-four, and which said election resulted in a very large majority of the qualified registered voters of said county being "For County Farm-life School," whereby the provisions of said chapter eighty-four, Public Laws of one thousand nine hundred and eleven, became in full force and effect in said Craven County, and the county commissioners of said county thereby became

Preamble: election by county.

Preamble: elec-
tion by township.

Preamble: loca-
tion of school.

authorized to issue the bonds of said county to an amount not exceeding twenty-five thousand dollars (\$25,000); and whereas a like election was later held for Number One Township, Craven County, North Carolina, as to issuing ten thousand dollars (\$10,000) in bonds under said act for the purpose of having said school located in said Number One Township; and whereas at said election said issue of ten thousand dollars (\$10,000) in bonds was duly authorized by the vote of a majority of the qualified voters of said township; and whereas said Farm-life School was duly located in said Number One Township: Now, therefore,

The General Assembly of North Carolina do enact:

Former elections
validated.

SECTION 1. That the election held in Craven County on May the second, one thousand nine hundred and eleven, for the purpose of submitting to the qualified registered voters of said county the question of levying and collecting a special tax on all taxable property and polls of said county for the maintenance and equipment of a "County Farm-life School" therein, and the election later held in Number One Township, Craven County, North Carolina, pursuant to said statute and pursuant to said election held on May the second, one thousand nine hundred and eleven, be and the same are hereby in all respects legalized, validated, and ratified, and the county commissioners of said Craven County are hereby authorized to issue the bonds of said county to an amount not exceeding twenty-five thousand dollars (\$25,000), bearing interest at a rate of not to exceed six (6) per centum per annum, the principal thereof to mature not later than thirty (30) years from their date, but may be payable or redeemable at such time or times not less than fifteen (15) years from their date, at such place or places as said board of county commissioners may determine, and said board of county commissioners shall at or before the time of issuance of said bonds authorize the levy and collection of a special direct annual tax upon all of the taxable property of said Craven County of sufficient rate and amount with which to pay the interest on said bonds as it becomes due and to provide a sinking fund for the payment of the principal thereof at maturity, and are also authorized to issue the bonds of said Number One Township to an amount not exceeding ten thousand dollars (\$10,000), bearing interest at a rate not to exceed six (6) per centum per annum, the principal thereof to mature not later than thirty (30) years from their date, but may be payable or redeemable at such time or times not less than fifteen (15) years from their date and at such place or places as said board of county commissioners may determine, and said board of county commissioners shall at or before the time of issuance of said Number One Township bonds authorize the levy and collection of a special direct annual tax upon all the taxable property of said Number One Township, Craven County, of sufficient rate and amount with

Issue of county
bonds authorized.
Amount.
Interest.
Maturity.

Special tax.

Issue of township
bonds authorized.
Amount.
Interest.
Maturity.

Special township
tax.

which to pay the interest on said Number One Township bonds as it becomes due and to provide a sinking fund for the payment of the principal thereof at maturity.

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

Ratified this the 27th day of January, A. D. 1913.

CHAPTER 7.

AN ACT TO AMEND CHAPTER 270 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO THE SALARIES OF PUBLIC OFFICIALS OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and seventy of the Public-Local Laws of one thousand nine hundred and eleven, entitled "An act to fix salaries for the public officials and create and establish an auditor's office in Gaston County," be and the same is hereby amended by adding the following to section nineteen thereof: "*Provided*, that this act shall not be effective as to the office of the clerk of the Superior Court until the first Monday of December, nineteen and fourteen (1914)." Proviso: when effective as to clerk of court.

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

Ratified this the 18th day of January, A. D. 1913.

CHAPTER 8.

AN ACT TO AMEND CHAPTER 331 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF 1911, RELATIVE TO THE POWERS OF THE COMMISSIONERS OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section three of chapter three hundred and thirty-one of the Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, by adding the word "annually" after the word "dollars" and before the word "to," in line eight of section three of said act.

SEC. 2. That all laws in conflict with this act are repealed so far as the same apply to Catawba County.

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

Ratified this the 20th day of January, A. D. 1913.

CHAPTER 9.

AN ACT TO APPOINT ALONZO HOWARD A JUSTICE OF THE PEACE FOR OCRACOKE TOWNSHIP, HYDE COUNTY.

The General Assembly of North Carolina do enact:

Appointment.
Term.

SECTION 1. That Alonzo Howard be and he is hereby appointed a justice of the peace for Ocracoke Township, Hyde County, for a term of four years.

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

Ratified this the 20th day of January, A. D. 1913.

CHAPTER 10.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF FORSYTH COUNTY TO ISSUE BONDS TO PAY ITS PRESENT FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Purpose of issue.

SECTION 1. That for the purpose of paying the floating indebtedness of the county of Forsyth, incurred for necessary expenses, the board of commissioners of said county of Forsyth is hereby authorized and empowered to issue coupon bonds of said county to an amount not exceeding one hundred and fifty thousand dollars, and to be in denominations of not less than one hundred dollars nor more than one thousand dollars, the said bonds to be payable as follows, to wit: Fifty thousand dollars payable January first, one thousand nine hundred and twenty-three; fifty thousand dollars payable January first, one thousand nine hundred and thirty-three; fifty thousand dollars payable January first, one thousand nine hundred and forty-three. Said bonds shall bear interest from date until maturity at a rate not to exceed five per cent per annum, payable semiannually. The said semiannual payments to be represented by coupons attached to each of the said bonds, and to be identified by proper numbers and such other means as said board may determine.

Limit of amount.
Denominations.

Maturity.

Interest.

Sale of bonds at
not less than par.

Advertisement of
sale.

SEC. 2. No bonds issued under the provisions of this act shall be sold or otherwise disposed of for less than par and accrued interest. Said board of county commissioners is hereby authorized to sell or dispose of the said bonds either at public or private sale or by sealed bids, as to them may seem best; and in case they sell the same at public sale, they shall give notice thereof in one or more newspapers published in Forsyth County for at least thirty days, and the said board of commissioners may also advertise the sale of the said bonds in one or more newspapers published within

or without the State which may make a business of advertising such sales.

SEC. 3. That the purchase money 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 incurred for necessary expenses of the county, and the said board of commissioners shall cause the treasurer, or disbursing officer acting in the place of the treasurer in said county, to keep separate accounts of the said funds so that the condition of the same may at all times be shown, and they shall also keep a book in which the number of bonds sold shall be entered when they fall due, the amount paid for the same, and when the interest shall fall due.

Specific appropriation of proceeds.

Separate accounts.

Record of bonds.

SEC. 4. That in order to pay the interest on said bonds as it may accrue, the board of commissioners of said county shall annually levy a special tax sufficient to meet the interest accruing on said bonds. The said tax shall be levied and collected as other county taxes are levied and collected, and shall be imposed upon such property and other subjects of taxation as are now or may hereafter be subject to taxation under the laws of the State, and it shall be collected by the officer or officers 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 prescribed or which may hereafter be prescribed for the faithful collection and payment of other taxes.

Special tax for interest ordered.

Levy and collection.

SEC. 5. That in addition to the powers herein given authorizing the county commissioners to levy a special tax to pay the interest on the one hundred and fifty thousand dollars of bonds or any part thereof issued, the present board of county commissioners or its successors are further authorized and empowered, should they deem it expedient, to levy a special tax of not more than five cents on the one hundred dollars valuation of property in Forsyth County subject to taxation. That said tax shall be levied and collected as other county taxes are levied and collected and shall be imposed upon such property and other subjects of taxation as are now or may hereafter be subject to taxation under the laws of the State, and it shall be collected by the officer or officers charged with the collection of other county taxes and 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 payment of other taxes.

Further special tax authorized.

Levy and collection.

SEC. 6. That in case the county commissioners shall levy and collect, as authorized in section five, a special tax to create a sinking fund to pay the bonds or any part thereof, as hereinbefore mentioned, at maturity, the tax funds received from such levy and collection shall be kept separate and apart from all other tax funds and held as a sinking fund to be used in the payment of the bonds issued under this act as said bonds may mature. The funds

Specific appropriation of additional tax.

Sinking fund.

- Deposit of sinking fund. constituting the sinking fund shall be deposited at interest at some bank designated by the board of county commissioners, and it shall be unlawful for the board of county commissioners or any member thereof to use such fund for any other purpose than that herein provided.
- Advertisement for debts. SEC. 7. That immediately upon the sale of the bonds as herein provided, the commissioners of the county are permitted to advertise, if necessary, and collect in all present outstanding indebtedness of the county and pay the same out of the proceeds of said sale. Any person holding any outstanding indebtedness and refusing to produce the same for payment shall not receive any interest thereon from and after the time of such notice for presenting the same.
- Interest to cease.
- Duty of purchaser. SEC. 8. 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.
- SEC. 9. That this act shall be in force from and after its ratification.
- Ratified this the 27th day of January, A. D. 1913.

CHAPTER 11.

AN ACT TO PROTECT GAME BIRDS, WILD FOWLS, AND OTHER GAME IN DAVIE 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, shoot, trap, or in any manner whatsoever kill, take or destroy partridges, quail, woodcock, or other game birds or their eggs in the county of Davie between the first day of March and the first day of December in each and every year.
- Nets and traps forbidden. SEC. 2. That it shall be unlawful for any person or persons to net or trap partridges or quail in any manner in Davie County, or to net, trap, shoot, kill, or in any manner destroy wild turkeys or their eggs in Davie County.
- Protection for wild turkeys.
- Misdemeanor. SEC. 3. That any person or persons violating any of the provisions or sections of this act shall be guilty of a misdemeanor and shall be fined or imprisoned, in the discretion of the court.
- Punishment. SEC. 4. That this act shall apply to Davie County only.
- SEC. 5. That this act shall be in force and effect from and after its ratification.
- SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Ratified this the 27th day of January, A. D. 1913.

CHAPTER 12.

AN ACT TO CREATE A HIGHWAY COMMISSION FOR THE
COUNTY OF FORSYTH.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be established in and for the county of Forsyth a highway commission, to be known as the Forsyth Highway Commission, said highway commission to be composed

Commission established.

of three citizens and taxpayers of Forsyth County, North Carolina, all of said members to be appointed by the present General Assembly, one for the term of two years, one for a term of four years, and one for a term of six years. Two of said members of said highway commission to be of the majority party in the State and one of said members to be of the minority party in the State.

Appointment of commissioners.
Terms of office.

SEC. 2. That all public roads, cartways, and bridges along the public roads in the county of Forsyth shall be under the exclusive supervision and control of the Forsyth Highway Commission; that all petitions for establishing, locating, and changing and discontinuing of any public road or cartway, and all other matters in reference thereto are by this act placed under the exclusive supervision and control of the Forsyth Highway Commission.

Supervision and control of roads.

SEC. 3. That the term of office of the members of the Forsyth Highway Commission shall begin on the last Thursday in April, one thousand nine hundred and thirteen. The first one hereinafter named in this act shall hold the office for two years, the one second named for four years, and the one third and last named shall hold office for six years, and their successors shall hereafter be elected by the General Assembly of North Carolina at its biennial session.

First terms of commissioners.

SEC. 4. That upon failure of any member of the Forsyth Highway Commission now or hereafter appointed to qualify, or in case of the death or resignation of any member of said highway commission, said vacancy shall be filled by appointment made by the Governor of North Carolina.

Election of successors.

Vacancies.

SEC. 5. That there shall be appointed by the present General Assembly of North Carolina a citizen and taxpayer of Forsyth County, who shall be known as the secretary and treasurer of the said Forsyth Highway Commission, who shall hold office one year from the date of qualification and organization of the Forsyth Highway Commission, and thereafter said office of secretary and treasurer for a term of one year shall be filled by the Forsyth Highway Commission.

Secretary and treasurer.

SEC. 6. That the secretary and treasurer of the highway commission shall be paid a salary not exceeding fifty dollars per month, and it shall be the duty of the secretary and treasurer to keep a complete record of all the acts and doings of the highway commission, showing the amount of money received and turned

Salary of secretary and treasurer.

Duties.

road building and repairing of such permanent roads as have already been built; that public roads already surveyed by the county engineer and in process of construction shall as far as possible be built. The board of county commissioners shall also apply to road improvement and construction as much of the general county funds as may not be needed for other necessary purposes.

Appropriation from general fund.

SEC. 9. The highway commission 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, unless otherwise provided by a general law, taking sufficient bond from the contractor to indemnify the county against breach of contract and other damages; the county, however, to provide guards for the convicts in all cases.

Work let to contract.

Bonds for performance.

SEC. 10. The highway commission 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, a highway engineer at a price not to exceed two thousand dollars per annum, or they may hire an engineer at so much per month or by the job; 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 such expense as it deems needful in the examination of road work in other counties or to secure proper instruction in road work.

Selection of officers and employees.

Highway engineer.

Bonds of appointees.

Powers and duties.

Discharge for cause.

Instruction in road work.

SEC. 11. The permanent roads to be built or improved by the highway commission shall from time to time be determined upon and designated by the highway commissioners, 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; and they shall extend the permanent roads already constructed into those townships or sections of the county not provided with permanent roads.

Permanent roads.

SEC. 12. For the purpose of construction, 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, to cut or carry away any timber except trees left for ornament or shade; to dig

Entrance on land for material.

	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,
Drains and ditches.	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
Obstructing drains or ditches.	as possible; and any person willfully obstructing such drains or ditches shall be guilty of a misdemeanor, and on conviction thereof
Penalty.	shall be fined not less than five dollars for each day the obstruction remains. Any landowner considering himself damaged by
Claims for damages.	reason of acts authorized in this section may, within sixty days from the commission of the act complained of, present his claim
Right of appeal.	to the highway commission, who shall pass thereon within twenty 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.
Location and change of roads.	SEC. 13. 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 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 board shall give to the owner or the 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 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, the person with whom he is living. If the landowner be a nonresident or cannot 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 twenty 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 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 highway commission shall have authority, through its 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
Entry on land for survey. Notice to land-owners.	
Land to be condemned.	
Limit of land condemned.	
Procedure for assessment of damages.	

sixty 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 by the sheriff 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 highway commission and to the landowner or his attorney. The jurors, being duly sworn by some officer qualified to administer an oath, 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 cost 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 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 of the appeal. If the landowner make affidavit of inability, by reason of poverty, to give the required bond or make a deposit, he shall be allowed to appeal without bond upon making affidavit as required in pauper appeals. The bond or deposit may be increased by the judge of the Superior Court. The appellate courts shall in no wise adjudicate the necessity for 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 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 taking of lands condemned, 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

Right of appeal.

Bond on appeal.

Appeal as to amount only.

Proviso: assessment before location.

Proviso: election by commission.

report, or before final judgment in the Superior Court, if any 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.

Obstructing officers or employees a misdemeanor.

SEC. 14. Any person who shall obstruct a highway commissioner, the engineer, road superintendent, or other agent, subordinate, or employee in making a survey or engaged 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.

Punishment.

Discontinuation of roads.

SEC. 15. The highway commission shall have authority to discontinue any public road at discretion which they may deem unnecessary, first, however, giving the landowners affected not less than twenty days notice when and where they may be heard upon the question of discontinuing such road; or the highway commission 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 of one thousand nine hundred and five, except that the words "highway commission" shall be substituted for the words "board of supervisors of the township," and the provisions for appeal to the board of commissioners shall not apply, but an appeal may be taken from the highway commission to the Superior Court.

Notice to landowners.

Cartways.

Accounts of road funds.

SEC. 16. The highway commission shall keep or cause to be kept a separate account of the road funds of the county, and of their 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 they shall make a written report thereof to the board of county commissioners on the first Mondays in January, March, July, and October, giving a statement of the disbursements from the road funds since the last report to the board, which report shall be filed with the clerk of the board.

Quarterly reports.

Annual statements to be published.

SEC. 17. The secretary and treasurer of the highway commission shall annually, within ten 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 and turned over to the highway commission, 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 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 in each township separately.

SEC. 18. The stock and road implements and machinery belonging to the county and turned over to the highway commission may be used upon both the permanent and repair work upon the roads in the county, and the highway commission is empowered to purchase additional road machinery, stock and other machinery and tools used in road building 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. 19. That all male prisoners confined in the county jail of Forsyth County under final sentence of the court for crime or imprisonment for nonpayment of 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 assigned to work 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 judge of any municipal court in the county may assign such persons convicted in his court to work on the public roads of said county. All such convicts after sentence by the respective courts shall be committed to the common jail of Forsyth County, or delivered immediately to the Sheriff of Forsyth County, who shall deliver said convict or convicts to such officers of the highway commission as said highway commission may direct, and shall be paid by the county, out of the general county fund, not exceeding one dollar for each convict so delivered. All such convicts, after delivery to the highway commission, to be fed, clothed, and otherwise cared for at the expense of the highway commission: *Provided*, that in case of serious physical disability certified to by any 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: *Provided further*, that any convict sentenced to the road, becoming disabled, may be placed in jail upon satisfactory evidence of his inability to work, the expense of keeping said convict or convicts to be borne by the county.

SEC. 20. Upon application of the highway commission to the judge of the Superior Court presiding in the adjoining counties or any other counties in the same or adjoining 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 persons as are described in the preceding section, from such adjoining counties in the same and adjoining judicial districts, to work

Use of stock and machinery.

Purchase of additional stock and machinery.

Convicts subject to road work.

Delivery to road work.

Fee on delivery.

Care and maintenance of convicts.

Proviso: physical disability.

Proviso: disabled convicts to be returned.

Convicts from other counties.

- Transportation and maintenance. the public roads of Forsyth County; and the cost of transporting, guarding, and maintaining such prisoners and such other costs as may be agreed upon in order to secure such convicts shall be paid out of the road fund for Forsyth 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 Forsyth County road fund.
- Proviso: return of convicts.
- Purchase of supplies and provisions. SEC. 21. It shall be the duty of the highway commission to purchase supplies and provisions at wholesale, or 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 highway commission.
- Advertisement for supplies.
- Election of township supervisors. SEC. 22. There shall be elected at the general election to be held in the year one thousand nine hundred and fourteen and every two years thereafter by the qualified voters of the entire county of Forsyth, with other county officers, one road supervisor from each township; 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 qualified.
- Qualification and terms of office.
- Supervisors to attend meetings of commissioners. SEC. 23. It shall be the duty of the township road supervisor to attend the regular meetings of the highway commissioners in January, May, and September of each year, and such other meetings as they may be notified to attend by the chairman of the highway commission, for the purpose of informing the board of highway commissioners by 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 the 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 one way.
- Compensation of supervisors.
- Township work by hired labor. SEC. 24. Such work or repairing and keeping in repair the roads in the several townships as may not be done by the convict force, outfit and machinery shall be done by the township supervisor with hired labor. Before doing any work, the supervisors shall submit to the highway commission 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 highway commission may deem necessary and which cannot be advantageously or conveniently done through the county convict force, outfit and machinery. The highway commission may also, in its discretion, from time to time, authorize the supervisors to expend such sums as may be necessary, up to certain amounts, on emergency repair works which cannot without public detriment be reported before doing the work: *Provided*, that the
- Specifications for work.
- Board to authorize work.
- Emergency repair work.
- Proviso: limit of amount.

amounts allowed to any supervisor for emergency work shall not exceed in the aggregate one hundred dollars for any one year.

SEC. 25. 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 an accurate account of the time necessarily employed by them and the expenses necessarily incurred by them, with the date of each item thereof, the names and amounts paid each employee, and render a sworn statement thereof to the chairman of the highway commission each month in the year. No supervisor shall, without permission from the highway commission, 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 without permission of the highway commission. The highway commission 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.

Pay of supervisors.

Itemized accounts.

Sworn monthly statements.

Supervisor not to hire relatives, nor his own team.

Rules and regulations.

SEC. 26. Vacancies occurring from any cause in the office of any supervisor shall be filled by the highway commission for the unexpired term, and said highway commission, for cause which it deems good, may remove any supervisor from office and appoint his successor to fill out the unexpired term.

Vacancies.

Removal for cause.

SEC. 27. The highway commission 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 leading out of any incorporated city or town in the county. Said highway commission 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 funds to be applied by the governing board of the city or town in constructing, improving, or repairing such highways and bridges leading out of the city or town as the highway commission 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.

Work on streets of cities or towns.

Proviso: work in Winston township.

SEC. 28. The said highway commission shall, upon its motion or upon petition of another, have the power to fully investigate any and all crossings of the public roads of the county, whether said crossings be at grade, over, or under the public roads, and whether said crossings be those of railroad companies, street car companies, or other corporations or private individuals. And wherever said crossings may be so constructed or maintained, as in the opinion of the highway commission the use of the public roads at such crossing has become dangerous or unsafe by reason of the construction and maintenance of the crossing at grade, over or under the public road, the highway commission shall give ten

Investigation of crossings.

Notice to show cause.

days notice to such corporations or persons maintaining the alleged obstruction to appear before the highway commission and show cause why the obstruction shall not be removed or so changed as to render travel over and along the public road safe or less dangerous.

Investigation as to obstructions.

SEC. 29. That said highway commission shall, after notice, investigate the conditions at the crossing, hear such evidence as may be offered, and may make a personal investigation as to the alleged obstruction, and determine as to whether the obstruction complained of renders the travel over the public road dangerous or unsafe, and if so, the highway commission shall order and direct its removal or change within a reasonable time, and unless said obstruction is removed or changed as directed by the highway commission within the time prescribed, said railroad company, street car company, other corporation or person shall be guilty of a misdemeanor, and shall be fined ten dollars for each day said obstruction is allowed to remain after notice. That upon the findings of the highway commission as to the removal of such obstruction, the railroad company, street car company, other corporation or private person may appeal direct to the Superior Court, where the matter in controversy may be tried *de novo*. In case an appeal is taken to the Superior Court, the appellant shall give bond in the sum of two hundred dollars, unless the appellant shall make and file an affidavit as is required in pauper appeals.

Order for removal.
Failure to obey order a misdemeanor.

Punishment.
Right of appeal.

Bond on appeal.

Power to borrow money.

SEC. 30. That said highway commission is hereby authorized and empowered when it shall deem it necessary to borrow not exceeding ten thousand dollars in any one year to be used in road construction, to be repaid out of the road funds coming into its custody by virtue of this act.

Employment of commissioner as engineer.

SEC. 31. That should the highway commission at any time have as a member of its body a civil engineer, then and in that event such member as engineer may be employed by the highway commission to do the engineering work on the public roads in the county. But the combined pay of such member as engineer, his per diem, and other work as a member of the highway commission shall not exceed in all two thousand dollars per year.

Limit of pay.

Regular sessions.

SEC. 32. That the highway commission shall hold regular sessions on the last Thursday in January, April, July, and October of each year, and may at the request of any two of its members hold not to exceed ten special sessions during any one year, and receive as pay for attendance upon such sessions, regular and special, five dollars per day. But no session shall continue longer than two days at any one time.

Special sessions.

Pay of commissioners.

Length of sessions.

Special work by commissioner.

SEC. 33. That said highway commission may appoint any of its members to superintend and look after the construction of any of the roads and bridges in the county. and such member may be allowed three dollars per day for such service, but in no event

Rate of pay.

shall such member for this class of service be allowed a sum exceeding one hundred dollars for any one year. Limit of pay.

SEC. 34. That said highway commission shall hold its meetings in the courthouse, in the room of the county commissioners when said room shall not be in use by the board of county commissioners. That all expenses necessary to be incurred by the highway commission in putting into effect this act shall be paid for by the highway commission out of the road funds coming into its custody by virtue of this act. Place of meeting.
Payment of expenses.

SEC. 35. That the present road law as enacted by the Legislature of one thousand nine hundred and eleven, chapter two hundred and eighty-one, Public-Local Laws, placing Forsyth County's public roads in the hands of county commissioners, shall remain in force till the highway commission created by this act shall qualify and organize for the purpose declared in this act. Former road law effective.

SEC. 36. That this act shall not in any way affect the township supervisors elected by the county for the respective townships at the general election of one thousand nine hundred and twelve, but they shall hold their offices and be subject in all respects to the law as herein enacted. Township supervisors to continue in office.

SEC. 37. That the following named citizens and taxpayers of Forsyth County be and they are hereby appointed members of the Forsyth Highway Commission: W. B. Stafford, whose term of office shall be for two years from the twenty-fourth day of April, one thousand nine hundred and thirteen, or until his successor is appointed and qualified; B. T. Lehman, whose term of office shall be for four years from the twenty-fourth day of April, one thousand nine hundred and thirteen, or until his successor is appointed and qualified; D. W. Harmon, whose term of office shall be for six years from the twenty-fourth day of April, one thousand nine hundred and thirteen, or until his successor is appointed and qualified. Commissioners named.

SEC. 38. That E. W. Hauser be and he is hereby appointed secretary and treasurer for the term of one year from April twenty-fourth, one thousand nine hundred and thirteen, or until his successor is appointed and qualified. Secretary and treasurer named.

SEC. 39. That all laws in conflict with this act are hereby repealed.

SEC. 40. That this act shall be in force from and after its ratification.

Ratified this the 27th day of January, A. D. 1913.

CHAPTER 13.

AN ACT TO AMEND SECTION 3367 OF THE REVISAL OF 1905, BY ADDING HOKE COUNTY.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That section three thousand three hundred and sixty-seven 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 "Hoke County."

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

Ratified this the 28th day of January, A. D. 1913.

CHAPTER 14.

AN ACT TO PROVIDE POLICE PROTECTION FOR DUDLEY SHOALS, IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Duty of sheriff or deputies.

SECTION 1. That it shall be the duty of the sheriff, or deputy sheriff of Caldwell County residing at the village of Dudley Shoals, Caldwell County, or those appointed by the sheriff for Lovelady and Little River townships, who shall reside in the territory hereinafter described, and constables of said townships, and he or they shall have the power and authority, to suppress all disturbances of the quiet and good order of the village of Dudley Shoals and to arrest with warrant all offenders against the same; but if such offense be committed in the presence of any officer above mentioned, then such officer may arrest without warrant; and to prevent all injury to property in such village the said officers above named, or either of them, shall have authority and power, if resisted in the execution of their duty, to summon a sufficient number of men to aid in the enforcement of the law, and if any person so summoned shall refuse to assist the said officer, said person so offending shall be guilty of a misdemeanor and punished as the law directs. Any person arrested by virtue of this act shall, as soon as may be practicable, be taken before some justice of the peace in and for Caldwell County, to the end that he or she may be dealt with as the law directs, and in the meantime and until the case is disposed of, such person so arrested may be confined and detained in the guardhouse or calaboose provided for that purpose, unless bail be given according to law.

Arrest without warrants.

Right to summon posse.

Refusal to aid officers a misdemeanor.

Persons arrested held for trial.

Confinement pending trial.

Powers as policeman.

SEC. 2. That such officers above named shall have the same power and authority in said village of Dudley Shoals as policemen in cities and incorporated towns in this State have and exercise.

SEC. 3. That any special officer appointed as hereinafter provided shall, while on duty as such, keep and wear in plain view a metallic badge, on which shall be written the word "Policeman," except when doing detective work. Badges.

SEC. 4. That any person found drunk or staggering or in an intoxicated condition on the streets or roads or in any public place in said village of Dudley Shoals, or in any public place or swearing in such manner as to disturb the public peace, or using loud, boisterous, or indecent language within one-half mile of Dudley Shoals Cotton Mills in such village, shall, upon conviction, be fined not more than fifty dollars or imprisoned in the county jail not more than thirty days. Public drunkenness forbidden.
Profane, boisterous, and indecent language forbidden.
Punishment.

SEC. 5. That it shall be the duty of the Sheriff of Caldwell County to appoint some competent person residing in said village a deputy sheriff, whose duty it shall be to enforce the provisions of this act. Sheriff to appoint deputy.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 28th day of January, A. D. 1913.

CHAPTER 15.

AN ACT TO AMEND CHAPTER 220 OF THE PUBLIC-LOCAL LAWS OF 1911, ENTITLED "AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT FOR THE COUNTY OF ANSON AND TO PRESCRIBE THE JURISDICTION THEREOF," SO AS TO PROVIDE FOR THE APPOINTMENT OF A CLERK FOR THE RECORDER'S COURT AND TO RELIEVE THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of chapter two hundred and twenty of the Public-Local Laws of one thousand nine hundred and eleven be stricken out and the following substituted in lieu thereof, to wit: "That the board of commissioners of Anson County shall on the first Monday in December, one thousand nine hundred and fourteen, and every two years thereafter, appoint a clerk of the recorder's court, who shall be a qualified voter of Anson County, who shall give an official bond in the sum of one thousand dollars, conditioned on the faithful performance of the duties of his office and for a just and true accounting and paying over all moneys that shall be collected by him or shall come into his hands by virtue of his office to the person or persons entitled to the same, which said bonds shall be approved by the board of commissioners of Anson County and shall be recorded in the office of the register of deeds as other official bonds. Said clerk of the recorder's court shall take an oath of office and be inducted into the office by the Clerk to be elected.
Qualification and bonds.
Oath of office.

- board of county commissioners in the same manner as other county officials; and he shall hold office for a term of two years and until his successor is appointed and qualified. Said clerk of the recorder's court shall be paid a salary of twenty-five dollars per month by the county treasurer out of the county funds, and is authorized and empowered to appoint a deputy clerk, to be paid by him out of his salary herein allowed. The board of commissioners of Anson County shall furnish said clerk with an office, the necessary stationery and furniture. Julius A. Little is hereby appointed clerk of said recorder's court, to hold said office for a term beginning on the first day of February, one thousand nine hundred and thirteen, and ending on the first Monday of December, one thousand nine hundred and fourteen, and until his successor is appointed and qualified; the said Julius A. Little to give the bond and take the oath of office required by this act. Nothing in this act shall prevent the said Julius A. Little from holding the office of justice of the peace.
- Term.**
- Salary.**
- Office, stationery, and furniture.**
- Clerk named.**
- Clerk may be justice of peace.**
- Duties of clerk.** SEC. 2. That the words "clerk of the Superior Court," wherever they appear in sections ten and eleven of said chapter two hundred and twenty, shall be stricken out, and the words "clerk of the recorder's court" shall be inserted in lieu thereof.
- Powers and duties.** SEC. 3. That the clerk of the recorder's court shall succeed to all the powers and duties conferred upon the clerk of the Superior Court by chapter two hundred and twenty of the Public-Local Laws of one thousand nine hundred and eleven, and is authorized and directed to discharge said duties as fully and in the same manner as the clerk of the Superior Court was authorized under the said chapter two hundred and twenty of the Public-Local Laws of one thousand nine hundred and eleven.
- Qualifications and election of prosecuting officer.** SEC. 4. That the prosecuting officer provided for in section sixteen of said chapter two hundred and twenty of the Public-Local Laws of one thousand nine hundred and eleven shall be a lawyer of good standing and shall be elected in the same manner as other county officers at the regular election of one thousand nine hundred and fourteen, and every two years thereafter, and shall take the oath of office and be inducted into office on the first Monday in December next succeeding his election, and hold said office for a term of two years and until his successor is elected and qualified.
- Vacancies.** SEC. 5. That all vacancies in any of the offices provided for by this act caused by death, resignation, or otherwise shall be filled by the board of county commissioners, and such appointees shall hold for the unexpired term.
- When act effective.** SEC. 6. That this act shall be in force from and after the first day of February, one thousand nine hundred and thirteen.
- Secretary of State to send copy.** SEC. 7. That upon the passage of this act the Secretary of State is directed to send a certified copy of the same to the board of commissioners of Anson County.
- Ratified this the 28th day of January, A. D. 1913.

CHAPTER 16.

AN ACT TO RE-ENACT CHAPTER 681, PUBLIC LAWS SESSION 1909, AS AMENDED BY CHAPTER 136, PUBLIC-LOCAL LAWS SESSION 1911, AND TO RATIFY AND VALIDATE THE BONDS ISSUED BY THE BOARD OF TRUSTEES OF LEXINGTON TOWNSHIP PURSUANT TO CHAPTER 681, PUBLIC LAWS SESSION 1909, AND THE ELECTION HELD THEREUNDER, AND TO LIMIT THE TIME IN WHICH OTHER BONDS AUTHORIZED BY THE ELECTION HERETOFORE HELD UNDER SAID ACT MAY BE SOLD.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and eighty-one (681), Laws reënacted. Public Laws session one thousand nine hundred and nine (1909), as amended by chapter one hundred and thirty-six (136), Public-Local Laws, session one thousand nine hundred and eleven, be reënacted.

SEC. 2. That the bonds for five thousand dollars (\$5,000) heretofore sold and delivered by the board of trustees of Lexington Township pursuant to the provisions of chapter six hundred and eighty-one, Public Laws of one thousand nine hundred and nine, and the election held in Lexington Township thereunder are valid, according to the tenor thereof, and said board of trustees of Lexington Township may at any time, upon request of the holders of the bonds so issued and sold, redeem and cancel the same, and issue to the holders in lieu thereof the bonds of the said Lexington Township, to bear the same interest as former bonds and to run for the unexpired period of time of said bonds and to be of like tenor and effect in all respects. Bond issue and election validated.

SEC. 3. That the board of road trustees of Lexington Township shall have no right after the first day of January, one thousand nine hundred and fourteen, to issue and sell any bonds of the township, as authorized by the election heretofore held, over and above an amount sufficient to redeem those already issued. Bonds issued for exchange. Further sales forbidden.

SEC. 4. That after January first, one thousand nine hundred and fourteen, no further bonds except those for the purpose of redemption provided in section two shall be issued until authorized by a majority vote of the qualified voters of Lexington Township in an election held as provided in said act. No further issue without election.

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

Ratified this the 29th day of January. A. D. 1913.

CHAPTER 17.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF LINCOLN COUNTY TO ISSUE BONDS TO IMPROVE THE
HIGHWAYS OF LINCOLN COUNTY AND TO CREATE A
ROAD COMMISSION THEREIN.

The General Assembly of North Carolina do enact:

Purpose of bond
issue.

Bond issue
authorized.

Amount.

Denominations.

Interest.

Maturity.

Bonds issued in
series.

Proviso: bonds
not sold below par.

Authentication.

Record of bonds.

Special tax.

SECTION 1. For the purpose of building, grading, and improving the roads of Lincoln 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 two hundred thousand dollars (\$200,000), 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 semiannually 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 at such time or times, not exceeding fifty years nor less than thirty 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 shall divide the said issue into series of such amounts and each series to fall due at such time as may be determined upon and ordered by the road commission hereinafter provided for: *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.

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 chairman of the board of commissioners and treasurer of said county by their lithographic signatures.

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.

SEC. 4. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and supporting 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 Lincoln County in good condition, the board of commissioners of the county of Lincoln or other authorities vested with the power of levying taxes for said county shall annu-

ally 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 Lincoln 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 cents upon the hundred dollars of property and sixty cents on each poll: *Provided further*, that no sinking fund shall be created by such levy within less time than fifteen years from the date of issuing of the first series of said bonds, but the road 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. After the expiration of the first fifteen years, the amount of such tax to be set aside as a sinking fund to pay off said bond issue shall be determined by the said road commission and the commissioners of Lincoln County at a joint meeting held on the first Monday in May, A. D. one thousand nine hundred and twenty-eight.

Constitutional equation.

Proviso: limit of tax rate.

Proviso: no sinking fund for fifteen years.

Sinking fund after fifteen years.

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 they were collected, except as specified in section four of this act.

Funds kept separate.
Specific appropriation.

SEC. 6. That it shall be the duty of the board of commissioners for Lincoln County 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 the said board of commissioners and to be agreed upon by them and the owners thereof; but in case said county bonds cannot 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 so loaned and invested shall bear legal rate of interest in North Carolina, and any interest from the 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.

Investment of sinking fund in bonds.

Alternative investments.

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 road commission hereinafter created, shall be used by them to purchase improved road-working machinery, to buy stock, repair, survey, lay out, grade, improve, and maintain the public roads of

Use of special tax and other road funds.

said county, and in guarding and maintaining such convict force as may from time to time be assigned to work on said roads.

Deposit and issue of bonds.

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 road commission of said county hereinafter provided for, the proceeds of which shall be applied to the purposes as herein provided for.

Election on bond issue.

SEC. 9. For the purpose of ascertaining the wishes of the voters of Lincoln County upon the question of issuing said bonds and improving the roads of said county, as provided for in this act,

Date of election.

an election shall be held at all the voting precincts in said county on first Tuesday after first Monday in March, one thousand nine hundred and thirteen. At said election all voters of said county

Tickets.

qualified to vote at said election may vote a printed or written ticket. Those who favor the purposes of this act shall vote a ticket with the words "For Road Improvement" written or printed thereon, and those who oppose the purposes of this act shall vote a ticket with the words "Against Road Improvement" written or

Result of election.

printed thereon; and if the majority of the voters of Lincoln County qualified to vote at said election shall vote "For Road Improvement," then the bonds provided for in this act shall be

Law governing election.

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 other-

New registration.

wise and differently provided in this act. There shall be a new registration of the voters of said county for said election. The

Notice of election.

board of commissioners shall cause to be published in some newspaper published in said county a notice of said election for thirty

Registration.

days prior to the date of the election. The registration books for said new registration shall be opened twenty days before said

Challenge day.

election and shall close on the last Friday night, at sunset, before said election. Registrars and judges of election of each precinct

shall meet at their respective precincts on the last Saturday before said election and hear any complaint for refusing of registration,

and also all challenges which shall 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

Appointment of election officers.

said hearing may be on said day or at any day after the registration books have closed and including the day of election. The

registrars and judges of election shall be appointed by the board of commissioners thirty days before said election, and the persons so appointed shall be served with notice of their appointment by

Count and return of votes.

the Sheriff of Lincoln County. There shall be appointed one registrar and two judges of election for each precinct. 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 Lincoln. 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 and one copy to the clerk of the Superior Court of said county and one copy retained by the registrar of each precinct. On the second day after the election the board of commissioners for the county of Lincoln 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 Lincoln County, qualified to vote at said election, shall have voted "For Road Improvement," 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 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. 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 for the canvass of the votes by the board of 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 registrar shall receive for their service 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 commissioners.

SEC. 11. If a majority of the voters of Lincoln County registered for said election shall fail to vote "For Road Improvement," then the provisions of this act shall not be operative.

SEC. 12. All road laws now existing and in force in Lincoln County shall cease to be in force and effect, after the road commissioners herein provided for shall have duly qualified, and all special road taxes levied by the commissioners of said county shall not be levied by said commissioners after this act becomes operative: *Provided*, a majority of the qualified voters of said election shall vote "For Road Improvement."

Canvass of returns.

Effect of election.

Registration on election day.

Registrar to attend at polling places.

Registration certified.

Return of registration books.

Poll-books.

Pay of election officers.

Law not operative.

Repeal of existing laws.

Proviso: ratification of this act.

Names and terms of road commissioners.

SEC. 13. If a majority of the voters of Lincoln County qualified to vote in this election shall vote "For Road Improvement," then the following shall constitute "The Road Commission for Lincoln County" for the term indicated: E. I. Mosteller and J. A. Abernethy for a term of two years, George M. Shuford and Robert Nixon for a term of four years, and James T. Houser for a term of six years, from the date of their election and until their several successors are duly appointed and qualified; and at or before the expiration of the term of each, his successor shall be appointed by the Legislature for a term of six years: *Provided*, that each member so appointed shall be of the same political faith as his predecessor. They shall receive for their services three dollars (\$3) per day (without mileage) during the time they are actually employed in the discharge of their duties assigned them by this act. They shall be allowed all necessary expenses for postage, stationery, attorney's fees, and for such other and additional expenses as may be incurred by them in the discharge of their duties. The five men so designated shall meet within ten days after said election and 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 road commission and the name of the secretary of said road commission so elected.

Election of successors.

Proviso: political faith.

Pay of commissioners.

Payment of expenses.

Organization.

Commissioners to have charge of expenditures.

SEC. 14. The road commission of Lincoln County herein created shall have entire charge of the expenditure of the proceeds of the sale of the bonds herein authorized to be issued and expenditure of the fund derived from the tax 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; and before entering upon the discharge of their duties under this act each of them 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 Lincoln County, in the sum of five thousand dollars (\$5,000), for the faithful discharge of their duties prescribed by this act.

Commissioners to qualify and give bond.

Property and funds to commission.

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 road commission all the road machinery and implements now belonging to said county and all road tax funds belonging to or accruing to said county or any township therein.

Road engineer.

SEC. 15. It shall be the duty of the road commission herein created, immediately upon their qualification and organization as herein provided, to elect some competent and experienced engineer to lay out and supervise the building of the public roads of the county of Lincoln and fix his compensation and appoint such assistants and overseers as may be necessary. Whenever there shall be a change made in the location of any public road or new highway opened or the old roads widened or straightened or

Pay assistants and overseers.

repaired and new land taken for same, the road commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways; and if the road commission and the owner or owners of said land cannot agree as to the damages, if any, the road commission shall, within sixty days after said highway is completed, cause to have summoned three 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 the lands, as authorized by this section, it shall be the duty of the road 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: *Provided, also*, that either party may appeal to the Superior Court, where the matter shall be heard by a jury *de novo*, but no cost shall be awarded against the road commission in such an appeal when the damages awarded by the jury are not greater than that given by the three referees, and in no case shall the road commission be hindered from entering upon the lands of any person, firm, or corporation by injunction. It shall be the duty of the said engineer, under the direction of the said road commission, to make maps and profiles of all roads to be located and built, and furnish estimates of the dirt and stone to be moved in the construction and macadamizing of said roads; and if the said road commission shall determine to let any part of the grading and building of said roads by contract, then the corporation, partnerships, and persons so bidding for said work shall bid upon the specifications for the same furnished by the said engineer. The said road commission is hereby authorized to let the grading and the building or the grading or building by contract, or any section of road to be built or any subdivision of any road so 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 road commission may decide, to complete the said road in accordance with the said specifications of the said engineer within the time prescribed by the said road commission; or the said road commission may hire labor and convicts and use the convict force of Lincoln County and have the said roads graded or built, or both, under its direct supervision and under such superintendents as it may employ, whichever it shall determine to be most advantageous to Lincoln County.

SEC. 16. That the board of commissioners of the county of Lincoln shall, upon demand made upon it by the road commission, offer for sale such number of said bonds as may be determined by said road commission, and the proceeds of the sale of said bonds shall be delivered to the Treasurer of Lincoln County and shall be disbursed by him upon orders duly signed by the chairman of the said road commission and countersigned by the secretary thereof. The said treasurer is hereby directed and required to keep a separate

Entry on lands.
 Assessment of damages.
 Proviso: notice to landowners.
 Proviso: right of appeal.
 Maps, profiles, and estimates.
 Bids on specifications.
 Work let to contract.
 Bond of contractors.
 Hired labor.
 Contract labor.
 Sale of bonds.
 Disbursement of proceeds.
 Separate books.

- rate book of the moneys received by him from proceeds received from 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 receiving and disbursing funds under this act. The sheriff (or tax collector) of Lincoln County shall receive no commission for collecting said taxes herein authorized to be levied, and the bond of the said tax collector (or sheriff) shall be liable for the faithful accounting of the taxes collected by him under this act.
- Treasurer liable on bond.**
- No pay to treasurer.**
- No commission to sheriff.**
- Sheriff liable on bond.**
- Duties of road commission.**
- Road map of county.**
- Commission to fill vacancies.**
- Width and grade of roads.**
- Bridges.**
- Publication of receipts and disbursements.**
- Road commission incorporated.**
- Convict labor.**
- Stockades.**
- Maintenance and transportation.**
- SEC. 17.** The said road commission is hereby authorized and directed to expend the proceeds of said bonds as rapidly as it can be wisely and judiciously expended for the purposes herein expressed, and shall personally visit all sections of the county to determine the location of the highways and roads and ascertain the needs of the people of said sections for roads and road improvements, and shall cause to be made a correct map of Lincoln County, showing especially thereon all macadam roads and other highways improved by them.
- SEC. 18.** If any member of the road commission die or resign or become incapable of discharging the duties of his office, or a vacancy be caused otherwise, the road commission shall elect his successor to fill out the unexpired term.
- SEC. 19.** The width and grade of the roads to be laid out, built and constructed by the road commission under the provisions of this act and all other public roads of the county shall be left to the discretion of the said road commission. The said road commission is authorized, where public roads shall cross a branch, creek, or river, to build such bridges as in their judgment may be necessary, and the same shall be paid for by the county commissioners out of the general funds of the county.
- SEC. 20.** The Treasurer of Lincoln County shall quarterly publish in some newspaper published in Lincoln County an itemized statement of receipts and disbursements by him made of moneys received under the provisions of this act.
- SEC. 21.** That said road commission herein created shall have 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. 22.** The road commission shall have power to receive, care for, guard, and maintain and work convicts from the State's Prison and from counties other than Lincoln County, under such rules and regulations as may be agreed upon by them. It shall be the duty of the road commission to erect suitable stockades for the safe keeping and protection of said convicts when so hired, and are authorized to pay the expense of said convicts and their transportation from and to the State's Prison and the expense of receiving them from other counties.

SEC. 23. In improving the highways leading through any incorporated town, the road commission shall not be required to macadamize or improve more than two such highways, and those shall not be made wider than the standard width or the same width as other roads elsewhere.

SEC. 24. The road commission herein created shall each year distribute the work of improving and reconstructing the highways of the county in each township as equitably as practicable, having due regard to the taxable property in each township.

SEC. 25. This act shall be in force and effect from and after its ratification.

Ratified this the 30th day of January, A. D. 1913.

CHAPTER 18.

AN ACT TO CREATE THE RAILROAD COMMISSION FOR CATAWBA SPRINGS TOWNSHIP, LINCOLN COUNTY, AND TO AUTHORIZE THE ISSUANCE OF BONDS FOR CATAWBA SPRINGS TOWNSHIP AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That P. A. Thompson, H. N. Abernethy, R. E. Proctor, R. Nixon, and I. C. Lowe, and their successors, be and they are hereby constituted a body corporate and politic under the name of the "Railroad Commission for Catawba Springs Township in Lincoln County," with all the powers and privileges conferred upon corporations under the general corporation law of the State of North Carolina; that said corporation shall be organized by the election of a chairman and a secretary and the adoption of a common seal; that in the event vacancies shall occur by death, resignation, or otherwise, the remaining corporators shall have the power to fill the same so that the said railroad commission shall at all times consist of five members.

SEC. 2. That the said commission is hereby authorized and empowered to subscribe for, take, receive, and to hold for the use and benefit of Catawba Springs Township in Lincoln County, North Carolina, common or preferred stock in any steam or electric railroad built or to be built from a point at or near Mount Holly in Gaston County through the towns of Lowesville and Triangle and to or through the town of Denver in Catawba Springs Township in said county, to an amount or amounts not exceeding the sum of fifty thousand dollars (\$50,000). said commission to agree upon the terms of such subscription and to obtain from said railroad or railroads reasonable assurance and guaranty that said railroad will be built, maintained, and operated for a reasonable length of time to meet the public need and conveniences.

Commission to hold stock as trustee.

SEC. 3. That said commission shall hold any stock purchased under the provisions of this act as trustee for the benefit of Catawba Springs Township, collect all dividends that may be declared thereon and pay the same over to the Treasurer of Lincoln County; sell such stock, or any part thereof, that it may deem for the best interests of said township, the proceeds of any sale to be paid over to the treasurer in like manner, and said treasurer shall hold and dispose of all sums paid over to him for the benefit of the said township.

May sell stock.

Commissioners to qualify and give bond.

SEC. 4. That each of said persons above named, his successor or successors, shall qualify by taking an oath for the faithful discharge of the duties of said office and file a bond with sufficient surety, to be approved by the board of commissioners of Lincoln County, in the sum of one thousand dollars (\$1,000), conditioned for the faithful performance of all duties and the proper accounting for all money or property that may come into the hands of said commission; after having duly qualified and given the bonds above provided for, said commission shall organize by electing one of their number chairman and another secretary. They shall receive no compensation for their services, but shall be reimbursed for all expenses incurred in the discharge of their duties, including reasonable attorneys' fees, which expenses shall be paid by the Treasurer of Lincoln County upon the order of said commission signed by its chairman and secretary.

Commissioners to be paid expenses.

Attorney's fees.

County commissioners to order election.

SEC. 5. That upon presentation of the written petition of the said commission to the board of commissioners of Lincoln County, requesting them to submit to the qualified voters of Catawba Springs Township a proposition to issue bonds in an amount not exceeding fifty thousand dollars (\$50,000), for the purposes of carrying into effect the provisions of this act, the board of commissioners of said county shall within thirty (30) days order an election to be held in said township and submit to the qualified voters therein the question of the issuance of the said bonds; that the said board of commissioners of Lincoln County shall order a new registration for the purpose of registering the qualified voters who shall be entitled to participate in such election, and shall cause to be published for four weeks prior to the date of such election in some newspaper published in Lincoln County a notice thereof, stating the time and place of said election and the object of the same; that said election shall in all respects be conducted in accordance with the provisions of the general election law relating to the election of members of the General Assembly. The registrars and judges of election at the several voting precincts of the said township shall certify and return the result thereof to the board of commissioners of Lincoln County, together with the number of qualified voters who have registered for such election and the number of votes cast therein. All persons voting in said election who favor the

Bond issue to be voted on.

New registration.

Notice of election.

Law governing election.

Returns.

objects and purposes of this act shall vote a ticket upon which is written or printed the words "For the Railroad," and those who oppose the objects and purposes of this act shall vote a ticket on which is written or printed the words "Against the Railroad." If a majority of the qualified voters of said township who have registered for said election shall vote "For the Railroad," then the provisions of this act shall be in full force and effect. Upon the coming in of the said returns, the board of commissioners shall canvass and judicially determine the result of the said election.

Sec. 6. That if in said election a majority of the qualified and registered voters shall have voted "For the Railroad," the board of commissioners of Lincoln County are hereby authorized and empowered to issue coupon bonds to an amount not exceeding fifty thousand dollars (\$50,000), of such denominations and of such form and tenor and payable at such time or times, not less than twenty (20) nor more than thirty (30) years from date, and bearing interest at not exceeding six (6) per cent per annum, as the said board of commissioners may determine.

Sec. 7. That said bonds shall show upon their face that they are issued on account of Catawba Springs Township, and shall be numbered serially, and signed by the chairman of said board of commissioners and attested by the treasurer of said county of Lincoln, and shall bear the corporate seal of the said county: *Provided*, that the signatures of the said chairman and treasurer may be lithographed or printed in facsimile upon the coupons attached to the said bonds.

Sec. 8. That said bonds shall be issued only upon the written requisition of the said commission in such amounts and at such times as the said commission may in writing demand; that the said bonds may be exchanged for equal amounts of stock in said railroad or railroads or may be sold and the proceeds arising therefrom used for the purchase of said stock.

Sec. 9. That in order to provide funds to pay the interest and principal of the said bonds, together with any expenses incurred herein, the board of commissioners of Lincoln County are hereby authorized and directed annually to compute and levy at the time of levying the county taxes a sufficient tax upon all polls, real estate, personal property, and other subjects of taxation in Catawba Springs Township (and not elsewhere) in said county of Lincoln: *Provided*, that there shall not be levied in any year a tax exceeding forty (40) cents on the one hundred dollars (\$100) worth of property and one dollar and twenty cents (\$1.20) on each poll; that a sufficient amount of the said taxes to pay the annual interest upon the said bonds shall be paid out for that purpose in each year, and that the remainder of the said taxes after paying any expenses that may have been incurred shall be set aside as a sinking fund with which to pay the principal of the

Tickets.

Effect of election.

Canvass of returns.

Bond issue authorized. Amount. Denominations and maturity.

Interest.

Authentication.

Issue and sale of bonds.

Special tax.

Limit of tax.

Appropriation of proceeds.

Sinking fund.

Investment of sinking funds.

said bonds at their maturity, to be safely invested by the board of commissioners of Lincoln County, and any interest thereon to become a part of said fund; that the board of commissioners may at any time by agreement with the holder of any of the said bonds repurchase the same out of said sinking fund, and may provide in the said bonds for the retirement of the whole, or a part thereof, by lot or otherwise before maturity.

Bonds payable by township.

SEC. 10. That the said bonds shall indicate upon their face, in a clear manner, that only the property and polls of the said township are pledged for their payment, and all expenses incurred through the governmental agencies of Lincoln County in carrying out this act shall be paid out of the funds of said township.

Certified copy of act.

SEC. 11. That immediately upon its ratification by the General Assembly of North Carolina a certified copy of this act shall be sent by the Secretary of State to the board of commissioners of Lincoln County.

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

Ratified this 30th day of January, A. D. 1913.

CHAPTER 19.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF FORSYTH COUNTY TO ISSUE REFUNDING BONDS OR NOTES FOR A PORTION OF THE BONDED INDEBTEDNESS OF WINSTON TOWNSHIP ISSUED FOR THE PURPOSE OF THE CONSTRUCTION OF THE ROANOKE AND SOUTHERN RAILWAY.

Preamble: subscription authorized.

Whereas Winston Township, embracing the cities of Winston and Salem, North Carolina, was authorized by an act of the Legislature, chapter two hundred and seventeen, Acts of one thousand eight hundred and eighty-seven, ratified March seventh, one thousand eight hundred and eighty-seven, to vote a subscription of one hundred thousand dollars in bonds to aid in the construction of the Roanoke and Southern Railway; and whereas the board of county commissioners of Forsyth County, by virtue of said act of the Legislature ratified March seventh, one thousand eight hundred and eighty-seven, did submit to the voters of Winston Township the question of subscribing one hundred thousand dollars to aid in the construction of the said Roanoke and Southern Railway; and whereas said subscription was duly submitted, voted on, and ratified by the voters of Winston Township; and whereas, by virtue of the acts of the Legislature ratified March seventh, one thousand eight hundred and eighty-seven, the board of county commissioners did on the first day of July, one thousand eight hundred and eighty-eight, issue one hundred thou-

Preamble: election on subscription.

Preamble: subscription voted for.

Preamble: bonds issued.

said dollars in bonds of Winston Township, to fall due July first, one thousand nine hundred and thirteen; and whereas the sinking fund accumulated under said act for the purpose of paying said bonded indebtedness amounts to be about seventy-five thousand dollars (\$75,000), but this amount is insufficient to pay off the entire indebtedness of one hundred thousand dollars:

Preamble: sinking fund.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to pay off and fully discharge the balance of the bonded indebtedness of one hundred thousand dollars of Winston Township, issued in aid of the construction of the Roanoke and Southern Railway, the board of county commissioners of Forsyth County is authorized and empowered to issue new bonds or notes of Winston Township not to exceed twenty-five thousand dollars, to be used in paying off the balance of the one hundred thousand dollars (\$100,000) which the sinking fund does not pay, said bonds or notes to be issued in denominations of not less than five hundred dollars nor more than one thousand dollars, with coupons attached, to bear interest at not exceeding six per cent per annum, payable semiannually; said bonds or notes to be signed by the chairman of the board of county commissioners and countersigned by the clerk of the board of county commissioners of Forsyth County, who shall attach his seal to said bonds.

Bond or note issue authorized.

Amount.

Purpose of issue.

Denominations.

Interest.

Authentication.

SEC. 2. That it shall be stated in the face of each bond or note issued that the same is issued for the purpose of paying the balance due on the one hundred thousand bond issue of Winston Township in aid of the construction of the Roanoke and Southern Railway, and that the bond or note is the debt of Winston Township, and that the same is to be paid out of the taxes levied and collected on the real and personal property situated in Winston Township.

Specifications.

SEC. 3. That said bonds shall be numbered from one consecutively and shall not be sold for less than par and accrued interest.

Bonds to be numbered and sold below par.

SEC. 4. That said bonds or notes shall be sold or negotiated by the chairman of the board of county commissioners with the approval of the board.

Sale of bonds.

SEC. 5. That one-third of said bonds or notes shall fall due and be payable in one year from the date of issue, and one-third of said bonds shall fall due and be payable in two years from the date of issue, and one-third of said bonds shall fall due and be payable within three years from the date of issue.

Maturity.

SEC. 6. That to provide for the payment of interest falling due upon said bonds or notes and to create a sinking fund to pay off the respective bonds or notes as they mature, the board of county commissioners of Forsyth County shall, in addition to other taxes levied upon the real and personal property and polls in Winston Township, compute and levy annually at the time of levying other taxes upon the property and polls of said township, observing the

Special tax.

- Tax rate. proper equation between property and polls as is required by law, a tax not exceeding twelve cents on the one hundred dollars valuation of property, so as to promptly pay the interest accruing on said bonds and notes as they fall due and provide a sinking fund sufficient to pay off the principal of such bonds or notes as they fall due until the whole amount of said bonds or notes be paid, which tax shall be annually collected by the sheriff or other collecting officer and paid over to the treasurer of the county or to such officer as may be designated by the board of county commissioners, and by them used in the prompt and regular payment of the interest upon said bonds or notes as it falls due, and the principal of said bonds or notes as they mature.
- Funds kept separate. SEC. 7. That the taxes annually levied and collected for the purpose of meeting the interest on the bonds or notes hereinbefore set out and for the purpose of creating a sinking fund shall be kept separate and apart from other funds levied and collected by order of the board of county commissioners, and shall not be used for any other purpose. The fund accumulating to pay the interest on the indebtedness herein created and to create a sinking fund shall be kept at interest by certificate in some bank to be designated by the board of county commissioners.
- Specific appropriation. Record of bonds. SEC. 8. That the board of county commissioners of Forsyth County shall keep or cause to be kept by the clerk of the board a book showing the number of bonds or notes issued under this act, with the date of issuing and to whom sold, and at what price and when the interest falls due.
- Investment of sinking fund. Bonds canceled when paid. SEC. 9. That whenever said bonds or notes shall fall due and be paid the same shall be delivered up to the board of county commissioners for cancellation.
- Purchase of bonds. SEC. 10. That the board of county commissioners of Forsyth County shall have the power and authority to purchase with the funds levied and collected under this act any outstanding bonds issued under this act at such price as they may deem reasonable and just.
- SEC. 11. This act shall be in force from and after its ratification. Ratified this the 31st day of January, A. D. 1913.

CHAPTER 20.

AN ACT TO LEVY A SPECIAL SCHOOL TAX FOR THE PURPOSE OF BUILDING A SCHOOL BUILDING OR BUILDINGS IN DISTRICT No. 19, SOUTH MILLS TOWNSHIP, CAMDEN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Special tax for school building.

SECTION 1. That for the purpose of increasing the annual tax for the purpose of building a school building or buildings in

School District Number Nineteen, South Mills Township, Camden County, North Carolina, the patrons may apply to the board of county commissioners of Camden County, at a regular or call meeting of the same, asking that an additional tax, not to exceed twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on each and every taxable poll, be annually levied and collected in said district for the purpose of building a school building or buildings in said district. The said tax to be levied annually, for twelve years, for the purpose of raising a fund to erect the said building or buildings; and the committee shall have the right to contract for the said building or buildings, and issue the note of said committee for the said district, which shall be paid out of the taxes provided for above. Said application shall be made at any time within three years from and after the passage of this act; whereupon at the next regular or called meeting to be held after said application shall have been made by said patrons of said school district, said board of county commissioners shall order and direct that the question, whether such additional tax shall be levied, be submitted to the vote of the qualified voters of said district, at South Mills. The said election shall be held under the rules and regulations of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five: *Provided*, the petition to the county commissioners in this election shall be signed by at least one-fifth of the freeholders of the district.

Limit of rate.

Term.

Committee to make contract and issue note.

Time for application.

Election to be ordered.

Law governing election.

Proviso: petition for election.

SEC. 2. That the said board of county commissioners shall, for the purpose of the election to be held under this act, direct there shall be an entirely new registration of the voters of said district, notice of which shall be given by thirty days advertisement published in four public places in said district and one at the courthouse door of Camden County, and said publication to be begun not later than the day on which the books are open for registration of voters, and the said election shall be advertised for thirty days, as provided for registration by said board of commissioners in said district.

New registration.

Notice of registration.

Notice of election.

SEC. 3. That at said election those who are in favor of the levy and collection of said additional tax shall vote a ballot on which shall be written or printed the words "For Additional School Tax." and those who are opposed to the levy and collection of said additional tax shall vote a ballot on which shall be written or printed the words "Against Additional School Tax."

Ballots.

SEC. 4. That the number of votes cast for and against the said additional tax shall be deposited in a special box, counted and duly certified by the registrar and judges of election, and returned to the said board of county commissioners, who shall canvass the said returns and certify the result to the Secretary of State and to the Register of Deeds of Camden County. If at said election the majority of the qualified voters of said school district

Count and certificate of votes.

Canvass of returns.

Certificate of result.
Effect of election.

- Amount of tax. shall vote "For Additional School Tax," the said board of county commissioners shall thereafter levy said additional tax to the amount sufficient to raise per annum in the said district at least five hundred dollars and the interest accruing on the amount borrowed for the purpose of carrying into effect the purposes of this act, in the manner prescribed by law for the levying of school taxes; and such additional tax shall be collected in the same manner as is now prescribed for the collection of other special school taxes, and when collected shall be appropriated and applied to the payment of the principal and interest of any money borrowed for the building of said school building or buildings.
- Specific appropriation. Further elections. SEC. 5. That if a majority of said qualified voters shall not vote for the additional tax, then other elections shall, upon application by said patrons of said school district, be thereafter held under this act: *Provided*, said election shall not be held oftener than once a year.
- Proviso: limitation. SEC. 6. That the school committee of said district shall have the right to borrow a sufficient amount of money to erect said building or buildings: *Provided*, the cost thereof shall not exceed six thousand dollars: *Provided*, a majority of the qualified voters of said district shall vote "For Additional School Tax."
- School committee to borrow money. Proviso: limit of amount. Proviso: election requisite. SEC. 7. That this act shall be in full force and effect from and after its ratification.
- Ratified this the 3d day of February, A. D. 1913.

CHAPTER 21.

AN ACT TO RATIFY AND CONFIRM THE ACTS AND PROCEEDINGS LEADING UP TO THE ISSUANCE OF \$250,000 OF ROAD BONDS OF ORANGE COUNTY, AUTHORIZED BY CHAPTER 600, PUBLIC-LOCAL LAWS OF 1911, AND TO ENABLE THE BOARD OF COMMISSIONERS OF SAID COUNTY TO LEVY A SPECIAL TAX TO PAY THE INTEREST AND PROVIDE A SINKING FUND FOR SAID BONDS, AND TO MAKE AND IMPROVE PUBLIC ROADS.

The General Assembly of North Carolina do enact:

Preamble: former act invalid.

Whereas the General Assembly of one thousand nine hundred and eleven attempted to confer authority upon the board of commissioners of Orange County to levy a special tax to pay the interest on and provide a sinking fund for the redemption of and issue of two hundred and fifty thousand dollars of road bonds for said county (Public-Local Laws of one thousand nine hundred and eleven, chapter six hundred); and whereas the Supreme Court has held such attempt invalid because said law was not enacted in accordance with article two, section fourteen, of the Constitu-

tion: Now, therefore, that such defect and all others in the enactment of said law may be cured:

SECTION 1. That all matters and things heretofore done by said board of commissioners in accordance with chapter six hundred, Public-Local Laws of one thousand nine hundred and eleven, are hereby expressly ratified and confirmed.

Acts validated and confirmed.

SEC. 2. Said board of commissioners of Orange County shall levy, annually, the first Monday in June, and not more than thirty-five cents on the hundred dollars worth of property in the county, the subjects of taxation and the method of levy to be the same as those for general county purposes. In Hillsboro Township the said board shall at the same time levy an additional tax to an amount necessary to pay the interest and provide for a sinking fund for the bonds of said township now outstanding, the rate to be such as recommended by the board of road commissioners of said township, within the limit provided in section twenty-one of chapter four hundred and eighty-three of Laws of one thousand nine hundred and seven. The taxes so levied shall be collected as other taxes, and the proceeds of the general county road tax provided for above shall be a separate fund to be applied, first, to the interest on said issue of two hundred and fifty thousand dollars of bonds; second, to the creation of an adequate sinking fund for their redemption, and, third, to the opening, improving, and repairing the public roads of the county under the present road law of said county. The sinking fund shall be held by said board of county commissioners in special trust for the payment of said two hundred and fifty thousand dollars of bonds, and neither the principal thereof nor the interest thereon shall be used for any other purpose. Said board shall manage and invest the fund at their discretion until paid out in the redemption of the bonds as aforesaid. They may, however, from time to time, use any of such sinking fund for the purchase of any such bonds in open market.

Tax to be levied. Rate.

Special tax for Hillsboro township.

Rate.

Levy and collection of tax.

Separate fund.

Specific appropriations.

Specific appropriation of sinking fund.

Investment of sinking fund.

SEC. 3. Sections five, six, seven, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-three of chapter six hundred, Public-Local Laws of one thousand nine hundred and eleven, are hereby reënacted; but such reënactment shall not be construed as requiring another election to be on the question of the issue of said bonds, an election which determined such question in the affirmative having already been held.

Sections reënacted.

Further election not required.

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

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 22.

AN ACT TO AMEND SECTIONS 4168, 4169, 4170, AND 4171 OF THE REVISAL OF 1905, AND CHAPTER 215 OF THE PUBLIC LAWS OF 1911, RELATIVE TO THE "INDIANS OF PERSON COUNTY."

The General Assembly of North Carolina do enact:

Separate schools.

SECTION 1. That section four thousand one hundred and sixty-eight of the Revisal of one thousand nine hundred and five be amended by inserting after the word "Indians" and before the word "and," in line five thereof, the words, "and the persons residing in Person County supposed to be descendants of a friendly tribe of Indians and White's Lost Colony, once residing in the eastern portion of this State, and known as 'Cubans,' and their descendants, shall be known and designated as the Indians of Person County," and in line ten of said section after the word "Indians" and before the word "all" insert the words "and the Indians of Person County."

County board to carry provisions into effect.

SEC. 2. That section four thousand one hundred and sixty-nine of the Revisal of one thousand nine hundred and five be amended by inserting after the word "Richmond" and before the word "in," in line ten thereof, the word "Person."

Pro rata of school funds.

SEC. 3. That section four thousand one hundred and seventy-one of the Revisal of nineteen hundred and five be amended so that wherever the words "Indians of Robeson County" now appear, as amended by chapter two hundred and fifteen of the Public Laws of nineteen hundred and eleven, the words "and the Indians of Person County" shall be added thereafter, and at the end of said section, after the word "Richmond," add the words "and Person County."

Segregation in State hospital.

SEC. 4. That section five of chapter two hundred and fifteen of the Public Laws of nineteen hundred and eleven be amended by inserting in line five thereof, after the word "county" and before the word "who," the words, "and Indians of Person County."

Segregation in jails and county homes.

SEC. 5. That section six of said chapter two hundred and fifteen of Public Laws of nineteen hundred and eleven be amended by inserting after the words "Robeson County," wherever they appear, the words, "and Person County," and after the words "Indians of Robeson County" the words "and Indians of Person County."

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

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 23.

AN ACT TO AMEND CHAPTER 59 OF THE PUBLIC LAWS OF 1909, RELATIVE TO THE JURISDICTION OF THE RECORDER'S COURT OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-nine of the Public Laws of one thousand nine hundred and nine be amended as follows, to wit: By adding at the end of section seven the following: "*Provided, however,* that the recorder of said court shall not have jurisdiction to issue the subpoena, *capias ad testificandum*, or summons in writing, nor to examine witnesses under oath as provided for in section three thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five. But jurisdiction to issue said process and examine witnesses thereunder shall be vested in any justice of the peace of Durham Township, Durham County, and also in the clerk of the recorder's court as herein-after provided, and said clerk of said recorder's court shall be *ex officio* a justice of the peace, and said clerk of said recorder's court and said justice of the peace of said Durham Township, Durham County, shall likewise have the right to examine witnesses as to the sale or giving away of cocaine contrary to law, and shall also likewise have the right to compel the attendance of witnesses and examine them on oath concerning the shipment of intoxicating liquors or cocaine for the purpose of illegal sale, and the handling or storage or keeping of intoxicating liquor or cocaine for the purpose of illegal sale."

Proviso: recorder not to issue preliminary process.

Clerk *ex officio* justice of the peace.

SEC. 2. Amend section thirteen of chapter fifty-nine of the Public Laws of one thousand nine hundred and nine, by adding at the end of said section the following: "It shall also be the duty of the said clerk, and jurisdiction is hereby conferred upon him, to issue the subpoena, *capias ad testificandum*, or summons in writing, provided for in section three thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five and to examine witnesses under oath as therein provided for in any act amendatory thereof."

Process issued by clerk.

SEC. 3. Whenever said examination is held upon said process issued by any justice of the peace of the city of Durham, Durham County, or upon any such process issued by the clerk of said recorder's court, the evidence obtained upon said examination shall be considered and held in law as an information upon oath, and when such evidence discloses the sale of intoxicating liquors contrary to law, or the sale or giving away of cocaine contrary to law, or the existence or establishment of any faro bank, faro tables, or gaming tables, or place where intoxicating liquors are sold contrary to law, or place where intoxicating liquors are

Evidence constituting information on oath.

received, kept, or stored for the purpose of illegal sale, and the names and personal description of the keepers thereof, and the names or personal description of the person or persons charged with selling intoxicating liquors contrary to law, or charged with selling or giving away cocaine contrary to law, such evidence when so obtained shall be considered and held in law as an information upon oath, and it shall be the duty of such justice of the peace of the city of Durham and also the duty of said clerk of said recorder's court to at once make report in writing of said evidence to the said recorder of the recorder's court of Durham, who shall thereupon issue the warrants and other process provided for in sections three thousand seven hundred and twenty and three thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five.

Report to recorder.

Recorder to issue warrants.

Fees included in costs.

SEC. 4. Whenever a warrant shall issue upon information obtained as herein provided, there shall be included in the bill of costs fees now provided by law for affidavits, subpoena and service of process, and such costs when collected shall be paid to the officer taking such examination, issuing such subpoena, or serving such process.

SEC. 5. That this act shall apply only to the township of Durham, Durham County, and shall be in force from and after its ratification.

Ratified this the 3d day of February, A. D. 1913.

CHAPTER 24.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF FORSYTH COUNTY TO ISSUE BONDS TO PAY ITS DEBT CONTRACTED IN BUILDING ITS PRESENT COURTHOUSE.

Preamble: bonds heretofore issued.

Preamble: amount past due.

Preamble: due 1916.

Preamble: due 1921.

Whereas the board of county commissioners of Forsyth County issued bonds or notes to the amount of fifty-five thousand dollars to complete the construction of its present courthouse building; and whereas notes or bonds aggregating eighteen thousand dollars issued by the board of county commissioners are now past due; and whereas notes or bonds aggregating eighteen thousand dollars will be due May the first, one thousand nine hundred and sixteen; and whereas notes or bonds aggregating nineteen thousand dollars will fall due May the first, one thousand nine hundred and twenty-one: Now, therefore,

The General Assembly of North Carolina do enact:

Purpose of issue.

SECTION 1. That in order to pay off and fully discharge the indebtedness of the county of Forsyth to the amount of fifty-five thousand dollars, represented by bonds or notes issued in payment

of the debt contracted in the construction of the present courthouse building, the board of county commissioners of Forsyth County is authorized and empowered to issue bonds to be designated as "Courthouse Bonds," to take place of the notes or bonds heretofore issued, in a sum not exceeding fifty-five thousand dollars. Said bonds to be issued in denominations of not less than one hundred dollars and not more than one thousand dollars, and to bear interest of not more than five per cent per annum, payable semiannually. Said bonds shall have coupons attached showing interest due semiannually and shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, who shall attach his seal thereto.

Bond issue authorized.

Designation.
Amount.

Denominations.

Interest.

Authentication.

Sec. 2. That said bonds shall be numbered from one consecutively and shall not be sold for less than par and accrued interest.

Bonds numbered.

Not sold below par.

Sec. 3. That the board of county commissioners of Forsyth County is authorized to issue at once bonds to the amount of eighteen thousand dollars, to pay off that part of the fifty-five thousand dollars now due, and said board of county commissioners, or its successors, shall issue bonds to the amount of eighteen thousand dollars to pay off and discharge that part of the fifty-five thousand dollars falling due May the first, one thousand nine hundred and sixteen, when said bonds mature, and said board of county commissioners or its successors shall issue bonds to the amount of nineteen thousand dollars to pay off and discharge that part of the fifty-five thousand dollars falling due May the first, one thousand nine hundred and twenty-one, when said bonds mature.

Bonds issued in series.

Sec. 4. That the bonds issued to pay off the eighteen thousand dollars now due shall be due and payable in six years from date of issue. That the bonds issued to pay off the notes and bonds due May the first, one thousand nine hundred and sixteen, shall be due and payable in six years from date of issue. That the bonds to pay off the notes and bonds due May the first, one thousand nine hundred and twenty-one, shall be due and payable in six years from date of issue.

Maturity of bonds.

Sec. 5. That said bonds shall be sold by the chairman of the board of county commissioners, with the approval of the board, at private or public sale or by sealed bids filed with the board of county commissioners.

Sale of bonds.

Sec. 6. That to provide for the payment of interest falling due upon said bonds and to create a sinking fund to pay off the respective bonds as they may mature, the board of county commissioners shall, in addition to other taxes levied upon real and personal property, compute and levy annually, at the time of levying other taxes upon property in Forsyth County, a special tax not exceeding three cents on the one hundred dollars valuation on all taxable property in said county to pay the interest accruing on said bonds as it falls due, and to provide a sinking fund sufficient to pay off the principal of such bonds as they fall due, until the

Special tax.

Rate.

- whole amount of said bonds be paid, which tax shall be annually collected by the sheriff or other collecting officer, and paid over to the treasurer of the county or such officer as may be designated by the board of county commissioners, which funds shall be used to pay the interest upon said bonds and the principal of said bonds as they mature.
- Specific appropriation. Funds kept separate. Diversion of fund forbidden. Investment of sinking fund. Record of bonds. Purchase of outstanding bonds.
- SEC. 7. That the taxes annually levied and collected for the purpose of meeting the interest on the bonds hereinbefore set forth, and for the purpose of creating a sinking fund, shall be kept separate and apart from the other funds levied and collected by order of the board of county commissioners, and it shall be unlawful to use said funds for any other purpose; and said fund thus accumulated as a sinking fund shall be placed on deposit, drawing interest in some bank to be designated by the board of county commissioners.
- SEC. 8. That the board of county commissioners shall cause to be kept by their clerk a book showing the number of bonds issued under this act, the date of issuing, to whom sold, and at what price, and the date when interest falls due.
- SEC. 9. That the board of county commissioners shall have the power and authority to purchase any outstanding bonds issued under this act, and pay for the same out of the sinking fund, or out of any general county fund, at such price as it may deem reasonable and just.
- SEC. 10. That this act shall be in force from and after its ratification.
- Ratified this the 4th day of February, A. D. 1913.

CHAPTER 25.

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF PERSON COUNTY TO SELL OR EXCHANGE CERTAIN LAND IN THE TOWN OF ROXBORO.

The General Assembly of North Carolina do enact:

- Public or private sale or exchange authorized. Property described. Order specifying property.
- SECTION 1. That the board of commissioners of Person County is authorized and empowered in its discretion to sell, either at public auction or privately, or exchange, any part or parts of that lot of land in said county in the town of Roxboro, known as the jail lot, not needed for county purposes, and a sale or exchange by said board after the notice hereinafter mentioned shall be conclusive that the lands so sold or exchanged are not needed for county purposes.
- SEC. 2. A resolution or order specifying what part of said lands shall be sold or exchanged shall be entered upon the minutes of said board at least thirty days prior to offering for sale or ex-

change any of such lands, and notice of such resolution or order shall be forthwith published for two weeks in some newspaper published in said county. Advertisement.

SEC. 3. The deed or deeds conveying any lands so sold or exchanged shall be executed by the chairman of the board of commissioners of Person County and attested by the clerk of said board, who shall affix his official seal thereto, and shall be admitted to probate upon the acknowledgment of said chairman. Execution and attestation of deeds.

SEC. 4. That the proceeds of such sale or sales or exchange shall be paid into the county treasury for the credit of the general county fund. Proceeds to county fund.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 4th day of February, A. D. 1913.

CHAPTER 26.

AN ACT TO CREATE THE OFFICE OF COUNTY AUDITOR FOR HENDERSON COUNTY, TO FIX THE SALARY OF SAME, AND PRESCRIBE HIS DUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of auditor for Henderson County is hereby instituted and created; and the auditor of said county shall receive a salary of one thousand two hundred dollars per annum, payable in monthly installments of one hundred dollars each in the manner provided for the payment of salaries of other county officers, and shall furnish bond in some bonding company in the sum of five thousand dollars, payable to the county of Henderson, conditioned that he shall diligently, truly, and faithfully perform all the duties of his office, and shall faithfully account for all penalties or 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. Office created. Salary. Bonds.

SEC. 2. It shall be the duty of the auditor of Henderson 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 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, direct, and supervise tax listers and assessors, and also direct and supervise the listing and assessment of all property liable to tax- Duties in regard to tax lists. Annual statements. Delinquents. Record of transfers. Supervise listing and assessment of property.

Settlements and accounts of county officials.	tion in said county; to act as accountant for the county, settling with the county officers; to supervise, scrutinize, and examine at least once every calendar month all books, accounts, receipts and vouchers and other records of all the officers of Henderson County which show fees and commissions collected and received by them;
Dockets of justices and mayors.	to examine at least twice each year the dockets of all justices of the peace and mayors of said county, and report his findings to the 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 Henderson County, and open a set of 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 amounts for each and every one of said officers, which books shall be permanently kept as the records in 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 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.
To administer oaths.	
Book of fees and commissions.	
Book open for inspection.	
County institutions and accounts.	
Audit of bills.	
Claims not paid before audited.	
Warrants countersigned by auditor.	
Duties as purchasing agent.	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 said county, and he shall have full authority to purchase all supplies for said county whenever the board of commissioners shall so order.
Finance committee abolished.	SEC. 4. That section seven of chapter eight hundred and six, Public Laws of one thousand nine hundred and nine, relating to the appointment of a finance committee for Henderson County, be and the same is hereby repealed, and the duties therein prescribed for members of the finance committee shall devolve upon the county auditor, who shall also assist the clerk of the Superior Court in compiling monthly statements required by section one of said chapter eight hundred and six, Public Laws one thousand nine hundred and nine, if requested to perform this service by the officer therein named: <i>Provided</i> , that not exceeding two days during each month shall be occupied by the said county auditor in rendering clerical assistance to the said clerk of the Superior Court.
Duties devolved on auditor.	
Assistance to clerk of court.	
Proviso: limitation.	
Auditor named.	SEC. 5. That Henry W. Allen be and he is hereby appointed auditor for the said county of Henderson for a term of two years beginning the first Monday in April, one thousand nine hundred
Term.	

and thirteen, and ending the first Monday in April, one thousand nine hundred and fifteen: *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 justices of the peace for said county.

Proviso: vacancy filled by justices of county.

SEC. 6. That said auditor shall hold office under the control and direction of the board of commissioners of said county; and he shall open and keep an office, to be selected and furnished by the said board of commissioners, in the courthouse of said county, in which shall be securely kept the records of his office.

Control and direction of county commissioners.
Office.

SEC. 7. That the board of commissioners for the said county of Henderson may, whenever they deem it necessary, provide for clerical assistance for said auditor and fix the pay for same. It shall be their duty to provide one assistant in compiling county tax list.

Clerical assistance.

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 full force from and after the first Monday in June, one thousand nine hundred and thirteen.

When act effective.

Ratified this the 4th day of February, A. D. 1913.

CHAPTER 27.

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

Whereas, at the general election held for the county of Alleghany on Tuesday after the first Monday in November, one thousand nine hundred and twelve, the following persons were voted for and declared elected, and have attempted to qualify and act as justices of the peace for said county, to wit: For Gap Civil Township, H. M. Crouse, J. C. Roup, E. C. Andrews, J. P. Andrews, D. C. Reeves; and whereas doubts exist as to the legality of such election on account of the fact that the persons voted for and declared elected were more than said township was authorized by law to elect: therefore,

Preamble: doubts of election.

The General Assembly of North Carolina do enact:

SECTION 1. That the election so held for the election of the justices aforesaid is hereby declared valid in every respect, and all the official acts of said justices are hereby legalized and made as effectual as if said election had been regular in all respects.

Election declared valid and effectual.

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

Ratified this the 4th day of February, A. D. 1913.

CHAPTER 28.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CUMBERLAND AND SAMPSON COUNTIES TO ERECT A PUBLIC BRIDGE ACROSS SOUTH RIVER.

The General Assembly of North Carolina do enact:

Construction authorized.

Location.

Limit of expense.

Apportionment of expense.

SECTION 1. That the commissioners of Cumberland and Sampson counties be and they are hereby authorized to erect and construct a public bridge across the South River near Autryville, North Carolina, at a cost not exceeding twelve hundred and fifty dollars, and the expenses and costs of construction of said bridge to be paid in equal amounts by each of said counties.

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

Ratified this the 4th day of February, A. D. 1913.

CHAPTER 29.

AN ACT TO PROVIDE GOOD ROADS IN ROBERSONVILLE TOWNSHIP, MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Trustees named.

Terms of office.

Vacancies.

Successors.

Proviso: trustee not an officer.

Trustees incorporated.

Corporate name.

Corporate powers.

SECTION 1. That J. H. Roberson, Jr., A. E. Smith, and S. T. Everett are hereby constituted a board of trustees for the public roads of Robersonville Township in Martin County. That J. H. Roberson, Jr., shall hold the said position of trustee for six years, A. E. Smith for four years, and S. T. Everett for two years from the date of their qualification as hereinafter provided for. All vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term by the remaining members of said board. That at the expiration of the term of any of said trustees, their successors shall be elected by the qualified voters of Robersonville Township at the same time and place and under the same rules and regulations as prescribed for the election of officers of the town of Robersonville, North Carolina: *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.

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 Robersonville 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 said board of trustees to take the control and management of all the roads of the said Robersonville Township, including streets in the several incorporated towns, as follows: Town of Robersonville: Main Street, Third Street, Roberson Street, and Academy Street. Town of Gold Point: Main Street, and also Cross Street and Hassell Street. Town of Parmele: Railroad Street on the east side of Scotland Neck Branch, from county road near schoolhouse to depot; Railroad Street on west of Plymouth Branch, from depot to crossing, on south from crossing to the Vannorthwick corner, Cross Street; Cross Street from Railroad Street to Crisp or Bryant Street; Crisp or Bryant Street from Cross Street to corporate limits of town. And the said board of trustees are hereby vested with all the rights and powers for such control and management of same as are now vested in and exercised by the board of commissioners of Martin County and the governing bodies of the several towns above named.

Control and management of roads.

Streets in towns.

Robersonville.

Parmele.

Rights and powers vested.

SEC. 4. That for the purpose of carrying out the provisions of this act the said board of trustees shall annually appoint a road superintendent and fix his salary, and may delegate to said superintendent any power conferred in this act as said board of trustees may deem wise. The said board of trustees shall annually elect a chairman and secretary from among the members of said board, who shall hold office for one year and until their successors are elected and qualified; and said board shall elect a treasurer whose salary shall not exceed fifty dollars per annum and to be fixed by said board, who shall have charge of all road funds of said township, and shall require a bond of said treasurer, to be approved by said board, in an amount sufficient to cover all funds that may come into his hands.

Road superintendent.

Salary.

Powers.

Chairman and secretary.

Treasurer.

Salary of treasurer.

Charge of road funds.

Bond of treasurer.

SEC. 5. That the superintendent of roads as herein provided for shall be paid out of the road fund for said township, and said superintendent 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 ten days notice, 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 construction and maintenance of all the public roads in Robersonville Township, including the streets hereinbefore mentioned, and he shall submit to said board a weekly report concerning the work in progress and the moneys expended, and such other and further reports as may be required of him by said board of trustees. 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 they may see fit.

Pay of superintendent.

Term of office.

Proviso: removal for cause.

Duty of superintendent.

Weekly reports.

Bond of superintendent.

SEC. 6. That said board of trustees may purchase such machinery, teams, and other implements and tools as may be needed

Machinery, team, and tools.

Other powers.	for the proper working, construction, and maintenance of the roads of said township and the streets hereinbefore mentioned, and may exercise such other powers and privileges as may be needed for carrying out the purposes and provisions of this act.
Entry on land for material.	<p>SEC. 7. That the superintendent of roads of Robersonville 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 lands, planted or left for shade or ornament; to dig or cause to be dug and carried away any gravel, sand, clay, dirt, or stone which may be necessary to construct, improve, or repair or maintain 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 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 lands from which timber, stone, clay, sand, gravel, or dirt were taken as aforesaid shall present an account for the same to said board of trustees within thirty days after the taking thereof, it shall be the duty of the said board to pay for same at a fair price; and in case of any disagreement as to the value, the said board shall appoint one freeholder, the person claiming the damages a second, and these two a third, which said three freeholders shall assess said damage and report the same to said board of trustees.</p>
Drains and ditches.	
Obstructing drains or ditches a misdemeanor.	
Punishment.	
Accounts for material taken.	
Assessment by arbitration.	
Location and changes of roads.	<p>SEC. 8. That subject to the approval of the said board of trustees, the said superintendent of roads shall have the 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 roads or part of the road is to be located claims damages therefor, and within ten days makes petition to said board for a jury to assess the damages, the said trustees shall, within not less than thirty days after the completion of said roads, order a jury of three disinterested freeholders of Robersonville Township to be selected and summoned by the Sheriff of Martin 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 damage sustained, the jury shall so declare; and it shall report its findings in writing to said trustees for revision and confirmation: <i>Provided</i>, that such owner may appeal to the Superior Court of Martin County from the decision of said trustees.</p>
Assessment of damages.	
Notice to landowner.	
Proviso: right of appeal.	

SEC. 9. That the said board of road trustees shall be and they are hereby authorized and empowered to issue bonds of said Robersonville Township, to be styled "Robersonville 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 at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semiannually as may be deemed wise, 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 the date thereof, and at such place or places as the 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 Martin County known as Robersonville 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.

Bonds issued as needed.

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 public roads of said township, including the streets hereinbefore mentioned, the said board of road trustees and their successors in office shall annually on the first Monday in June, one thousand nine hundred and thirteen, and every year thereafter, levy and lay a special tax on all persons and property subject to taxation within the limits of Robersonville Township of not more than thirty-three and one-third (33 $\frac{1}{3}$) cents on the one hundred dollars assessed valuation of real and personal property and not more than one dollar on each taxable poll. The taxes so levied shall be collected by a tax collector to be appointed by said board upon such terms as may be agreed upon, and said taxes so collected shall be paid to the treasurer of said board of trustees, who may require a bond as they may deem sufficient.

Special tax.

Rate.

Collection and payment of tax.

Bond of collector.

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 Robersonville Township at an election to be held on a day to be named by the board of county commissioners of Martin 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 the registration books of said township shall be delivered to said registrar by the Register of Deeds of Martin County. Said reg-

Election to be ordered.

Election officers.

Registration.

- istrar shall revise said registration books so as to show only the names of persons entitled to vote in said township, and shall register all duly qualified voters applying for registration, whose names do not appear on said book. That the chairman of the board of commissioners for Martin County shall give notice of said election by publishing a notice thereof in the *Enterprise* for thirty days immediately preceding such election, and by posting a notice thereof at three public places in Robersonville Township.
- Notice of election.
- Count and canvass of votes. Declaration of result. Returns. Record of returns. 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 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 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.
- Ballots.
- Law governing issue. If a majority of the votes cast at said election shall be in favor of "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 the votes cast at said election shall be "Against 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.
- Effect of election.
- Proviso: further election.
- Funds paid over to treasurer. SEC. 12. That all funds derived from the sale of any bonds by said board of trustees and all taxes collected hereunder 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 and the streets hereinbefore mentioned, the purchase of such material, team, machinery and implements, and the employment of such officers and labor as may be found necessary in the carrying out of this work.
- Appropriation of funds. SEC. 13. That in the working and construction and maintenance of said roads, either convict labor or hired labor, or both, may be used as may be ordered by the said board of trustees.
- Labor. SEC. 14. That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to Robersonville Township, are hereby repealed.
- SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 4th day of February, A. D. 1913.

CHAPTER 30.

AN ACT AUTHORIZING ADDITIONAL ROAD BONDS FOR FRANKLINTON TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of road trustees of Franklinton Township be and they are hereby authorized and empowered to issue bonds of said Franklinton Township, to be styled "Franklinton Township Road Bonds," to an amount not to exceed twenty thousand dollars in addition to the bonds heretofore authorized and issued, 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 semiannually, 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; 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 Franklinton Township as constituted at the time of the ratification of this act.

Bond issue authorized.

Style of bonds.

Amount.

Denomination.

Interest.

Authentication.

Maturity.

Bonds issued as needed.

Liability for payment.

SEC. 2. That the proceeds of the sale of such bonds issued be used in paying for work done or that may be done on the public roads of Franklinton Township, and for no other purpose.

Specific appropriation.

SEC. 3. That out of the road tax levied and collected in said township for road purposes the said board of road trustees shall annually set aside enough to pay the interest on all bonds and provide a sinking fund for the payment of same at maturity.

Interest and sinking fund.

SEC. 4. That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to said Franklinton Township, are hereby repealed, and it shall not be necessary to submit the said issue of bonds to any election.

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

Ratified this the 5th day of February, A. D. 1913.

CHAPTER 31.

AN ACT TO AMEND CHAPTER 526 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF 1909, RELATIVE TO THE ELECTION ON ROAD BONDS IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Bonds to be issued. SECTION 1. That section fourteen of chapter five hundred and twenty-six of the Public Laws of North Carolina of session of one thousand nine hundred and nine be and the same is hereby amended by striking out at the end of said section the entire last sentence, and inserting in lieu thereof the following: "If a majority of the votes cast at such election shall be 'For Good Roads,' then the bonds provided for in this act shall be issued and sold according to the provisions hereinbefore set forth."

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

Ratified this the 5th day of February, A. D. 1913.

CHAPTER 32.

AN ACT TO VALIDATE THE ELECTION AND QUALIFICATION OF J. M. MORROW, L. G. WEST, AND W. H. ALMOND AS HIGHWAY COMMISSIONERS OF VALLEYTOWN TOWNSHIP, CHEROKEE COUNTY, NORTH CAROLINA.

Preamble: failure to qualify in time.

Whereas, at an election held on November fifth, one thousand nine hundred and twelve, in Valleytown Township, Cherokee County, J. M. Morrow, L. G. West, and W. H. Almond were duly elected highway commissioners for said township; and whereas said persons failed to qualify within ten days as required by law; and whereas said commissioners did qualify on the first Monday in December, one thousand nine hundred and twelve: Now, therefore,

The General Assembly of North Carolina do enact:

Election and qualification confirmed and validated.

SECTION 1. That the election and qualification of J. M. Morrow, L. G. West, and W. H. Almond as members of the Highway Commission of Valleytown Township, Cherokee County, North Carolina, be and the same is hereby ratified and validated to all intents and purposes as though they had qualified within ten days after their election or as provided by law; and the said above named persons shall constitute the highway commission of said Valleytown Township, and are hereby clothed with all power and authority conferred by chapter two hundred and ten, Public

Laws of one thousand nine hundred and five, as amended by chapter nine hundred and sixteen, Public Laws of one thousand nine hundred and nine.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 5th day of February, A. D. 1913.

CHAPTER 33.

AN ACT TO IMPROVE THE PUBLIC ROADS AND HIGHWAYS OF NORTH AND SOUTH ALBEMARLE TOWNSHIPS, IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Stanly County be and it is hereby empowered to submit to the voters of North and South Albemarle townships in said county, within sixty days after the ratification of this act, the question whether said townships, jointly, shall issue bonds in the sum of one hundred thousand dollars, with interest coupons attached, the proceeds of which to be used in surveying, repairing, grading, relocating, and constructing of macadam, gravel, soil, sand-clay, or other material, and otherwise improving and maintaining the public roads and bridges of said townships. The said board of commissioners shall, for at least thirty days before the election, give notice thereof by publication in one or more newspapers published in the town of Albemarle: *Provided*, that if a majority of the voters of said townships shall not vote to issue bonds at the election so held, said board of commissioners may submit the question to said voters at any other time or times, upon petition of two hundred voters of said townships.

County commissioners empowered to call election.
Date.
Question to be submitted.

Notice of election.

Proviso: further election upon petition.

SEC. 2. That any election under the provisions of this act shall be conducted in the same manner as to notice, registration, challenges, voting, counting and making returns, and judicially determining and declaring the result of the election, and in all other respects as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided*, that said board of commissioners shall appoint the registrars and judges of election, and order a new registration for all elections under this act. The returning board shall make its report to the board of commissioners at its next regular meeting, and the same shall be recorded in the minutes of said commissioners, and no other recording and declaring of the results of the election shall be necessary.

Law governing election.

Proviso: election officers.

New registration.

Returns.

Record of returns.

SEC. 3. That at said election or elections all electors who favor the issuing of said bonds shall vote a ballot with the words "For Good Roads" written or printed thereon, and those opposed shall

Ballots.

vote a ballot with the words "Against Good Roads" written or printed thereon.

County commis-
sioners to issue
bonds.

Denominations.

Interest.

Maturity.

Bonds payable in
standard currency.

Authentication.

Style of bonds.

Sale of bonds.

Proviso: bonds
not to be sold
below par.

County commis-
sioners trustees
for township.
Powers as trustees.

Tax for sinking
fund.

Investment of
sinking fund.

Special tax.

SEC. 4. In the event that a majority of the votes cast shall be "For Good Roads" at any election herein provided for, after the result has been declared and recorded as aforesaid, the board of commissioners of Stanly County shall have bonds prepared of the denominations of one thousand dollars each, the total amount being that provided for in the first section of this act. 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 semiannually during the time the bonds shall run, with the principal payable forty years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at such place as may be determined by the board of commissioners of Stanly County at the time said bonds are sold; both bonds and coupons shall be numbered consecutively, beginning with number one, and the bonds 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 shall be styled "Public road bonds of North and South Albemarle townships," 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 with the lithographed signatures of the chairman and of the clerk of said board of commissioners. The said board of commissioners is authorized to sell said bonds, either at public or private sale, all of them at once or part from time to time, as they deem best: *Provided*, that none of the bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation, or otherwise, at a less price than their face value.

SEC. 5. That the board of commissioners of Stanly County, and their successors in office, be and they are hereby appointed trustees for North and South Albemarle townships, and are hereby authorized, directed, and empowered to sign, sell, and issue all the bonds herein provided for, and to levy such taxes as may be herein or hereafter provided for, for the purpose of paying the interest on said bonds; and they are authorized, directed, and empowered to begin to levy and collect a special tax twenty years before the maturity of said bonds, for the purpose of creating a sinking fund to pay the principal thereof at maturity; and they are authorized and directed to invest or loan the sinking fund so collected at not less than four per cent interest, and to compound the same semiannually.

SEC. 6. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and to support a chain-gang and convict force, and establish, alter, repair, and maintain the public roads and highways in said townships, the board of commissioners of Stanly County, or other authorities vested with power of levying taxes for said county, shall compute and

levy at the time of levying other taxes in the county, a sufficient special tax on all polls, all real estate and personal property, and all other subjects of taxation in said townships, always observing the constitutional equation between the taxes on property and the taxes on polls: *Provided*, that there shall not be at any time levied in said townships for all expenditures made necessary and provided for by this act a tax greater than twenty-five cents on one hundred dollars worth of property and seventy-five cents on each poll, except as provided in section twenty-four of this act.

Constitutional limitation.

Proviso: limit of tax rate.

SEC. 7. That said taxes when collected by the sheriff or tax collector shall be kept separate and apart from other taxes, and he shall pay the same to the treasurer of the highway commission for said townships, and said fund shall be used for the purpose for which they are collected: *Provided*, that said sheriff or tax collector shall pay over to the treasurer of the county a sufficient amount of said taxes to pay the interest on said bonds, and so much of the sinking fund as is levied and collected from year to year, and said county treasurer shall be allowed only one-half of one per cent commissions, both for receiving and disbursing said interest money and for investing said sinking fund.

Funds kept separate.

Treasurer of highway commission.

Proviso: payments for interest and sinking fund.

Treasurer's commission.

SEC. 8. That the moneys received from the sale of said bonds, and derived from the special taxes 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 the highway commission hereinafter provided for, for said townships, to purchase such road machinery and other equipments as said highway commissioners shall deem necessary, to survey, lay out, alter, change, relocate, grade, and otherwise improve and maintain the public roads and bridges of said townships, and in guarding and maintaining such convict forces as may from time to time be assigned to work on said roads.

Use of road fund.

SEC. 9. That A. F. Biles, W. L. Mann, Thomas W. Still, J. A. Groves, and J. S. Misenheimer be and they are hereby appointed highway commissioners for North and South Albemarle townships; the first one named above shall hold office until the first Monday in April, one thousand nine hundred and fifteen; the second and third named above shall hold office until the first Monday in April, one thousand nine hundred and seventeen; the fourth and fifth above named shall hold office until the first Monday in April, one thousand nine hundred and nineteen; the terms of office of each and all of them shall begin from the ratification of this act. The Legislature, at its session in one thousand nine hundred and fifteen, and biennially thereafter, shall appoint a successor of the commissioner whose term expires on the first Monday in April following, and the term of each person so appointed shall begin on the first Monday in April following his appointment, and he shall hold office for six years thereafter; in selecting said highway commissioners, the Legislature shall do so without regard to the poli-

Commissioners named.

Terms of office.

Election of successors.

Terms of office.

tics of the party selected, but shall choose men for their peculiar and special fitness and skill for managing and working the public roads.

Commissioners to meet and qualify.

SEC. 10. The said highway commissioners, within ten days after the ratification of this act, shall meet at the courthouse in Albemarle, when notified so to do by the Clerk of the Superior Court of Stanly County, and after first taking and subscribing an oath before the Clerk of the Superior Court of Stanly County for the faithful performance of their duties, which oath shall be filed with the clerk, shall proceed to organize by electing one of their members chairman, another secretary, and some suitable person treasurer. The treasurer so elected shall give such bond as may be required by the highway commission for the faithful performance of his duties, and for accounting for all moneys coming into his hands, and he shall not be allowed fees or commissions, but he shall be allowed a salary, to be fixed by the highway commission, not exceeding ten dollars per month. The members of said highway commission shall be paid out of the funds of said townships one dollar and fifty cents per day, and mileage at five cents per mile: *Provided*, they shall not be paid for more than two days in each month, if they should meet that often, and for not more than twenty-four days in each year. Three of their number shall constitute a quorum for the transaction of business.

Chairman, secretary, and treasurer.

Treasurer to give bond.

Salary of treasurer.

Pay of commissioners.

Quorum.

Control and management of roads and bridges.

Powers of commission.

Machinery and tools.

Convict force.

Specifications of highways.

Chain-gang, stock, and equipment.

SEC. 11. The highway commission herein created shall have entire control and management of the public roads and bridges of North and South Albemarle townships; it is hereby directed, authorized, and empowered to make all necessary surveys for changing, locating, relocating, and opening up both new and old roads; to work, grade, maintain, and to do all things necessary and pertinent to the construction and maintenance of the roads and highways in said townships. The county commissioners of Stanly County shall turn over to said highway commission all the road machinery and implements now belonging to said townships, and take receipt therefor, and such convict forces as may be held by said county shall be subject to the orders of said highway commission, who shall pay all cost of maintaining and guarding said convict force out of the moneys provided for in this act.

SEC. 12. The highways in said townships constructed or improved under this act shall have a right of way of not less than forty feet, twenty feet of which shall be free from logs, stumps, rocks and stones, and the whole of which shall be as straight as practicable, with no grade over five per cent, except where such grade is considered impracticable by the road engineer. And the said highway commissioners be and they are hereby authorized, directed, and empowered to take over from the board of commissioners of the town of Albemarle the present chain-gang force, together with all stock, machinery, camps, and equipment of every kind whatsoever belonging thereto; and the board of commis-

sioners of the town of Albemarle is hereby authorized and empowered to turn over said convict force to the highway commission of North and South Albemarle townships; the term of imprisonment and sentence of each and every convict so turned over shall remain and continue to be in as full force and effect as if the sentence had been originally made to serve on the public roads of North and South Albemarle townships. If the board of commissioners of the town of Albemarle and the highway commission herein created cannot agree upon the price of said equipment, machinery, stock, etc., and disbursements made by said town to secure said convicts, then they are authorized and directed to submit the same to arbitration.

Settlement by arbitration.

SEC. 13. That the said highway commission be and it is hereby authorized and empowered to appoint or elect such superintendents, engineers, supervisors, and such other agents and employees as it may deem necessary, and fix their salaries; and it shall have power to discharge any person so elected or employed at any time it may see fit to do so.

Superintendents, engineers, and other agents and employees.

Salaries.

Power to discharge employees.

SEC. 14. In opening new highways, widening, straightening, improving, altering, or changing old roads and repairing the same, the highway commission, through its agents or employees, are hereby authorized to enter upon any lands and make all necessary surveys, and locate, relocate, build, improve, change, alter, widen, and repair such highways. If the said highway commission and the owner of said land cannot agree as to the damages, if any, the said highway commission shall within sixty days after said highway is completed cause to be summoned three disinterested freeholders of said townships, who, under the general law as it now exists for condemning rights of way for railroads, shall go upon the lands and assess the damages done the owner, and in so doing they shall take into consideration the benefits received by the owner and the benefits and conveniences to the general public; either party shall have the right of appeal from the award made by said jurors to the Superior Court, but if the owner of the land shall appeal, he shall first give bond in the sum of at least two hundred dollars to secure the costs of the action, and if he fails to recover more damages than were awarded him by the jury, then in that event he shall pay all the costs of the action: *Provided, however,* that after all necessary surveys are made and the location or relocation of the road determined upon, before beginning actual work of construction, it shall be the duty of the highway commission to serve notice upon the owner or agent or party in charge of said lands; if they are residents of the county, they shall be served with personal notice; if they are nonresidents of the county, and their postoffice address is known, they shall be served by a letter directed to them at their known postoffice address; if they are minors, or if their postoffice address is unknown, then they shall be served by advertisement for two weeks in some

Entry on lands for roads.

Assessment for damages.

Right of appeal.

Bond on appeal.

Proviso: notice to landowners.

newspaper published in the town of Albemarle, notifying them that the highway is to be located, changed, altered, widened, or relocated upon said lands, under the authority of this act.

Entry on land for material.

SEC. 15. For the purpose of carrying out the provisions of this act, the said highway commission, through its agents or employees, after first consulting the owner or agent of the lands from which material for building and repairing roads is gotten, is hereby authorized and empowered to enter upon any lands near to or adjoining any public road or highway, take or cause to be taken and carry away any gravel, sand, clay, rock, soil, stone, or other material which may be necessary to construct, improve, repair, or maintain said roads, together with free ingress and egress for the transportation of said material.

Accounts for material taken.

SEC. 16. If any owner of land, or the agent of said owner, having in charge lands from which stone, gravel, sand, clay, rock, or other material has been taken as aforesaid, shall present an account for the same to the chairman of the highway commission, it shall be the duty of said highway commission to pay a just and reasonable price for the same; and if the said highway commission and the owner or agent of the land cannot agree upon the price, then the said highway commission shall have the damages assessed in the same manner as is provided in section fourteen; but said highway commission, its agents or employees, 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 the said lands for said materials.

Assessment of damages.

Maps and profiles.

SEC. 17. It shall be the duty of said highway commission to have maps and profiles made of all new roads built, and all old roads changed, altered, located or relocated under this act, by some competent engineer, and furnish estimates of the dirt, stone, or other material to be moved in the construction, location, changing, altering and improving the same; and if said highway commission shall determine to let any part of the grading, improving, or construction of said roads by contract, then the corporation, partnership, or person so bidding for said work shall bid upon the specifications of the same furnished by the engineer. The said highway commission is hereby authorized to let the grading, construction, repairing and building of any section of road to be built, or any subdivision of any road to be built or repaired, by contract, if they deem best, or the said highway commission may hire labor and convicts, or the convicts obtained from Stanly and other counties, in working, improving, building, repairing, and maintaining said roads; and all justices of the peace of Stanly County, mayors and recorders therein, judges of the Superior Court of Stanly County or of other counties in the State, are authorized and empowered to sentence convicts or persons convicted for crime to work on the public roads of North and South Albemarle townships: *Provided*, that in laying out and projecting public roads from North and

Estimates.

Bids on specifications.

Work may be let to contract.

Work by hired labor or contract force.

Convicts may be sentenced to road work.

Proviso: roads extending into other townships.

South Albemarle townships into other townships of the county, the highway commission and their engineers shall have regard to the continuation of those roads into other townships, and for that purpose are authorized to consult with the authorities and engineers in charge of the roads in other townships, and may make surveys leading into other townships, having regard at all times for the permanent building and construction of a public highway system for the entire county.

SEC. 18. Any person who shall obstruct the highway commission or any of its agents, servants, or employees in making surveys, or in altering, changing, repairing, or opening a new road or highway, or in obtaining material as herein provided, or who shall stop up or obstruct any drains or ditches cut for the improvement of the road, shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or imprisoned, or both, in discretion of the court; any person or persons who shall obstruct any one authorized by this act 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 discretion of the court; and the recorder of the town of Albemarle be and he is hereby given jurisdiction, power, and authority to try and punish all offenses committed under this act.

Obstructing commission or its agents a misdemeanor.

Punishment.

Obstruction to work a misdemeanor.

Punishment.

Jurisdiction of recorder of Albemarle.

SEC. 19. Treasurer of the highway commission shall, on the first Monday in each and every month, post at the courthouse door of said county the disbursements of the previous month, and furnish copy thereof to the chairman of the highway commission. Said treasurer shall pay out money only upon vouchers issued by said highway commission, signed by its secretary and countersigned by its chairman. The highway commission shall require monthly reports in writing, from all officers, superintendents, and engineers, concerning the progress of their work, and to what extent and in what manner they have performed the same.

Accounts to be posted monthly.

Vouchers for expenditures.

Monthly reports.

SEC. 20. All expenses incurred by said highway commission on account of meetings held by reason of duties imposed by this act, together with all other expenses necessarily incurred in the discharge of their duties, shall be paid for out of the funds provided for by this act.

Expenses of meetings of commissioners.

SEC. 21. The term "highway" used herein shall be understood to mean all public roads designated as such and used by the public.

Highway defined.

SEC. 22. That the roads improved inside the corporate limits of the town of Albemarle shall be of the same character of roads as shall be built outside the town of Albemarle, and no better, and each road leading into the corporate limits of said town which receives benefit under this act shall be built in the regular route of travel under ordinary conditions leading to the public square in said town, and no other roads or streets in said town shall be improved by said highway commission out of the funds herein provided. In working and improving the public roads inside the

Roads in town of Albemarle.

Joint action.

- Call of joint session. corporate limits of the town of Albemarle said highway commissioners shall confer and act together in joint session with the board of commissioners of the town of Albemarle, as to all matters concerning or relating to the construction, improvement, and maintenance of the thoroughfares which lie within the corporate limits of said town and which receive benefits under this act; said joint session will be subject to the call of the chairman of the highway commission, and a majority of all the members of both boards shall constitute a quorum for the transaction of business: *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 in said town.
- Quorum. *SEC. 23.* That the said highway commission be and it is hereby authorized, directed, and empowered to borrow money to carry on the work herein provided for, until the bonds herein authorized shall be sold and the funds received from the same. All notes or other evidences of debt given for any loan under this act shall be executed by and in the name of the highway commission of North and South Albemarle townships, and shall be signed in said name by the chairman of said highway commissioners and attested by the secretary; and said highway commission may be compelled in a suit at law by summons served on its chairman to repay said loan out of any funds in its hands belonging to the road funds of said townships.
- Proviso: expenditures from town treasury. *SEC. 24.* In case the voters in said townships shall not vote to issue the bonds herein provided, then in that event the commissioners of Stanly County be and they are hereby authorized, directed, and empowered to levy a special road tax, at the same time they levy other taxes, on all taxable property, not exceeding thirty-three and one-third cents on one hundred dollars worth of property and one dollar on each poll; said taxes when collected shall be turned over by the sheriff to the treasurer of the highway commission, and to be expended by them as provided for in this act.
- Commission to borrow money. *SEC. 25.* That all expenses arising by virtue of this act in calling, conducting, holding, and providing for elections in said townships, if bonds carry, shall be paid by the highway commission out of the tax funds of the townships; and all expenses incurred in preparing, issuing, and selling said bonds shall be paid by the highway 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 Stanly County and paid for by the commissioners of said county out of the county fund, as provided for in other elections.
- Execution of notes. *SEC. 26.* The highway commission is hereby required and directed to keep an intelligible set of books, showing all transactions
- Recovery of loans.
- Special tax if bonds not issued.
- Rate.
- Expense of election.
- Expense of sale of bonds.
- Proviso: expense of election not issuing bonds.
- Commission to keep books.

and expenditures of money, and for what purpose expended, including a separate itemized account of machinery, labor, building materials, supplies, and all other expenditures incident to the construction and improvement of said roads; also all maps and profiles made 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. Books open for inspection.

SEC. 27. No other tax for the construction, maintenance, and improvement of the roads, highways, and bridges in North and South Albemarle townships shall be levied in said townships by the county commissioners or any other persons authorized to levy taxes, in addition to what is provided for in this act. Tax in lieu of other taxes.

SEC. 28. If a majority of the voters of said townships shall vote for the good roads bond issue herein provided, then in that event all laws or clauses of laws allowing compulsory labor on the public roads of said townships, except after conviction for crime, are hereby repealed; but if said bond issue is voted down, then said laws shall remain in full force and effect. Road duty abolished if bonds are voted.

SEC. 29. If any member of the highway commission shall refuse to qualify, or if any member shall die or resign at any time, then the remaining members of the highway commission shall fill said vacancy for the unexpired term. Vacancies.

SEC. 30. That the contract entered into by the county commissioners of Stanly County to build a steel bridge across Big Long Creek in South Albemarle Township for the sum of one thousand two hundred and sixty-four dollars, be and the same is hereby ratified and approved, and said commissioners are hereby authorized to go forward with the completion of said contract and bridge, and to pay for the same out of the general fund of Stanly County: *Provided, however,* that such work on the abutments and approaches to said bridge as is required to be done by the county under said contract shall be done by the highway commission of North and South Albemarle townships. Bridge contract confirmed.

SEC. 31. That nothing in this act shall change, repeal, or affect the law relieving the counties and townships from liability for damages while exercising their governmental powers and functions on account of any failure or neglect to keep such townships, roads, public highways and bridges in safe condition, and by reason of any torts committed by their officers, agents, servants, and employees. Proviso: work on abutments.

SEC. 32. That the highway commission of North and South Albemarle 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. Effect of act on duties of officers.

SEC. 33. That all laws and clauses of laws in conflict with and repugnant to or inconsistent with the purpose and spirit of this act are hereby repealed. Powers of commission.

SEC. 34. This act shall be in force from and after its ratification. Ratified this the 5th day of February, A. D. 1913.

CHAPTER 34.

AN ACT RELATIVE TO THE ROAD LAW OF ABBOTTS CREEK TOWNSHIP, IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

General law in-
operative.

SECTION 1. That sections two thousand seven hundred and twelve to two thousand seven hundred and twenty-six, inclusive, chapter sixty-five of the Revisal of one thousand nine hundred and five, shall not be applicable to Abbotts Creek Township in Davidson County as long as the public roads of said township are worked by taxation.

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

Ratified this the 6th day of February, A. D. 1913.

CHAPTER 35.

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Appointment.

SECTION 1. That S. M. Aumack be and he is hereby appointed a justice of the peace in Harrellsville Township, Hertford County, for a term of six years, said term to begin after the ratification of this act.

Term.

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

Ratified this the 6th day of February, A. D. 1913.

CHAPTER 36.

AN ACT TO AMEND CHAPTER 285 OF THE PUBLIC LAWS OF 1899, EXCLUDING BLUE RIDGE TOWNSHIP IN WATAUGA COUNTY FROM THE OPERATIONS OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

Law forbidding
sawdust in
streams.

SECTION 1. That chapter two hundred and eighty-five of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby repealed in so far as it applies to Blue Ridge Township in Watauga County, and no further.

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

Ratified this the 6th day of February, A. D. 1913.

CHAPTER 37.

AN ACT TO EMPOWER THE COUNTY OF BRUNSWICK TO
IMPROVE THE PUBLIC ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That all justices of the peace and mayors of any incorporated town 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 person to work on the public roads in said Brunswick County, or on 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 persons shall work on said road as hereinbefore provided until he be discharged according to law.

Justices and mayors to sentence convicts to road work.

SEC. 2. Any judge of the Superior Court holding court in said county of Brunswick may sentence all persons convicted of crime, and 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 in said Brunswick County, and any judge of the Superior Court or judge of the criminal courts holding court in any other county, in which county there is no provision of law for working convicts on the public roads of said 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 commissioners of Brunswick County shall first make application to said courts and judges of said courts to sentence such convicted persons to work on said roads.

Superior courts to sentence convicts to road work.

Convicts from other counties.

Proviso: application by county commissioners.

SEC. 3. That the county commissioners of said county of Brunswick shall employ a suitable person as superintendent of convicts, to take custody and control of any and all convicts sentenced to work on the roads or public improvements hereinbefore provided for, and have all the powers of a sheriff in preventing the escape of such prisoners as is conferred by law upon said sheriff; and said commissioners shall have power to erect necessary temporary stockades or places of inclosure wherein said convicts may be placed and kept during the terms of imprisonment and while engaged in any of the work herein provided for.

Superintendent of convicts.

Stockades.

SEC. 4. That the said county commissioners of Brunswick County shall first build and construct the main public highway from the South Carolina line to Brunswick River, said public highway now known as the Wilmington and Georgetown Road. After the completion of said highway, then to construct other main roads leading to said highway.

Road first constructed.

Other roads.

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

Ratified this the 6th day of February, A. D. 1913.

CHAPTER 38.

AN ACT AUTHORIZING ADDITIONAL ROAD BONDS FOR YOUNGSVILLE TOWNSHIP.

The General Assembly of North Carolina do enact:

Bonds authorized.	SECTION 1. That the board of road trustees of Youngsville Township be and they are hereby authorized and empowered to issue
Entitlement of bonds.	bonds of said Youngsville Township, to be styled "Youngsville Township Road Bonds," to an amount not to exceed fifteen thousand
Amount.	dollars, in addition to the bonds heretofore authorized and
Denomination.	issued, of such denomination and of such proportion as said board
Interest.	may deem advisable, bearing interest from the date of issue thereof
Authentication.	at a rate not exceeding six per cent per annum, with interest
Maturity.	coupons attached, payable annually or semiannually, as may be
Bonds issued as needed.	deemed best, at such time or times and at such place or places as
Liability for payment.	may be deemed advisable by said board; said bonds to be signed
Specific appropriation.	by the chairman and secretary of said board and to be of such
Interest and sinking fund.	form and tenor and transferable 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; 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.
	SEC. 2. That the proceeds of the sale of such bonds issued be
	used in paying for work done or that may be done on the public
	roads of Youngsville Township, and for no other purpose.
	SEC. 3. That out of the road tax levied and collected in said
	township for road purposes the said board of road trustees shall
	annually set aside enough to pay the interest on all bonds and
	provide a sinking fund for the payment of same at maturity.
	SEC. 4. 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, and it shall not be necessary to submit
	the said issue of bonds to any election.
	SEC. 5. That this act shall be in force from and after its ratification.
	Ratified this the 7th day of February, A. D. 1913.

CHAPTER 39.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF ROWAN COUNTY TO DETERMINE A CONTROVERSY BETWEEN JOHN H. RICE AND WIFE, ELIZABETH A. RICE, AND SAID BOARD, ABOUT THE OWNERSHIP OF A TRACT OF LAND, THE LEGAL TITLE TO WHICH IS IN SAID BOARD.

The General Assembly of North Carolina do enact:

SECTION 1. The county board of education of Rowan County is hereby authorized to reconvey to John H. Rice the whole or any part of a tract of land containing fifteen and seventy-nine one-hundredth (15.79) acres, in Unity Township in said county, which said tract of land was conveyed to said board by said John H. Rice and wife, Elizabeth A. Rice, by deed dated November fourth, one thousand nine hundred and nine, and purporting to be for the consideration of one hundred and twenty-one dollars (\$121). Reconveyance authorized.

SEC. 2. Said board is authorized to hear the allegations of the parties to said deed, and other testimony, and to determine whether said land or any part thereof was conveyed to said board by mistake of the grantors or for purposes which have not been complied with, and to determine whether the grantors are entitled to have said lands or any part thereof reconveyed to said John H. Rice. Hearing by board of education.

SEC. 3. This act shall be in force from its ratification.
Ratified this the 7th day of February, A. D. 1913.

CHAPTER 40.

AN ACT TO CONSOLIDATE AND AMEND THE ROAD LAWS OF MADISON COUNTY AS ENACTED BY CHAPTER 200 OF THE PUBLIC LAWS OF 1909, AND AS AMENDED BY CHAPTER 392 OF THE PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of laying out, establishing, surveying, grading, amending, building, and improving the public roads and highways of Madison County, the board of county commissioners of said county shall on the first Monday in June, one thousand nine hundred and thirteen, or at the regular time of levying taxes for said county, and annually thereafter, levy a tax of not less than twenty-five cents nor more than fifty cents on each one hundred dollars worth of taxable property in said county. Road tax.
Tax rate.

SEC. 2. That the taxes levied shall be collected by the sheriff of said county as other taxes are collected, and paid over to the Levy and collection of tax.

- Separate fund. county treasurer of Madison County, and the said taxes so collected shall be a separate fund and be applied to the purposes of this act, and shall be known as the "General Road Fund" of said county; that all funds now in the hands of the treasurer of said county that have been or may hereafter be collected by previous acts as public road funds shall be set apart by the treasurer of said county as a general road fund and applied by him to the road fund of the township paying such road tax.
- Funds heretofore collected. SEC. 3. That the treasurer of said county shall keep said funds which may come into his hands under the provisions of this act or previous acts from all other funds, and shall keep a separate account of the same and of the amount collected by the provisions of this act in each township, and the funds collected in each township under this act or under acts amended by this act shall be used for the purposes provided in this act in the townships where said funds were collected, and said funds so collected shall be used for no other purpose: *Provided*, that this act shall not be so construed as to prevent the road commissioners from purchasing such tools or machinery as in their judgment may be necessary for road improvement.
- Funds kept separate. SEC. 4. That if any township or townships desire a special tax in addition to the amount levied by the county commissioners as a general county fund, the said commissioners are hereby empowered and shall, upon the petition of one-fifth of the qualified voters of any township in Madison County, submit to the voters of said township so petitioning the question, "Shall there be levied in Township a special tax for road improvement in said township?" Said board of commissioners shall call said election at the first special or regular meeting after the filing of the petition as aforesaid, and shall for thirty days give public notice in some newspaper printed in the county and by notice posted in three or more public places in said township.
- Separate accounts with each township. SEC. 5. That said election shall be held and conducted at the polling place or places established in said township, and in the manner and under the same rules and regulations as now prescribed for the election of members of the General Assembly under the general laws of North Carolina; and if a majority of the votes cast at said election shall be in favor of the levy of said special tax, then it shall be the duty of the county commissioners to make the levy in accordance with said vote.
- Funds used in townships where collected. SEC. 6. That said special tax provided for in sections four and five shall be collected as other taxes, and paid to the county treasurer, who shall give said township credit for said sum.
- Proviso: purchase of tools and machinery. SEC. 7. That all able-bodied male persons of the county of Madison between the ages of eighteen and forty-five years, except pupils of schools while in attendance, shall be subject to road duty and liable to work on the public roads of said county for four days
- Election for special tax by township.
- Petition for election.
- Time of calling election.
- Notice of election.
- Law governing election.
- Effect of election.
- Collection of special tax.
- Credit to township.
- Road duty.

of ten hours each in each year, the road year to begin on the first day of April in each year: *Provided, however*, in case of wash-out or roads becoming out of good repair, or in case of laying out and building a new road, the township supervisor or foreman or overseer may and it shall be his duty to work the hands in said township or road district two additional days: *Provided*, that the said foreman or overseer shall give to each person subject to road duty in his district at least two days notice by personal warning or by leaving a written notice at the home or residence of said person, or by notice by letter of not less than four days, specifying in such notice the time and place such work is to be done, also designating on such notice the tool or implement which said person is required to bring: *Provided further*, that in case of washouts or the road becoming impassable, the two days notice will not be required, and upon receipt of summons of his foreman or overseer said person shall respond promptly: *Provided further*, that said supervisor or overseer shall work said road hands as near to their respective homes as practicable and never outside their road district or township.

SEC. 8. That any person liable for road service under this act may pay one dollar (\$1) for each day he is so liable, in lieu of working himself or providing a substitute. Said cash payment shall be made to the foreman on or before the day on which such person is warned to work. Receipts for cash payments shall state the number of days road service performed up to and including the days covered by such receipt.

SEC. 9. That it shall be the duty of any supervisor or overseer collecting such sum or sums of money from the hands allotted in his district to report the amount collected by him, in writing, to the road commissioners or township trustees at the next regular meeting of said board, and pay same over to the said board.

SEC. 10. That any person who shall, after being duly warned, fail or refuse to work, himself, or by an able-bodied substitute acceptable to his foreman, after having failed to pay as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than thirty days.

SEC. 11. That any person who shall, after being duly warned as provided in this act, appear as notified, but fails or refuses to perform good and reasonable labor, or any person who shall refuse to obey lawful orders of his supervisor or foreman, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than thirty days, and it shall be the duty of such supervisor or foreman to dismiss such hand from the road.

SEC. 12. That it shall be the duty of the township supervisor or district overseer to make reports at the next meeting of the board of road commissioners or township trustees of any and all persons

Road year.
 Proviso: emergency work.

Proviso: warning.

Proviso: warning for emergency work.

Proviso: location of work.

Commutation of road duty.

Receipts.

Report and settlement of payments for commutation.

Failure to discharge duty a misdemeanor.

Punishment.

Failure to work a misdemeanor.

Punishment.

Reports of failure to perform road duty.

- who shall fail to appear and work as warned, or who, having appeared, shall fail to perform good and reasonable labor or obey the orders of the supervisor or foreman; and upon such report being made, it shall be the duty of the board of road commissioners or township trustees to institute prosecutions before some justice of the peace of said county against such delinquent hands within thirty days from making such report: *Provided, however*, that if the supervisor or foreman has reason to suspect that the person so liable to work and refusing so to do shall not be amenable to the law if prosecution be delayed till the meeting of the road commissioners or township trustees, as the case may be, it shall be his duty to forthwith swear out a warrant before some justice of the peace in his township and bring the matter to speedy hearing.
- Prosecution instituted. *SEC. 13.* That in case any person shall remove from any township or district to another, who has prior to removal performed a part or the whole of the labor for which he is liable for the current year, he shall only be required to perform the amount of labor for which he is liable in the township or district from which he removed, and the certificate of the supervisor or overseer shall be conclusive as to the number of days worked by him before his removal.
- Removal from township.
- Certificate of work before removal.
- Residence defined. *SEC. 14.* That for the purpose 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 where he boards in any road district in the county: *Provided*, a residence of thirty days shall be sufficient to make any person otherwise liable to work on the roads liable for road duty.
- Proviso: length of residence.
- Road commissioners named. *SEC. 15.* For the purpose of carrying out the provisions of this act, G. W. Wild of Number Twelve Township, and James Ramsey of Number Fifteen Township, Madison County, North Carolina, are hereby appointed and constituted a board of road commissioners for said county, the first named for a term of three years and the second for a term of two years dating from the ratification of this act, and shall hold their offices until their successors are selected and qualified. In case of a vacancy on said board, the same shall be filled from the same political party by the board of county commissioners and the remaining member of the road commissioners: *Provided*, only resident taxpayers of Madison County shall be eligible to serve as a road commissioner of said county. The said G. W. Wild shall be chairman of said board, and shall preside at all meetings of said board and perform any and all other duties as a member of said board as prescribed by the provisions of this act, and James Ramsey shall be secretary of said board and shall keep an accurate record of all meetings of said board, and perform any and all other duties that may be prescribed for this board or a member thereof.
- Terms of office.
- Vacancies.
- Proviso: persons eligible as commissioners.
Chairman of board.
- Secretary.
- Control and supervision of roads. *SEC. 16.* That for the further purpose of carrying out the provisions of this act, the said board of road commissioners shall

have exclusive control and supervision of all the roads and highways of Madison County where not otherwise provided in this act, and the expenditure of all the moneys or funds provided for in this act. Said board of road commissioners shall have full power and authority to lay out, construct, and build all new roads, or order same to be done, and declare the class and fix the width and grade of same; to discontinue any road that is not necessary for the public good, to make all changes and amendments on old roads in order to better the grade or location and improve all roads in any way they may deem necessary for the benefit of the public, subject, however, to specific directions in this act, upon their own motion or upon petition; and shall build footways across all streams where it is necessary, and repair or build any bridges across small streams that are not under the jurisdiction and control of the board of county commissioners, as is provided by law. Said board of road commissioners shall have charge and control of the laying out, the building, the amending and improving, and the working and maintaining of the public roads of said county.

SEC. 17. The said board of road commissioners shall meet in the town of Marshall as soon after the ratification of this act as they may deem practicable: *Provided*, they do not defer meeting to a later date than the first Monday in March, one thousand nine hundred and thirteen, take the oath of office and enter upon the discharge of their duties: *Provided, however*, before entering upon the discharge of the duties of their office they shall make and enter into a good and sufficient bond, to be approved by the board of county commissioners, in the sum of five hundred dollars, conditioned upon the faithful and honest discharge of their duties and for the proper disbursement and accounting for all funds or property that may come into their hands or be at their command by virtue of their said office, which said bond shall be recorded by the register of deeds and filed in the office of the clerk of the Superior Court of said county. Said board shall meet quarterly thereafter on the first Monday of the month in which the meetings fall, and may have called or an adjourned meeting as often as their duties require, but shall not be paid for any meeting oftener than once a month, unless they are engaged in actual road building or improving, and a meeting of the board is specially required: *Provided, however*, that no money or funds raised by the special tax as provided in section one of this act shall be spent upon any road or roads in the way of grading, building, and improving same until said roads shall have been surveyed and located upon the best practicable grade and location, either as provided in this act or as may be provided in any act for State or Federal assistance to counties: *Provided further*, that no money arising from the special tax shall be spent except under the immediate supervision of a competent road overseer and under the general supervision

Expenditures of funds.
New roads.

Discontinuance.
Change of roads.

Footways and bridges.

First meeting of commissioners.

Proviso: limit.

Proviso: bonds of commissioners.

Bonds to be recorded.

Board to meet quarterly.

Called meetings.

Proviso: survey and location.

Proviso: supervision of overseer and engineer.

Proviso: roads first improved.

Proviso: improve and improvement defined.

Roads to be classified.

First-class roads.

Second-class roads.

Third-class roads.

Fourth-class roads. Methods for road work.

By supervisors.

By township road trustees.

Proviso: trustees appointed on petition.

Terms of office.

Removal for cause.

Supervisors to have control of roads.

Monthly inspections.

of road commissioners: *Provided further*, that the most important first- and second-class roads in the various townships shall first be improved: *Provided further*, that the words "improve or improvement" in this act shall be construed to mean either the grading, underground drainage, and shaping up of a natural dirt road or building a sand and clay road, or macadamizing a road, except in the Marshall Township the words "improve or improvement" shall mean, when referring to first-class roads, building either a sand and clay road or building a macadamized road.

SEC. 18. Said board of road commissioners at their first meeting, or as soon thereafter as is practicable, shall classify the roads of Madison County into four classes or divisions: First-class roads shall include the roads leading from Marshall to Mars Hill, to Jewel Hill, and via Bailey's Branch to Sandy Mush, and may include all roads or principal highways of said county leading through two or more townships, and which are extensively traveled, and when built or amended and improved shall have a width of not less than twenty feet and not more than thirty feet and a grade not exceeding five per cent where it is practicable and feasible; second-class roads shall not be less than sixteen feet wide nor more than twenty-four feet, and when built or amended and improved shall have a grade of not exceeding eight per cent when feasible; third-class roads shall not be less than twelve feet wide nor more than eighteen feet wide when built, amended, or improved; fourth-class roads shall constitute and embrace cartways or roads not maintained by the public. That at said first meeting, or as soon thereafter as practicable, the said board shall adopt one of the following methods of building, repairing, working, and maintaining the public roads of the various townships of the county by free labor: First, the board may divide the townships into one or more road districts, definitely describe same, allot the hands to be worked on the roads therein, and appoint one or more supervisors for each township, whose duty shall be as hereinafter prescribed; or the said board may appoint three or more justices of the peace, or three other good and suitable persons in any township, who shall constitute a board of road trustees of such township, and whose duty shall be as hereinafter prescribed: *Provided, however*, that on petition of a majority of the qualified voters in any township, the said board of road commissioners shall appoint said trustees for such township as in this section provided. The term of office of all appointees under this section shall be for one year, subject to removal for inefficiency or any other good cause.

SEC. 19. The supervisors of the various townships or road districts appointed under section eighteen of this act shall have control and supervision of all the roads in their respective townships or districts and shall keep them in good repair and make such amendments and improvements as is possible with the free labor at their command or under their control, and it shall be their duty

to investigate the condition of the roads in their townships or said districts once every month, and if they find any road in bad condition, it shall be their duty to take such steps as are necessary to repair same. The said supervisors shall carry out the provisions of all other sections in this act relating to their duties. The supervisors of the several townships shall, before entering upon the discharge of their duties, deposit with the board of road commissioners a good and sufficient bond, to be approved by said board, in the sum of one hundred dollars, conditioned upon the faithful and honest discharge of their duties and for the safe keeping and return of all property intrusted to their care, and for the proper accounting for such sums of money as may come into their hands by virtue of their office, and said bond shall be recorded by the register of deeds and filed in the office of the Superior Court of said county.

Supervisors to give bond.

Bond to be recorded.

SEC. 20. That when the board of road commissioners shall, as provided in section eighteen of this act, appoint a board of road trustees for any township in Madison County, said board of trustees shall, as soon after the notice of their appointment as is practicable, meet at some place in said township, take the oath of office, and organize by appointing one of their number as chairman and another as secretary and treasurer, and shall meet quarterly thereafter for the purpose of attending to the duties of their office. The quarterly meetings shall be in January, April, July, and October of each year. Special meetings may be held at any time on the call of the chairman. The said board of trustees shall have control and supervision over the roads of their respective townships, for the purpose of working, maintaining, and keeping same in good repair, and making such amendments and improvements as is possible with free labor and funds arising from the payment of cash instead of free labor. Said board of trustees shall, at their first meeting, or as practicable, divide the roads of their said townships into road districts, describing same by proper metes and bounds, allot and designate the hands to be worked on the roads therein, and appoint overseers of the said districts. The said board of township trustees of the various townships shall keep in a book kept for that purpose a record of the proceedings of each meeting, fully itemized. The records so kept shall show the division of the township into road districts, the number and names of hands assigned to each district and the overseer appointed thereto, the number of days worked by each hand and the amount paid in cash in lieu of work, and by whom, and the manner of expenditure of the same. The board of township trustees shall also make a record of the condition of the roads of each road district in their township, and forward a copy of the record of each meeting by mail to the board of road trustees of the county, to the end that a record may be kept in the central office; and the said board of township trustees shall also post a copy of the record of

Trustees to meet, qualify, and organize.

Quarterly meetings.

Dates of meetings.

Special meetings.

Control and supervision of roads.

Road districts.

Record of proceedings.

Record of condition of roads.

Copy to county board.

Copy to be posted.

- each meeting at some public place in the township, and keep said record book open for inspection to the public at the home or residence of the secretary and treasurer. The said board shall require the secretary and treasurer of their board to enter into a good and sufficient bond in such amount as they deem proper and sufficient, conditioned upon the faithful discharge and performance of the duties of his office. The said board shall receive all moneys that are paid in lieu of work, and expend the same in the way of employing other labor on said roads of said district, or in paying the overseers for extra work above the free-labor time they shall put in said work, or the board may use same in any other way that will best promote the condition of the road. The members of said board of township trustees shall receive no other compensation for their services than a release from performing, or paying cash in lieu of, the free labor required by persons eligible to work on public roads. They shall have power to lay out, construct, maintain, or discontinue any third- or fourth-class road in their respective townships, or order the same to be done, when it shall appear to them, either by petition or otherwise, to be for the best interest of the traveling public: may proceed to lay out, maintain, or discontinue any such road by their own board, or they may make an order for a jury to lay out same, as is provided in this act. Said board shall do and perform all other duties enjoined upon them by the provisions of this act.
- Secretary and treasurer to give bond.**
- Expenditure of funds.**
- Compensation.**
- Powers.**
- Powers of overseers in their districts.**
- Monthly inspections.**
- Reports in writing under oath.**
- Overseers to qualify and give bonds.**
- Procedure for establishment or change of road.**
- SEC. 21.** The overseers of the various districts appointed by the township trustees as provided in this act shall have control of the roads in their respective districts and shall keep them in good repair and make such improvements with the free labor at their command and under their control as is possible; and it shall be their duty to investigate the condition of the roads once every month, and if they find any road in bad condition, it shall be their duty to take such steps as are necessary to repair same. The said overseers shall make report in writing under oath to the board of township trustees at each regular meeting, of the number of days worked by each hand liable to road duty, and the amount paid in lieu of work, and by whom, and of all delinquents, and pay over all moneys collected in lieu of work to said township trustees. The overseers shall, before entering upon the discharge of their duties, take the oath of office and enter into such bonds as the township trustees shall require, and shall faithfully perform all other duties that may be enjoined upon them by the provisions of this act.
- SEC. 22.** The board of road commissioners of Madison County, when it shall appear to them either by petition or otherwise that it is to the best interest of the traveling public to lay out and establish a new road, amend or relocate any existing road, may make the order on their book for same, and by one member of said board, together with the assistance of an engineer skilled in road

work, proceed to lay out the new road or amend and relocate the existing road, as per order. If any person over whose land the said road passes claims damage 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 petition said board for a jury to assess same, the said board shall within thirty days after the completion of said road order a jury of five disinterested freeholders who are residents of the township where the road is located, and the constable or any other lawful officer of the township shall summon said jury to meet at the time and place designated in said order and assess the damages sustained by the owner of the land; and the jury, after being duly sworn to impartially assess the damages, shall forthwith proceed to assess the damages and make their report to said board of commissioners. That said jury, in considering said damages, shall take into consideration the special benefits to the owner of land by such road or change in same; and if the said special benefits be equal to the damages sustained, the jury shall so declare, but if the damage exceed the benefits, they shall declare the amount thereof. The officers shall serve a copy of the summons and order on each juror. The damages, if any awarded, shall be paid out of the road funds of the township wherein such road is located, on order of said road commission. Either party may appeal from the finding of the jury to the Superior Court of Madison County, without bond, but the judge may, in his discretion, require either party to give bond if the appeal is docketed in the Superior Court. Said road commissioners or their employees shall have the right to enter upon the lands of any person and construct any road, doing as little damage as possible; but when the road to be laid out or amended and relocated is of third- or fourth-class, the board may, in its discretion, order a jury of three freeholders who shall in no way be related to the parties through whose lands the roads are to be laid out or relocated. The jury shall be notified of their appointment by the township constable or any lawful officer, which notice shall designate the time and place of meeting and the duty to be performed, and they shall meet at the time and place named in the notice, and, after being duly sworn, proceed to lay out and locate said road, or amend and relocate, as the case may be, and report in writing to the board issuing the order, and shall at same time assess any and all damages accruing to any person over or through whose land the said road passes, taking into consideration any special benefits to the owner. Either party may appeal to the Superior Court as in this section provided on the question of damages.

Assessment of damages.

Fund for payment of damages.

Right of appeal.

Bond on appeal.

Right to enter on lands.

Assessment of damages.

Right of appeal.

SEC. 23. All cartways or private roads used for cartways having been used for a period of ten years are hereby established as lawful cartways. All lawful cartways shall be kept open and free from obstruction to the traveling public, except gates constructed

Cartways.

Cartways to be kept open and free from obstruction.

- Gates. in such a manner that they may be conveniently opened and closed may be erected at land-line crossings, and gates 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 across 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 or imprisoned not exceeding ten days: *Provided, however,* the board of supervisors of any township or the board of road commissioners of the county may, in its discretion, permit other gates to be erected across cartways when in their judgment it will be equitable and just to both the landowner and the parties using said cartways.
- Obstructing cartways or leaving gates open a misdemeanor.
- Punishment.
- Proviso: gates specially authorized.
- Lumber haulers to be licensed. SEC. 24. That any person, firm, or corporation transporting or having transported by others lumber or timber or any other heavy material over the roads in Madison County shall first obtain a license from the board of road commissioners for that purpose, the fee for said license to be fixed by the said board. That any person, firm, or corporation failing or refusing to comply with the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court. That said board shall have the authority and are hereby empowered to issue license as provided in this section and collect the fees for same, and all sums collected under the provisions of this section shall be used for the purpose of repairing the road or roads where such transportation or hauling has been done, or in any other way that the board shall deem for the best interest of the public roads of said county: *Provided,* that the fee for license shall not be less than one cent per mile or more than two cents per mile for each one thousand feet of lumber or logs or gross ton of any other heavy material to be transported: *Provided further,* that the said board may, in its discretion, make such reduction in fees for license to those transporting logs, lumber, or other heavy material on two-horse wagons with tires three inches and upward in width, or four-horse wagons with tires four inches and upwards in width, as they may deem proper, just, and equitable.
- Failure to obtain license a misdemeanor.
- Punishment.
- Board to issue license and collect fees.
- Use of license money.
- Proviso: rate of license.
- Proviso: allowance for wide tires.
- County commissioners to have general supervision. SEC. 25. The board of road commissioners for Madison County shall have supervision over all boards and officers appointed under the provisions of this act, and shall require them to make all reports and perform all duties required of them under the provisions of this act, and a willful failure or neglect of duty by any board or officer shall be a good cause for removal. Said board shall have exclusive control over the purchasing of all road machinery provided for in this act and shall have control over all machinery so purchased or that has heretofore been purchased under any other act relating to roads of said county, and shall be responsible for its care and safe keeping and protection: *Provided,* that any machinery that has heretofore been purchased or shall
- Cause for removal.
- Control of purchase and use of machinery.
- Proviso: machinery purchased by township.

hereafter be purchased with the special-tax funds of any township shall be set apart for the use of said township, and the board and officers of any such township shall be responsible for the care and safe keeping of the same: *Provided further*, that the board of road commissioners shall have the right to purchase any machinery they may deem necessary for road improvement and pay for same out of the general road fund, and said machinery so purchased shall be used in the improvement of any or all roads in the county: *Provided further*, that the said board shall select the more favorable seasons of the year for their road improvement: *Provided further*, that said board shall keep a record of all funds received by them from any source, specifying the same and the amount, and the secretary of said board shall act as treasurer of the board for that purpose, and the money so received shall be paid out for the purpose mentioned in this act upon warrants of said board signed by the chairman and attested by the secretary: *Provided further*, that all moneys and funds provided for in this act which shall be expended by said board shall be paid out on warrants of the chairman and attested by the secretary.

SEC. 26. The Treasurer of Madison County shall place the funds belonging to any township to the credit of such township and pay out same on the warrants of said commissioners, signed by the chairman and attested by the secretary; said warrants shall state fully the purpose for which it is drawn: *Provided, however*, the amount of money so collected within the corporate limits of the town of Marshall shall be kept to the credit of said town and shall be paid out on the warrant of the officers of said town having in charge the laying out, amending, and improving the public roads or streets of said town: *Provided further*, that the said officers of the town of Marshall shall apply said money to the laying out, building, and improving the public roads or streets of said town other than the said Main Street between the Frisbee Branch below and the railroad crossing above the Southern Railway depot, and the first money coming to the town shall be expended in the improvement of those roads or streets which lead from the Main Street and intersect with the first-class highways leading out from the town of Marshall: *Provided further*, that the tax-levying officers of the said town of Marshall shall levy at their next time of levying taxes for town purposes, and each year thereafter, an equal amount to be used in laying out, building, and improving the said roads and streets, which funds, together, shall constitute a special road fund and shall be used by the proper officers of the town of Marshall in improving the roads and streets within the corporate limits of said town leading from the Main Street to the corporate limits and intersecting with the county roads: *Provided further*, that this act shall not prevent the said town of Marshall from setting apart any other sums or sum as it may deem proper for road or street improvements: *Provided further*,

Proviso: machinery for general county work.

Proviso: seasons.

Proviso: record of funds.

Secretary to act as treasurer.

Proviso: warrant for payment of road funds.

Township funds.

Warrants for payment.

Proviso: taxes collected in town of Marshall.

Proviso: streets to be improved.

Proviso: special tax by town.

Proviso: other sums may be appropriated.

Proviso: poll tax credited on road duty.

Audit of books and records.	that in incorporated towns all persons liable to work on the public roads or streets shall, under the provisions of this act, who pay a special tax on poll for an exclusive road or street fund, shall be credited with the amount so paid on the free work or the amount he is required to pay in lieu of work. The board of road commissioners shall be under the same regulations as other county officers and shall have their books and records audited by the finance committee of the county.
Pay of supervisors and overseers.	Said board of road commissioners and board of township trustees shall fix the salaries or per diem of all supervisors or overseers appointed by them, which per diem shall not exceed one dollar and fifty cents for working and warning ten hands: <i>Provided</i> , the said board may pay said supervisor or overseers for all hands warned and worked in excess of ten not more than ten cents for each hand so warned and worked: <i>Provided</i> ,
Proviso: pay for warning out hands.	that no supervisor shall work more than fifteen hands per day.
Proviso: limit of hands.	Said board of road commissioners shall have for their services not more than two dollars per day for all quarterly meetings, adjourned meetings, and special meetings, and the member of the board assisting in laying out and amending roads or while supervising and directing any road work shall have the same per diem: <i>Provided further</i> , that the members of said board of road commissioners shall not be excused from road duty if they are otherwise
Pay of road commissioners.	liable. Said board, when it shall appear to them that it will best promote the interest of road building and improving in said county, may cooperate with the State or Federal Government or with individuals who contribute to the road funds in any section. The supervisors or overseers, in case they do more work than the number of days they are liable for free labor, shall be paid out of any fund the board appointing them shall have on hand, except the fund arising from the special-tax levy provided for in this section.
Proviso: not exempt from duty.	The said board of road commissioners shall keep a complete record of all proceedings of its board and the township boards and of the reports of supervisors, and when said board is not in session the
Coöperation.	said records shall be left in the custody of the Register of Deeds of Madison County, and open for public inspection; and the said board shall cause to be posted a copy of the quarterly report of the supervisors of such townships as have supervisors in some
Pay of supervisors and overseers.	public place in said township. The said board shall have right to employ a competent civil engineer and a competent overseer skilled in road work to assist in all permanent improvements of the roads in Madison County, and to pay them such salaries as may be agreed upon, to be paid out of the special-tax fund belonging to the township in which such service is performed.
Records to be kept.	SEC. 27. If the county of Madison shall hereafter issue and sell bonds for road improvement and provide for raising money to pay interest on and liquidate said bonds at maturity, then section one of this act shall thereby be repealed. If any township or townships of said county shall hereafter issue and sell bonds for road
Custody of records.	
Quarterly reports posted.	
Engineer and overseer.	
Special tax not levied if bonds are issued.	

improvement and provide for raising money to pay interest on and liquidate said bonds at maturity, then section one of this act shall thereby be repealed as to such township or townships.

SEC. 28. Whenever any matter which is in the discretion of the board comes up for decision, and the board cannot agree, then upon demand of one member, entered of record, the board shall call in for joint session the chairman of the board of county commissioners, who shall by virtue of his office become a member of the board of road commissioners for that purpose, and a majority vote of the joint meeting shall control.

Chairman of county commissioners as arbitrator.

SEC. 29. Any officer or other person violating any provision of this act shall be guilty of a misdemeanor and punished in the discretion of the court, except where the punishment has been specifically prescribed in this act.

Violation of act a misdemeanor.

Punishment.

SEC. 30. The provisions of chapter sixty-five of the Revisal of one thousand nine hundred and five are hereby declared to be applicable to said Madison County, except wherein they conflict with any of the provisions of this act.

Application of Revisal.

SEC. 31. All laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, that the provisions of this act shall not repeal or impair chapter one hundred and sixteen of the Public-Local Laws of one thousand nine hundred and eleven, providing for township elections to issue bonds.

Repealing clause.

Proviso: exception as to township bond act.

SEC. 32. That this act shall be in force from and after its ratification.

Ratified this the 7th day of February, A. D. 1913.

CHAPTER 41.

AN ACT TO PROMOTE HIGHWAYS IN THE SEVERAL TOWNSHIPS OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Stokes County be and it is hereby authorized and directed to call an election in each township in the county of Stokes as early as may be, as will be hereinafter directed, for the purpose of submitting to the qualified voters of the respective townships the question as to whether or not the townships shall issue bonds thereof in sums not to exceed the amount for each township as follows: Yadkin Township, fifty thousand dollars; Meadow Township, forty thousand dollars; Quaker Township, fifty thousand dollars; Peters Creek Township, thirty-five thousand dollars; Snow Creek Township, thirty-five thousand dollars; Sauratown Township, fifty thousand dollars; Beaver Island Township, twenty-five thousand dollars; Danbury Township, fifteen thousand dollars, with interest coupons thereto attached, the proceeds of which shall be

County commissioners to call elections.

Question to be submitted.

Amounts to be voted on.

- used for the purpose of repairing, making, improving, grading, sand-claying, graveling, topsoiling, and maintaining the public roads of said respective townships. That as early as possible after the ratification of this act, it shall be the duty of the Secretary of State, at the cost and expense of the county of Stokes, to certify a copy of this act to the chairman of the board of county commissioners of Stokes County and mail the same to Chap Bodenheimer, Germanton, North Carolina, Route Number Two, and upon the receipt of same the said Chap Bodenheimer, chairman of the board of county commissioners of Stokes County, shall call a special meeting of the board of county commissioners of said county to meet at the courthouse in Danbury, North Carolina, on a day to be fixed by said chairman, which shall not be later than ten days from the day of the receipt of said copy by him, for the purpose of calling the election above provided for; and said chairman shall also, immediately upon the receipt of said certified copy of this act, notify by letter the other two members of the board, viz., James I. Owen of Westfield, Route Number One, and James M. Fagg, of Dillard, of the time, place, and purpose of said special meeting. The said board of county commissioners shall for at least thirty days next preceding said election give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in Stokes County, and cause notice thereof to be posted at five public places in each township for at least thirty days next preceding the election.
- Certified copy of act.**
- Special meeting of county commissioners.**
- Notice to commissioners.**
- Notice of elections.**
- Law governing elections.**
- Proviso: election officers.**
- Count and return of votes.**
- Canvass and record of returns.**
- Ballots.**
- 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 registrars, judges, and inspectors 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 or may hereafter be provided for the election of members of the General Assembly, and the said county commissioners may or may not order a new registration for any or all elections held under the provisions of this act. 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 the said board of county commissioners shall tabulate the same and declare the result thereof, 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.
- SEC. 3. That at the said election or elections to be held, or that may be held, under the provisions of this act, the ballots tendered 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 the said

bonds shall vote a ballot "For Good Roads Bond Issue," and all qualified voters opposed to the issuing of the said bonds shall vote a ballot "Against Good Roads Bond Issue"; that it shall be the duty of the board of county commissioners of said county to have prepared at the expense of the county the necessary ballots for the election or elections to be held under the provisions of this act, and sent to the several election precincts in the respective townships in time for the holding of said election or elections: *Provided*, that the fees of the registrars, judges, and bailiffs of said election or elections shall be one-half of the fees allowed by the general election laws.

Ballots at expense of county.

Proviso: fees of election officers.

SEC. 4. If a majority of the votes cast in such election in any township named in section one of this act shall be "For Good Roads Bond Issue," and in every township aforesaid in which a majority of the votes cast at such election shall be "For Good Roads Bond Issue," the result shall be declared and recorded in the records of the board of commissioners of said county; and after the expiration of sixty days from such entry upon the records the same shall not be open to attack, but the records shall be deemed conclusive evidence of the truth thereof; and at the first regular monthly meeting held after such election by the board of county commissioners of Stokes County the said board of county commissioners shall elect three electors for each township in which a majority of the votes cast therein at said election was "For Good Roads Bond Issue," residents of their respective townships, to be known as permanent roads commission of such respective township, and their term of office shall continue until their successors are elected and qualified, as will be hereinafter provided; and the said board of county commissioners shall have power to fill all vacancies by death, resignation, or otherwise, for any unexpired term: *Provided*, that at least one member of said permanent roads commission shall be a member of a different political party from that of a majority of said board of county commissioners, said member 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 preceding election of county officers. That as soon as practicable after the election of said members of the permanent roads commission they shall meet and organize by electing one of their members chairman of said commission, and another of their members secretary, and some other suitable person of their township who does not hold any county office, treasurer thereof, and shall pass such rules and regulations for their government as they shall deem best; and the said treasurer shall hold his office until the expiration of the term of office of the commission electing him, and until his successor shall have been elected by the permanent roads commission thereafter to be elected by the people of said township as hereinafter provided: *Provided further*, that the said permanent roads commission shall take an oath

Records conclusive after 60 days.

Township permanent road commission.

Terms of office.

Vacancies.

Proviso: political affiliations.

Road commission to meet and organize.

Plan of organization.

Term of treasurer.

Proviso: commissioners to qualify.

- SEC. 7. Immediately upon the preparation and signing of said bonds, the same shall be deposited in some safe-deposit company or bank to be designated by the said board of county commissioners, to be drawn out on the joint order of the said board of county commissioners and the said board of permanent roads commissioners; and the said permanent roads commission shall have 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 the township, as set forth in section one of this act; and the expenses of said advertising and selling and all other necessary expenses in regard thereto shall be paid out of the first money arising from the sale of said bonds.
- SEC. 8. That none of the bonds authorized by this act shall be disposed of by said permanent roads commission, by sale, exchange, or otherwise, for less than their face value and accrued interest, 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 when payable and said bonds shall show by what authority they are issued. The said permanent 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 purchaser's name, and the number of coupons, must be recorded in said minutes: *Provided,* that the minute-book and all other books kept by the said permanent roads commission shall at all times be open to the inspection of the board of county commissioners of Stokes County.
- SEC. 9. When any of said bonds are sold the proceeds of sale shall be turned over to the treasurer of the permanent roads commission of the township issuing them, who shall keep said fund and all other funds which may come into his hands by virtue or color of his office 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 shall be paid over to him, execute an official bond, payable to the township for which he is treasurer in the usual manner for official bonds, 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 safe keeping of same and rendering a true account in respect thereto, and in all things holding and disposing and accounting for the same as is required by law, the amount of the first bond of said treasurer to be fixed by said permanent roads commission, which bonds shall be passed upon, accepted, and

Deposit of bonds.

Advertisement and sale of bonds.

Bonds not to be sold below par.

Specific appropriation of bonds and proceeds.

Proviso: liability of purchasers.

Bonds numbered.

Record of proceedings and bonds.

Proviso: books open for inspection.

Treasurer of road commission.

Funds kept separate.

Separate accounts.

Bond of treasurer.

Highway road orders.

received by said permanent roads 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 commission.

Special taxes for interest.

SEC. 10. That in case any election held under the provisions of this act shall be in favor of issuing said bonds, the board of county commissioners of Stokes County shall annually compute and levy at the same time of levying the general State and county taxes for Stokes County a sufficient special tax on all property, real and personal, and other subjects of taxation on which the said board of county commissioners of Stokes County now or may hereafter be authorized to levy taxes for general county purposes, and on all polls subject to taxation in such townships as shall vote in favor of the issuing of said bonds as hereinbefore provided, 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, together with the necessary cost of making out, collecting, and disbursing of the same. Said taxes shall be collected in the same manner and at the same time as other taxes, and shall be paid over to the treasurer of the permanent roads commission by the sheriff of the county, and the official bond of the Sheriff of Stokes County shall be in a sufficient amount for the same, and be liable therefor the same as for other taxes.

Constitutional equation.

Collection and settlement of taxes.

Special taxes for sinking fund.

SEC. 11. For the purpose of creating a sinking fund with which to pay the principal of the said bonds issued under this act, it shall be the duty of the board of county commissioners, at and after the expiration of fifteen years from the date of said bonds, to annually levy and collect a special tax in addition to that set forth in section ten of this act, in an amount sufficient to equal one-fifteenth of the amount of the 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 twelve of this act, shall be sufficient to pay off the principal of all outstanding bonds, then the said board of county commissioners shall cease to levy taxes for said sinking fund.

Specific appropriation of taxes.

SEC. 12. That the taxes levied and collected for the purposes specified in sections ten and eleven 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 purpose 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 and the cost and expense of making out, collecting, and disbursing the same, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year; and said board of county commissioners, at the time of

Proviso: excess applied to succeeding year.

levying taxes for the payment of interest for said next succeeding year, shall take into consideration said excess and compute and levy said taxes accordingly.

SEC. 13. That it shall be the duty of the permanent roads commission of the township issuing bonds under this act to annually invest any and all funds arising from the special tax collected under section eleven of this act in the purchase of any of said bonds at a price deemed advantageous to said township by the permanent roads commission; but in case said bonds cannot be purchased, the permanent roads commission may lend said sinking fund on good real estate security. The notes and other evidences of debt given for any loan or loans under this section shall be executed to and in the name of the permanent roads commission of the township; and in case said permanent roads commission shall not be able to invest any or all of said money annually, as directed above, it shall be the duty of said board to cause such part as they may be unable to invest to be deposited with some bank or banks, trust or safe-deposit company or companies of undoubted solvency, at the best obtainable rate of interest, and any and all moneys arising as interest from the investment as above directed shall be reinvested in the manner as above provided until said bonds are due.

SEC. 14. That the said permanent roads commission shall use the funds derived from the sale of said bonds for the purpose of constructing, repairing, improving, and maintaining the public highways in the township, as set forth in section one of this act, and shall purchase and hold such tools, machinery, implements, and stock, and employ such overseers, foreman, and laborers as they may deem necessary for the said purpose. That all prisoners confined in the county jail under the final sentence of the court for crime or imprisonment for the nonpayment of costs or fines, or under the vagrant acts, all insolvents who may be imprisoned by any court in said county of Stokes for the nonpayment of costs, and all persons sentenced in said county to the State's Prison for a term less than five years shall be worked upon the public roads of the county and in such township or townships as the board of commissioners of Stokes County, in its discretion, may direct: *Provided, however,* that the commissioners of the county may arrange with the commissioners of any neighboring county or counties for such exchange of prisoners during alternate months or years as will enable each such cooperating county to thereby increase the number of prisoners at work on its public roads at any given time; and upon application of the county, or of the chairman of the board of county commissioners, the judge of the Superior Court or the judge of the criminal court, the justices of the peace, and the principal officer of any municipal or any other inferior court, it shall be the duty of such judge or justice of the peace or said principal officer to assign such persons

Investment of sinking fund in bonds.

Alternative investments.

Use of road funds.

Prisoners to be worked on roads.

Proviso: cooperation with other counties.

Convicts to be sentenced to road work.

- convicted in his court to work upon the public roads of Stokes County, and in such township or townships as the board of commissioners of Stokes County may direct; all such convicts to be fed, clothed, and otherwise provided and cared for at the expense of the county: *Provided further*, that in case of serious physical disability, certified to by the county physician, persons convicted in said Superior, criminal, or inferior courts in the county may be sentenced to the penitentiary or to the county jail. The said permanent roads commission shall have the power and authority to let out a contract or contracts for the construction or improvement of any part of the highways of said township. Upon letting out of any such contract or contracts the permanent roads commission shall require of the contractor or contractors a bond or bonds in a reasonable amount, to be fixed by said permanent roads commission, for the full and faithful performance of the contract.
- Proviso: physical disability.**
- Work may be let to contract.**
- Contractors to give bonds.**
- Specifications for highways.**
- SEC. 15. That the highways in said township or townships constructed, repaired, or improved under the provisions of this act shall not be less than fourteen nor more than thirty feet wide, at least nine feet of which shall be clear of obstructions, and made, repaired, and improved as the permanent roads commission may determine under section one of this act.
- Election and compensation of highway superintendent.**
- SEC. 16. That as soon as the permanent roads commission shall deem it necessary they shall elect a highway superintendent for the said township and fix his compensation. The result of said election shall be declared and the result shall be recorded in the proceedings of said permanent roads 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 one hundred dollars for the faithful performance of his duties and for accounting for all money and property which may come into his hands as said highway superintendent. Said bonds shall be approved by the said permanent roads commission. Said highway superintendent shall hold his office for two years and until his successor shall be elected and qualified; except that the said permanent roads commission may for any good cause remove said highway superintendent and elect a successor for the unexpired term. Said highway superintendent shall enter upon his duties and work when and where directed by the permanent roads commission, and shall have such authority and perform such duties as may be from time to time determined by said permanent roads commission. The said permanent roads commission shall also have power and authority in their discretion to employ a competent civil engineer to assist in the planning and construction of the highways, and shall be authorized to pay said civil engineer such sum for his services as in their judgment may be reasonably fair.
- Superintendent to qualify and give bond.**
- Term of office.**
- Removal for cause.**
- Authority and duties of superintendent.**
- Engineers.**

SEC. 17. That said permanent roads commission shall require the treasurer thereof to account to them quarterly for the said highway fund, and may require, as often as deemed best, reports from officers and employees concerning the progress of their duties and to what extent and in what manner they have performed the same.

Treasurer to account quarterly.

Reports of road work.

SEC. 18. That for the purpose of carrying out this act the said permanent roads commission or the highway superintendent elected by said commission is hereby authorized to enter upon any cultivated or uncultivated lands near to or adjoining such roads as may be laid out under this act, or which may already be used as public roads, to cut and carry away timber, except fruit trees and trees or groves on improved lands planted for fruit or left for shade or ornament; to dig or cause to be dug and carried away any gravel, sand, clay, stone, or topsoil which may be necessary to construct, repair, or improve said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as said permanent roads commission or highway superintendent may deem necessary for the betterment of the roads, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, water-course, or waste ground, and shall be kept open by the said permanent roads commission or highway superintendent, and shall not be obstructed by the owner of such lands or any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every such offense, said penalty to be collected by the said permanent roads commission or highway superintendent, if in money, and paid over to the treasurer of the permanent roads commission in the township in which the offense is committed, and applied to the road fund of said township. If the owner of any lands or the agent or agents of such owner, having in charge lands from which timber, stones, gravel, sand, clay, or topsoil were taken as aforesaid, shall present an account of the sale, duly verified, through the permanent roads commission or the highway superintendent, at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand, clay, or topsoil, it shall be the duty of said commissioners to pay for the same at a fair price out of the general county funds of the county; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the permanent roads commission, one by the party claiming the damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: *Provided*,

Entry on land for material.

Drains and ditches.

Penalty for obstructing drains and ditches.

Accounts for material.

Payment for material.

Arbitration of amount.

Proviso: right of appeal.

that said landowner or his agent shall have the right of appeal to the Superior Court from the decision of said board of county commissioners.

Free labor
abrogated.

SEC. 19. That in any and all townships in the county of Stokes voting and issuing bonds under the provisions of this act, after the permanent roads commission therefor shall have been elected and qualified and entered upon their duties, and sold said township bonds to the extent of two thousand dollars, the general road law now requiring free labor upon the public roads shall be and is repealed in so far as free labor is required to be done upon the public roads of such township or townships.

Employment
of physician.

SEC. 20. That said permanent roads commission shall have authority to employ a physician at any time it may deem necessary to assist the county physician in attending the convicts working upon the public roads under the provisions of this act.

Audit and settle-
ment of accounts.

SEC. 21. The board of county commissioners of Stokes County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of same between the said sheriff and the board of county commissioners, and may institute and prosecute any necessary action for the recovery of any such road tax, in case any officer fails to account for the same.

Making fraudu-
lent report or order
a misdemeanor.

SEC. 22. That any permanent roads commissioner or highway superintendent making or causing to be made any fraudulent order or report whereby money is 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 permanent roads commissioner or highway superintendent under this act 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 of Stokes County, for good and sufficient cause, may remove any one or more of the permanent roads commissioners, and fill the vacancy or vacancies for the unexpired term.

Punishment.

Failure or refusal
to perform duty
a misdemeanor.

Punishment.

Proviso: road
commissioners
removed for
cause.

Pay of road
commissioners.

SEC. 23. That the permanent roads commission shall, for the time they are actually engaged in the performance of their duties as required by this act, receive three dollars per day for their services, to be paid out upon the order of the permanent roads commission from the funds provided for in this act, and the compensation of the treasurer of the said permanent roads commission shall be fixed by said commission and paid out of the highway fund in like manner as the permanent roads commissioners are paid.

Compensation of
treasurer.

Highway defined.

SEC. 24. 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 and all public roads already established, over which said permanent roads commission shall have full jurisdiction in their respective townships.

SEC. 25. That in the event any or all the townships of Stokes County named in section one of this act at the election directed in said section to be held under this act shall not vote for the issuing of the bonds provided for said township or townships, then and in that event, upon a petition signed by one-fifth of the qualified voters of such township or townships to the board of commissioners of Stokes County at any other time or times, not oftener than six months, it shall be the duty of the board of county commissioners of Stokes County to call another election or elections for said township or townships under the provisions of this act for the purposes of this act; but in any or all such townships as shall vote for the good roads bond issue under the provisions of this act at the election to be held under section one hereof this act shall be in full force as to such township or townships as shall vote for said good roads bond issue hereunder.

Further elections.

Limitation.

SEC. 26. That in case Sauratown Township shall vote "For Good Roads Bond Issue" under this act, then the permanent roads commission to be elected under the provisions of this act for said township shall take the place of the "highway commissioners" of said township, under chapter seven hundred and eighty-one of the Public Laws of one thousand nine hundred and seven; and when said permanent roads commission under this act shall enter upon their duties hereunder the said "highway commissioners" of said township shall cease their duties thereunder, and all moneys due and to become due to said Sauratown Township under the said act of one thousand nine hundred and seven shall be paid over to the treasurer of the permanent roads commission of Sauratown Township, to be used under the direction of the said permanent roads commission for said township in like manner as other funds arising to said township under this act; and the treasurer of the permanent roads commission shall give his official bond in an amount sufficient to cover said fund in addition to the amount required for the special taxes levied and collected and turned over to him under this act.

Sauratown township.

SEC. 27. That all public bridges already built upon public highways, costing more than fifty dollars, in any township or townships in Stokes County shall remain under the supervision and control of the board of county commissioners, and kept in repair by said board under the general law now in force, even though any township or townships in which said public bridges are situated shall issue bonds under the provisions of this act, and all public bridges which may hereafter be built in Stokes County which shall cost over fifty dollars shall be directed to be built, kept in repair at the general county expense, and be under the control and supervision of the board of county commissioners of Stokes County under the general law; but all public bridges already built and to be built, costing fifty dollars or less, in any township or townships voting a bond issue under this act shall be

Public bridges.

built and kept in repair by the permanent roads commission of said township or townships out of the funds arising from the sale of bonds issued for said township or townships under this act.

Entry on lands.

SEC. 28. That for the purposes of this act the permanent roads commission or the highway superintendent of any township or townships issuing bonds under the provisions of this act, together with such civil engineer, foreman, laborers, and employees as such commission or highway superintendent may engage or employ, are authorized and empowered to enter upon any land in such township (except that buildings, gardens, lawns, fruit trees, graveyards and cemeteries shall not be interfered with against the will of the owner or owners), which shall be deemed necessary by said permanent roads commission or highway superintendent for the proper location of any new highway or change in any existing highway, for the purpose of locating, opening up, grading, constructing, improving, changing, repairing, and maintaining the said highway for the greatest public good, doing as little injury to said land and improvements thereon as the nature of the case and the public good will permit. If the owner of any land, or the agent or agents of such owner having in charge any land taken by said permanent roads commission or highway superintendent under this section, or under section eighteen of this act, for drains or ditches, shall present a claim for damages therefor to the board of county commissioners of Stokes County, the same shall be presented, acted upon, and determined in the same like manner as is provided in this act in section eighteen for the determination of claims for timber, stone, etc., under said section.

Claims for damages.

SEC. 29. That this act shall be in force from and after its ratification.

Ratified this the 7th day of February, A. D. 1913.

CHAPTER 42.

AN ACT TO AMEND CHAPTER 274 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO THE ROADS OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three, chapter two hundred and seventy-four of the Public-Local Laws of one thousand nine hundred and eleven, be amended by striking out of said section, in line twelve, the words, "road commissioners of his township," and inserting in lieu thereof the words, "board of county commissioners, the amount received, to whom and for what purpose expended," and by striking out all of said section after the word "employed," in line twenty-two, and inserting in lieu thereof the following: "The

Reports to county commissioners.

Claims filed with county commissioners.

said road commissioners of their respective townships shall file an itemized statement, duly verified, of all claims for work and labor performed on the roads of their township with the board of county commissioners, and if such accounts are found to be correct, and shall be approved by said board, then said board shall issue its warrant for the payment of the same to the county treasurer, who shall pay the same out of the funds belonging to such township."

SEC. 2. That section six be amended by striking out the words, Hauling materials. in lines three and four, "or material for the construction of any railroad or tramway," and inserting in lieu thereof the following words: "or other material."

SEC. 3. That section ten be amended by striking out the word Election of road commissioners. "June," in line thirty-three, and inserting in lieu thereof the word "March."

SEC. 4. That section thirteen be amended by inserting in line Tax rate. four, after the word "of" and before the word "twenty," the words "not more than," and after the word "and" in line five, and before the word "sixty," the words "not more than."

SEC. 5. That said act be further amended by adding after section nineteen the following sections, viz.:

SEC. 20. That all moneys belonging to the several townships shall Moneys disbursed by county commissioners. be disbursed by the board of county commissioners as set forth in section one of this act.

SEC. 21. That the road commissioners of any township may, in Overseer for township. their discretion, employ an overseer for the roads of the entire township, and when so employed it shall be the duty of the said Overseer to warn hands. overseer to warn the hands for the several sections and work the roads of the entire township, and for the warning of the said Pay of overseer. hands and working said roads he shall receive not more than the sum of one dollar and fifty cents for each day so employed.

SEC. 22. That I. H. Green and Hugh A. Tate be and they are Commissioners for Old Fort township. hereby appointed road commissioners for Old Fort Township, county of McDowell, who, together with the commissioners appointed under section ten of this act, shall constitute the board of road commissioners for Old Fort Township, and their term of office Term of office. shall expire on the first Monday in April, one thousand nine hundred and fifteen.

SEC. 23. That the said board of commissioners of said county are Power to remove road commissioners. hereby authorized and empowered, upon petition of a majority of the qualified voters of any township, to remove any road commissioner from office for failure to perform his duties, or for any other good and sufficient reason, and appoint a successor to such commissioner so removed.

SEC. 24. That it shall be a misdemeanor for any road commis- Diversion of road fund a misdemeanor. sioner of any township in said county to receive, either directly or indirectly, any compensation out of the road fund of any township for any work and labor performed or on account of any contracts entered into by the road commission of his township, except such

amount as may be due him on account of per diem for services rendered.

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

Ratified this the 7th day of February, A. D. 1913.

CHAPTER 43.

AN ACT TO APPOINT T. C. DAVIS A JUSTICE OF THE PEACE IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Appointment.

SECTION 1. That T. C. Davis be and he is hereby appointed a justice of the peace in and for Wilson Township, Wilson County, for a term of six years.

Term.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this the 8th day of February, A. D. 1913.

CHAPTER 44.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF STOKES COUNTY TO BUILD A NEW COUNTY HOME FOR THE AGED AND INFIRM, TO ISSUE BONDS TO OBTAIN FUNDS FOR SAID PURPOSE, AND TO SELL THE PRESENT COUNTY HOME FARM AND PURCHASE ANOTHER, IF THE BOARD IN ITS DISCRETION SHALL DEEM SUCH SALE AND PURCHASE FOR THE BEST INTEREST OF THE COUNTY.

The General Assembly of North Carolina do enact:

New county home authorized.

SECTION 1. That the board of county commissioners of the county of Stokes be and it is hereby authorized and empowered to build for the county of Stokes a new county home for the aged and infirm, suitable to the needs thereof, either upon the present county home farm or upon such other county home farm as the commissioners may purchase, as hereinafter provided for.

Bond issue authorized.

SEC. 2. For the purpose of obtaining the necessary funds for building and furnishing said new county home, the said board of county commissioners of Stokes County is further authorized and empowered to issue interest-bearing coupon bonds of Stokes County in an amount not exceeding twenty thousand dollars, in denominations of not less than one hundred dollars nor more than five hundred dollars, as said board may determine, bearing semiannual interest at not more than six per centum per annum, to be sold

Amount.

Denominations.

Interest.

Sale not below par.

by said board at not less than par, with all accrued interest thereon to date of delivery to the purchaser or purchasers thereof.

SEC. 3. That said bonds shall mature eight years from the date thereof, with power and authority in the board of county commissioners of Stokes County, at its discretion, to call in and pay off the same before maturity, as follows: Five thousand dollars thereof four years after date, five thousand dollars thereof five years after date, five thousand dollars thereof six years after date, and the remainder seven years after date, by paying only the principal and all accrued and unpaid interest to the respective dates when called in for payment. Maturity.

SEC. 4. That said board of county commissioners shall cause said bonds to be signed by its chairman and clerk in the presence of a full board, or a majority thereof, and in the presence of the county treasurer, and shall cause the official seal of said board to be impressed thereon by its chairman. Authentication.

SEC. 5. For the purpose of raising revenue to pay the principal and interest of said bonds when the same shall become due and payable, and the costs and expenses incident to the issuing thereof, and of collection and disbursement of said revenue, the board of county commissioners of Stokes County is authorized and empowered to levy special taxes upon all property in Stokes County subject to taxation, at the times of levying general State and county taxes for said county, in amounts sufficient to pay the interest on said bonds as it shall become due and payable, and the principal thereof as it may fall due and payable, together with the costs of collection and disbursement of same. Special tax.

SEC. 6. That said special taxes shall be collected by the Sheriff of Stokes County in like manner as the general State and county taxes are collected, and turned over to the treasurer of the county for the purposes for which levied and collected, and the sheriff shall be liable upon his official bond for the faithful collection and turning over and accounting for said taxes, in like manner as for the general county taxes. Collection and settlement of taxes.

SEC. 7. That the Treasurer of Stokes County shall receive from the said sheriff the taxes aforesaid for the purpose aforesaid, and shall disburse the same for said purpose under the order of the board of county commissioners of the county, and be liable upon his official bond for the faithful disbursement and accounting for the same in like manner as for the general county taxes. Treasurer to receive and disburse taxes.

SEC. 8. That the board of county commissioners of Stokes County in its discretion shall have power and authority to sell for a fair and reasonable price the present county home farm, and purchase another, if in the opinion of the said board a more suitable location for a county home farm can be obtained for a reasonable price, and the board shall deem it for the best interest of the county to make such sale and purchase. Sale of farm authorized.

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

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

Ratified this the 8th day of February, A. D. 1913.

CHAPTER 45.

AN ACT TO ENCOURAGE THE IMPROVEMENT OF THE STOCK-RAISING INDUSTRY IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to take service fee before paying license tax.

SECTION 1. That it shall be unlawful for any person to take or receive, directly or indirectly, any service fee for any jack, stud-horse, bull, or boar without first having paid a license or privilege tax to the sheriff or tax collector as follows: For each jack, the sum of ten dollars; for each horse, the sum of five dollars; for each bull, the sum of two dollars and fifty cents; for each boar, the sum of one dollar. That the receipt of the tax collector shall be sufficient license, and all money so paid shall be turned into the county fund for such use as the county commissioners may deem best.

Amount of license.

Misdemeanor. Punishment.

SEC. 2. That any person violating this act shall upon conviction be guilty of a misdemeanor and fined not more than the license or privilege tax in each case or be imprisoned not more than thirty days.

Application of act.

SEC. 3. That this act shall apply only to the county of Macon and shall be in force from and after its ratification.

Ratified this the 8th day of February, A. D. 1913.

CHAPTER 46.

AN ACT TO REVISE AND AMEND THE ROAD LAW OF LENOIR COUNTY FOR THE BETTER MAINTENANCE AND MORE PERMANENT CONSTRUCTION OF THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Roads classified.

Main public roads.

SECTION 1. That for the purposes of this act the roads and ways of Lenoir County are hereby classified as follows: (1) The main public roads or thoroughfares shall include all roads centering into or leading directly into the towns of Kinston and LaGrange, and shall also include all the most important tributaries to said roads which shall run through two or more townships and are used by

the traveling public. (2) The branch or neighborhood roads shall include such roads as are confined usually to the limits of one township, and generally lead from one neighborhood or settlement to the main public roads; and shall also include the old roads running east and west, although they do run through two townships, but have been superseded by nearer routes to the present county markets. (3) Cartways shall include such ways as have no public use, and are private ways opened up to allow one or more persons to pass through lands belonging to another in order to reach the public or branch roads.

Branch or neighborhood roads.

Cartways.

SEC. 2. That the board of county commissioners of Lenoir County, in order to provide for the proper construction, improvement, and maintenance of the public roads and bridges of said county, at their regular meeting in June, one thousand nine hundred and thirteen, and each annual meeting thereafter, shall levy a special tax on all property subject to taxation under the law in said county of not less than fifteen cents nor more than thirty cents on the one hundred dollars worth of property, and not less than forty-five cents nor more than ninety cents on the poll, the constitutional equation being observed at all times; said taxes to be collected as all other taxes are, to be kept separate on the tax books of the said county, and to be set aside, divided, and designated into two road funds, viz., the main public road fund and the neighborhood or branch road fund. The main public road fund shall be used exclusively for the working and maintenance of the main public roads or thoroughfares, as defined in section one of this act, and for this purpose one-third of all the taxes levied and collected under this act shall be set aside and used for the branch or neighborhood roads: *Provided, however*, if the one-third of such taxes should be more than is necessary for the proper maintenance of the branch roads, then the surplus shall be used on the main public roads or thoroughfares.

Special tax.

Tax rate.

Constitutional equation.

Tax divided into two road funds.

Main public road fund.

One-third of tax to branch roads.

Proviso: surplus to main public roads.

SEC. 3. That the board of county commissioners at their regular meeting in December of each year shall appoint a county road superintendent, whose salary shall be fixed by the board, to be paid out of the county road fund for the main public roads, and it shall be the duty of said superintendent, subject to the approval of the board, to supervise and have charge of the maintenance, building, and repairing of all main public roads and thoroughfares as defined in this act and the small bridges in connection therewith, and also, in cases of emergency, the said superintendent shall repair the neighborhood roads and bridges, if directed to do so by the board of county commissioners; and the said superintendent, with the approval of the board, shall have the power to employ and discharge such guards as may be needed to take charge of the convict force and such other labor as may be necessary; and the said superintendent shall make a monthly report of all his work and duty, by virtue of his appointment under this

Election and salary of county road superintendent.

Duty of superintendent.

Emergency work on branch roads.

Guards and other labor.

Monthly report.

Patrol supervisors for branch roads and repair work.

act, to the board of county commissioners at their regular meetings. And the board of county commissioners, at the meeting at which said superintendent is appointed, shall appoint a competent person to be known as patrol supervisor, who, acting under the direction and control of the commissioners, shall direct and supervise the building and repairing of the branch or neighborhood roads as defined in this act, as well as the bridges thereon, also patrol, drag, and otherwise keep repaired the sand-clay or other good roads constructed by the superintendent of roads, and, in cases of emergency, to repair the main roads and bridges, if directed to do so by the board of county commissioners. The patrol superintendent shall be paid out of the county road fund for neighborhood or branch roads such compensation for his services as may be fixed by the board of commissioners.

Pay of patrol supervisor.

Compensation of laborers.

SEC. 4. That the board of commissioners shall have the power and authority to fix the rate of compensation to be paid to such persons as may be employed to work upon the public roads as is herein set forth, and such compensation as may be charged from time to time as circumstances may require, and need not be uniform over the entire county: *Provided*, ten hours shall constitute a day's work.

Proviso: day's work.

Superintendent and patrol supervisor to give bonds.

SEC. 5. The superintendent of roads and the patrol supervisor shall, before entering upon the discharge of the duties of their offices, deposit with the board of commissioners a good and sufficient bond, to be approved by the said board, in such sums as the board may determine, to be in the case of the superintendent in a sum not less than five hundred dollars, and in the case of the patrol supervisor in a sum of not less than three hundred dollars, conditioned upon the honest and faithful performance of their duties and the safe keeping and returning of all the property intrusted to their care, and for proper disbursement and accounting for such sums of money as may come in their hands by virtue of their employment, which said bond shall be filed with the clerk of the board. The said board shall have power, whenever in their judgment it may be necessary, to increase the amount of the said bonds or any of them.

Board may increase bonds.

Terms of office.

SEC. 6. That the said superintendent and patrol supervisor shall hold their offices for the term of one year, or until their successors are duly appointed and qualified, and they may at any time be removed from office by the said board for cause, within the discretion of the board, and the said board shall have the power to fill the vacancies in said offices as they may occur by removal, resignation, death, or otherwise for the unexpired terms of such offices.

Removal for cause.

Vacancies.

Superintendent and patrol supervisor to meet with commissioners.

SEC. 7. It shall be the duty of the superintendent of roads and the patrol supervisor to meet with the board of county commissioners at their regular or adjourned meetings in March and September of each year, and at the said meetings they shall make a

Reports.

full report of all things done by them by virtue of their office, and the general condition of the roads of the county, and all things that may be deemed for the betterment of all roads of whatsoever kind in the county shall be discussed at said meetings.

SEC. 8. That all prisoners confined in the county jail under final judgment of any court having jurisdiction over crime or imprisonment for the nonpayment of costs or fines and for final judgment in causes under the vagrant and bastardy acts, and for insolvents who may be imprisoned by any court of competent jurisdiction in Lenoir County for the nonpayment of costs, and all persons who may be sentenced in said county to the State's Prison for a term less than five years, may be worked on the public roads. All such convicts to be fed, clothed, and otherwise cared for at the expense of the county, to be paid out of the main road fund, in the discretion of the board of county commissioners.

Prisoners to be worked on public roads.

Maintenance of convicts.

SEC. 9. That upon the application of the commissioners of Lenoir County to the judges holding courts in adjoining counties in the same or adjoining judicial districts, which do not work their own convicts on their roads, such judge may sentence such able-bodied male persons from such adjoining counties to work on the public roads of Lenoir County, and the cost of transferring, guarding, and maintaining such prisoners as may be sent hereunder shall be paid by the said county: *Provided*, that any and all prisoners from any other county may at any time be returned to the keeper of the jail of such county at the expense of Lenoir County.

Convicts from other counties.

Transportation and maintenance of convicts.

Proviso: return of convicts.

SEC. 10. The county commissioners of Lenoir County are hereby authorized and empowered to use, in their discretion, so much of the convict force and road implements as may be necessary on the farm of the county home, and otherwise at the county home, to aid in planting, cultivating, and gathering the crops raised on the said land owned by the county; and during bad weather and the winter season they may, in their discretion, employ said convicts in cutting wood to be used at the county home for the aged and infirm.

Use of convicts at county home.

SEC. 11. That no main public road or thoroughfare laid out and constructed under this act shall be less than twenty feet or more than forty feet wide, in the discretion of the superintendent of roads under the direction of the county board of commissioners, and no branch or neighborhood road shall be less than twenty feet nor more than thirty feet wide, in the discretion of the patrol supervisor, may be laid out and constructed, the said patrol supervisor to act under the direction of the board of commissioners; and the said superintendent and supervisor shall have the power of relocating and widening any public road under their control under this act, subject at all times to the discretion of the board of commissioners, and in relocating any such road, the road located shall be made as straight as practicable.

Specifications for main public roads.

Specifications for branch roads.

Alteration of roads.

Entrance on land
for material.

SEC. 12. That for the purpose of carrying out the provisions of this act, the said county road superintendent and county road patrol supervisor are hereby authorized to enter upon any land near or adjoining any road, to cut and carry away timber, except fruit trees or trees on improved land planted or left for ornament or shade, to dig or cause to be dug and be carried away any gravel, sand, or clay or stone which may be necessary to construct, improve, or repair the said roads, or to enter upon any land adjoining or lying near said road in order to make such drains or ditches through the same as may be deemed necessary for the betterment of the road, doing as little injury to the said land and timber and improvements thereon as the nature of the case and the public good will permit, and the drains and ditches so made shall be conducted to the nearest ditch, water-course, or waste place, and shall be kept open by them, and shall not be obstructed by the owner or occupant of the said land or any other persons, and when the owner of the said land or the agent of such owner having in charge any land from which timber or any other material shall have been taken for road purposes shall claim damages on account of so using such timber, or the materials from his property, such claim shall be determined by the same procedure set out in section thirteen of this act.

Drains and
ditches.

Claims for
damages.

Location and
change of roads.

SEC. 13. That, subject to the approval of the said board, the county superintendent of roads and the patrol supervisor are hereby empowered to locate or change any part of the public roads of Lenoir County, when in their opinion the same would be advantageous to the public; and when any person or persons on whose land the new road or a part thereof is to be located, claims damages therefor, and within sixty days files a petition before the said board asking for a jury to assess such damages, the said board, within not less than twenty days nor more than sixty days after the completion of the 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 local representatives, forty-eight hours notice of the time and place when and where the said jury will meet to assess the damages; and the said jury, being duly sworn, in considering the question of damages shall also take into consideration the benefit to the owner of the land, and if such benefit shall be considered equal to or greater than the damages sustained, then the jury shall so declare, and shall in any event report in writing its findings to the board of commissioners for revision or confirmation: *Provided*, that if the said landowners be nonresidents of the county and have no local representative, it shall be deemed sufficient service of such notice for the sheriff or constable to forward by mail a written notice of the purpose, time, and place of such meeting of said jury to the last known postoffice address of such landowner seven days in advance of such meeting, and also to

Procedure for
assessment of
damages.

Notice to land-
owners.

Proviso: notice to
nonresidents.

post a notice for seven days at the courthouse door in said county.

SEC. 14. That in case the landowner or his local representative shall be dissatisfied with the findings of the jury and the decision of the county commissioners as aforesaid, he may appeal from their decision to the Superior Court of the county, and such appeals shall be governed by the law regulating appeals from the justice of the peace, and the same shall be heard *de novo*, but the judge may, in his discretion, require the landowner to give bond when the case is taken by appeal to the Supreme Court.

Right of appeal.

Bond on appeal.

SEC. 15. That the money collected from the tax levied under this act shall by the proper officer be paid into the hands of the county treasurer, and paid out upon the warrant of the board of commissioners, as are other public moneys, and on the first Monday in June and December of each and every year the said board shall make a written report, giving the statement of the written disbursements and receipts of the several road funds during the preceding six months, which report, or the substance thereof, the said board shall cause to be published as its other disbursements are published.

Road tax paid to treasurer.

Semiannual statements published.

SEC. 16. That no landowner or tenant shall turn water upon the county roads without the consent of the superintendent or patrol supervisor of roads, and any landowner who has heretofore by ditches or drains constructed by him turned water from his field well or pump upon the public road shall within ten days after notice to do so, given by the said superintendent or patrol supervisor in writing, change the course of his ditches or drains so that the water shall not flow into the road.

Water not to be turned on roads.

Ditches to be changed on notice.

SEC. 17. That it shall be unlawful for any one to take or carry away sand, clay, soil, or gravel from the public roads of Lenoir County, or from the ditch banks along the sides of the public roads in said county, without the written consent of the superintendent or patrol supervisor of such roads.

Taking soil from roads or ditch banks unlawful.

SEC. 18. That no landowner or tenant shall cut a ditch across the public road of Lenoir County without the written consent of the superintendent of the roads of said county or the patrol supervisor, as the case may be; and any one cutting a ditch across the public roads of said county shall tile the same with pipes of the size designated by the superintendent or supervisor.

Ditches across roads.

SEC. 19. That it shall be unlawful for any person to cut or otherwise wrongfully injure any public road in said county, and it shall be unlawful for any person to turn water on the roads of said county by plowing or running rows towards said roads in such manner that the water will thereby be emptied on said road, and any one violating the terms of this section shall be guilty of a misdemeanor under the provisions hereinafter provided for: *Provided*, that no person shall be convicted under this section if such rows so running towards the county roads shall not reach within one foot of the said county road: *Provided further*, that

Injuries to roads a misdemeanor.

Proviso: rows not reaching within one foot of road.

Proviso: ridges for protection of road.

such person shall not be convicted if he shall turn the water from the said road which would otherwise be caused to flow thereon, as above mentioned, by proper and sufficient ridge running parallel with such county road.

Interference with officer and obstructing drains, ditches, or roads a misdemeanor.

SEC. 20. If any person or persons shall interfere with the superintendent of roads or the patrol supervisor in the discharge of his duty in opening any ditch or drain, or if any person or persons shall obstruct any ditch or drain that may be cut or opened under the authority of this act, or if any person shall in any manner wrongfully obstruct any public road in Lenoir County, the person or persons so offending shall be guilty of a misdemeanor and punished as is hereinafter provided for in this act.

Material or implements furnished by officers.

SEC. 21. That it shall be unlawful for the patrol supervisor or the road superintendent under this act, or any one standing in a fiduciary relation, to furnish any material or implement, or anything else, and charge or have the same charged to either of the road funds herein mentioned at a greater price than its actual worth, or can be bought on the general market. Any person violating this section shall be guilty of a misdemeanor, and punished as is hereafter provided.

Violation of section misdemeanor.

Crossings of railroads and tramways.

SEC. 22. That it shall be the duty of the superintendent and the patrol supervisor to cause each railroad or tramway operating within the county to construct and keep in good repair the roadbed of any public road that such railroad or tramway may cross, and to cause the proper approaches to be built thereto; and if any railroad or tramway, being properly warned by the superintendent or patrol supervisor, by leaving a written notice with any station agent or owner of a tramway, or by informing an agent of any road or tramway personally, shall neglect or refuse to construct or repair said roadbeds or cause proper approaches to be constructed thereto, to be accepted by the superintendent or patrol supervisor, as the case may be, within ten days after the receipt of the notice, shall forfeit the sum of fifty dollars, to be recovered in an action by the board of commissioners before any justice of the peace of Lenoir County.

Forfeit for failure by railroad or tramway.

Leaving open stock-law gate a misdemeanor.

SEC. 23. That it shall be unlawful for any person to willfully or negligently leave open any stock-law gate which may be across any public road in said county. Any violation of this section will be a misdemeanor, as is hereinafter provided for.

Throwing or leaving dangerous substance on roads forbidden.

SEC. 24. That it shall be unlawful for any person to willfully or carelessly throw, place, or leave on or in any public road any glass bottles, pieces of glass, scrap-iron of any description, pieces of plank with nails in the same, or other sharp substances that might cut, puncture, or scar any rubber-tired wheel of automobiles, motorcycle or bicycles, or cut, injure, or damage the feet or limbs of horses or mules or the feet of persons.

Power given to accept State aid.

SEC. 25. If any act shall be passed by 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 the counties' bonds or other security as collateral for the said loan, then the board of county commissioners of Lenoir County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

Sec. 26. In order that the road work of Lenoir County may be more properly, economically, and effectually carried on, the county commissioners are hereby expressly authorized and empowered to at any time employ a competent road engineer, his salary to be fixed by them and to be paid out of the road fund as provided for in this act; or if the State shall furnish to the counties engineering assistants or supervisors for their road work, the county commissioners are hereby expressly authorized and empowered to accept the State's services upon such terms as the State shall furnish the same. The highway or roadway engineer, if thus secured, shall advise the commissioners regarding the work, supplying and making all plans and specifications for the work, and have general supervision of all road work, and shall give instruction to the road superintendent and patrol supervisor hereinbefore provided for.

Road engineer.

Sec. 27. That it shall be unlawful for any person to drive any team faster than a walk, or to drive any automobile or ride any bicycle or motorcycle faster than eight miles an hour over or across any bridge more than twenty feet in length which may form a part of the public roads of Lenoir County.

Speed limit on bridges.

Sec. 28. That any person violating any of the provisions of this act, or failing to perform any duty imposed by this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not to exceed thirty days or shall be fined a sum not to exceed fifty dollars, and it shall be the duty of the superintendent of roads and the patrol supervisor to swear out warrants against all persons violating any provisions of this act, and it shall be the duty of the county attorney, upon the request of the board of county commissioners, to prosecute any case of violation of the provisions of this act.

Violation of act or failure to perform duty a misdemeanor.

Punishment.

Officers to swear out warrants.

Sec. 29. That all fines, penalties, and forfeitures that may be collected under the provisions of this act shall be forthwith paid to the treasurer of the county, who shall place the amounts thereof to the credit of the road funds, to be divided and disbursed according to the provisions of section two of this act.

Fines, forfeitures, and penalties to road fund.

Sec. 30. That the board of commissioners of Lenoir County shall have the power to make such regulations and rules for the proper working of the roads of the county, not inconsistent with the provisions of this act or the general law of the State, as may be deemed necessary and expedient, and any such rule or regulation as may be adopted shall be published in the proceedings of the said board in the same manner that the other proceedings are generally published.

Commissioners to adopt rules for road work.

Rules to be published.

SEC. 31. That chapter two hundred and fifty-nine of the Public Laws of one thousand nine hundred and seven, and all the laws and clauses of law in conflict with this act, are hereby repealed.

SEC. 32. That this act shall take effect from and after its ratification.

Ratified this the 8th day of February, A. D. 1913.

CHAPTER 47.

AN ACT TO AMEND SECTION 3 OF CHAPTER 712 OF THE PUBLIC LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That section three, chapter seven hundred and twelve of the Public Laws of nineteen hundred and eleven, be and the same is hereby repealed, and that section two of said act be amended by adding at the end thereof the words: "*Provided*, that no commissioner shall vote on his appointment to perform extra services or the pay therefor."

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

Ratified this the 8th day of February, A. D. 1913.

CHAPTER 48.

AN ACT TO DECLARE THE OUTSIDE LINES OF THE STOCK-LAW BOUNDARY IN MACON COUNTY A LAWFUL FENCE, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the outside lines and boundaries of the stock-law territory in the county of Macon, as now established by law in said county, or as may be hereafter established under the provisions of this act, shall constitute a stock-law boundary within which it shall be unlawful for any person, whether such person lives inside or outside the said boundary, to allow or willfully permit his or her stock to run at large off his or her own premises, under the same pains and penalties as are now prescribed by law.

SEC. 2. That all laws allowing or requiring the county commissioners of Macon County to levy a tax for the purpose of keeping up the fence around the said stock-law boundary are hereby repealed, and the said commissioners are hereby authorized and empowered to use any money heretofore or hereafter collected under any former levies for stock-law purposes for school or road

Commissioners not to contract with member of board.

Proviso: commissioner not to vote on his own appointment.

Outside lines to constitute stock-law boundary.

Permitting stock to run at large forbidden.

Fence-tax laws repealed.

Money used for schools or roads.

purposes, or in any other useful or lawful way, apportioning as near as may be among the several townships the amounts so collected from each.

SEC. 3. That whenever the residents of any district or territory adjoining the stock-law boundary as herein established desire to become a part of the stock-law boundary, they may present to the board of county commissioners of said county a petition signed by a majority of the qualified voters in such district or territory, and the commissioners, upon presentation of such petition, shall submit the question of "Stock Law" or "No Stock Law" to the qualified voters of the said district or territory to be annexed; or if as much as two-thirds of the qualified voters in any district or territory shall sign the same, they shall declare it a stock-law boundary without such election. The petition in all cases shall set out the boundary to be annexed by well defined lines, calling for trees, rocks, mountains or mountain ranges, water-courses, etc. If upon such petition the county commissioners shall declare the district or territory embraced in such petition a stock-law boundary, or if any election be called and held and a majority of the qualified voters in such district or territory shall vote for stock law, then it shall become a part of the stock-law boundary of Macon County, with all the pains and penalties provided by law for allowing or permitting stock to run at large within said boundary. The register of deeds shall record all stock-law boundaries for the information of the public as to such lines and boundaries.

Petition for stock-law election.

Stock law on petition.

Petition to set out boundary.

Territory to become part of stock-law territory.

Record of boundaries.

SEC. 4. That hereafter it shall not be lawful for the county commissioners of said county to call or hold an election on the question of "stock law" or "no stock law" in any district or territory in said county, and shall not have power to declare any district or territory a stock-law boundary unless such district or territory to be annexed joins some part of the stock-law boundary herein established.

None but contiguous territory to be taken in.

SEC. 5. That all elections heretofore called and held in Macon County in which a majority of the votes cast were "For Stock Law" are hereby declared to be in all respects validated and ratified, and the district or territory embraced in such boundary or boundaries is hereby declared to be a part of the stock-law territory of said county.

Elections validated.

SEC. 6. That the provisions of sections 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, three thousand three hundred and ten, three thousand three hundred and eleven, three thousand three hundred and twelve, three thousand three hundred and nineteen, three thousand three hundred and twenty, three thousand three hundred and twenty-one, and three thousand three hundred and twenty-two, of the Revisal of one thousand nine hundred and five, are hereby declared to be a part of this act and in full force and effect in

General law applicable.

all that part of Macon County herein or hereafter embraced in the stock-law boundary.

Use or disposal
of fence.

SEC. 7. That such part of any stock-law fence as was built by the county may be used or disposed of in any way that a majority of the board of county commissioners may deem just and equitable to the county as well as to the persons living adjacent to the stock-law boundaries.

SEC. 8. That all laws in conflict with this act are hereby repealed in so far as they apply to Macon County, and no further.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 49.

AN ACT TO AMEND SECTION 2055 OF THE REVISAL OF 1905, CREATING A SHORT FORM OF AGRICULTURAL LIEN AND CHATTEL MORTGAGE FOR CERTAIN COUNTIES, BY ADDING ANSON COUNTY, AND TO FIX THE FEE FOR PROBATING 20 CENTS AND THE FEE FOR REGISTERING 30 CENTS; THIS ACT TO APPLY ONLY TO ANSON COUNTY.

The General Assembly of North Carolina do enact:

Laws extended.

SECTION 1. That section two thousand and fifty-five of the Revisal of one thousand nine hundred and five, creating a short-form agricultural lien and chattel mortgage for certain counties, be amended by adding Anson County.

Fees.

SEC. 2. That the fee for probating said agricultural lien and chattel mortgage shall be twenty cents, and the fee for registering the same shall be thirty cents.

Limit of appli-
cation.

SEC. 3. That this act shall apply only to Anson County.

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

When act effective.

SEC. 5. That this act shall be in force and effect on and after the first day of January, one thousand nine hundred and fourteen.

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 50.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF MADISON TO ACQUIRE LAND ADJACENT TO THE COURTHOUSE FOR BETTER FIRE PROTECTION.

The General Assembly of North Carolina do enact:

Power to purchase
land.

SECTION 1. That the board of county commissioners of Madison County be and they are hereby authorized and empowered to acquire, either by purchase or condemnation, a strip of land not

exceeding twenty feet in width along the west side of the courthouse square and a strip of land not exceeding twenty feet in width along the east side of the courthouse square, for the better protection of the courthouse from fire.

SEC. 2. That said board of commissioners are authorized to pay Payment. for said property out of any money they may have on hand, either now or hereafter, not otherwise appropriated.

SEC. 3. That in the event said board of commissioners are unable Procedure for condemnation. to acquire said lands by purchase, and are forced to resort to condemnation proceedings, then the proceedings for the condemnation of said lands, the appraisal of the lands, the duty of the commissioners of appraisal, the right of either party to file exceptions, the report of commissioners, the mode and manner of appeal, the power and authority of the court or judge, the final judgment, and the manner of its entry and enforcement, and the rights of the county pending the appeal, shall be as prescribed in chapter sixty-one of the Revisal of one thousand nine hundred and five, entitled "Railroads": *Provided*, that it shall not be necessary for the petitioner to make any survey of said lands, nor to file any map or survey thereof. Proviso: survey not necessary.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 51.

AN ACT TO PROHIBIT AND PUNISH DISORDERLY CONDUCT IN THE VILLAGE OF JACKSON SPRINGS, MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to be found Public drunkenness and misconduct forbidden. drunk or disorderly, or to be engaged in noisy or boisterous conduct, or to use vulgar, obscene, or profane language in a loud or boisterous manner within one-half mile of Jackson Springs Presbyterian Church, which is situate in the village of Jackson Springs, Territory affected. Moore County.

SEC. 2. That any person violating the provisions of this act shall Misdemeanor. be guilty of a misdemeanor, and upon conviction thereof shall be Punishment. fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 3. That J. P. Clark is appointed a justice of the peace for Justice of the peace appointed. Mineral Springs Township, Moore County, in which said village of Jackson Springs is situated, for the term of two years.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 52.

AN ACT TO FIX SALARIES FOR THE PUBLIC OFFICERS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Township deputies. Fees and commissions.

SECTION 1. The Sheriff of Columbus County may appoint one or more deputies 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: *Provided*, nothing herein shall excuse the sheriff from serving executions and accounting for all fees and commission thereon.

Proviso: sheriff to serve executions and account for 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, and shall go to increase the county fund.

Sheriff to collect and account for fees.

Jailer.

SEC. 3. The sheriff shall appoint a jailer, who shall occupy the residence department of the jail, whose compensation shall be fixed by the board of county commissioners.

Salary of sheriff.

SEC. 4. The said sheriff shall receive a salary of two thousand and six hundred dollars per annum in lieu of all other compensation whatsoever, and he may appoint one deputy at a salary of six hundred dollars per annum.

Salary of deputy.

Clerk of court, register of deeds, and treasurer to collect and account for fees.

SEC. 5. 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 said county 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 of court.

SEC. 6. The clerk of Superior Court shall receive a salary of fifteen hundred dollars per annum in lieu of all other compensation whatsoever, and shall be allowed the sum of three hundred dollars per annum for clerk hire and assistants, if in his opinion so much shall be needed.

Clerk hire.

Register of deeds.

SEC. 7. The register of deeds shall receive a salary of eighteen hundred dollars per annum in lieu of all other compensation whatsoever, and shall be allowed the sum of six hundred dollars per annum for clerk hire and assistants, if in his opinion so much shall be needed.

Clerk hire.

Officers to perform duties.

SEC. 8. The officers hereinbefore mentioned shall faithfully perform all duties of their several offices imposed upon them by law, and shall receive no other compensation or allowances 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 by law for failure to perform the duties of their several offices.

No allowance for extra services.

SEC. 9. All moneys coming into the hands of the Treasurer of Columbus 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 quarterly be transferred to the general county fund.

SEC. 10. The salaries and allowances herein provided for shall be paid by the county treasurer, upon warrant as required by law, to the officers and assistants 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 for the year the amounts herein provided.

SEC. 11. The officers hereinbefore required to turn over to the Treasurer of Columbus County moneys coming into their hands shall make settlement with said treasurer on the last day of each and every month; and each of said officers, including the treasurer, shall, on the first Monday of each month, post at the courthouse door in Whiteville above their signature a statement of their accounts of the previous month, after having delivered a copy of same to the chairman of county commissioners, 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.

SEC. 12. Any officer or clerk or assistant herein mentioned or provided for who shall willfully fail or refuse to collect the full fee, commission, or emoluments of any kind belonging to his office shall be guilty of a misdemeanor.

SEC. 13. That at the expiration of the sheriff's term of office he shall turn over to his successor in office all the uncollected taxes, and his successor shall collect the same. And it shall be the duty of the finance committee and county commissioners of Columbus County to settle with the outgoing sheriff at the expiration of his term.

SEC. 14. It shall be the duty of the board of county commissioners to furnish to the clerk of Superior Court a book of sufficient size that he shall enter the hour and date of probate, the character of the instrument, the names of grantor and grantee, and amounts of fees for such probate; and also furnish to the register of deeds a book of sufficient size that he shall enter the hour and date of filing, the character of the instrument, the names of grantor and grantee, and the amount of recording fees for all instruments in law required to be registered.

SEC. 15. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 16. That this act shall be in full force and effect on and after the first day of April, A. D. one thousand nine hundred and thirteen.

Ratified this the 10th day of February, A. D. 1913.

Separate fund.

Salaries paid monthly.

Proviso: payments of allowances.

Monthly settlements.

Accounts posted.

Failure to collect fee a misdemeanor.

Settlement of sheriff with successor.

Books to be furnished officers.

Repealing clause.

When act effective.

CHAPTER 53.

AN ACT TO AMEND SECTIONS 3, 4, AND 8 OF CHAPTER 503
OF THE PUBLIC LAWS OF 1909, 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 three of chapter five hundred and three of the Public Laws of one thousand nine hundred and nine of North Carolina be and same is hereby amended by inserting after the word "annum" and before the word "said," in line two of said section, the following words: "*Provided, however,* that this amount may be increased not to exceed nine hundred dollars per annum by the county commissioners, if in their opinion such increase is necessary."

Proviso: increase
of allowance to
jailer.

SEC. 2. That section four of chapter five hundred and three of the Public Laws of one thousand nine hundred and nine of North Carolina be and the same is hereby amended by inserting after the word "county," in line ten of said section, the following words: "Said sheriff may appoint another deputy to assist in the collection of taxes, if authorized by the county commissioners so to do, for a period not exceeding six months in any one year. Said deputy to be employed for such time as said board of commissioners may authorize, at a salary not to exceed sixty dollars per month."

County commis-
sioners may allow
extra deputy
sheriff.

Salary.

SEC. 3. That section eight of chapter five hundred and three of the Public Laws of one thousand nine hundred and nine of North Carolina be and the same is hereby amended by inserting after the word "deeds," in line four, and before the word "provided," in line five of said section, the following words: "*Provided, how-
ever,* this amount may be increased not to exceed nine hundred dollars per annum by the county commissioners, if in their opinion such increase is necessary."

Proviso: increase
of allowance.

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

SEC. 5. This act shall be in force from and after its ratification.
Ratified this the 10th day of February, A. D. 1913.

CHAPTER 54.

AN ACT TO AMEND THE PUBLIC ROAD LAW OF CLAYTON TOWNSHIP, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter six hundred and seventy-three, Public Laws of North Carolina, one thousand nine hundred and five, be and the same is hereby amended as follows: Strike out all after the word "set," in line eight of said section, down to and including the word "board," in line ten thereof, and insert in lieu of the same the words, "at the mayor's office in the town of Clayton." Place of meeting.

SEC. 2. That the words and numerals "fifteen dollars" in section two of said chapter six hundred and seventy-three be and the same are hereby stricken out and the words "forty dollars (\$40)" inserted in lieu thereof. Salary of chairman.

SEC. 3. That section three of said chapter six hundred and seventy-three be amended so as to insert the words "two dollars" in lieu of the words and numerals "one dollar"; and that all after the word "month," in line two of said section three, down to the word "shall," in line three thereof, be stricken out and the word "they" inserted in lieu thereof. Pay of other commissioners.

SEC. 4. That section four of said act be amended by adding thereto the following proviso: "*Provided*, that the sheriff shall make settlement of all taxes provided for by said chapter six hundred and seventy-three, Laws of one thousand nine hundred and five, on the first day of January and the first day of July of each and every year." Proviso: time for settlement with sheriff.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 55.

AN ACT TO PROHIBIT PERSONS UNDER THE AGE OF 18 YEARS FROM ENTERING POOLROOMS, ETC., IN THE COUNTY OF CHEROKEE.

The General Assembly of North Carolina do enact:

SECTION 1. That if the keeper or owner of any billiard-room, poolroom, bowling alley, now or hereafter operated in the county of Cherokee, shall allow any person under the age of eighteen years to enter and remain in such billiard-room, poolroom, or bowling alley without the written consent of the parent or guard- Keepers or owners forbidden to allow entrance.

Misdemeanor.
Punishment.

ian, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 56.

AN ACT TO REPEAL CHAPTER 716 OF PUBLIC-LOCAL LAWS OF 1911, ENTITLED "AN ACT TO ENCOURAGE SHEEP HUSBANDRY AND TO TAX DOGS."

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter seven hundred and sixteen of Public-Local Laws of one thousand nine hundred and eleven, entitled "An act to encourage sheep husbandry and to tax dogs," be and the same is hereby repealed.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 57.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GUILFORD COUNTY AND THE COMMISSIONERS OF THE CITY OF GREENSBORO TO APPROPRIATE MONEY FOR THE BUILDING OF A CONFEDERATE MONUMENT.

The General Assembly of North Carolina do enact:

Appropriation by
county.

SECTION 1. That the board of commissioners of Guilford County be and they are hereby authorized and empowered to appropriate, out of any money now or hereafter belonging to the said county of Guilford, a sum not exceeding three thousand dollars (\$3,000) towards the purchase and erection in said county of a monument to the Confederate dead.

Appropriation by
city.

SEC. 2. That the board of commissioners of the city of Greensboro be and they are hereby authorized and empowered to appropriate, out of any money now or hereafter belonging to said city of Greensboro, a sum not exceeding fifteen hundred dollars (\$1,500) towards the purchase and erection in said county of Guilford of a monument to the Confederate dead.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 58.

AN ACT TO AMEND SECTION 3769 OF THE REVISAL OF 1905, RELATIVE TO BARBED-WIRE FENCES IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and sixty-nine of the Revisal of one thousand nine hundred and five be amended as follows: Strike out in lines five and six, after the word "fined," "or imprisoned at the discretion of the court," and in lieu thereof insert "not exceeding fifty dollars or imprisoned not exceeding thirty days": *Provided*, this act shall apply only to Yadkin, Macon, and Swain.

Punishment.

Proviso: application of act.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 10th day of February, A. D. 1913.

CHAPTER 59.

AN ACT TO AMEND SECTION 3769 OF THE REVISAL OF 1905, SO AS TO APPLY TO CHEROKEE COUNTY WITH REFERENCE TO THE USE OF BARBED WIRE.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and sixty-nine of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding the county of Cherokee thereto.

Cherokee included in act.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 60.

AN ACT TO REPEAL CHAPTER 746 OF THE PUBLIC-LOCAL LAWS OF 1911, ENTITLED "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 chapter seven hundred and forty-six of the Public-Local Laws of one thousand nine hundred and eleven, entitled "An act to empower the commissioners of the counties of

Law repealed.

Anson and Richmond to provide for the construction of a bridge over the Pee Dee River," be repealed, and the same is hereby repealed.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 61.

AN ACT TO REPEAL CHAPTER 499 OF THE PUBLIC-LOCAL LAWS OF 1911, ENTITLED "AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO ISSUE BONDS IN THE SUM OF \$300,000, TO BUILD, MACADAMIZE, AND IMPROVE THE PUBLIC ROADS OF SAID COUNTY."

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter four hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and eleven, entitled "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," be repealed, and the same is hereby repealed.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 62.

AN ACT TO AMEND AN ACT CREATING A HIGHWAY COMMISSION FOR THE COUNTY OF FORSYTH, RATIFIED ON THE 27TH DAY OF JANUARY, 1913.

The General Assembly of North Carolina do enact:

Beginning of term of office.

SECTION 1. That section three of an act to create a highway commission for the county of Forsyth, ratified the twenty-seventh day of January, one thousand nine hundred and thirteen, be amended as follows: Strike out the word "April," in line three, and insert in lieu thereof the word "February."

Beginning of term of office.

SEC. 2. That section thirty-seven of an act to create a highway commission for the county of Forsyth, ratified January twenty-seventh, one thousand nine hundred and thirteen, be amended by striking out the word "April," in line five, and inserting in lieu thereof the word "February." That said section thirty-seven of

said act be further amended by striking out the word "April," in line seven of said section, and inserting in lieu thereof the word "February." That said section thirty-seven be further amended by striking out the word "April," in line nine, and inserting in lieu thereof the word "February."

SEC. 3. That section thirty-eight of said act to create a highway commission for Forsyth County, ratified January twenty-seventh, one thousand nine hundred and thirteen, be amended by striking out the word "April," in line two of said section, and inserting in lieu thereof the word "February."

Beginning of term
of office.

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

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 63.

AN ACT TO FIX THE SALARIES OF THE OFFICERS OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the clerk of the Superior Court and register of deeds of Cherokee County and their respective deputies shall collect, 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 Monday of every calendar month, into the treasury of Cherokee 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.

Officers to collect
and pay over fees.

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 as are hereinafter provided; and for any abstraction, concealment, or misapplication 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 office or offices and be punished as is now provided by law in cases of embezzlement by public officers.

Salary fund.

Officers to collect
fees.

Compensation
by salary.

Abstraction, con-
cealment, or mis-
application felonies.

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 received by

Books to be kept
by officers.

- Books open for inspection. said officers which by law are or may be paid into their said 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 accident.
- Monthly transcripts under oath. 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 Cherokee County to the board of county commissioners, said transcript to contain and show in detail all of the entries made upon said book 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 books of accounts pertaining to his respective office.
- Manner of keeping books. SEC. 5. That said books shall be kept in a manner to be prescribed and authorized by the board of commissioners of Cherokee County, who shall have constant supervision of the same.
- Salary of sheriff as tax collector. SEC. 6. That the Sheriff of Cherokee County shall receive a salary of twelve hundred dollars per annum as full compensation for his services as tax collector, which salary is to be in lieu of all commissions now allowed for collecting taxes: *Provided*, this provision shall not deprive said sheriff of the fees and emoluments of the office of sheriff now or hereafter allowed by law. Said sheriff and tax collector shall collect all taxes levied by the county commissioners of Cherokee County, all corporation and privilege taxes, or any other taxes now or hereafter levied for collection.
- Proviso: fees as sheriff. All taxes must be collected and settled for by said sheriff and tax collector on or before the first day of May succeeding the year in which the same was listed. Said sheriff and tax collector shall bond in some surety company, and the premium on his bond shall be paid by the county of Cherokee.
- Collection of tax. SEC. 7. That the clerk of the Superior Court for Cherokee County shall receive a salary of twelve hundred dollars per annum, and a sum not exceeding three hundred dollars per annum may be allowed by the county commissioners for clerk hire; and the said clerk is hereby required to keep his office open every day (Sundays and holidays excepted) for the transaction of the business of said office from eight a. m. to four p. m., and said clerk shall forfeit three dollars for each day he fails to comply with the provisions of this section.
- Time for collection and settlement. SEC. 8. That the register of deeds shall receive a salary of twelve hundred dollars per annum: *Provided, however*, that the county commissioners may pay not exceeding three hundred dollars per annum for making tax books as now required by law to be made.
- Bond of sheriff. The said register shall be required to keep his office open every day from eight a. m. to four p. m. (Sundays and holidays excepted), and for each day said register may fail to comply with the provisions of this section he shall forfeit and pay the sum of three dollars.
- Clerk of superior court.
- Clerk hire.
- Office hours.
- Penalty for absence.
- Register of deeds.
- Proviso: allowance for making tax books.
- Office hours.
- Penalty for absence.

SEC. 9. That the Treasurer of Cherokee County shall receive a Treasurer. salary of five hundred dollars per annum in lieu of all other compensation whatsoever.

SEC. 10. That the board of county commissioners of Cherokee Auditor. County may at such times and for such terms as they may designate, appoint some suitable person to audit and approve, monthly or otherwise, the accounts and reports of said officers; and it shall be his duty to act as accountant for the county in settling with the county officers as aforesaid; to supervise 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 Cherokee County which show fees and commissions collected and received by them; to examine, whenever directed, the dockets of justices of the peace and mayor of said county; to administer oaths and verifications 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 may be directed by the board of commissioners of Cherokee County.

SEC. 11. That all the salaries herein provided shall be paid by the treasurer of said county to the person entitled to receive the same, in monthly installments, upon warrants drawn by the board of county commissioners of said county and countersigned by the chairman and secretary or clerk of said board of commissioners. Payment of salaries.

SEC. 12. That no civil action shall hereinafter be instituted in Cherokee County unless the fees for issuing and service of process shall be collected by the clerk of the Superior Court in advance of the issuing of said process except in action brought *in forma pauperis*. Fees collected in advance.

SEC. 13. That the officers hereinbefore mentioned shall faithfully and truly perform all the duties of their several offices which are now or hereafter may be imposed upon them by law, and shall receive no other compensation or allowance of any kind whatsoever for any extra additional service rendered the county or State or other governmental agencies, and shall be liable to all the pains and penalties now or hereafter provided by law for failure to perform the duties of their several offices. Officers to perform duties. No extra compensation.

SEC. 14. That no surplus fund shall accumulate in the hands of the treasurer by reason of section one of this act, but said surplus, if any, may be used by the commissioners in defraying the general expense of Cherokee County. That the said treasurer shall open a separate account with all the officers of said county, showing amounts received by each and the amounts paid as salaries to each, which said accounts shall at all times be open to the public for their inspection. Surplus. Accounts with officers.

Failure to collect fees a felony.

SEC. 15. Any officer or assistant herein mentioned who shall willfully fail or refuse to collect free fee, commission, or emoluments of any kind belonging to his said office, shall be guilty of a felony and subject to removal from office.

Repeal clause.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

When act effective.

SEC. 17. That this act shall be in force and effect from and after the first Monday in December, one thousand nine hundred and fourteen.

Ratified this the 10th day of February, A. D. 1913.

CHAPTER 64.

AN ACT TO PROVIDE FOR THE LAYING OUT AND BUILDING OF A PUBLIC ROAD FROM A POINT ON THE ROAD LEADING FROM HIGHLANDS, NORTH CAROLINA, TO DILLARD IN THE STATE OF GEORGIA, TO OTTO, MACON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

County commissioners to order road.

SECTION 1. That the county commissioners of Macon County are hereby authorized and empowered to order the laying out, grading, and constructing a public road from a point at or near the Salt Rock Gap, or at any other feasible and practicable point on the road leading from Highlands, North Carolina, to Dillard, Georgia, to the Tallulah Falls Railroad at or near Otto in the county of Macon.

Terminals.

Road to be let to contract.

SEC. 2. That said board of county commissioners are hereby vested with full power and authority to let out the contract to grade and build said road to the lowest responsible bidder, either as a whole or by sections. Twenty-five per cent of the contract price shall be reserved till each section, if laid out by sections, if not, then as a whole, shall have been finished and accepted by the road trustees of the Highlands, Flats, and Smith's Bridge townships in joint session with the board of county commissioners of Macon County. The said county commissioners, with the concurrence of the boards of trustees in the aforesaid three townships, are authorized and empowered to apply such an amount of the road funds collected under the road law of Macon County in the said three townships as may be necessary to build said road, supplemented with money as herein provided.

Reservation of price as surety.

Application of road funds.

Appropriation from county funds.

SEC. 3. That said board of county commissioners are hereby expressly authorized to add to such an amount as may be appropriated from the townships road fund as herein provided for a sufficient sum of money out of any county funds not otherwise especially appropriated to finish the grading and building of said

road. Said payments may be made annually or upon such terms as may be agreed upon by all parties concerned.

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

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 65.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF DAVID SCOTT CONSTABLE FOR GILMER TOWNSHIP IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the county of Guilford be and they are hereby authorized and empowered to fill the vacancy in the office of constable for Gilmer Township in Guilford County by the appointment of David Scott, a resident and citizen of Morehead Township, in said county, to hold said office until its next regular election of members of the General Assembly, and until his successor shall be elected and qualified.

Appointment authorized.

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

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 66.

AN ACT TO ALLOW THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY TO PAY JAMES M. PRICE HIS DOCTOR BILL AND HOSPITAL EXPENSES.

Whereas James M. Price, a deputy sheriff of Jackson County, was shot while attempting to arrest one Grant Zachary, on a *capias* in his hands directing him to arrest said Zachary, who was charged with a crime, and on account of wounds so received was compelled to go to a hospital, and incurred a doctor bill and other expenses: therefore,

Preamble: shot in discharge of duty.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Jackson County be and they are authorized to pay to James M. Price the amount of his doctor bill and hospital expenses incurred on account of being shot while a deputy sheriff in the discharge of his official duties in attempting to arrest one Grant Zachary.

Payment authorized.

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

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 67.

AN ACT TO AMEND CHAPTER 736 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO DRAINAGE IN GASTON AND LINCOLN COUNTIES.

The General Assembly of North Carolina do enact:

Territory.

SECTION 1. That chapter seven hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out the words "the Lincoln County line," in lines thirteen and fourteen, in section one, and inserting in lieu thereof the words, "the Mariposa Cotton Mills in Lincoln County."

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

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 68.

AN ACT TO REGULATE THE COMPENSATION OF JURORS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Regular jurors.

SECTION 1. That regular jurors in Hyde County shall receive two dollars per day, including their regular mileage of five cents per mile, and talesmen jurors shall receive one dollar and fifty cents per day. This act to take effect from and after its ratification.

Talesmen.

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

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 69.

AN ACT TO AUTHORIZE No. 7. TOWNSHIP, CLEVELAND COUNTY, TO ISSUE BONDS AND IMPROVE THE HIGHWAYS THEREIN.

The General Assembly of North Carolina do enact:

Purpose of issue.

SECTION 1. For the purpose of building, grading, macadamizing, or otherwise improving the roads of Number Seven Township, in Cleveland County, the board of commissioners of said county is hereby authorized, empowered, and directed to issue bonds of the said township to an amount not exceeding fifty thousand dollars

Bond issue authorized.

Amount.

(\$50,000), in denominations not exceeding one thousand dollars (Denominations.
 (\$1,000), bearing interest from date thereof at not exceeding the Interest.
 rate of six (6) per cent per annum, with interest coupons attached,
 payable semiannually, 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 prin- Maturity.
 cipal thereof payable at such time or times not exceeding fifty
 years from the date thereof, and at such place or places as the
 said board of county commissioners may determine; and the said Bonds issued in
 board of county commissioners may divide the said issue into series.
 series: *Provided*, that none of the bonds authorized by this act Proviso: not to
 shall be disposed of by sale, exchange, hypothecation, or otherwise, be sold below par.
 for a less price than their face value. In the event the board of Proceeds placed
 commissioners shall sell all of said bonds at one time, or in greater on interest.
 amount than is necessary for the ordinary operating expenses,
 then all of the excess of the money received from the sale of said
 bonds pending its use for road purposes shall be placed on interest,
 the said interest to be collected and applied to the principal fund
 for the purpose of carrying out the provisions of this act, and
 shall be used in the same manner as the principal fund is used.

SEC. 2. Such bonds shall be numbered and shall be signed by the Authentication.
 chairman of the 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 coupons, and
 shall be executed by the signing of the chairman of the board of
 commissioners and treasurer of said county, or by their litho-
 graphic signatures engraved or printed thereon.

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

SEC. 4. In order to pay the interest on said bonds, create a sinking Special tax.
 fund for taking up said bonds at maturity, to compensate laborers
 employed, and establish, alter, repair, and maintain the public
 roads and highways of Number Seven Township in Cleveland
 County, in good condition, the board of commissioners of the
 county of Cleveland, 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 in said township which said commissioners or other
 authorities now or hereafter may be allowed to levy taxes upon
 for any purpose whatever, always observing the constitutional Constitutional
 equation between the taxes on property and the taxes on polls: equation.
Provided, there shall not at any time be levied in Number Seven Proviso: limit
 Township in the county of Cleveland, for the purpose of road of rate.
 improvement, and including all expenditures made necessary by

Proviso: sinking fund.

this act or any act or statute now existing, a tax greater than fifty (50) cents upon the hundred dollars of property and one dollar and fifty 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.

Funds kept separate.

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 they were collected, except as specified in section four of this act.

Specific appropriation.

Investment of sinking fund in bonds.

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 the special tax herein provided for for sinking fund in the purchase of any of said bonds, at a price deemed advantageous to said township by the said board of commissioners and to be agreed upon by them and the owners thereof. But in case said township bonds cannot 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 township, 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 the 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.

Alternative investments.

Use of road funds.

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 the 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 improved road-working machinery, to repair, survey, lay out, grade, macadamize, improve, and maintain the public roads in said township, either by contract or employing laborers, and for the purpose of carrying out the general provisions of this act.

Election to be held.

SEC. 8. For the purpose of ascertaining the wishes of the voters in Number Seven Township, Cleveland County, upon the question of issuing said bonds and improving the roads of said township, as provided for in this act, an election shall be held in said township on the twelfth day of April, one thousand nine hundred and thirteen. At said election all voters in Number Seven Township 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

Date of election.

Tickets.

words "Against Roads" written or printed thereon; and if a majority of the voters of Number Seven Township, Cleveland County, who vote at said election shall vote "For Good Roads," 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 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, 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 said election fail to vote "For Good Roads," then the provisions of this act shall be inoperative. In the event the majority of electors voting at said election shall vote "For Good Roads," then no free labor shall be required of any of the citizens of Number Seven Township on and after January first following the adoption of the provisions of this act.

Majority of votes cast to issue bonds.

Law governing election.

Return of votes.

Canvass, determination, and declaration of result.

Act inoperative if bonds not voted.

Free labor abrogated.

SEC. 9. At the same time the foregoing election is held the electors shall vote for three citizens and taxpayers of Number Seven Township for members of the highway commission of Number Seven Township, and the three citizens and taxpayers who receive the majority of the votes cast at said election shall be declared elected as members of said highway commission by the board of commissioners of Cleveland County, and the election officers appointed for the purpose of holding the elections in the respective precincts in Number Seven Township shall certify the vote for members of the highway commission and deliver the same to the board of commissioners of Cleveland County in the same manner and at the same time that the vote of the bond issue is certified and delivered, and the three citizens and taxpayers receiving the majority of the votes cast at said election, and when declared elected by the board of commissioners of Cleveland County, shall serve for a period of two years and until their successors are elected and qualified, and their successors shall be elected at the next regular general election held in Cleveland County, and be elected in the same manner that justices of the peace are elected, and their names shall appear on the tickets prepared for justices of the peace and constable. Upon being declared elected highway commissioners, as above provided, the said members so elected shall file with the board of commissioners of Cleveland County a bond, with sufficient sureties, in the sum of three thousand dollars (\$3,000), for the faithful performance of their duties as prescribed by this act, and said bond shall be filed before they enter upon the discharge of any of their duties under this act; and at the same time said bond is

Election of highway commission.

Certificate and return of votes.

Persons declared elected.

Term of office.

Election of successors.

Highway commissioners to give bond.

Commissioners to qualify.

Official designation.	<p>filed they shall take and subscribe an oath for the faithful performance of their duties, and when thus qualified, the said three citizens and taxpayers so elected shall be known, designated, and styled "The Highway Commission of Number Seven Township" of Cleveland County. They shall each receive for their services three dollars per day during the time they are actually employed in the discharge of their duties assigned them by this act. They shall be allowed all necessary expenses for postage, stationery, attorneys' fees, and for such other additional expense as may be incurred by them in the discharge of their duties. The highway commissioners so elected and qualified shall immediately meet 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 said chairman and secretary of the highway commission so elected. In the event that the majority of the electors voting at said election should vote "Against Good Roads," then the election of the highway commissioners as herein provided shall be null and void and become inoperative.</p>
Pay of commissioners.	
Allowance for expenses.	
Organization of commission.	
Organization certified to county commissioners. Election inoperative.	
Highway commission incorporated.	<p>SEC. 10. The highway commission of Number Seven Township herein created shall be a body corporate with the power to sue and be sued, contract and be contracted with, and shall have all the rights and powers vested in corporations duly created by law, and shall have entire charge of the expenditure of the proceeds of the bonds herein authorized to be issued, and the expenditure of the funds arising from the tax 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, and the board of commissioners of Cleveland County shall turn over to the said highway commission of Number Seven Township full and complete control of the roads and highways of said township, and said commissioners shall loan the highway commission of Number Seven Township the road machinery and road implements now belonging to the 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; and 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 work of surveying, laying out the roads, and constructing and building same; and said commission shall have the roads of Number Seven 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. Whenever there shall be a change made in the location of any public</p>
Corporate powers.	
Charge of road funds.	
Control of roads and highways.	
Loan of machinery and implements.	
Road superintendent and engineer.	
Entry on land for roads.	

road, or new highways opened or old roads widened or straightened, and new land taken for the same, the highway commission, through its agents or employees, is 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 cannot agree as 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 is 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 the township.

Assessment of damages.

Proviso: notice to be served on owner.

Proviso: right of appeal.

Appeal not to delay action.

Roads may be let to contract.

SEC. 11. That the said 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 taxes collected by him under this act, and the sheriff or tax collector shall collect said taxes.

Sale of bonds.

Disbursement of proceeds.

Separate accounts.

Treasurer liable on bond.

No compensation to treasurer or sheriff.

SEC. 12. The board of commissioners of Cleveland County, upon the demand of the highway commission of Number Seven Township, may issue and sell the bonds herein provided for in series and

Issue and maturity of bonds in series.

provide for the maturity of the respective series at any time from twenty to fifty years from the date of issue.

Powers of highway commission under general law.

SEC. 13. The highway commission of Number Seven 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 Number Seven Township, except to require free labor of its citizens, and to regulate the opening of the cartways. Wherever roads are opened, created, surveyed, or constructed, said highway commission shall have the power to enter upon the lands in said township 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 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 the said highway commission and the landowner cannot 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 township. The said highway commission is authorized, where the public roads cross a branch, creek, or river, to erect and construct thereover or have erected and constructed thereover, such bridges as in their judgment may be necessary: *Provided,* that the cost of same shall be paid by the board of county commissioners out of such funds as may be collected by them in said township for bridge purposes.

Entry on land for material.

Timber shading road.

Proviso: limit of power to cut timber.
Assessment of damages.

Proviso: ownership of timber.

Width, grade, and location of roads.

Bridges.

Cartways.

SEC. 14. That the general law shall obtain as to the granting of cartways in Number Seven Township, and the applicant for a cartway shall proceed in the same manner and under the same rules and regulations as if the bill had not been passed.

Election officers.

SEC. 15. That the board of commissioners of Cleveland County, at the first meeting following the passage of this act, shall appoint the registrars and judges for the election precincts in Number Seven Township, and cause notice to be published in a newspaper published in Cleveland County once a week for four successive weeks, giving the names of the registrars and judges of election

Notice of election.

for the precincts in said township, and giving the date of election and the purpose for which said election is to be held.

SEC. 16. In the event that this act shall be adopted and the bonds voted at the election herein provided for, then the purpose of this act is to give the exclusive management and control of the public roads of Number Seven Township to the highway commission of Number Seven Township, and to invest it, with full power to do all the things necessary to be done in the furtherance of this act.

SEC. 18. In the event that the election is held on the date herein provided for, and the majority of the electors voting at said election shall vote "Against Good Roads," then this act shall become inoperative: *Provided, however*, that the board of commissioners of Cleveland County may order another election under the provisions of this act at such time or times as they may deem wise, upon the petition of at least thirty per cent of the voters of Number Seven Township; and *Provided further*, that no election shall be held oftener than once in any calendar year.

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

Ratified this the 11th day of February, A. D. 1913.

CHAPTER 70.

AN ACT TO PROTECT GAME AND REGULATE THE HUNTING SEASON IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful to kill and destroy opossums, minks, weasels, and ground-hogs at any and all seasons.

SEC. 2. That it shall be unlawful for any person to kill, hunt, capture, or in any manner destroy any quail, partridge, blackbird, dove, or robin, or their eggs, in Mitchell County from and after the ratification of this act. The provisions of this section shall expire on the fifteenth day of November, nineteen hundred and fifteen, in so far as it relates to killing, hunting, and destroying game.

SEC. 3. That from and after the fifteenth day of November, nineteen hundred and fifteen, the open season in which the above named birds may be killed by shooting with gun only shall begin on the fifteenth day of November and expire on the fifteenth day of January of each year.

SEC. 4. That it shall be unlawful for any person to kill or destroy any gray squirrel, pine squirrel, or boomer, raccoon, pheasant, wild turkey, lark, woodcock, or snipe, between the first day of February and the fifteenth day of October of each year.

SEC. 5. That if any person shall needlessly kill or destroy any song or nongame wild birds, or needlessly destroy the nest or eggs

Exceptions.

Misdemeanor.

Punishment.

Game warden and deputy to enforce law.

Fees of wardens.

Eggs, nests, or birds for scientific purposes.

of any of the said birds, except the following birds and their eggs, viz., English or European house sparrows, owls, hawks, crows, buzzards, and ravens, or violate the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars for each offense or imprisoned not more than thirty days.

SEC. 6. It shall be the duty of the game warden or deputy game warden of said county to strictly enforce this act, and for each conviction the game warden or the deputy game warden shall receive the sum of four dollars, to be taxed as cost, besides the usual fees allowed by law for serving process and other acts as constable.

SEC. 7. That this act shall not apply to any person taking eggs, nests, or birds for scientific purposes only by authority of the Audubon Society of North Carolina.

SEC. 8. Persons desiring to hunt and residing in this State, but not in the county of Mitchell, shall secure a hunter's license from the clerk of the Superior Court as do other nonresidents, and shall pay therefor the sum of five dollars, and said clerk's fees shall be the same as for other hunter's license; said funds arising from said sale of license shall be used and applied in the same way and manner as are the other funds that are raised by hunter's license.

SEC. 9. That the open season for killing squirrels in Grassy Creek Township shall begin on the fifteenth day of September of each year, and nothing in this act shall further affect the hunting season in said township.

SEC. 10. That the county commissioners of Mitchell County shall, on the first Monday of April, nineteen hundred and thirteen, and annually thereafter, furnish to the game warden five hundred copies of a synopsis of the game laws and hunting season of Mitchell County, to be posted at public places in the various townships, the cost of printing to be paid out of the funds arising from the provisions of this act.

SEC. 11. That all laws and clauses of laws, in so far as they conflict with this act, and no further, are hereby repealed.

SEC. 12. That this act shall apply to Mitchell County only.

SEC. 13. That this act shall be in force from and after the first Monday in April, nineteen hundred and thirteen.

Ratified this the 12th day of February, A. D. 1913.

CHAPTER 71.

AN ACT TO ESTABLISH A RECORDER'S COURT IN THE TOWN OF BREVARD AND THE COUNTY OF TRANSYLVANIA, AND TO PRESCRIBE 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 Transylvania, and to be designated as the recorder's court of Transylvania County, is hereby created and established.

Special court created.

Designation.

SEC. 2. The said court shall be a court of record, and shall be presided over by a recorder, who shall be a qualified voter of Transylvania 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 shall hold office until the next general election, when his successor shall be elected by the qualified voters of Transylvania 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 of successor.

SEC. 4. The county commissioners of Transylvania County shall on the first Monday in April, nineteen hundred and thirteen, 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 judges of the Superior Court: *Provided*, that if for any cause the commissioners aforesaid do not hold a meeting on the first Monday in April, one thousand nine hundred and thirteen, as above referred to, then they shall elect a recorder at their next meeting: and *Provided further*, that if the person elected by the commissioners as said recorder shall fail to qualify within ten days after his election, the commissioners shall proceed to elect another with the qualifications as herein provided, until the recorder so elected has qualified as provided in this act.

Election of recorder.

Recorder to qualify.

Proviso: extension of time.

Proviso: election if recorder fails to qualify.

SEC. 5. The said court shall be held in the courthouse of Transylvania County on Monday of each week, or oftener if necessary, except when the Superior Court shall be in session in said county, during which time the session of said recorder's court shall be held at such place as shall be provided by the board of commissioners of Transylvania County, and it is hereby made the duty of said board of commissioners to provide a suitable place for the holding of said court during the term of the Superior Court of Transylvania County.

Time and place of session.

Commissioners to provide courtroom during session of superior court.

SEC. 6. Said court shall have a seal with the impression, "Recorder's Court of Transylvania County," which seal shall be used in the attestation of writs, warrants, or other proceedings, acts or judgments of said court, whenever required, and in the same

Seal of court.

manner and to the same effect as the seal of other courts of record in the State of North Carolina.

Clerk of court.

SEC. 7. The clerk of the Superior Court of Transylvania County shall be the clerk of the recorder's court, and shall receive such fees as hereinafter provided.

Jurisdiction.

SEC. 8. The jurisdiction of said court shall be as follows:

Concurrent with justices of the peace.

(a) Said court shall have final concurrent original jurisdiction of all criminal offenses committed within the county of Transylvania, and without the town of Brevard, which are now or may hereafter be within the jurisdiction of justices of the peace.

Final, exclusive, original jurisdiction.

(b) Said court, in addition to the jurisdiction conferred in section (a) 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 value of the property stolen does not exceed twenty dollars, 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 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, illicit manufacture of liquors, 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-two to three thousand four hundred and forty-eight inclusive, which are above the jurisdiction of the 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 be as now prescribed by law.

Acts declared petty misdemeanors.

(c) 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 Transylvania County 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 jurisdic-

Court of preliminary hearing.

Proviso: prosecutions already instituted.

tion 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 bailable under the law, to appear at the next term of the Superior Court of Transylvania County, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Transylvania County to await trial as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Transylvania County to await the action of the Superior Court thereof.

Persons bound over to court.

Committal in default of bond.

(d) Said recorder shall have all the powers and jurisdiction and authority now conferred upon justices of the peace or the Superior Court of Transylvania 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 Transylvania County, and the clerk of the said court shall issue commitments thereof in the same manner as now provided by law for clerks of the Superior Court.

Convicts sentenced to road work.

(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 Transylvania County, and upon such appeal the trial shall be *de novo*.

Warrants.

Right of appeal.

(f) 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.

Jurisdiction retro-active.

(g) 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 in the same manner as is now provided before justices of the peace.

Search and peace warrants.

Jury trials.

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; 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; all such costs recovered and collected in said court, except costs due to the recorder, clerk, sheriff, constable, or justices of the peace, shall be paid on the first Monday in each month by the clerk of said court to the Treasurer of Transylvania County, who shall keep a separate account thereof, and

Costs for serving process.

Fees for issuing process.

Convicts taxed with costs.

Costs paid to county treasurer.

Reports.

who shall report to the board of county commissioners of Transylvania County at their first meeting in each month the amount paid him by such clerk.

Process directed to sheriff.

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 Transylvania County, and the service thereof shall be lawfully made when made by the sheriff of said county or any constable of said county, 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.

Service of process.

Process to run.

Convicts to be sentenced to road work.

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 of Transylvania County 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.

Recorder to preside and determine actions.

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 where 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, 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.

Appeals.

Bond on appeal.

Commitment in default of bond.

Dockets.

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.

Record files.

Cases now pending in superior court.

SEC. 14. No cases which are pending in the Superior Court of Transylvania 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 Transylvania 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.

Cases pending before justices of the peace.

Recorder to practice law.

SEC. 15. The recorder of said court shall not, by virtue of his office as recorder, be prevented from practicing law in the several courts of the State in matters which have not been heard or will not be heard by him as recorder.

Recorder removable for cause.

SEC. 16. The said recorder may be removed from office by the county commissioners of Transylvania County after hearing and notice given said recorder whose removal is being investigated, upon proof of immorality and continued neglect of the duties of his office; and if the said recorder is removed, or in case of

Vacancy filled.

vacancy in said office, or in case the person elected as recorder as provided in this act fails to qualify, his successor shall be elected by the county commissioners of Transylvania County for the unexpired term.

SEC. 17. All justices of the peace of Transylvania County shall have the same jurisdiction as heretofore to issue warrants in criminal cases, but in cases where they have not exclusive 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 Transylvania County may, by order therein or indorsed 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 hereinbefore provided.

Cases from justices' courts.

Justices' warrants returnable to recorder.

(a) All witnesses compelled to attend by the subpoena of this court shall be entitled to the same fees as now provided in the Superior Court, to be paid as now provided by law.

Witness fees.

SEC. 18. That the county attorney shall prosecute all cases before the recorder's court when requested to do so by the recorder: *Provided*, that he shall not receive any additional compensation for such services to the salary now paid him as county attorney.

County attorney to prosecute.

Proviso: no additional compensation.

SEC. 19. The Secretary of State shall send a certified copy of this bill as soon as it is ratified to the chairman of the board of county commissioners of Transylvania County.

Certified copy of act.

SEC. 20. The chairman of the board of county commissioners of Transylvania County, immediately upon receipt of the certified copy of this bill from the Secretary of State, shall cause the same to be published one time in the *Sylvan Valley News*, a newspaper published in the town of Brevard, and circulating in Transylvania County.

Act to be published.

SEC. 21. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 12th day of February, A. D. 1913.

CHAPTER 72.

AN ACT TO APPOINT A JUSTICE OF THE PEACE FOR CHAPEL HILL TOWNSHIP, IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Algernon S. Barbee is hereby appointed a justice of the peace for Chapel Hill Township, in Orange County, for a term of six years.

Appointee.

Term.

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

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 73.

AN ACT TO AMEND CHAPTER 286 OF THE PUBLIC LAWS OF 1899, RELATING TO THE PUBLIC ROADS OF WATAUGA, ASHE, AND ALLEGHANY COUNTIES.

The General Assembly of North Carolina do enact:

Repair work.

Road duty.

Compensation.

Construction work.

SECTION 1. That chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended as follows: Add to the end of section six of the said chapter the following words: "in keeping in repair roads already constructed." In section eight strike out the word "two," in line five, and insert in lieu thereof the word "three"; and in line nineteen of said section strike out the words "sixty-five cents" and insert in lieu thereof the words "one dollar"; and in section ten strike out the words "sixty-five cents" and insert in lieu thereof the words "one dollar." In section twenty-eight strike out all after the word "than," in last line, and insert in lieu thereof the words "six days in one year in constructing roads."

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

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

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 74.

AN ACT PRESCRIBING THE FORM OF MORTGAGES IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Mortgages to building and loan associations.

SECTION 1. That mortgages made to building and loan associations shall be in the following form:

Form.

STATE OF NORTH CAROLINA, }
NEW HANOVER COUNTY. }

THIS DEED, made and executed this the day of
....., A. D. 191.., by and between
.....
the part of the first part, and
.....

a corporation created and existing by virtue of the laws of the State of North Carolina, the party of the second part.

Whereas, the said, one of the shareholders in Series in said corporation, made application to said corporation at a meeting of its board of directors held on day of, A. D. 191., for a loan of dollars, which said sum, according to the provisions of the constitution and by-laws of said corporation, is payable to the said upon giving security that will faithfully comply with all and singular the terms, provisions, and conditions following, that is to say, that will pay to the said corporation, weekly and every week during its continuance, on the days appointed by said corporation for such payment, twenty-five cents per share on each share held by, and interest at the rate of six per cent per annum on said loan, payable weekly at the end of each week; that will pay all such fines as may be incurred by any default on part on making the payments on shares aforesaid at the time aforesaid; that will insure from time to time, and at all times hereafter during the continuance of said corporation keep insured against loss by fire, the buildings on the land hereinafter conveyed, to the amount of not less than dollars, and by an assignment of the policy or policies of insurance, or otherwise: *Provided*, that in the event of loss by fire, the amount aforesaid, advanced, together with all unpaid interest, fines, insurance money, and taxes, shall be payable to said corporation; that will from time to time, and at all times hereafter, pay and discharge all such taxes and assessments as may by any lawful authority be imposed and assessed upon the land and premises hereinafter conveyed; and in the event that default shall be made by in the payments to be made as aforesaid, or any of them, or in any other of the conditions, provisions, or requirements above set forth, or either of them, that then and in that event or legal representatives will in conformity with the provisions of the constitution and by-laws of said corporation, pay or cause to be paid to the said corporation the said sum of dollars, with interest thereon as above provided from the day of A. D. 191... said indebtedness being evidenced by the promissory note of, of the first part, of even date herewith, together with all such weekly payments and fines as aforesaid and all such taxes and premiums for insurance as may be due and payable, or as may have been paid by said corporation:

Now, THEREFORE, THIS DEED WITNESSETH, That the party of the first part, for and in consideration of the premises, as well as one dollar to paid (the receipt whereof is hereby acknowledged), ha... granted, bargained, and sold, and by these presents do grant, bargain, and sell, alien, convey, and con-

firm, unto the said party of the second part, its successors and assigns, the following described land, situate and lying in the county of New Hanover aforesaid, viz.:

.....

together with all and singular the rights, privileges, and appurtenances to the said granted land belonging or in any way appertaining. To have and to hold the same, with the appurtenances thereunto, unto the said party of the second part, its successors and assigns forever. And the said do hereby covenant and agree to and with the party of the second part and its assigns, that the said part.... of the first part lawfully seized in fee simple of the above described premises and ha.... good right and lawful authority to convey the same in fee simple; that said land and premises above conveyed are free from all judgments, taxes, liens, and other encumbrances, and that will forever warrant and defend the title to the same against all persons whatsoever.

Provided, always, and is expressly understood and agreed, that if the said or legal representatives shall, from time to time, and at all times, well and truly comply with and perform all and singular the terms, requirements, and conditions on which said sum of dollars was advanced and paid to by said corporation, as the same are set forth in the premises hereto, or in the event of any default in complying with and performing the same, that the said or legal representatives will pay

said sum of dollars, with weekly interest, on said loan as above provided, together with all weekly payments and fines and all taxes and premiums for insurance as hereinbefore prescribed; then and in that event these presents, and everything hereinbefore contained, shall cease and become null and void. And it is further understood and agreed, that if any default as aforesaid shall be made by the said or legal representatives, then and in that event it shall be lawful for the said party of the second part, its successors and assigns, to sell the above granted lands and premises at public auction in the city of Wilmington, for cash or on such terms as the said party of the second part, its successors or assigns may deem best, after thirty days notice at the courthouse door in the county of New Hanover, and at the option of the said party of the second part, its successors and assigns, by advertisement in one or more of the newspapers published in said city of Wilmington, and convey said land and premises to the purchaser or purchasers at said sale, freed and discharged from all right of redemption by the said part.... of the first part, heirs, personal representatives and assigns; and out of the proceeds of such sale to retain the principal and interest of the sum advanced by said corporation then unpaid, as herein set forth, together with all costs and charges incident to said sale and conveyance, including a reasonable attorney's fee for foreclosing under the powers herein contained or by suit in court, and all fines and weekly dues, taxes, and premiums for insurance as aforesaid, then remaining unpaid by the said or personal representatives, and the surplus, if any there be, shall be paid to the said heirs or assigns, upon demand made therefor.

IN TESTIMONY WHEREOF the said part.... of the first part ha... hereunto set hand.... and seal the day and year hereinbefore written.

..... [SEAL].
 [SEAL].
 [SEAL].
 [SEAL].

Signed, sealed, and delivered in the presence of

.....

SEC. 2. That the following form is declared to be a mortgage: Form of mortgage.

STATE OF NORTH CAROLINA, }
 COUNTY. }

AN INDENTURE, made and executed this day of
, A. D. by and between

 of the city of, county of,

.....

 Together with all and singular the tenements, hereditaments, and appurtenances unto the same belonging or in any wise appertaining. To HAVE AND TO HOLD the afore-granted and described premises, with the appurtenances, unto the said and assigns forever.

Provided, always, and this indenture is upon this express condition, that if the said..... executors, administrators, and assigns, shall well and truly pay, or cause to be paid, the aforesaid indebtedness when the same ought to be paid according to the tenor and effect of said promissory note..., and shall faithfully perform the covenants hereinafter contained, then this present indenture and also the said promissory note... shall be null and of none effect.

BUT IF ANY DEFAULT SHALL BE MADE, either in the payment of the principal of said indebtedness or of any one of the installments of the interest thereon, or of any part of either the principal or interest thereof when the same shall fall due and be payable, or in the performance of any of the said covenants hereinafter contained, and such default shall continue for the space of days, then and in either of the said events said promissory note... shall forthwith and immediately fall due and become payable, and it shall be lawful for the part... of the second part to enter into and upon the said mortgaged premises and the same to sell and dispose of to the highest bidder at public auction at the courthouse door in said county of, for cash or otherwise as to him or them shall seem fit, first giving due and legal notice of said sale by advertisement in one of the daily papers published in the and by posting the same for thirty days at the courthouse door of, and at three other public places in, the said county of and out of the proceeds arising from said sale, after deducting all the costs and expenses incident thereto, to retain the entire amount of said promissory note... and interest on the same, all taxes and premiums of insurance on said property unpaid by the said part... of the first part, all the cost of selling, advertising, and conveying the said land, including a reasonable attorney's fee for foreclosing under the power herein given, or by suit in court, and the balance, if any, to pay over to the said part... of the first part on demand therefor; and upon such sale the said are hereby authorized and empowered to execute and deliver to the purchaser a good and sufficient deed of conveyance for the said premises.

And the said part... of the first part, for
heirs, executors, administrators, and assigns, hereby
 covenant and agree at own expense to pay all lawful
 taxes that may be assessed against said premises, and to insure
 and, at all times until the complete payment of the indebtedness
 aforesaid, keep insured the buildings on said premises in a sum
 not less than
 dollars, and in the policy or policies of insurance provide that in
 the event of loss or damage by fire. the amount thereof shall be
 paid over to the said part... of the second part as inter-
 est may appear; and if any taxes now due be not paid, or if any
 premiums for such insurance or tax to become due be not paid
 at the time when the same is due and ought to be paid, the said
 part... of the second part
 are hereby authorized and empowered to pay
 the same, and all payments so made shall bear interest until re-
 paid, and be secured by this mortgage as fully as and become
 due and payable at the maturity of the note... and debt first
 above mentioned.

IN WITNESS WHEREOF the said part... of the first part ha....
 hereunto set hand... and seal... the day and year
 first hereinbefore written.

.....[SEAL].
[SEAL].
[SEAL].
[SEAL].

Signed, sealed, and delivered in the presence of

- Record books. SEC. 3. That the board of commissioners shall furnish to the register of deeds record books for mortgages with the above forms printed therein, including the usual forms of probate.
- Fee for registration. SEC. 4. That the fee to the register of deeds for the registration of mortgages drawn in compliance with this act shall be one dollar.
- Limit of appli- SEC. 5. That this act shall apply only to the county of New
 cation. Hanover.
- When act effective. SEC. 6. That this act shall be in force from and after May first, one thousand nine hundred and thirteen.
 Ratified this the 13th day of February, A. D. 1913.

CHAPTER 75.

AN ACT TO AMEND CHAPTER 143 OF THE PUBLIC-LOCAL LAWS OF 1911, BY PROVIDING FOR ELECTION OF HIGHWAY COMMISSIONERS OF MARBLE ROAD DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred and forty-three of the Public-Local Laws of nineteen hundred and eleven be and the same is hereby amended by striking out the words "appointed by the Legislature," in line five after the word "are," and insert the following: "elected by the qualified voters of Marble Road District. Said election to be held on Thursday after the first Monday in May, nineteen hundred and thirteen, and biennially thereafter."

Election by qualified voters.
Date of election.

SEC. 2. That the county commissioners shall order said election, first giving thirty days notice immediately preceding the election, said election to be held under rules and regulations provided for election of State and county officers.

County commissioners to order and advertise election.
Law governing election.
Claim for damages.

SEC. 3. That section seventeen of said chapter be and the same is hereby amended by striking out the words "highway commission" after the word "the," in line six of said section, and inserting the following: "commissioners of Cherokee County."

SEC. 4. That section eighteen of said chapter be and the same is hereby amended by striking out the words "highway commission it" after the word "the," in line two of said section, and inserting in lieu thereof the words "county commissioners of Cherokee County they," and that said section be further amended by striking out the words "secretary of highway commission" after the word "the," in line eleven of said section, and inserting the following: "county commissioners of Cherokee County."

Assessment and payment of damages.

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 13th day of February, A. D. 1913.

CHAPTER 76.

AN ACT TO REGULATE THE SALE OF LANDS IN GRAHAM COUNTY FOR DELINQUENT TAX DUE THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of Graham County is authorized and empowered to sell all real property, lands, and tenements for delinquent tax due thereon on the first Monday in January of

Sale day.

Proviso: special
sale days.

each year which he is empowered to sell under the general law on the first Monday in May: *Provided*, that the board of county commissioners of Graham County may authorize and empower the sheriff to sell any real property, salable under the general law, which was not sold on the first Monday in January, on the first Monday of any month thereafter.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 13th day of February, A. D. 1913.

CHAPTER 77.

AN ACT TO PROTECT QUAIL OR PARTRIDGES, FOXES AND OPOSSUMS IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Open season.

SECTION 1. That it shall be unlawful to shoot, trap, net, or otherwise catch, kill, or in any manner destroy quail or partridges in Wilkes County, except on Thanksgiving days and from the first day of December until the tenth day of January in each and every year after the passage of this act.

Close season.

SEC. 1a. That it shall also be unlawful for any person or persons to hunt opossums at night, with or without dogs, in Wilkes County from the first day of March until the fifteenth day of October in each and every year.

Shooting foxes
forbidden.

SEC. 1b. That it shall also be unlawful for any person or persons to shoot either gray or red foxes in Wilkes County at any season of the year, but any person or persons desiring to chase foxes with dogs may do so from the first day of October until the fifteenth day of February only: *Provided*, that this act shall not apply to any person or persons who may shoot foxes or opossums while in the act of killing their fowls or pigs.

Open season for
hunting.

Proviso: foxes or
opossums depre-
dating.

Purchase or sale
of game forbidden.

SEC. 1c. That it shall also be unlawful for any person or persons to buy or offer to buy, sell or offer to sell quail, partridges, pheasants, or grouse in Wilkes County at any season of the year, either alive or dead.

Misdemeanor.

SEC. 2. That any person or persons shooting, trapping, netting, or otherwise killing quail, partridges, pheasants, or grouse in Wilkes County, except on Thanksgiving day, and from the first day of December until the tenth day of January, as above provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be required to pay a penalty of five dollars for each and every offense, two dollars of which shall be paid to the one giving information upon which a conviction is secured and three dollars to the public school fund of Wilkes County, or upon failure to pay said penalty and costs said party or parties shall be confined in the common jail of Wilkes County for not less than ten nor more than thirty days for each offense.

Penalty.

Apportionment of
penalty.

Imprisonment.

SEC. 2a. That any person or persons whose business it is to buy Dealers. and sell produce, poultry, or other merchandise, who shall keep in his place of business any quail, partridges, pheasants, or grouse, shall be considered guilty of buying and selling the above named birds, and upon conviction shall in each and every case pay a Penalty. penalty of ten dollars, said penalty to be applied to the public school fund of Wilkes County.

SEC. 2b. That every person or persons hunting and catching opos- Misdemeanor. sums at night except as above provided shall be guilty of a mis- demeanor, and upon conviction shall be required to pay a penalty Penalty. of not less than one nor more than five dollars for each and every offense, said fine to be applied to the public school fund of Wilkes County.

SEC. 2c. That if any person or persons are known to shoot at Shooting fox and kill or cripple any fox except for the reason above set forth, misdemeanor. shall be guilty of a misdemeanor, and upon conviction shall be Penalty. required to pay a penalty of seven dollars for each and every offense, of which two dollars shall be paid to the one giving infor- Apportionment of mation upon which a conviction is secured and five dollars to the penalty. public school fund of Wilkes County.

SEC. 3. That all laws and clauses of laws in conflict with this Repealing clause. act are hereby repealed: *Provided*, that this act shall not inter- Proviso: posted fere with the rights of any individual who may wish to post his land.

SEC. 4. That this act shall be in force from and after its ratifi- cation.

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 78.

AN ACT TO RELIEVE FROM JURY SERVICE PERSONS IN CAMDEN COUNTY WHO HAVE REACHED THE AGE OF SIXTY YEARS OR MORE.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any person shall have reached the age of sixty years he shall not be required to do jury service in Camden County: *Provided*, that the person so desiring shall notify in writing the chairman of the board of commissioners of Camden County at least ten days prior to the revisal of the jury list the first Monday in July of each year: *Provided further*, that a per- son once excused stands excused for all time.

SEC. 2. That a person summoned as a special venire or called from the courtroom or other place to do jury service by the sheriff or other officer may be excused from jury service by the judge presiding, by stating to the court that he is sixty years of age or

- Proviso: age proven by oath. more: *Provided, however,* that the chairman of the board of county commissioners of Camden County or the judge presiding may require that the person making application to be excused make oath to the fact that he is sixty years or more of age.
- Application of act. SEC. 3. This act shall apply only to Camden County.
SEC. 4. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.
- When act effective. SEC. 5. This act shall be in force from and after June first, one thousand nine hundred and thirteen.
Ratified this the 13th day of February, A. D. 1913.

CHAPTER 79.

AN ACT FOR THE IMPROVEMENT OF THE PUBLIC ROADS
IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

- Highway commission. SECTION 1. That the public roads in Stanly County shall be governed, controlled, and managed by a highway commission composed of three men of the county, except roads in those townships of the county which have township highway commissions. That the term of office for said highway commissioners shall be six years, except as hereinafter provided.
- Term of office. SEC. 2. That George D. Troutman shall be and he is hereby appointed a highway commissioner for Stanly County for a term of six years; that W. H. Bivins shall be and he is hereby appointed a highway commissioner for Stanly County for a term of four years; that C. L. Smith shall be and he is hereby appointed a highway commissioner for Stanly County for a term of two years. That the period of appointment for said highway commissioners shall date from the ratification of this act, and that their successors shall be appointed for a term of six years, respectively, as their terms expire. Before entering upon the discharge of their duties the said highway commissioners shall take and subscribe an oath before the clerk of the Superior Court of Stanly County for the faithful performance of their duty, and file same with him.
- Commissioners and terms of office. SEC. 3. That the commissioners herein named and their successors in office shall have full power and authority to work and govern the working of all public roads and bridges in Stanly County, except in those townships of said county where township highway commissions have charge of the roads and bridges, and shall have full power to elect, appoint, or employ superintendents of public roads, engineers, supervisors, and such other agents and employees as they may deem necessary, and fix their salaries; and they shall have power to discharge any person so appointed
- Terms of successors.
- Commissioners to qualify.
- Power and authority of commission.
- Superintendents and other agents and employees.
- Power to discharge employees.

- or employed at any time they may see fit to do so. The said highway commission shall furnish to its superintendents, engineers, supervisors, overseers, or other agents such rules and regulations as said commission may deem best for governing the working of the public roads and bridges for Stanly County, and shall require such reports, plats, profiles, and other necessary information from said appointees, employees, or agents to be filed with said highway commission for inspection as it may see fit.
- SEC. 4. That the Legislature shall appoint a successor to each highway commissioner named respectively, as their terms shall expire; that in case either or any of said board shall resign, or fail or refuse to qualify and act as highway commissioner, then it shall be the duty of the county commissioners of Stanly County to fill the vacancy until the next meeting of the General Assembly, when the said General Assembly shall appoint some suitable person to fill the vacancy; and said commissioners, whether appointed by the General Assembly or by the board of commissioners of Stanly County to fill vacancies, shall be appointed without regard to the politics of the party selected, but shall be chosen for their peculiar fitness for managing and working the public roads of Stanly County.
- SEC. 5. That the said highway commissioners herein named shall meet at the courthouse in Albemarle within twenty days after the ratification of this act, and organize by electing one of their members chairman, another secretary, and they shall keep a record of all their transactions in a book kept for that purpose, which shall be open to the taxpayers of Stanly County for inspection at any time.
- SEC. 6. All appointees, employees, or agents appointed or employed by the board of highway commissioners for Stanly County who shall handle any road funds of said county shall enter into a bond with good and sufficient sureties, in an amount to be determined by the board of highway commissioners, the surety to be approved by the same board. That the board of highway commissioners shall have the right to recall from any or all of their appointees, employees, or agents any such funds in their hands, and if any person holding any of said funds shall refuse to turn over to the said board the said funds after demand, then such person shall be guilty of a misdemeanor, and shall be fined or imprisoned, or both, in the discretion of the court: *Provided*, that all funds handled by said highway commission shall be held by the Treasurer of Stanly County and shall be paid out on the order of the highway commission, and in no other way. That an order signed by the secretary of the board and countersigned by the chairman shall be sufficient therefor. The members of said highway commission shall be paid out of the road fund of Stanly County the sum of one dollar and fifty cents per day and mileage
- Rules and regulations.
- Reports, plats, and other information.
- Election of successors to highway commissioners.
- Vacancies.
- Commissioners to meet and organize.
- Organization.
- Record of transactions.
- Appointees and employees to give bonds.
- Call for funds.
- Refusal to pay in funds a misdemeanor.
- Funds held by county treasurer.
- Road orders.
- Pay of commissioners.

Proviso: limitation. at five cents per mile: *Provided*, they shall be paid this amount for not exceeding four days in each month, if they should meet so often.

Machinery and implements.

SEC. 7. When the said highway commission shall have organized as provided in section two hereof, the board of county commissioners of Stanly County shall turn over to said highway commission all the road machinery and implements now belonging to said Stanly County (except in those townships which have township highway commissions), and take receipt therefor.

Specifications for highways.

SEC. 8. The highways in said Stanly County constructed or improved under this act shall have a right of way of not less than forty feet, twenty feet of which shall be free from logs, stumps, rocks and stones, and the whole of which shall be as nearly straight as practicable, with no grade over five per cent, except where such grade is considered impracticable by the road engineer.

Entry on land for location and construction of roads.

SEC. 9. In opening new highways, widening, straightening, improving, altering, or changing old roads and repairing the same, the highway commission, through its agents or employees, are hereby authorized to enter upon any lands and make all necessary surveys, and locate, relocate, build, improve, change, alter, widen, and repair such highways. If the said highway commission and the owner of said land cannot agree as to the damages, if any, the said highway commission shall within sixty days after said highway is completed cause to be summoned three disinterested freeholders of said county, who, under the general law as it now exists for condemning rights of way for railroads, shall go upon the lands and assess the damages done the owner, and in so doing they shall take into consideration the benefits received by the owner, and the benefits and conveniences to the general public; either party shall have the right of appeal from the award made by said jurors to the Superior Court, but if the owner of the land shall appeal, he shall first give bond in the sum of at least two hundred dollars to secure the costs of the action, and if he fails to recover more damages than were awarded him by the jury, then in that event he shall pay all the costs of the action: *Provided, however*, that after all necessary surveys are made and the location or relocation of the road determined upon, before beginning actual work of construction, it shall be the duty of the highway commission to serve notice upon the owner or agent or party in charge of said lands; if they are residents of the county, they shall be served with personal notice; if they are nonresidents of the county, and their postoffice address is known, they shall be served by a letter directed to them at their known postoffice address; if they are minors, or if their postoffice address is unknown, then they shall be served by advertisement for two weeks in some newspaper published in the town of Albemarle, notifying them that the highway is to be located, changed, altered, widened, or relocated upon said lands, under the authority of this act.

Procedure for assessment of damages.

Right of appeal.
Bond on appeal.

Proviso: landowner to have notice.

SEC. 10. For the purpose of carrying out the provisions of this act, the said highway commission, through its agents or employees, is hereby authorized and empowered to enter upon any lands, near to or adjoining any public road or highway, 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, repair, or maintain said roads, together with free ingress and egress from roads for the transportation of said material.

Entry on land
for material.

SEC. 11. If any owner of land, or the agent of said owner, having in charge lands from which stone, gravel, sand, clay, rock, or other material is taken as aforesaid, shall present an account for the same to the chairman of the highway commission, it shall be the duty of said highway commission to pay a just and reasonable price for the same; and if the said highway commission and the owner or agent of the land cannot agree upon the price, then the said highway commission, after said material is taken, is hereby authorized and directed to have the damages assessed in the same manner as is provided in section nine of this act.

Claims for material
taken.

Assessment of
price.

SEC. 12. It shall be the duty of said highway commission to have maps and profiles made of all new roads and all old roads changed, altered, located, or relocated under this act by some competent engineer, and furnish estimates of the dirt, stone, or other material to be moved in the construction, locating, relocating, and changing the same; and if said highway commission shall determine to let any part of the grading, improving, or construction of said roads by contract, then the corporation, partnership, or person so bidding for said work shall bid upon the specifications of the same furnished by the engineer. The said highway commission is hereby authorized to let the grading, construction, repairing, and building of any section of road to be built, or any subdivision of any road to be built or repaired, by contract, if they deem best; or the said highway commission may use the free labor under the law as it now exists for Stanly County, and hire labor in working, improving, building, repairing, and maintaining said roads, as they may see fit.

Maps and profiles.

Estimates.

Contracts.

Roads may be let
to contract.

Hired labor.

SEC. 13. Any person who shall obstruct the highway commission or any of its agents, servants, or employees in making surveys, or in altering, changing, repairing, or opening a new road or highway, or in obtaining material as herein provided, or who shall stop up or obstruct any drains or ditches cut for the improvement of the road, shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or imprisoned, or both, in discretion of the court: any person or persons who shall obstruct any one authorized by this act 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 discretion of the court; and the recorder of the town of Albemarle be and he is hereby given jurisdiction, power, and authority to try and punish all offenses under this act, so long as this court shall exist.

Obstruction of
roads, officers, or
drains a misde-
meanor.

Punishment.

Obstruction of
officer a misde-
meanor.

Punishment.

Jurisdiction.

- Accounts posted monthly. SEC. 14. The treasurer of the county shall, on the first Monday in each and every month, post at the courthouse door of said county the disbursements from the road fund of the previous month, and furnish copy thereof to the chairman of the highway commission. Said treasurer shall pay out money only upon vouchers issued by said highway commission, signed by its secretary and countersigned by its chairman. The highway commission shall require monthly reports in writing from all officers, superintendents, and engineers, concerning the progress of their work, and to what extent and in what manner they have performed the same.
- Vouchers.
- Monthly reports.
- Expense of meetings. SEC. 15. All expenses incurred by said highway commission on account of meetings held by reason of duties imposed by this act, together with all other expenses necessarily incurred in the discharge of their duties, shall be paid for out of the funds provided for in this act.
- Highway defined. SEC. 16. The term "highway" used herein shall be understood to mean all public roads designated as and used by the public.
- Commission to keep books. SEC. 17. The highway commission is hereby required and directed to keep an intelligible set of books, showing all transactions and expenditures of money, and for what purpose expended, and all other expenditures incident to the construction and improvement of said roads, also all maps and profiles made 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.
- Books and records open for inspection.
- Road taxes. SEC. 18. The same laws now in force in Stanly County for levying and collecting road taxes shall continue and remain in full force and effect under this act: *Provided, however,* that when any township in said county shall present a petition to the board of commissioners, signed by a majority of the resident landowners of said township, asking that in such township an additional special tax be levied for road purposes, the commissioners of said county shall, at the same time they levy other taxes for said county, levy in such township an additional special tax as they have been requested to levy by said petition, said tax to be levied and collected as provided for other road taxes in said county, 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 highway commission for said county, or under the direction of three township road commissioners named in said petition or appointed by the highway commission of the county and board of commissioners of the county in joint session: *Provided further,* that when any such special tax shall be levied and collected, the treasurer of the county shall receive only one per cent, both for receiving and disbursing said special tax.
- Proviso: special tax for townships.
- Used only in township of levy.
- Proviso: commission of treasurer.

- SEC. 19. That the board of commissioners of Stanly County be and it is hereby empowered to submit to the voters of any township in Stanly County, other than North and South Albemarle townships, when requested to do so by a petition of one-fifth of the registered voters in said townships at the last general election, the question whether said township shall issue bonds in such amount as may be fixed in said petition, not exceeding ten per cent of the taxable property of said township, with interest coupons attached, the proceeds of which to be used in surveying, repairing, grading, relocating, and constructing of macadam, gravel, soil, sand, clay, or other material, and otherwise improving and maintaining the public roads and bridges of said township. The said board of commissioners shall for at least thirty days before the election give notice thereof by publication in one or more newspapers published in Stanly County: *Provided*, that if a majority of the voters of said township shall not vote to issue bonds at the election so held, said board of commissioners may submit the question to said voters at any other time or times, upon like petition of the voters of said township.
- SEC. 20. That any election under the provisions of this act shall be conducted in the same manner as to notice, registration, challenges, voting, counting, and making returns, and judicially determining and declaring the result of the election, and in all other respects as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided*, that said board of commissioners shall appoint the registrars and judges of election, and order a new registration for all elections under this act: *Provided*, in any township with only one voting precinct the result of the election shall be judicially declared by the poll-holders when the count of the vote is completed, and they shall sign their report and return the same to the board of commissioners at its next regular meeting; in townships with more than one voting precinct, one poll-holder chosen for that purpose from each precinct shall meet at the courthouse at twelve o'clock m. on Thursday following the election, and canvass and judicially declare the vote of the township, sign their report and return the same to the board of commissioners at its next regular meeting; and in all cases the report of the election shall be recorded in the minutes of said commissioners, and no other recording or declaring of the result of said election shall be necessary.
- SEC. 21. That at said election or elections all electors who favor the issuing of said bonds shall vote a ballot with the words "For Good Roads" written or printed thereon, and those opposed shall vote a ballot with the words "Against Good Roads" written or printed thereon.
- SEC. 22. In the event that a majority of the votes cast shall be "For Good Roads" at any election herein provided for, after the result has been declared and recorded as aforesaid, the board of
- Petition for bond election.
- Limit of amount.
- Notice of election.
- Proviso: further election.
- Law governing elections.
- Proviso: election officers.
- New registration.
- Proviso: townships with one polling place.
- Returns from other townships.
- Record of returns.
- Ballots.
- Bonds if voted for.
- Denomination.

- commissioners of Stanly County shall have bonds prepared of the denominations of one thousand dollars each, the total amount being that voted for at said election. 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 semiannually during the time the bonds shall run, with the principal payable forty years from the date of their issue.
- Interest. Said bonds and coupons shall be payable in standard currency of the United States at such place as may be determined by the board of commissioners of Stanly County at the time said bonds are sold; both bonds and coupons shall be numbered consecutively, beginning with number one, and the bonds 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 shall bear the name of the township voting said bonds, 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 with the lithographed signatures of the chairman and of the clerk of said board of commissioners. The said board of commissioners is authorized to sell said bonds, either at public or private sale, all of them at once, or part from time to time, as it deems best: *Provided*, that none of the bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation, or otherwise, at a less price than their face value. In any township where bonds are voted under this act the expense of the election shall be paid out of the proceeds of the bonds; if bonds fail to carry at any election under this act, the expense of the election shall be paid out of the general county fund.
- Currency. Authentication.
- Sale of bonds. *Sec. 23.* That the board of commissioners of Stanly County, and their successors in office, be and they are hereby appointed trustees for any and all townships in Stanly County voting bonds, and are hereby authorized, directed, and empowered to sign, sell, and issue all the bonds herein provided for, and to levy such taxes as may be herein or hereafter provided for, for the purpose of paying the interest on said bonds; and they are authorized, directed, and empowered to begin to levy and collect a special tax twenty years before the maturity of said bonds, for the purpose of creating a sinking fund to pay the principal thereof at maturity; and they are authorized and directed to invest or loan the sinking fund so collected at not less than four per cent interest, and to compound the same semiannually.
- Proviso: bonds not sold below par. Expense of election.
- County commissioners trustees for townships. Sinking fund.
- Special taxes. *Sec. 24.* In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and establish, alter, repair, and maintain the public roads and highways in said townships, the board of commissioners of Stanly County, or other authorities vested with power of levying taxes for said county, shall compute and levy at the time of levying other taxes in the county, a sufficient special tax on all polls, all real estate and

personal property, and all other subjects of taxation in said township, always observing the constitutional equation between the taxes on property and the taxes on polls: *Provided*, that there shall not be at any time levied in said township for all expenditures made necessary and provided for by this act a tax greater than twenty-five cents on one hundred dollars worth of property and seventy-five cents on each poll, except as provided for in section eighteen of this act.

Constitutional equation.
Proviso: limit of tax rate.

SEC. 25. That said taxes provided for in section twenty-four of this act, when collected by the sheriff or tax collector, shall be kept separate and apart from other taxes, and he shall pay the same over to the treasurer of the county for the use and benefit of said township, and said funds shall be used for the purpose for which they are collected; and said county treasurer shall be allowed only one per cent commissions, both for receiving and disbursing the money received from the sale of bonds and the special tax collected to pay the interest on same, for investing said sinking fund.

Moneys kept separate.

Commission of treasurer.

SEC. 26. That the moneys received from the sale of said bonds and derived from the special taxes 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 the highway commission hereinafter provided for, for said township to purchase such road machinery and other equipments as said highway commissioners shall deem necessary; to survey, lay out, alter, change, relocate, grade, and otherwise improve and maintain the public roads and bridges of said township.

Use of proceeds of bonds.

SEC. 27. If a majority of the voters of any township shall vote to issue bonds therein, as hereinbefore provided, then the highway commissioners of the county and the board of commissioners of Stanly County in joint session shall elect three highway commissioners for said township, one of them for two years, one for four years, one for six years, from the date of their election, and biennially thereafter they shall elect a successor to each of them as his time expires, who shall hold office for six years. In selecting said highway commissioners for the township the politics of the party selected shall not be considered, but he shall be chosen for his peculiar skill and fitness for managing and working the public roads. Said highway commissioners so chosen shall meet within ten days after they are elected, and after first taking and subscribing an oath before the Clerk of the Superior Court of Stanly County for the faithful performance of their duties, which oath shall be filed with the clerk, shall proceed to organize by electing one of their members chairman and another secretary; and they shall take charge and have full and complete control of the roads of said township and shall be empowered to employ such officers, agents, employees, as in their judgment they may think necessary.

Election of township commissioners.

Election of successors.

Commissioners to qualify.

Organization.

Charge and control of roads.

Compensation.

and fix their salaries. Said highway commissioners in any township voting bonds under this act shall be allowed the same compensation as the highway commissioners of the county.

Road duty
abrogated.

SEC. 28. In case the voters in any township shall vote to issue bonds as herein provided, then in that event all laws or clauses of laws allowing compulsory labor on the public roads of said township, except for conviction for crime, are hereby repealed; but if said bond issue is voted down, then said laws shall remain in full force and effect.

Proviso: highway
commissioners not
debarred from
office.

SEC. 29. *Provided*, that any person holding the office of highway commissioner as provided in this act shall not be disqualified from holding any other office in North Carolina.

SEC. 30. That all laws or clauses of laws repugnant to or in conflict with or inconsistent with the purpose and spirit of this act are hereby repealed; otherwise they shall remain in full force and effect.

SEC. 31. This act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 80.

AN ACT FOR THE RELIEF OF THE CLERK OF THE SUPERIOR COURT OF UNION COUNTY.

Preamble: employ-
ment before
election.

Whereas R. W. Lemmond of Union County, N. C., was, prior to December the second, one thousand nine hundred and twelve, a practicing attorney at law in said county, and as such had, prior to said date, been employed in a number of cases to represent parties litigant in the Superior Court of said county, and has been paid his fee for services as such; and whereas said cases now stand for trial at the February Term, one thousand nine hundred and thirteen of said court; and whereas said R. W. Lemmond was elected in November to the office of clerk Superior Court of said county, and qualified as such on the first Monday in December, one thousand nine hundred and twelve, and is now the clerk of said court: Now, therefore,

The General Assembly of North Carolina do enact:

Appearance as
attorney author-
ized.

SECTION 1. That R. W. Lemmond, Clerk of the Superior Court of Union County, North Carolina, be and he is hereby authorized to appear as an attorney in the courts of the State for all persons and parties by whom he was employed and paid prior to his election and qualification to the office of clerk Superior Court. This act shall have no other or further effect than to authorize and empower said R. W. Lemmond to appear and prosecute or defend

Limit of authority.

as attorney in such cases as he was employed to prosecute or defend, civil or criminal, prior to his election to said office. Such appearance as attorney shall not affect him in any way as the clerk of the said court. Position as clerk not affected.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 13th day of February, A. D. 1913.

CHAPTER 81.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF JACKSON COUNTY TO LEVY SPECIAL TAXES TO MEET THE GENERAL INDEBTEDNESS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners for the county of Jackson are hereby authorized and empowered at the regular times for levying taxes 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 thirteen and one thousand nine hundred and fourteen, for the support of the poor and to liquidate existing indebtedness incurred against this account, observing the constitutional equation between property and poll. Special tax authorized. Rate. Term of levy.

SEC. 2. That in addition to the levies authorized in section one, the said board of commissioners for said county are hereby authorized and empowered at the regular times for levying taxes to levy a special tax for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, 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, 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 have been incurred heretofore by said county or may be incurred during the years nineteen hundred and thirteen and nineteen hundred and fourteen, observing the constitutional equation between property and poll. Further special tax. Years. Rate.

SEC. 3. That the taxes herein authorized to be levied shall be collected and accounted for by the sheriff or tax collector of said county in the same manner and under the same penalties as are now provided by law for the collection of other taxes in said county. Levy and collection of tax.

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

Ratified this the 13th day of February, A. D. 1913.

CHAPTER 82.

AN ACT TO CHANGE THE NAME OF WICCACON CREEK TO WICCACON RIVER.

Preamble: stream known as creek.

Preamble: stream navigable.

Preamble: desire for change of name.

That whereas a creek situated and being in the county of Hertford and the same having been known by that name at and before the formation of the said county of Hertford; and whereas said Wiccacon Creek is known as a navigable stream for steamboats and sail vessels carrying the various products of the country; and whereas it is desired by the citizens of Hertford County that the name of said creek be changed: Now, therefore,

The General Assembly of North Carolina do enact:

Name changed.

SECTION 1. That the name of Wiccacon Creek be and the same is hereby changed to Wiccacon River.

Trapping forbidden.

SEC. 2. And it shall be unlawful for any person or persons to set any steel traps, log traps, or poll traps, or to catch any fur-bearing animals in any traps, in any shape or form, in the said Wiccacon River or upon the land covered by tide-water, and any person or persons violating the provisions of this act, after being convicted in any court of jurisdiction, shall be deemed guilty of a misdemeanor and fined, 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 14th day of February, A. D. 1913.

CHAPTER 83.

AN ACT TO CONFER POLICE POWERS ON SHERIFFS AND CONSTABLE AT SWEPSONVILLE, IN THOMPSON'S TOWNSHIP, ALAMANCE COUNTY, AND TO PROHIBIT PUBLIC DRUNKENNESS THERE.

The General Assembly of North Carolina do enact:

Duties and powers of sheriff, deputy sheriffs, and constable.

SECTION 1. That it shall be the duty of the sheriff or deputy sheriffs in Alamance County living and residing at Swepsonville in Thompson's Township, Alamance County, or those appointed by the Sheriff of Alamance County for that section of said county in which Virginia Cotton Mills is situated, and the constable of Thompson's 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 Swepsonville and on the premises of said Virginia Cotton Mills in said township, and to arrest

Locality affected.

all offenders against the same; and in order to prevent, as far as possible, all injury to property in said village and on the above-mentioned premises, the said 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 so assist, then the said sheriff or deputy sheriffs or constables 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 sheriff or deputy sheriffs and constables, when he or they have good reason to believe that a felony or infamous crime has been or is about to be committed, shall have power to enter the inclosures and houses of any person in said village or on the aforesaid premises, without warrant, for the apprehension of any person so offending; and if a felony or other infamous crime has been committed, or a dangerous wound has been given, and there is reasonable ground to believe that the guilty person is concealed in a house, it shall be lawful for any sheriff, deputy sheriff, constable, or other police officer, admittance having been demanded and denied, to break open the door and enter the house and arrest the person against whom there shall be grounds of belief, 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 sheriff, or constable for any offense shall, as soon as practicable, be taken before some justice of the peace of Alamance 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 guardhouse or calaboose provided for that purpose, by any of said officers, unless bail is given as provided by law.

Power to summon posse.

Entrance for prevention of crime.

Forcible entry.

Persons arrested without warrant held for trial.

SEC. 2. Such sheriff or deputy sheriffs and constable shall have the same power and authority in the said village of Swepsonville and on said premises as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

Powers as policemen.

SEC. 3. Such 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 detective.

Badge.

SEC. 4. That every person found drunk on the streets or roads or in any public place in said village of Swepsonville or in any public place on said premises within half a mile of Swepsonville Baptist Church, or drunk and staggering along said street or roads, shall be guilty of a misdemeanor, and upon conviction shall

Public drunkenness a misdemeanor.

Punishment.

be fined not more than ten dollars or imprisoned not more than ten days.

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

Ratified this the 14th day of February, A. D. 1913.

CHAPTER 84.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF CATAWBA COUNTY, TO REVISE THE ROAD LAW FOR SAID COUNTY, AND TO VALIDATE CERTAIN BONDS.

The General Assembly of North Carolina do enact:

Special road fund.
Tax rate.

SECTION 1. That the board of county commissioners, during the month of June in each year, shall levy a special tax of not more than thirty (30) cents on the one hundred dollars valuation of property and not more than ninety (90) cents on the poll on all property and polls subject to taxation in the several townships in the county, to be collected as other taxes are, and to be set aside as a special road fund, to be used in the construction, improvement, and maintenance of the public roads, including the necessary equipment, establishing, and maintaining a convict force, employment of labor, and other necessary expenses: *Provided*, the rate of tax levied in the several townships need not be the same in all townships, and the taxes levied and collected in any township shall be used in the construction, improvement, and maintenance of the roads in that township, as near as may be, as the commissioner may direct or approve: *Provided further*, the county commissioners may set aside as a county road fund an equitable portion of the funds of the several townships to defray any county supervision, control, and expenses for road purposes.

Proviso: tax
variable in town-
ships.
To be used in
township of levy.

Proviso: county
road fund.

County superin-
tendent.

Bond and compen-
sation.

Duty of superin-
tendent.

Monthly reports.
Quarterly reports.

SEC. 2. That the board of county commissioners shall each year employ a competent county superintendent of roads to serve during the pleasure of the board, fix his compensation, and may require him to give bond, to be approved and in a sum to be fixed by the said board, for the faithful performance of all duties required of him by law or by the county commissioners. It shall be the duty of said superintendent, subject to the approval of the board of county commissioners, to supervise, direct, and have charge of locating, relocating, constructing, improving, and maintaining all public roads in the county, and to perform such duties as may be required by the commissioners, and shall submit a monthly report of the progress of the work and the moneys expended, and shall submit quarterly a report of the condition of the roads and bridges, with plans for their improvement, and shall include in said report

an inventory of tools, implements, teams, and other equipment on hand, and also report as to the condition and number of the convict force, if any: *Provided*, that the board of county commissioners may at any time, after sufficient notice to give him a hearing, remove the county superintendent of roads, when in the opinion of the board there exists good and sufficient cause, and the vacancy shall be filled by said board: *Provided further*, that any road or part thereof may be placed in charge of an overseer, or the roads of any township may, in the discretion of the commissioners, be placed in charge of a township supervisor, free from the control of the county superintendent of roads; and the compensation of the county superintendent may be changed from time to time as his duties and territory are changed by the board of county commissioners: *Provided further*, that when, in the opinion of the board of county commissioners, the appointment of a county superintendent of roads is not best for the interests of the several townships of the county, the said board of commissioners may, in lieu thereof, appoint a road supervisor in each township in the county, and each supervisor in the township for which he is appointed shall have the power, exercise the authority, perform the duties, and assume the responsibilities in this act conferred upon and required of the county superintendent of roads, shall be subject to dismissal under the same terms, shall give bond satisfactory to the board of commissioners under the same conditions, and shall receive compensation to be fixed by board of county commissioners.

Proviso: superintendent removable for cause.

Proviso: overseers or township supervisors.

Proviso: township supervisors instead of county superintendent.

Powers, duties, and responsibilities of county superintendent.

Bond and compensation.

SEC. 3. That all able-bodied male persons between the ages of twenty-one and forty-five years, except residents of incorporated cities and towns, shall work on the public roads in the township in which they reside, for four days in each and every year, at such time and place, in such manner and under such overseer as may be designated by the county superintendent, township road supervisor, overseer, or other person having charge of the roads: *Provided*, that the superintendent, supervisor, overseer, or other person in charge of the roads to be worked shall give three days notice to any person liable to road duty, to work on the roads, specifying the time and place to begin work, except in case of washout or unexpected obstruction to travel three days notice shall not be necessary; and any person so notified shall respond to such notice with promptness; and in any case notice may be given personally or by leaving a written notice at the residence or boarding place of the person liable to road duty, and may be given in person or by agent: *Provided further*, that any person subject to road duty may pay to any official or person designated by the board of county commissioners, on or before the first day of April in any year, the sum of two dollars (\$2) in townships where the road tax levy does not exceed fifteen cents, or the sum of one dollar (\$1) in townships where the levy exceeds fifteen

Road duty.

Proviso: warning.

Proviso: commutation for road work.

cents, and shall receive a receipt exempting him from the four days labor required by this section for that year: *Provided further*, that any person coming of age, or becoming a resident of any township after the first day of April, shall be required to pay without delay the proportionate part of the money requirement for exemption, or shall work the remaining proportionate part of the four days for that year: *Provided further*, no person shall be required to work on the public roads outside of the township in which he resides, except he shall be required to work roads running along the line between any two townships.

Proviso: proportionate pay or work.

Proviso: road duty confined to township.

Overseer and hands for new road.

SEC. 4. That when citizens of a neighborhood ask for a new road, the board of county commissioners may appoint overseers on such roads and assign to said overseers such hands from the body of the township in which the road is located as in the opinion of the commissioners may be necessary to open and put such road in lawful condition: *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 three of this act.

Proviso: limit of additional road duty.

Commutation money to be paid over.

SEC. 5. That any official or any person receiving money paid in lieu of road labor, as provided in section three, shall, within thirty days, pay the same to the treasurer of the road fund, to be credited to the road fund of the township from which the same was received, and on failure to pay over said money he shall be guilty of a misdemeanor.

Failure a misdemeanor.

Failure to appear and work a misdemeanor.

SEC. 6. That any person liable to road duty having failed to pay the money required in lieu of the four days work within the time specified in section three of this act, who shall, after being duly notified, fail to appear and work as required to do, or who shall appear as notified and fail or refuse to perform good and reasonable labor as required by the official or person in charge of the work, shall be guilty of a misdemeanor, and on conviction shall be fined not less than two dollars nor more than five dollars, or sentenced to work on the roads of the county or township for not less than ten nor more than twenty days; and it shall be the duty of any official or person in charge of the road work to present the names of such offending persons to any court having jurisdiction of the offense, with necessary information, and it shall be the duty of the court to issue process for such persons and proceed against them according to law.

Punishment.

Report of delinquent.

Tools and implements.

Proviso: tools furnished by road hands.

SEC. 7. Tools and implements purchased for working the roads shall be paid for out of the county or of the township in which they are used: *Provided*, when the township has not sufficient tools, any person notified to work the roads may be required to provide himself with such tools as are ordinarily used, and as shall be designated in the notice.

Lists to be furnished.

SEC. 8. That the official or person authorized to receive money in lieu of the four days labor shall carefully prepare and make and furnish to the board of county commissioners copies of the follow-

ing lists: (1) of all persons of road age within their respective townships or districts; (2) of all persons having paid the money requirement in lieu of four days labor for the year, and those otherwise exempted from labor; and (3) of all persons subject to road duty, not otherwise exempt, having failed to pay the money exemption for the year within the time required, a copy of which shall also be furnished the superintendent, supervisor, or other person having charge of the road work.

SEC. 9. That the board of county commissioners, or the county superintendent of roads or the township supervisor with the approval of the county commissioners, may contract with any person, firm, or corporation for the construction, improvement, or maintenance of any public road or part thereof, and pay the cost thereof out of the funds of the township in which said road or part thereof is located, or apportioned between two or more townships if on the township line: *Provided*, any contract may be terminated at any time by the commissioners, or by the superintendent or supervisor with the approval of the commissioners, and in that case the county commissioners shall pay pro rata for the work performed under the contract.

Roads may be let to contract.

Proviso: abrogation of contract.

SEC. 10. That all public roads which have been or shall be surveyed, located, relocated, or widened, which have been or are hereafter to be graded, drained, and surfaced with stone, gravel, sand, and clay, suitable topsoil, or other material, shall have a right of way forty-five feet wide, and the grade shall not be more than four feet in one hundred feet, except, for good cause, the grade may be slightly increased for short distances; all other public roads shall have a right of way not less than thirty feet wide; that for all public roads, within the limits of the right of way, the width of the roadbed shall be determined by the board of county commissioners, but shall not be less than twenty feet clear of ditches, trees, logs, and other obstructions: *Provided*, that on account of rock or for good cause the width may be decreased for short distances, and that roads not used very extensively by the public may be reduced to eighteen feet in width: *Provided further*, that any and all roads over which rural mail carriers travel in the distribution of the United States mails are constituted, created, and declared public mail roads while so used (but said road need not be over twelve feet in width), and shall be governed by the laws governing public roads, but aid in repair of said roads to be in the discretion of the county commissioners: *Provided further*, that public roads, as they are located, relocated, and improved, shall be located at a distance of not less than three hundred feet from any railway line, except where a nearer approach for a short distance is necessary. They shall cross any railway line only when, in the opinion of a competent engineer, this be necessary; and at such crossings, whenever possible, the roadway shall be located either under or over the said railway

Specifications for roads.

Proviso: allowable variations.

Proviso: rural mail routes.

Proviso: location as to railway liens.

Crossing railroads.

- Railway to construct and repair crossings.
- Failure or refusal by railway a misdemeanor.
- Punishment. Penalty.
- Distinct offense.
- Location and construction of roads.
- Proviso: notice to persons in interest.
- Entry on land for material.
- Drains and ditches.
- 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 public road across the right of way occupied and claimed by said railway company, this duty being required as a precaution for safeguarding the lives and property of the public. And if any company operating any such railway shall, after five days notice given by the county commissioners, superintendent, or supervisor, to any agent, section master, or official of such company, fail or refuse to construct, maintain, or keep the public roadbed, including any bridge or culvert, in good condition, satisfactory to the county superintendent or supervisor, such company shall be guilty of a misdemeanor, and fined in the discretion of the court; and such company shall be liable to a penalty of two hundred dollars (\$200) for each and every offense, to be recovered by the board of county commissioners for the benefit of the roads of the township in which such crossing is located; and each week's failure after said five days notice shall constitute a distinct offense.
- SEC. 11. That, subject to the approval of the board of commissioners, the county superintendent of roads or the supervisor is hereby given discretionary power to survey, lay out, establish, grade, and construct public roads, and to surface same with sand, clay, gravel, stone, topsoil, or other formation, substance, material, or mixture; to survey, locate, relocate, widen, change, grade, or otherwise improve any public road or part thereof and to discontinue any public road or part thereof: *Provided*, that any person from whom additional land shall be required for the aforesaid purposes, and any person who would be deprived of a public road to his farm or place of residence by reason of the discontinuance of any public road, shall be given five days notice of the time when the superintendent will ask for such approval of the board of county commissioners.
- SEC. 12. That the board of county commissioners, through the county superintendent of roads or other person authorized to construct, repair, improve, or maintain any public road or part thereof, are authorized and empowered to enter upon any lands near to or adjoining any public roads, or within the township or townships where any road to be improved is located, to cut, dig, take and carry away, or cause to be cut, dug, taken and carried away, any timber (except trees on improved land, planted or left for fruit, nuts, ornament, or shade), brush, sand, clay, gravel, stone, topsoil, or any other formation or material needed to construct, improve, or repair any such public road or part thereof; and any person authorized to construct, improve, repair, or maintain any public road is hereby authorized to make or cause to be made through the lands of any person all such drains and ditches as the person in charge of such road work may deem necessary for the betterment of the road. The drains or ditches so made shall be

conducted to the nearest ditch, drain, water-course, or unimproved or waste ground, and shall be kept open by the official or person having charge of maintenance of said road; and any person obstructing any such ditch or drain shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Obstructing ditch or drain a misdemeanor.

Punishment.

SEC. 13. That whenever any person shall claim damages for land taken in laying out a new road, or in relocating or widening or changing any public road, and the landowner and the board of county commissioners cannot agree as to the amount of damage, if any, and if such landowner, or any owner of land or his agent, ask damage or compensation for timber, sand, clay, gravel, stone, topsoil, or other formation or material taken for the construction or improvement of any public road, and the landowner or his agent and the board of county commissioners cannot agree as to the damage or compensation to be paid, if any, and if the landowner or his agent shall, within sixty days after the location, relocation, widening, or changing of such road has been ordered or approved, file his claim in writing, and shall file an itemized claim in writing, for timber, sand, clay, gravel, stone, topsoil, or other material taken outside of the right of way, within sixty days after the same has been taken, or if any landowner or his agent shall file his claim as aforesaid either for damages for land taken for the road as aforesaid or for damages or compensation for material as aforesaid, or for both land and material, then within six months after the road has been completed over the lands for which damage is claimed or where the material was used for which damage or compensation is claimed, either or both, the board of county commissioners shall order a jury of three disinterested freeholders to be summoned by the sheriff, constable, or other officer, to meet on the premises of the person or persons claiming damages or compensation, or both; and said jury, being duly sworn by the sheriff, constable, or other officer or person authorized to administer oaths, shall, in considering the question of damages and compensation, take in consideration any benefits to the owner of the land or material, or both, by reason of the location, construction, or improvement of said road; and if said benefits, either general or special, be considered equal to or greater than the damage sustained, the jury shall so declare, and shall report in writing its finding to the board of county commissioners for confirmation or revision: *Provided*, the officer summoning the jury shall give said person or persons claiming damage or compensation, or their agents, notice of the time and place when and where said jury will meet to assess his damages, and a written notice mailed to the last known postoffice address of such person five days, or personal notice twenty-four hours, in advance will be deemed a sufficient notice.

Assessment of damages.

Itemized claims.

Proviso: notice to claimants.

Right of appeal. SEC. 14. That any landowner or his agent dissatisfied with the finding of the jury, and the order of the board of county commissioners confirming or revising the same, as provided in section thirteen, may appeal to the next term of the Superior Court of the county upon the question of damages or compensation: *Provided*, such appeal shall be taken and bond, with sureties, in the sum of two hundred dollars (\$200) shall be given, within ten days, to pay such costs as may be awarded against him, and no costs shall be awarded against the county commissioners unless the damages awarded in the Superior Court are greater than the assessment appealed from: *Provided further*, there shall be no appeal from any order of or approval of the commissioner to lay out, construct, locate, relocate, change, or improve any public road, nor shall said commissioners or road officials be hindered from entering upon any lands, for the purposes of this act, by injunction: *Provided*, injunctive relief may be applied for to prevent the discontinuance of public roads, and also whenever the road funds and taxes of the county or township liable shall be insufficient to respond in damages for locating or relocating any public road, and to determine the necessity for locating any public road through any garden, yard, barn lot, or cemetery.

Clearing roads. SEC. 15. That the board of commissioners may cause the right of way of any road to be kept clear of bushes and hedges, and of any timber within fifteen feet of either side ditch of any public road, or if such road be graded and improved by surfacing with sand, clay, gravel, stone, topsoil, or other material, any timber within fifty feet of either side ditch may be cut and removed for any distance, within the said limits, by the superintendent or supervisor, or under his direction, when in his opinion such removal of timber is necessary to permit air and sunshine to reach said road to keep it dry and preserve it in good condition or would materially improve the condition of such road: *Provided*, if the consent of the owner cannot be obtained for such removal of timber, then the approval of the board of county commissioners shall first be obtained, and if the owner of such timber shall claim damages, he shall present his claim to said commissioners within sixty days, and if damage cannot be agreed upon, the amount of damage shall be ascertained by three disinterested freeholders appointed by the commissioners, from whose award either party may appeal to the Superior Court within thirty days after such award has been received and acted upon by the said commissioners; if the landowner appeal, he shall give bond in the sum of two hundred dollars (\$200) to secure costs: *Provided*, trees on improved land, planted or left for fruit, nuts, ornament. or shade, unless in the road, shall not be removed.

Cartways. SEC. 16. Any person or corporation may file a petition before the board of county commissioners, praying that a cartway be established and kept open from the lands of the petitioner or petition-

ers, across the lands of other landowners, leading to some public road; and it being made to appear to the board that the owner or owners of such lands, or their legal representatives, have had ten days notice of the petitioner's intention to file said petition, the board shall hear the allegations of the petition, and the objections, if any, of the landowners or their representatives, and, if sufficient reason for such cartway be shown, shall order the sheriff, constable, or other officer to summon a jury of three freeholders, who shall meet and, after being duly sworn by the sheriff, constable, or other person authorized to administer oaths, 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 cartway, shall be paid by the petitioner; and the way shall be kept open for the free passage of all persons and vehicles. Cartways may be changed or discontinued upon application of any person concerned, under the same rules of proceeding as for establishing the same, and upon such terms as to the board of county commissioners may seem equitable and just; and said board may authorize the erection of gates or bars and order the removal of such gates and bars, as they may deem proper. Any person who shall leave open any gate or bars shall forfeit and pay for every such offense ten dollars to the person erecting same, and if the offense shall be maliciously done, he shall be guilty of a misdemeanor. Any person closing or injuring or obstructing a cartway shall be guilty of a misdemeanor.

Procedure for laying off cartways and assessing damages.

Expense paid by petitioners.

Change and discontinuation.

Gates and bars.

Forfeit for leaving open gates or bars.

Malicious offense a misdemeanor.

Obstructing cartway a misdemeanor.

MILE-POSTS AND SIGNBOARDS.

SEC. 17. The board of county commissioners shall cause substantial mile-posts to be set up along the principal public roads, indicating the distance to the county-seat, and shall cause guide-boards to be erected at crossings and forks of public roads, indicating the principal place or places to which the roads lead, and the distances thereto.

Mile-posts and guide-boards.

REGULATING POLE LINES.

SEC. 18. That all telephone or telegraph poles, or other poles permitted to be placed or erected along the public roads, shall be placed or erected under the direction of the county superintendent, or supervisor, subject to the approval of the board of county commissioners, so as not to interfere with the proper working, repairing, or improving the said roads; and all poles otherwise erected, placed, or standing, and all poles that may hereafter interfere with the working, repairing, or improving any road by reason of widening or changing same, shall be removed by the person or company owning or having charge of the same.

Telephone, telegraph, and other poles.

Removal of poles.

TURNING WATER INTO ROADS.

Turning water on road misdemeanor.

SEC. 19. That any person or corporation causing water to flow into any public road by means of any artificial terrace, drain, or ditch, whether heretofore made or hereafter made, shall be guilty of a misdemeanor, and shall be liable for any damage caused to said road: *Provided*, that water may be turned into a drain crossing under the road with the approval of the board of county commissioners, upon such conditions as they may impose.

Liability for damage.
Proviso: water turned into drain.

CRIMES.

Injury to mile-post or guide-boards.

SEC. 20. That any person who shall willfully alter, deface, or injure any mile-post or guide-board along any public road, erected or caused to be erected by any public road official; or who shall willfully obstruct any public road; or who shall cut, girdle, undermine, or in any way weaken and leave standing any tree where it may fall across and obstruct any public road; or who shall in any way willfully or without having taken due precaution, damage or injure any public road, culvert, bridge, drain, trunk, or pipe; or who shall in any way interfere with any official, employee, contractor, laborer, or prisoner in working on any public road, taking timber, sand, clay, gravel, stone, topsoil, or other material authorized to be taken for the construction, repair, and improvement of public roads, or in the performance of any duty authorized by this act, shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court. And any person or corporation violating any of the provisions of this act, or any official, employee, person, or corporation failing or refusing to perform any duty required by virtue of this act, except where otherwise provided, shall be guilty of a misdemeanor, and shall be fined or imprisoned, in the discretion of the court.

Obstructing road.
Injury to trees.

Interference with road official or worker.

Misdemeanors.
Punishment.
Violation of act misdemeanor.

Punishment.

Streets in towns and cities.

SEC. 21. That the board of county 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 and streets through towns or cities in such township.

County treasurer treasurer of road fund.
Liable on bond.

SEC. 22. Unless otherwise provided, the county treasurer shall be, and is hereby appointed treasurer of the road fund of the county and of the several townships in the county, and for the faithful performance of his duties the bond of such treasurer shall be liable, and he shall receive as compensation such commissions as the board of county commissioners may determine, not exceeding two per cent on all moneys disbursed hereunder. He shall keep separate accounts of the road fund of the county and of the several townships, and make written statements of each account to the board of commissioners monthly and annually, and statements of such accounts shall be published in a newspaper, or posted at the courthouse door and one public place in the township, at least once a year. He shall pay the accounts against the

Compensation.

Separate accounts.

Monthly and annual statements.
Statements to be published.

Payment of road accounts.

road fund of the county and of the several townships when certified and approved in such manner as the board of county commissioners may determine: *Provided*, the board of county commissioners may elect a treasurer for the road fund of any township, who shall give bond in a sum to be determined by said board, and shall hold office for two years and until his successor is elected and qualified. The sheriff's county bond shall be liable for the road taxes collected by him.

Proviso: commissioners may elect road treasurer.

Sheriff liable on bond.

SEC. 23. That for Newton Township, in Catawba County, five road commissioners, to wit, W. R. Fry, L. A. Carpenter, George W. Setzer, P. E. Isenhour, and W. A. Bollinger are hereby appointed; and the said commissioners and their successors in office are hereby created a body corporate under the name of "Newton Township Road Commission." They shall hold office until the first Monday in October, nineteen hundred and fourteen, and until their successors are elected and qualified.

Road commissioners for Newton township.

Incorporation.

Corporate name

Term of office.

SEC. 24. That for Hickory Township, in Catawba County, five road commissioners, to wit, K. C. Menzies, G. H. Geitner, N. S. Dasher, J. B. Rockett, and John Huffman, are hereby appointed; and the said commissioners and their successors in office are hereby created a body corporate under the name of "Hickory Township Road Commission." They shall hold office until the first Monday in October, nineteen hundred and fourteen, and until their successors are elected and qualified.

Hickory township.

Incorporation.

Corporate name.

Term of office.

SEC. 25. That upon a petition of two-thirds of the qualified voters of any township having a road fund from a bond issue or from a road tax of not less than twenty cents on the hundred dollars valuation, the board of county commissioners shall appoint five road commissioners for said township, and the said commissioners appointed for such township, and their successors in office, shall be a body corporate under the name of "..... Township Road Commission"; the name of the township shall constitute a part of its corporate name.

Petition for commissioners for other townships.

Incorporation.

Corporate name.

SEC. 26. That the several township road commissions created by or under authority of this act may sue and be sued, make contracts, acquire real and personal property, exchange and sell the same, and exercise such other rights, powers, and privileges as are incident to municipal corporations, and any such township road commission, within and for the township for which the same was or may be created, shall assume all the responsibilities, perform all the duties, exercise all the powers and authority devolving upon, required by, or conferred upon the board of county commissioners by this act; and as applying to any such township, the "board of county commissioners," "board of commissioners," "county commissioners," or "commissioners" shall be construed to mean the township road commission for such township: *Provided*, the board of county commissioners shall continue to exercise the powers conferred upon them by section one, issue and

Corporate powers.

Responsibilities, powers, and duties.

Terms defined.

Proviso: powers reserved to county commissioners.

- sell bonds, levy and collect taxes to pay interest and provide sinking fund sufficient to pay bonds at maturity, and elect township road commissioners: *Provided further*, the special road tax for any township may be used to pay interest and to provide a sinking fund to pay the bonds of such township, if sufficient, without levying the tax provided by the act authorizing the issuing of bonds: *Provided further*, that the county shall not be liable for the payment of the cost of any bridges, or any part thereof, without having first been authorized by the board of county commissioners, and the county shall pay for trunks and culverts only when authorized by the county commissioners.
- Proviso: interest and sinking fund of township bonds.
- Proviso: liability of county for bridges.
- Township commissioners to qualify.
- Organization.
- Election and term of office.
- Vacancies.
- County treasurer to pay over funds.
- No commission to county treasurer.
- Township road orders.
- Convict force.
- Rules, regulations, and terms.
- Exchange of work.
- SEC. 27. The road commissioners of any township shall, within thirty days after being appointed, qualify by taking the oath of office, and shall organize by electing a chairman and a secretary. They may elect a treasurer outside the commission, who may also be required to perform the duties of secretary. Township road commissioners shall be elected by the board of county commissioners on the first Monday in October, nineteen hundred and fourteen, and every two years thereafter. Unexpired terms shall be filled by the remaining members of the road commission.
- SEC. 28. That whenever a township road commission for any township shall elect a treasurer, then it shall be the duty of the county treasurer to pay over to such township treasurer all road funds in his hands belonging to such township, whether from sale of bonds or from taxes, and all such road funds as shall hereafter come into his hands; and the county treasurer shall receive no commissions for receiving and paying over road funds belonging to such townships, and the road funds of any such township shall be paid out by the treasurer upon an order approved by the chairman of the township road commission.
- SEC. 28a. The board of county commissioners, or any township road commission, shall have the power and authority to establish a convict force, and to receive, work on the roads or elsewhere, guard, care for, and maintain convicts from the State's Prison, or from the Superior Court, recorder's court, courts of justices of the peace, municipal courts, or any other court in the county, or from any county in the State from a court having jurisdiction to sentence persons convicted of crimes, and convicts from the State's Prison or from other counties shall be received under such rules, regulations, and terms as may be agreed upon with the proper officials of said prison or such other counties, and the compensation and the expense of transportation shall be paid by the county or township receiving such prisoners. Upon such terms and conditions as may be agreed upon by the respective authorities, convicts sentenced or secured to work on the roads of the county, or any township thereof, may be transferred and worked on the roads of the county, or of any township of the county, or of any other county having made provision for working convicts.

The judge of any Superior Court, criminal or inferior court, justices of the peace, and the principal officers of any recorder's court, municipal or any other inferior court within the State are authorized to assign persons convicted in his court to work on the roads of the county or any township. All persons imprisoned under final sentence of any such court, on conviction of crime, when the sentence is for a term of less than ten years, all persons imprisoned under final judgment in cases of bastardy or under the vagrant acts, and all insolvents imprisoned for nonpayment of costs shall be worked on the roads of the county or any township thereof, or on the county farm.

Courts to sentence convicts to road work.

Persons subject to road sentence.

SEC. 29. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they apply to Catawba County: *Provided*, nothing herein shall prevent the collection of any taxes heretofore levied for road purposes: *Provided further*, section twelve, chapter two hundred and thirty-nine, Public-Local Laws of one thousand nine hundred and eleven, is not repealed by this act: *Provided further*, that bonds of Newton Township, Catawba County, in the sum of fifty thousand dollars, and bonds of Hickory Township, Catawba County, in the sum of fifty thousand dollars, authorized by said section and by chapter four hundred and fifty-four, Public Laws of one thousand nine hundred and one, and by a majority of the qualified voters in each respective township at elections held in said townships during the year nineteen hundred and twelve, without giving notice of order of new registration of voters for said election for thirty days prior to the days on which the books were opened for registration in such townships, are hereby held and declared to be legal, valid, and binding in all respects as fully as if said full thirty days notice had been given.

Repealing clause.

Proviso: taxes heretofore levied.
Proviso: laws not repealed.

Proviso: bonds declared valid.

SEC. 30. That whereas bonds of Newton Township mentioned in the preceding section in the sum of fifty thousand dollars were prepared and executed by S. L. Rhyne, chairman of the board of commissioners of Catawba County, and attested by E. D. Gamble, register of deeds, and otherwise executed according to law: and whereas twenty-five thousand dollars of said bonds were sold, and the remaining twenty-five thousand dollars of said bonds were deposited in a bank for safe keeping, to be withdrawn and sold by order of the board of county commissioners; and whereas the term of office of the said S. L. Rhyne has expired, a new board of commissioners being elected at the general election in November, one thousand nine hundred and twelve, and said E. D. Gamble, register of deeds, was reelected at said election: Now, therefore, the present board of county commissioners of Catawba County, or any board of commissioners that may hereafter be elected for said county, are authorized and empowered to sell the remaining bonds, so executed, in the sum of twenty-five thousand dollars (\$25,000), and the said bonds are hereby validated and declared legal and valid, and, when sold by any such board of commissioners of

Bonds validated and sale ordered.

Catawba County, said bonds shall be legal, valid, and binding obligations of Newton Township, in Catawba County.

Material for streets. SEC. 31. That for the purpose of locating roads or streets through any town or city, and for the purpose of acquiring timber, sand, clay, topsoil, or other material for constructing or improving roads or streets through any town or city, the proper authorities or governing body of any such town or city shall have and exercise all the power and authority, within any such town or city, as is conferred by this act upon the county commissioners or other road authorities to be exercised in the county or any township; and that after said town or city authorities shall have located any road or street, ordered any road or street to be constructed or improved, or shall have made an order to take or approve the taking of any timber, sand, clay, topsoil, or other material for constructing or improving roads or streets within such town or city, the road authorities having charge of the roads of the township in which such town or city is located may, if they approve the same, construct and improve any such road or street and take such timber, sand, clay, topsoil, or other material for that purpose: *Provided*, timber planted or left for shade, fruit, nuts, or ornament shall not be taken: *Provided further*, any such town or city shall be liable for all damages that may be awarded or recovered for land and material used in locating, constructing, and improving any such road or street, and the county or township road authorities in doing such work shall be deemed the agents of such town or city: *Provided further*, the power and authority herein authorized shall not be construed to repeal any power or authority conferred on any town or city by any other law, for the purpose aforesaid, but shall be an additional power to be exercised in the discretion of the authorities of such town or city: *Provided further*, the road authorities of the county or township are authorized to pay any part of the damages hereinbefore mentioned that may seem to them to be just and equitable.

Work on streets by township road force.

Proviso: shade, fruit, nut, and ornamental trees.
Proviso: liability of city or town for damages.

Proviso: additional power.

Proviso: payment of damage by township.

Limit of application.

SEC. 32. That this act shall apply only to Catawba County.

SEC. 33. That this act shall be in force from and after ratification.

Ratified this the 15th day of February, A. D. 1913.

CHAPTER 85.

AN ACT TO CONTROL AND TAX DOGS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Vicious dogs not to run at large.

SECTION 1. That it shall be unlawful for any owner of or person having control of any vicious dog or any dog that sucks eggs, destroys or injures fowls or sheep, or commits like depredations to permit the same to run at large.

SEC. 2. That any person so offending (after having knowledge of the character of such dog) shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Misdemeanor.
Punishment.

SEC. 3. 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 fifty cents on each dog. Such dog shall be listed at the same time and place as personal property is listed. License tax.
Dogs to be listed.

SEC. 4. That any person who shall feloniously take, steal, or carry away any dog listed for taxation as herein provided shall be guilty of larceny. Stealing listed dogs
larceny.

SEC. 5. That the revenue arising under this act shall be paid into the county treasury and placed to the credit of the road fund taxes in such county. Taxes to road fund.

SEC. 6. That the provisions of this act shall apply only to Durham County. Limitation of
application.

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

Ratified this the 14th day of February, A. D. 1913.

CHAPTER 86.

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:

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 thirteen or the year one thousand nine hundred and fourteen, as they may elect, the question, "Shall New Hanover County, North Carolina, issue one hundred thousand dollars (\$100,000) 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 to be
ordered.
Time for election.
Question to be
submitted.
Purpose of bond
issue.
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 Law governing
election.
Proviso: election
officers.

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 the election of 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.

Ballots.

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 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 continuing and completing the construction and improvement of the public roads and bridges of the county."

Bond issue if authorized.

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 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 cent per annum, with interest coupons attached, payable semi-annually, on the first days of January and July, during the time

Denomination.

of their running, and the principal thereof shall be payable or redeemable at such time or times, not exceeding thirty years from the date of their issue, as the board of commissioners of New Hanover County may determine, and said bonds and coupons shall be payable at such place or places as the said board of commissioners and the purchasers may decide upon; said bonds and coupons shall be signed by the chairman of the said board of commissioners, and countersigned by the clerk of said board, and said bonds shall have upon them the seal of said county, and shall be styled "New Hanover Road Bonds," and issued as such.

Interest.

Maturity.

Authentication.

Entitlement.

Sale below par forbidden.

Specific appropriation of proceeds.

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 bonds shall show by what authority they are issued. The said board of commissioners shall have their proceedings in respect to said bonds recorded in the minutes of their meetings, and 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 proceedings.

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 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 safe keeping 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 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.

Funds kept separate.

Separate accounts.

Treasurer to give bond.

Road orders.

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 of each year a special 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 subject 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 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 four 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.

Special tax.

Tax rate.

Separate fund.

Application of fund.

SEC. 8. That all expenses of handling 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 or to such officer duly authorized by law to receive the same.

Expense of election and bond issue.

Settlements with
sheriff.

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.

Use of proceeds of
bonds.

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.

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

Ratified this the 15th day of February, A. D. 1913.

CHAPTER 87.

AN ACT FOR THE RELIEF OF CALEB H. HAYNES, FORMER SHERIFF OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Collection of
arrears authorized.

SECTION 1. That Caleb H. Haynes, former Sheriff of Surry County, North Carolina, be and he is hereby authorized and empowered to collect all arrears of taxes, including poll taxes, taxes on property, real and personal, county and State taxes, special school taxes, township road taxes, all railroad taxes, corporation excess taxes, and all other taxes in his hands, charged to him, said former sheriff, for the years one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven, under such rules and regulations as are provided by law for the collection of taxes and according to the provisions of chapter seventy-two of the Revisal of one thousand nine hundred and five, or may hereafter be prescribed for collection of taxes.

Years of arrearage.

Power to appoint
agents.

SEC. 2. That said Caleb H. Haynes, former sheriff, is hereby authorized and empowered to appoint as his agents such persons as he may designate in each township in Surry County, who when sworn by the Clerk of the Superior Court of Surry County to faithfully perform such duties, are hereby authorized and empowered, as such agents, to likewise collect for the benefit of Caleb H. Haynes any and all taxes mentioned and defined in section

one of this act, and all such powers as are vested in sheriffs for the collection of taxes are hereby vested in such sworn agents or deputies of Caleb H. Haynes.

SEC. 3. That no person shall be compelled to pay any taxes under this act who holds said former sheriff's receipt for the same. Persons holding receipt.

SEC. 4. That the power and authority herein given shall cease and determine on the thirty-first day of December, one thousand nine hundred and fourteen. Power to determine.

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 15th day of February, A. D. 1913.

CHAPTER 88.

AN ACT TO RATIFY AND CONFIRM THE ACTS AND PROCEEDINGS LEADING UP TO THE ISSUANCE OF \$250,000 ROAD BONDS OF ORANGE COUNTY, AUTHORIZED BY CHAPTER 600, PUBLIC-LOCAL LAWS OF 1911, AND TO ENABLE THE BOARD OF COMMISSIONERS OF SAID COUNTY TO LEVY A SPECIAL TAX TO PAY THE INTEREST AND PROVIDE A SINKING FUND FOR SAID BONDS, AND TO MAKE AND IMPROVE PUBLIC ROADS.

Whereas the General Assembly of one thousand nine hundred and eleven attempted to confer authority upon the board of commissioners of Orange County to levy a special tax to pay the interest on and provide a sinking fund for the redemption of an issue of two hundred and fifty thousand dollars of road bonds for said county (Public-Local Laws one thousand nine hundred and eleven, chapter six hundred); and whereas the Supreme Court has held such attempt invalid, because said law was not enacted in accordance with article two, section fourteen, of the Constitution: Now, therefore, that such defect and all others in the enactment of said law may be cured, Preamble: law invalid.

The General Assembly of North Carolina do enact:

SECTION 1. That all matters and things heretofore done by said board of commissioners in accordance with chapter six hundred, Public-Local Laws, one thousand nine hundred and eleven, are hereby expressly ratified and confirmed. Acts ratified and confirmed.

SEC. 2. Said board of commissioners of Orange County shall levy annually, the first Monday in June, a road tax for the county at large of not less than twenty-five and not more than thirty-five cents on the hundred dollars worth of property in the county, the subjects of taxation and the method of levy to be the same as Special tax. Tax rate.

Tax in Hillsboro township.

those for general county purposes. In Hillsboro Township the said board shall at the same time levy an additional tax to an amount necessary to pay the interest and provide for a sinking fund for the bonds of said township now outstanding, the rate to be such as recommended by the board of road commissioners of said township, within the limit provided in section twenty-one of chapter four hundred and eighty-three of Laws of one thousand nine hundred and seven. The taxes so levied shall be collected as other taxes, and the proceeds of the general county road tax, provided for above, shall be a separate fund, to be applied, first, to the interest on said issue of two hundred and fifty thousand dollars of bonds; second, to the creation of an adequate sinking fund for their redemption, and, third, to the opening, improving, and repairing of the public roads of the county under the present road law of said county. The sinking fund shall be held by said board of county commissioners in special trust for the payment of said two hundred and fifty thousand dollars of bonds, and neither the principal thereof nor the interest thereon shall be used for any other purposes. Said board shall manage and invest the fund at their discretion until paid out in the redemption of the bonds as aforesaid. They may, however, from time to time, use any of such sinking fund for the purchase of any of such bonds in open market.

Levy and collection of tax.
Separate fund.
Specific appropriation.

Sinking fund.

Investment of sinking fund.

Purchase of bonds.

Sections re-enacted.

SEC. 3. Sections five, six, seven, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-three of chapter six hundred, Public-Local Laws one thousand nine hundred and eleven, are hereby reënacted; but such reënactment shall not be construed as requiring another election to be held on the question of the issue of said bonds, an election which determined such question in the affirmative having already been held.

Election not required.

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

Ratified this the 15th day of February, A. D. 1913.

CHAPTER 89.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF DAVIDSON 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.

Date for election.

SECTION 1. That the board of commissioners of Davidson County shall submit to the voters of said county, at an election to be held on the twenty-second day of April, one thousand nine hundred and thirteen, the question whether said county shall issue bonds

in the sum of three hundred thousand dollars (\$300,000), with interest coupons attached, the proceeds of which to be used in grading, making, and improving 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 votes cast shall not be in favor of issuing bonds, said board of commissioners shall submit the said question to said voters at any other time or times, under the regulations hereinafter set out, after twelve months from the last election, upon petition of ten per cent of the qualified voters of said county.

Amount of bond issue to be voted on.

Notice of election.

Proviso: further 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, upon the recommendation of the county board of elections of Davidson County, shall appoint the registrars and the judges or 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.

Law governing election.

Proviso: election officers.

Count and return of votes.

Tabulation, declaration and record of result.

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 Bond 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 bonds shall vote "Against Good Roads Bond Issue."

Ballots.

SEC. 4. In the event that the majority of votes cast shall be for good roads bond issue at any election held under this act, then the following shall constitute "The Road Commission for Davidson County" for the term indicated: C. L. Badgett and Dr. E. J. Buchanan for a term of two years; Frank S. Lambeth and C. M. Wall for a term of four years; and C. M. Thompson for a term of six years, from the date of their election and until their several successors are duly appointed and qualified; and at or before the expiration of the term of each, his successor shall be appointed by the Legislature for a term of six years: *Provided*, that each member appointed shall be of the same political faith as his predecessor. They shall receive for their services three dollars (\$3) per day, without mileage, during the time they are actually

Road commission and term of office.

Election of successors.

Proviso: political faith.

Pay of commissioners.

<p>Proviso: limit of pay. Pay of chairman.</p> <p>Expenses.</p> <p>Organization.</p> <p>Certificate of organization.</p> <p>Vacancies.</p> <p>Proviso: ties.</p> <p>Bond issue if bonds voted.</p> <p>Denominations.</p> <p>Interest.</p> <p>Maturity. Payable in standard currency.</p> <p>Authentication.</p> <p>Entitlement.</p> <p>Bonds turned over without seal.</p> <p>Sale of bonds.</p>	<p>employed in the discharge of their duties assigned them by this act: <i>Provided</i>, that they shall be paid not to exceed twelve days in one year, except the chairman, who may be paid for his services in the discretion of the said road commission of Davidson County. They shall be allowed all necessary expenses for postage, stationery, attorney's fees, and for such other and additional expenses as may be incurred by them in the discharge of their duties. The five men so designated shall meet within ten days after said election and 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 road commission and the name of the secretary of said road commission so elected. In the event of a vacancy in said road commission, either by death or resignation or failure to qualify, the same shall be filled by the election of a member of the same political faith and from the same section of the county as the member causing the vacancy, by a majority vote of the members of the road commission: <i>Provided</i>, that in case no agreement can be reached by said road commission, the chairman of the board of county commissioners shall cast the deciding vote.</p> <p>SEC. 5. 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 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 not exceeding five per cent per annum, with interest coupons attached, payable semiannually 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 Davidson County, in the town of Lexington, 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 "Davidson County Highway Improvement Bonds."</p> <p>SEC. 6. 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 five thousand dollars, which shall be used as hereinafter provided for. The good roads commission shall have the power to advertise and sell any or all of said bonds, except the five thousand above noted, at such time and place as they may deem best, for the purpose of raising a fund</p>
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with which to construct and improve the public highways of said county as aforesaid. 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 Davidson 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 meeting, 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.

Seal of bonds
before delivery.

Sale below par
forbidden.

Proviso; no li-
ability on purchaser.

Record of pro-
ceedings and bonds.

Minutes open for
inspection.

Lexington town-
ship bonds.

County road
system.

Substitution of
county bonds.

Deposit of bonds
to meet township
bonds.

Funds kept
separate.

Separate accounts.

No compensation
to treasurer.

Treasurer to give
bond.

SEC. 7. Whereas Lexington Township has outstanding five thousand dollars of bonds, the proceeds of which have been expended in making permanent macadam roads in said township; 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 Davidson shall deliver to the chairman of the board of road trustees of Lexington Township five thousand dollars of the bonds authorized by this act, properly signed and sealed, to be substituted for the five 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, and 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 by sinking fund, while the bonds themselves are to be retained for the redemption of five thousand dollars, the amount of township bonds outstanding.

SEC. 8. 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 Davidson County, who shall keep said funds separate from all other funds, and keep separate accounts of the same. The said treasurer shall not be allowed commissions on said road funds, nor shall he receive any salary or compensation under the act. 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 Davidson, 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 board of county commissioners if the same is satisfactory to it. The cost of said bond shall be paid by the county commissioners out of the general fund. 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.

Cost of bond.

Good roads orders.

Road tax.

Tax rate.

Separate fund.

Application.

Sinking fund.

Investment of sinking fund.

Use of proceeds of bonds.

Convicts sentenced to road work.

Employment of convicts.

Maintenance and guarding.

SEC. 9. 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 twenty-five cents on the hundred dollars worth of property and not less than fifteen cents, 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 creation of an adequate sinking fund for the redemption of said bonds, and, third, for the maintenance of the roads constructed under this act and the dirt roads. 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.

SEC. 10. 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, justice's, recorder's, or mayor's courts, and sentenced to the public roads, shall 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 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 good roads fund.

SEC. 11. 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, profiles, 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 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 county 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: *Provided*, that the road commissioners are authorized, if proper arrangements can be made, to hire jointly with another county the services of the road engineer for such part of his time as he deems it necessary to give proper supervision to the work: and *Provided further*, that if the State furnishes to the counties engineering assistance and supervision of their road work, that the acceptance of such services from the State by the good roads commission shall be considered as fulfilling the requirements by the commissioners of this section. The highway engineer shall advise the good roads commissioners regarding the road work, supervise the making of plans and specifications for the work, and have general supervision of all road work, and he is expressly authorized to give instructions to the highway superintendent hereinafter provided for.

Selection of roads.

Plans and estimates.

Grounds for selection.

Road engineer.

Proviso: joint arrangements with another county.

Proviso: assistance from State.

Duty and authority of highway engineer.

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, except where the good roads commission deem it impractical to acquire such width, and in such cases the width shall be at least twenty-five feet, of which not less than twenty feet shall be free from logs, stumps, rocks, and drains, except where ledges of rock are encountered or where the width is considered impracticable by the engineer. The alignment of the road shall be as straight as practicable, and with no grade over four and one-half per cent, except as such grade is considered impracticable by the road engineer.

Specifications for highways.

SEC. 13. Before proceeding with the road work of Davidson County, the good roads commission shall elect by ballot a competent highway superintendent of the county of Davidson, and fix his compensation. The result of said election shall be declared and recorded in the proceedings of said good roads commission. The person so elected shall take and subscribe an oath for the

Highway superintendent.

Compensation.

Record of election.

Superintendent to qualify and give bond.

- faithful performance of his duties 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 the accounting of 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 or by the highway engineer, and shall have such authority and perform such duties as may be from time to time determined by said good roads commission, except as otherwise provided in this act.
- Term of office.**
- Removal for cause.**
- Entrance on duties.**
- Authority and duties.**
- Itemized accounts posted monthly.** SEC. 14. The county treasurer shall on the first Monday in each and every month post at the courthouse door of said county an itemized statement, showing in full an account of his receipts and disbursements of highway funds for the previous month, and the good roads commissions shall require him to account to them quarterly in 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.
- Quarterly accounts.**
- Reports.**
- Entrance on lands for roads.** SEC. 15. In opening new highways, widening and straightening old roads, and repairing the same, the good roads commission, through its agents, is 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 cannot agree as to the damages, if any, the good roads commission shall after sixty days after said highway is completed cause to be summoned three 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.
- Assessment of damages.**
- Proviso: notice to landowner.**
- Settlements with sheriff.** SEC. 16. The board of commissioners of Davidson 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.
- Expense of meetings.** SEC. 17. All expenses incurred by the good roads commission on account of meetings held by reason of their duties imposed by this act shall be paid upon their order out of the funds provided for in this act.

SEC. 18. The term "highway" shall be understood to mean all public roads designated as such under the provisions of section eleven of this act. Highway defined.

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. Making or paying fraudulent orders felony. Punishment.

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 vacancies or vacancy shall be filled as provided in this act. Road commissioners removable for cause.

SEC. 21. If a majority of the votes cast in said election shall be 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 road laws of Davidson County, or any special act for any of its townships: *Provided, however,* that if a majority of the votes cast shall be 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 tax acts shall be and are herewith repealed. Road duty abrogated.

Laws not repealed. *Provido:* repeal if bond issue authorized. *Provido:* road tax acts repealed.

SEC. 22. That any moneys on hand in any township to the credit of the road funds of such township at the time this act becomes effective shall be turned over to the county treasurer, but they shall be kept separate from the regular fund, and shall be expended for good roads work in such township respectively from which sums were received; and any moneys in the county treasury to the credit of any of the townships of the county shall be turned over to the county treasurer, to be expended for good roads work in these townships, under the authority of the good roads commission. Existing township road funds.

SEC. 23. The Treasurer of Davidson County shall quarterly publish in some newspaper published in Davidson County an itemized statement of receipts and disbursements by him made of moneys received under the provisions of this act. Quarterly publication of receipts and disbursements.

SEC. 24. That the said good roads commission herein created shall each year distribute the work of improving and reconstructing the highways of the county in each township as equitably as practicable, having due regard to the taxable property in each township. Distribution of improvement.

SEC. 25. 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 said public roads, taking county bonds as collateral for said loan, then the State aid may be accepted.

board of county commissioners of Davidson County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

SEC. 26. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 27. This act shall take effect from and after its ratification. Ratified this 15th day of February, A. D. 1913.

CHAPTER 90.

AN ACT TO AMEND CHAPTER 115 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO WORKING AND KEEPING UP THE ROADS OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Bond of secretary-treasurer.

SECTION 1. That section two of the Public-Local Laws of nineteen hundred and eleven be and the same is hereby amended by striking out the words "one hundred dollars" between the word "than" and the word "to," in line nine thereof, and substituting in lieu thereof the words "double the amount of the road taxes levied in his township for the previous year," and by adding in line thirty-three, after the words "justice of the peace," the following words, "or other court having jurisdiction."

Suit on bond.

SEC. 2. That section fifteen of said chapter one hundred and fifteen, Public-Local Laws of nineteen hundred and eleven, be and the same is hereby repealed, and the following substituted in

Road license tax.

its place: "That license or privilege taxes shall be imposed upon all persons, firms, or corporations using any of the public roads of Macon County for hauling, either by themselves or by hiring or contracting with other persons, firms, or corporations, any heavy material over said roads, in accordance with the following

Logs.

Lumber.

Mineral products.

Tan-bark.

Telegraph and telephone poles.

schedule: Logs, two cents per thousand feet per mile hauled; lumber, two cents per thousand feet per mile hauled; clay, brick, stone, or any mineral product, one cent per ton for each mile hauled; tan-bark, one cent per ton for each mile hauled; telephone and telegraph poles, as follows: on all poles not exceeding thirty-five feet in length, one-half cent per mile for each pole; for all poles more than thirty-five feet and not over forty feet in length, three-fourths cent per mile for each pole; and on all poles over forty feet one cent for each pole per mile hauled. The said taxes shall be payable to the secretary-treasurer of the board of road

Payment of taxes.

Monthly reports.

trustees in the township in which said hauling is done, and it shall be the duty of any and all persons, firms, and corporations engaged in hauling heavy materials as hereinbefore set out to make a monthly report to the road trustees of each township in which it or they are engaged in business, said report to be made within the

first ten days of each month, of the number of feet, tons, pounds, or other units of measurement of the various commodities or heavy material so hauled during the preceding month. Said report shall accurately state the number of feet, pounds, tons, or other units of measurement of the various commodities and materials so hauled during the preceding month, and be itemized and sworn to be itemized and sworn.

That any person, firm, or corporation engaged in hauling heavy materials as hereinbefore set out, failing to make such report, or failing to make the same accurately and truthfully, or failing to pay the said license or privilege taxes, 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 taxes each month shall constitute a separate offense. Punishment. Separate offenses.

In addition to the fine herein provided for, such person, firm, or corporation 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: *Provided*, that this section shall not apply to hauling firewood or the ordinary products of the farm, orchard, or family supplies. Forfeit for failure. Collection of forfeits.

SEC. 3. That section thirteen of chapter one hundred and fifteen of the Public-Local Laws of nineteen hundred and eleven be and the same is hereby repealed, and the following substituted in its place: "That the road taxes 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; that the clerk of the board of county commissioners shall, at the earliest date practicable and not later than the fifteenth day of September in each year, furnish to the treasurer of the board of road trustees of each township a statement containing the name of each person against whom a road tax is levied in each township and the amount of tax levied against such person; that the tax collector shall pay the amount of the taxes collected in each township to the treasurer of the board of township trustees of said township, taking from such 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." Application of forfeit. Proviso: firewood, farm products, and family supplies.

SEC. 4. That chapter one hundred and fifteen of the Public-Local Laws of nineteen hundred and eleven be further amended by adding at the end thereof the following sections:

"SEC. 20. That for the purpose of carrying out the provisions of this act, the road supervisors of the various townships are hereby authorized to enter upon any lands near to or adjoining any public roads, and cut and carry away any timber, except trees Entry on land for material.

- or groves on improved lands planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay, or stone or other earth of any description which may be necessary to construct, improve, or repair said road; to cut and carry away any trees, except ornamental trees on improved property, which may unduly shade the road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as they may deem necessary for the betterment of the road, doing as little injury to said lands and timber or improvements thereon as the nature of the case and the public good will permit; and when necessary to protect the said lands or the crops thereon, the drains and ditches so made shall be conducted to the nearest ditch, drain, water-course, or waste ground, and shall be kept open by the said supervisors, and shall not be obstructed by the owner or occupant of such lands, or any other person or persons. And any person so obstructing the supervisor or supervisors, or obstructing such ditches or drains, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not exceeding ten dollars or imprisoned not exceeding twenty days for each and every offense. If the owner of any lands, or the agent of such owner, having in charge lands from which timber, stone, gravel, sand, clay, or earth of any description was taken as aforesaid, shall see fit, he shall present an account for the same to the board of county commissioners within thirty days after the taking and carrying away of said timbers, stone, gravel, sand, clay, or earth, and it shall be the duty of the commissioners to pay a fair price for the same: *Provided*, the said owner or his agent shall have the right to appeal to the Superior Court from the allowance made by the commissioners.
- Trees shading road. Drains and ditches.
- Misdemeanor.
- Punishment.
- Accounts.
- Proviso: right of appeal.
- Surveys. "SEC. 21. In relocating and widening roads now in use, or in opening new roads, the county commissioners, if the road lies in two or more townships, or the road trustees of the proper township, if the road lies wholly within one township, shall cause the county surveyor or some other suitable and competent surveyor or civil engineer to make a survey of the proposed change of an old road or 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 hereby condemned for the use of the county or township, as the case may be, for public road. And any person who shall obstruct the county surveyor or other 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 the supervisor or supervisors in opening said change of 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
- Notice to land-owners.
- Obstructing officers making survey a misdemeanor.
- Punishment.
- Obstructing construction a misdemeanor.
- Punishment.
- Solicitor to prosecute.

made the duty of the solicitor to prosecute all offenses against the provisions of this section: *Provided*, that if any person or persons be aggrieved, he or they may, within six months after said change of road or new road has been opened and completed, apply to the clerk of the Superior Court, who shall appoint a jury, to consist of five freeholders, to assess the damages. 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. The county shall pay the damages in all cases under this section. An appeal shall lie from the decision of this jury to the county commissioners and then to the Superior Court, but no question except the amount of damages shall be determined on such appeal.

Provido: assessment of damages.

Right of appeal.

“SEC. 22. 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.”

Right of way.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed so far as Macon County is concerned, and no further.

Limit of application.

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

Ratified this the 15th day of February, A. D. 1913.

CHAPTER 91.

AN ACT TO AMEND CHAPTER 147. PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That section five, chapter one hundred forty-seven, Public-Local Laws of one thousand nine hundred eleven, entitled “An act to create a recorder’s court for the town of Aurora and Richland Township.” etc., be and the same hereby is repealed.

Fees of recorder.

SEC. 2. That said recorder shall exercise the functions and perform the duties of recorder as well as of clerk of said court, and shall receive, in lieu of all other fees and costs, the sum of twenty-five dollars per month, payable monthly by the Treasurer of Beaufort County at the same time and in the same manner as prescribed for payment of salaries to county officers: *Provided*, that any interval of six months from and after June the first, one thousand nine hundred thirteen, the board of commissioners of said county may reduce the said salary if it be found that the expense of conducting the said court exceeds the fees and costs collected therefrom.

Salary of recorder.

Provido: county commissioners may reduce salary.

Costs and fees. SEC. 3. The costs and fees taxable and collectible by said court shall be the same as in justices' courts in those cases of which a justice of the peace would have final or concurrent jurisdiction, and in all other cases the costs and fees shall be the same as in the Superior Court (except that only one dollar shall be taxable for trial and judgment): *Provided*, that nothing herein contained shall be construed to enlarge or modify section eleven of the said act in respect of jury trials and the costs taxable therefor, except that jurors and witnesses shall be entitled to fifty cents per day and mileage.

Proviso: costs in jury trials.

Docket. SEC. 4. Said recorder shall keep a permanent record or docket of all cases tried or disposed of by him, and of all fines and costs imposed and collected, an itemized statement of which shall be filed with the board of county commissioners, or with the clerk to the said board, on the first day of each month. All fines and costs so imposed and collected shall be paid by the said recorder at least once each month to the Treasurer of Beaufort County, who shall cover the same into the general county fund, but the fines so collected shall be held by the said treasurer for the purposes now prescribed by law.

Itemized statement of fines and costs.
Fines and costs paid over.

SEC. 5. That this act shall be in force from and after its ratification, and all laws or clauses of laws in conflict herewith are hereby repealed.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 92.

AN ACT TO PROVIDE RURAL POLICEMEN FOR THE COUNTY OF RICHMOND.

The General Assembly of North Carolina do enact:

Office created. SECTION 1. The office of rural policeman for the county of Richmond, with such duties and regulations as are provided in this act, is hereby created.

Appointment of policemen. SEC. 2. That at the regular meeting of the board of county commissioners of Richmond County, held during the month of April, one thousand nine hundred and thirteen, or any subsequent meeting, the said board of commissioners shall appoint one or more, not to exceed three, able-bodied men of good habits and known as men who are not addicted to the use of alcoholic liquors and are men of good moral character, and shall commission them as rural police, whose term of office shall continue until the first Monday in December, nineteen hundred and fourteen, and until their successors shall be appointed and qualified. That on the first Monday in December, nineteen hundred and fourteen, and biennially thereafter, the said board of commissioners shall ap-

Number and qualifications.

Term of office.

Appointment of successors.

point one or more, not to exceed three, men possessing the qualifications stated in this section to said office for a term of two years. That any policeman appointed under and by virtue of this act shall be subject always to removal by the said board of commissioners for cause. Removal for cause.

SEC. 3. That the salaries of each of said policemen shall not exceed seventy-five dollars per month, payable monthly by the county treasurer upon the warrant of the said board of county commissioners out of the general fund of the county. Salaries.

SEC. 4. That it shall be the duty of said policemen to provide themselves with policemen's billets and such firearms as may be prescribed by the said county commissioners, and with horses or other means of conveyance for regular use in performing the duty as a mounted policeman, and with uniforms if required in the discretion of the said commissioners, and shall bear all expense incident to their service, except the expense of a badge hereinafter provided for. It shall be the duty of said policemen to patrol and police the district or section of said county for which he shall have been appointed and assigned, to detect and prevent the violation of the criminal laws of every kind; to search out, apprehend, and arrest any and all persons charged with the violation of the criminal laws of any and every kind; to make arrests upon their own initiative as well as upon information or complaint; to report their acts and all known or suspicious violations of the criminal laws to the sheriff of the county once each week; to obtain warrants of arrest for and prosecute all persons who have violated any of the criminal laws. Arms and equipment.
Uniform.
Duties of policemen.

SEC. 5. That the said policemen shall patrol at least once a week the entire section assigned to each by the county commissioners, remaining on duty at night when occasion or circumstances suggest that it would be proper so to do in order to prevent or detect crimes or to make arrests, and they shall always be on duty not less than ten hours each day, except when granted occasional indulgences or leaves of absence by the sheriff of the county. They shall frequent railroad depots, stores, public gatherings of any and every kind within his said district where violations of the law are likely to occur, places where vagrants may be loafing or alcoholic liquors may be sold, bartered, or given away contrary to law, and shall use every means to prevent and to detect breaches of the peace, public drunkenness, the use of obscene language, boisterous conduct, discharging firearms on the public highways or at any public place or gathering, carrying concealed weapons, gambling, violations of the game laws, cruelty to animals, violation of the fire laws, and for the violation of any and every law which is detrimental to the peace, good order, and morals of the said county. Arrests without warrant.
Reports.
Warrants and prosecution.

SEC. 6. That said policemen shall have authority, for any crime committed in their presence, to arrest without warrant, and they shall be subject always to removal by the said board of commissioners for cause. Weekly patrols.
Night duty.
Hours of service.
Localities to be specially patrolled.
Offenses to be prevented.

SEC. 7. That said policemen shall have authority, for any crime committed in their presence, to arrest without warrant, and they shall be subject always to removal by the said board of commissioners for cause. Power to arrest without warrant.

To summon posse. shall have the right to summon any citizen or citizens to assist in enforcing the law and in arresting violators of the law and persons charged with the violation thereof; and any citizen who shall fail to render assistance when so summoned shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court. When an arrest is made without a warrant, the person so arrested shall be forthwith carried before a trial officer of the county and a warrant of arrest procured, to the end that the person charged may be dealt with according to law.

Failure to render assistance a misdemeanor, punishment.

Trials on arrests without warrant.

Bond of policemen.

SEC. 7. That each of said policemen, before being appointed and entering upon the discharge of his duties, shall enter into bond in an amount of two thousand dollars, with sufficient surety, to be approved by the said county commissioners, conditioned upon the faithful performance of all duties imposed or prescribed by this act, and for the payment to the county or to any person or corporation all such damages as they or any of them may sustain by reason of his malfeasance in office or by abusing the authority and discretion given him in the preceding section six of this act.

Policemen to be sworn.

SEC. 8. That before entering upon the discharge of their duties, the said policemen shall take and subscribe to the following oath: "I solemnly swear (or affirm) that during my term of office as county policeman I will study the act creating the office and prescribing my duties, and will be alert and vigilant to enforce the criminal laws of the State, and to apprehend and bring to punishment every violator of the same, and will conduct myself at all times with due consideration to all persons, and will not be influenced in any matter on account of personal bias or prejudice: so help me, God." The oath of office, after being taken and subscribed by the said policemen, shall be filed with the clerk of the Superior Court of said county, together with a bond provided for in this act.

Form of oath.

Filing bond and oath.

County to furnish badges.

SEC. 9. That it shall be the duty of the commissioners of said county to furnish to each of the said rural policemen a metal badge bearing the following inscription: "Rural Policeman, Richmond County"; and it shall be the duty of each of the said policemen to wear one of the said badges on the front of his person and on the outside of his clothing in plain view of the public, and the failure of any policeman appointed under this act to so wear one of the said badges while discharging any of the duties and services prescribed and provided by this act shall constitute a sufficient cause for removal from office.

Policemen to wear badges.

Removal on failure.

County commissioners to define districts.

SEC. 10. That it shall be the duty of said board of county commissioners at the time of electing or appointing any rural policeman under this act to determine, prescribe, and define the district or section of said county for which he is so elected or appointed, and to have the same clearly entered on the minutes of said board and stated in the commission they shall cause to be issued to said policeman; and no rural policeman shall exercise or perform any

Power of policemen confined to district.

authority or duty of his said office except within the bounds of the district or section for which he was so appointed or elected.

SEC. 11. That the said rural policemen shall have the power and authority, such as deputy sheriff's now have, to execute anywhere within their said district civil processes, delivered to them by the sheriff and directed to the sheriff or other lawful officer of Richmond County, and the said rural policemen shall be required to serve all criminal processes and indictments issued by any lawful authority and placed in their hands for service.

Service of civil process.

Criminal process.

SEC. 12. That in all matters in which the said rural policemen shall perform any service by authority of this act the same fees shall be charged as are now charged for the sheriff of the county for a similar service, except that for each arrest made for the violation of any law a fee of one dollar and fifty cents shall be charged. In all matters which are determined before a justice of the peace in which any fee or fees are charged for service performed by any of the said rural policemen, it shall be the duty of the said rural policeman who performed the service to collect such fees, and on the first day of each month to pay the same to the Treasurer of Richmond County, and to furnish a verified written statement with the said treasurer, showing all amounts collected by him during the preceding month. In case of failure on the part of said policemen to furnish any one statement as herein provided for, shall be sufficient cause for removal from office by the commissioners of Richmond County. The said fees paid to the treasurer of said county under this section shall go into the fund out of which the salaries of the said policemen are paid, and in case of any excess over and above salary or salaries of said policemen, same shall go into the hands of treasurer as county school funds.

Fees.

Policemen to collect and pay over fees.

Policemen to file statements.

Failure cause for removal.

Salary fund.

Excess to county school fund.

SEC. 13. In all matters which are determined before any court in the county of Richmond, other than the court of justices of the peace, and in which fees are charged for service performed by the said rural policemen or any of them, it shall be the duty of the clerk of said court to collect the said fees and pay the same to the Treasurer of Richmond County, which said fees shall go into the fund from which the salaries of the said policemen shall be paid.

Collection and settlement of fees by clerk.

SEC. 14. That all indictments and cases of arrest by the said rural policemen or by the sheriff or deputy sheriff of Richmond County, returnable before any criminal court of said county, shall be disposed of or quashed only in open session of said court before which the same is returnable. Any officer violating this section shall be guilty of a misdemeanor.

Cases disposed of in open court.

Misdemeanor.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 93.

AN ACT TO APPOINT JUSTICES OF THE PEACE IN NASH COUNTY, NORTH CAROLINA, AND TO RATIFY CERTAIN ACTS AND THINGS HERETOFORE DONE BY THEM IN THEIR OFFICIAL CAPACITY.

The General Assembly of North Carolina do enact:

Appointment.

SECTION 1. That J. L. Green of North Whitakers Township, J. A. Lewis, Jr., of Dry Wells Township, W. R. Ferrall of Jacksons Township, J. T. Fulford of Mannings Township, G. D. Langley of Coopers Township, and J. M. Bain of Jacksons Township, in Nash County, be and they are hereby appointed justices of the peace for their respective townships for the term of four years from and after December first, one thousand nine hundred and twelve.

Terms of office.

Acts ratified and confirmed.

SEC. 2. That all acts and things heretofore done by the said persons in their official capacity since the expiration of their terms of office be and the same are hereby ratified and confirmed.

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

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 94.

AN ACT TO AMEND SECTION 21 OF CHAPTER 176 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO THE MANNER OF DRAWING A JURY IN THE RECORDER'S COURT OF NASH COUNTY AND FIXING THE COMPENSATION OF THE JURORS THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-one (21) of chapter one hundred and seventy-six (176) of the Public-Local Laws of nineteen hundred and eleven be and the same is hereby amended by adding after the word "so," in line three of said section, the following: "That the defendant in all criminal and the plaintiff or defendant either in all civil actions may demand and have a jury trial, 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: *Provided*, notice be given to the clerk of this court three days prior to the time such case shall stand for trial. The jury shall be drawn from the jury list of Nashville Township, unless the recorder of such court, in the exercise of his discretion, upon cause shown, shall direct the jury to be drawn from the jury list of some other

Right to demand jury.

Jury.

Proviso: notice to clerk.
Jury from Nashville township unless otherwise ordered.

township. Such jury to be drawn by the clerk of said court after notice to the parties; they shall possess the qualifications required of jurors in like cases 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 to call tales jurors to take the place of 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 the jury is completed. All regular jurors who attend and all tales jurors who serve shall be allowed one dollar and fifty cents per day, the regular jurors to receive the same mileage now allowed regular jurors in the Superior Court, such mileage and per diem to be taxed as a part of the bill of costs against the party cast.

Clerk to draw jury.
Qualification and challenges.

Tales jurors.

Pay of jurors.

SEC. 2. That no jury fee shall be taxed in any trial in the recorder's court, except when there is a trial by jury.

Jury fee.

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 17th day of February, A. D. 1913.

CHAPTER 95.

AN ACT RELATIVE TO THE PAY OF JURORS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all jurors who are summoned and who serve on the jury in the Superior Courts of Hertford County shall receive two dollars per day for their services and five cents per mile each way, and all tales jurors who serve shall receive one dollar and fifty cents per day and no mileage; and all jurors summoned in capital cases and who serve as special veniremen shall receive two dollars per day for their services and five cents per mile each way, and those who were summoned and do not serve shall receive one dollar each per day and no mileage.

Regular jurors.

Tales jurors.

Special veniremen.

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

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

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 96.

AN ACT TO AMEND CHAPTER 718, PUBLIC-LOCAL LAWS
OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That the act known as "An act to require compulsory attendance upon public schools in Raleigh Township, Wake County, being chapter seven hundred and eighteen of the Public-Local Laws of one thousand nine hundred and eleven," be and the same is hereby amended as follows:

Requirement of attendance.

(a) By striking out section two of said act.

Proviso: notice to parents.

(b) By adding at the end of section seven of said act the following: "Provided, that any parent, guardian, or person having control of a child between the ages of eight and fourteen years who shall have been served with written notice of warning for violation of any provision of this act as hereinbefore provided in this section, may, upon a subsequent violation of such provision within the current school year, without such notice of warning as is hereinbefore provided, be deemed guilty of a misdemeanor and fined not more than fifty dollars."

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 17th day of February, A. D. 1913.

CHAPTER 97.

AN ACT TO AMEND SECTION 2799, REVISAL OF 1905,
RELATING TO PAY OF JAILERS.

The General Assembly of North Carolina do enact:

Jailer relieved of requirement.

SECTION 1. That section two thousand seven hundred and ninety-nine, Revisal of one thousand nine hundred and five, be and the same is hereby amended as follows: Strike out the word "fuel" in line two thereof.

County commissioners to furnish fuel.

SEC. 2. That it shall be the duty of the county commissioners to furnish the jailer sufficient fuel for the comfort of the prisoners in his care, at the expense of the county.

Limit of application.

SEC. 3. That this act shall apply to Yancey County only.

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

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 98.

AN ACT TO AMEND CHAPTER 735, PUBLIC LAWS 1909.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter seven hundred thirty-five, Public Laws of one thousand nine hundred and nine, entitled "An act to create a recorder's court for the town of Belhaven, Pantego Township," etc., be and the same hereby is repealed. Payment by fees rescinded.

SEC. 2. That said recorder shall exercise the functions and perform the duties of recorder, as well as of clerk of said court, and shall receive, in lieu of all other fees and costs, the sum of thirty-five dollars per month, payable monthly by the Treasurer of Beaufort County at the same time and in the same manner as prescribed for payment of salaries to county officers: *Provided*, that at any interval of six months from and after June the first, one thousand nine hundred thirteen, the board of commissioners of said county may reduce the said salary if it be found that the expense of conducting the said court exceeds the fees and costs collected therefrom. Salary of recorder.

Provido: county commissioners may reduce salary.

SEC. 3. The costs and fees taxable and collectible by said court shall be the same as in justices' courts in those cases of which a justice of the peace would have final or concurrent jurisdiction, and in all other cases the costs and fees shall be the same as in the Superior Court (except that only one dollar shall be taxable for trial and judgment): *Provided*, that nothing herein contained shall be construed to enlarge or modify section eleven of the said act in respect of jury trials and the costs taxable therefor, except that jurors and witnesses shall be entitled to fifty cents per day and mileage. Costs and fees.

Provido: jury trials.

SEC. 4. Said recorder shall keep a permanent record or docket of all cases tried or disposed of by him, and of all fines and costs imposed and collected, an itemized statement of which shall be filed with the board of county commissioners, or with the clerk to said board, on the first day of each month. All costs and fines so imposed and collected shall be paid by the said recorder at least once each month to the Treasurer of Beaufort County, who shall cover the same into the general county fund, but the fines so collected shall be held by the said treasurer for the purposes now prescribed by law. Dockets.

Statements of fines and costs.

SEC. 5. This act shall be in force from and after its ratification, and all laws or clauses of laws in conflict herewith are hereby repealed.

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 99.

AN ACT REGULATING THE PAY OF THE PENSION BOARD OF HOKE COUNTY.

The General Assembly of North Carolina do enact:

As county commissioners.

SECTION 1. That the members of the pension board of Hoke County shall be paid the same per diem as the county commissioners of Hoke County now receive.

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

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 100.

AN ACT TO REPEAL CHAPTER 263 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO THE ESTABLISHMENT OF A SCHOOL FOR CROATAN INDIANS IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Separate school law repealed.

SECTION 1. That chapter two hundred and sixty-three of the Public-Local Laws of one thousand nine hundred and eleven, establishing separate schools for the Croatan Indians in Sampson County, is hereby repealed.

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

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

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 101.

AN ACT TO REGULATE THE FEES OF THE CORONER OF NORTHAMPTON COUNTY FOR HOLDING AN INQUEST.

The General Assembly of North Carolina do enact:

Fee fixed by county commissioners.

SECTION 1. That for holding an inquest over a dead body, the coroner of Northampton County shall be paid such fee or compensation as the board of commissioners of Northampton County shall deem just and reasonable: *Provided*, such fee or compensation shall not be less than five nor more than ten dollars per day for each day necessarily engaged in holding any such inquest.

Proviso: limits.

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

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

Ratified this the 17th day of February, A. D. 1913.

CHAPTER 102.

AN ACT TO AMEND CHAPTER 220 OF PUBLIC LAWS OF 1899, RELATIVE TO WORKING CONVICTS OF MADISON COUNTY AND TO PROVIDE FOR WORKING CONVICTS ON PUBLIC ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter two hundred and twenty of Public Laws of one thousand eight hundred and ninety-nine is hereby repealed. Convicts for other counties.

SEC. 2. That when it is made to appear to the board of commissioners of Madison County, either by petition or otherwise, that it will be to the best interest of the county to work the county convicts on the public roads of the county, they shall establish a chain-gang and provide for its operation and maintenance as provided by chapter twenty-four of Revisal of one thousand nine hundred and five of North Carolina entitled "County Prisoners." Chain-gang may be established on petition.

SEC. 3. That when the board of county commissioners shall have established a "chain-gang" for the county, they may coöperate with the board of road commissioners of Madison County or any other board having in charge the work of the public roads, in the management and operation of the chain-gang; and the expenses of operating and maintaining and working the prisoners may be paid out of the special-tax road fund at the disposal of the said board of road commissioners or other board coöperated with: *Provided*, the said funds may be expended as provided in the act creating the fund. Management and expense of chain-gang.
 Provido: expenditure of road force.

SEC. 4. If the county commissioners decide to establish and do establish a "chain-gang" for Madison County, the said board is hereby authorized and empowered to provide for working State convicts or convicts from other counties as in the judgment of the board may seem best. Convicts from State and other counties.

SEC. 5. That until such time as the commissioners of Madison County shall see fit to establish a chain-gang and provide for its operation and maintenance, they are hereby authorized and empowered to contract with any county in the State of North Carolina for the working of the persons convicted of crime in Madison County as set out in this act, and the judges of the Superior Court may when passing sentences assign them to be worked on the roads of the county so contracted with. Convicts may be assigned to other counties.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, that this act shall not be construed as repealing section six of chapter one hundred and sixty-five, Private Laws of one thousand nine hundred and five. Repealing clause.
 Provido: law not repealed.

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

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 103.

AN ACT TO BUILD AN IRON BRIDGE OVER THE YADKIN RIVER, THE DIVIDING STREAM BETWEEN THE COUNTIES OF FORSYTH AND DAVIE, AT A POINT AT OR WITHIN ONE MILE OF THE PRESENT LOCATION OF HALL'S FERRY.

Preamble: public roads.

Whereas public roads have been regularly laid off and established according to law, in the counties of Forsyth and Davie, to the banks of the stream known as the Yadkin River at a point about fourteen miles north of the town of Mocksville and about thirteen miles from the city of Winston, North Carolina, known as Hall's Ferry; and whereas the said public roads leading from said city of Winston and town of Mocksville to said point on said river at Hall's Ferry are the main thoroughfares now established between said town and city and territory adjacent to said roads; and whereas there is a public ferry at said place which charges toll for ferriage; and whereas it appears that a public bridge at said place is a public necessity: Now, therefore,

Preamble: main thoroughfares.

Preamble: public ferry.
Preamble: public necessity.

The General Assembly of North Carolina do enact:

Contract authorized.

SECTION 1. That the boards of county commissioners of the counties of Davie and Forsyth be and they are hereby authorized, empowered, and directed to contract for and expend a sum not exceeding the sum of twenty-five thousand dollars (\$25,000) in the construction of an iron bridge across the Yadkin River, the dividing stream between the counties of Davie and Forsyth, at or within one-mile of Hall's Ferry, the exact location of said bridge to be determined by said boards of commissioners of said counties, within the limits above specified, and at a point about fourteen miles from the town of Mocksville and about thirteen miles from the city of Winston, North Carolina, the county-seats of said counties respectively.

Limit of expense.

Location.

Apportionment of expense.

SEC. 2. That the charges and costs of building and erecting said bridge shall be defrayed by both counties, Davie and Forsyth, in proportion to the taxable property listed for taxation in each of said counties, respectively; and the keeping up and repairing of said bridge after the construction thereof shall be a charge on each of said counties, and defrayed by each in proportion to the taxable property listed for taxation in each of said counties, respectively.

Expense of maintenance.

Special bridge tax for Davie county.

SEC. 3. That the board of commissioners of Davie County be and it is hereby authorized, empowered, and directed to levy and cause to be collected a special bridge tax of not exceeding ten cents on the one hundred dollars (\$100) valuation of all property listed for taxation in Davie County, and the board of commissioners of

Special bridge tax for Forsyth county.

Forsyth County be and it is hereby authorized, empowered, and directed to levy and cause to be collected a special tax of not exceeding ten cents on the one hundred dollars (\$100) valuation of all property listed for taxation in Forsyth County, said funds so raised by said special tax levy to be applied by each of said boards of commissioners to defray the proportionate expense and cost of erection of said bridge by said counties, respectively.

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

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 104.

AN ACT TO REPEAL CHAPTER 377, PUBLIC-LOCAL LAWS OF 1911, RELATING TO DOGS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and seventy-seven of Law repealed. Public-Local Laws passed at the session of one thousand nine hundred and eleven be and the same is hereby repealed.

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

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 105.

AN ACT RELATIVE TO THE ESTABLISHMENT OF SCHOOL DISTRICTS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county board of education of Anson County is hereby empowered to divide School District Number Two, for the white race, in Ansonville Township, Anson County, by the following line: Beginning at a point on Rocky River where the R. M. Biles estate lands and the Dr. S. B. Carpenter estate lands corner, and runs with the said dividing line between the said estate lands to a point in the eastern boundary of the Winston-Salem Southbound Railway; thence along the eastern boundary of said railway to a point in the north line of A. E. Hendley's land; thence westward across said railroad and along the line dividing the old Hyatt and Hunsucker tracts to a point in J. A. Hendley's line; thence along a line between the lands of A. E. Hendley and J. A. Hendley to Camp Branch; thence along a line between A. E. Hendley and E. C. Dunlap to J. J. Allen's land; thence

Division
authorized.

Line.

along the southern boundary line of the said J. J. Allen to a point in the north prong of Buffalo Creek, a corner of the land of E. C. Bennett and J. J. Allen; thence along the line between E. C. Bennett and Clem Ingram estate lands to a point in the old plank road; thence along the said road to a point in the Red Hill School District line.

Wharf special-tax district.

SEC. 2. That all that territory situated north of said line and within said District Number Two shall be designated as the Wharf Special-tax School District.

Cedar Hill special-tax district.

SEC. 3. That all that territory situated south of said line and within said School District Number Two shall be designated as Cedar Hill Special-tax School District.

Committeemen.

SEC. 4. That the board of education shall have full power to appoint committeemen and do all those things which by law they are now authorized and empowered to do.

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

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 106.

AN ACT TO AUTHORIZE THE TOWNSHIPS IN DUPLIN COUNTY TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF A RAILROAD IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Petition for election.

SECTION 1. That upon the presentation of a written petition to the board of commissioners of Duplin County, signed by one-fourth of the resident freeholders in any township in Duplin County, requesting that an election be called for such township to vote upon the question of issuing bonds in an amount, to be set forth in said petition, not less than five thousand dollars and not more than fifteen thousand dollars for such township, with interest-bearing coupons, to aid in the construction of a railroad into said township from some standard-gauge railroad in existence in North Carolina at the time said petition is presented, and doing business in said State as a common carrier of freight and passengers, it shall be the duty of said board of commissioners to have said petition recorded upon their minutes and 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 said township, and present to the qualified voters of said township the question of the issuing of bonds for said purpose; the said board of county commissioners shall, for at least thirty days preceding said election, give public notice of the same by publishing a notice of the same in some newspaper published in Duplin County, if there be

Question to be voted on.

Election to be ordered.

Time of election.

Advertisement of election.

one, and by posting notice of the same at the courthouse door in Kenansville and at three places in said township, stating the purpose of the election, the date of the same, the amount of bonds to be voted upon.

SEC. 2. That the said board of commissioners shall order a new registration in each township so petitioning for an election; that the registration and challenging of voters and the conduct of said election shall be as near as may be 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 registrar and judges of election shall at the close of the polls count the vote, certify the result, and on or before the second day after the election shall make return to the board of county commissioners, and the said board of county commissioners shall, on the first Monday of the month following said election, canvass said returns and cause the same to be entered upon their minutes, and no other declaration of the result of the said election shall be necessary.

New registration.
Law governing election.

Proviso: election officers.

Count and return of votes.

Canvass and record of returns.

SEC. 3. That at said election the ballots cast by the qualified voters shall be 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 said bonds shall vote "Against Bond Issue."

Ballots.

SEC. 4. In the event that a majority of the qualified voters in said township, or either or any of said townships, petitioning for an election, shall at said election vote for said bond issue, the said board of county commissioners shall have prepared bonds in such denominations and payable at such times and in such amounts as the said board shall direct, the total to be as set forth in the petition, with interest-bearing coupons attached, with interest payable annually, at a rate to be fixed by said board of not less than four per cent per annum, but no bond shall run for a longer period than twenty years from the date it is issued. Said bonds and coupons shall be payable at the office of the Treasurer of Duplin County, numbered consecutively, signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and shall have impressed upon them the official seal of the board of commissioners of Duplin County. The said bonds shall be styled Township bonds to aid in the construction of a railroad in Duplin County, the said board inserting the name of the township so voting said bonds; and the said board of county commissioners of Duplin County are hereby authorized, directed, and empowered to dispose of the same, or such a part as they may determine, or the proceeds of the same

Majority of qualified voters to authorize bond issue.

Denominations.

Amount.

Interest.

Maturity.

Authentication.

Entitlement of bonds.

- Delivery of bonds. when converted into cash by said board, in the following way and for the following purpose: Upon any railroad company such as hereinafter mentioned, or either of them, constructing a standard-gauge railroad from some standard-gauge railroad now operating in North Carolina to a point in said township so voting said bond issue, and equipping and operating the same the length of said road, its location, equipment, and amount of service that it will furnish to the public being agreed upon between said board of commissioners and the said railroad company prior to the time said construction shall have been begun, the said road to be operated under the laws governing common carriers in North Carolina, then the said board of commissioners are authorized, directed, and empowered to deliver said bonds, or so many of said bonds as the said board and said railroad company have agreed upon, or so much of the proceeds of said bonds as the said board and the said railroad company shall have agreed upon, to said railroad company, to be the absolute property of said railroad company, free from the claims of any one, in consideration of the benefit that will accrue to the people of said township by reason of the construction of said road; and the said board of county commissioners of Duplin County are hereby fully authorized and empowered to make any such contract and with any such railroad company as they may determine, whether said company is doing business in said State as a common carrier at the present time or shall hereafter be chartered under the laws of this State, whether chartered under the general laws applicable to railroads or under the section applicable to street railways, or doing business in this State by authority of the General Assembly of North Carolina under articles of consolidation.
- County commissioners to make contract.
- Special tax. SEC. 6. That it shall be the duty of the said board of county commissioners of Duplin County to levy annually on all the taxable property and polls in each township voting for bond issue a separate tax sufficient in amount to pay the interest on said bonds and establish a sinking fund to pay the principal of said bonds as they become due, the said tax to be collected in the same manner as now provided by law for other taxes, and to be held in trust by said board for the said townships so voting for the said bond issue, and to be applied for no other purpose than herein set out: *Provided*, that any sinking fund may be loaned by said board on real estate in said township, at not more than its tax value, till the same may be needed, or it may be deposited in a savings bank at interest at the usual rate.
- Collection of tax.
- Specific appropriation. Proviso: investment of sinking fund.
- Confirmation of contracts. SEC. 7. That an election may be held under this act in any township, whether the board of county commissioners shall have made any contract or not, and any contract made by them for the construction of said road shall be confirmed and made valid and binding, subject to the conditions hereinbefore set forth, upon the qualified voters of any township thereafter determining by election to issue bonds for said railroad construction.

SEC. 8. That for the purposes of this act, Magnolia Township, Townships incor-
 Warsaw Township, Kenansville Township, Limestone Township, porated.
 Cypress Creek Township, and all other townships in Duplin County
 are each hereby declared to be bodies politic and corporate and
 are vested with the necessary powers to carry out the provisions Corporate powers.
 of this act, and shall have all the rights and be subject to all the
 liabilities in respect to any right or cause of action growing out of
 this act, and the board of county commissioners of Duplin County County commis-
 are hereby declared the corporate agents of the said townships of sioners agents of
 Duplin County to carry out the provisions of this act. townships.

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

SEC. 10. That this act shall be in force from and after its ratifi-
 cation.

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 107.

AN ACT TO AMEND CHAPTER 268 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF 1911, RELATIVE TO THE DRAINAGE OF CROWDERS CREEK AND ITS TRIBU- TARIES IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and sixty-
 eight of the Public-Local Laws of North Carolina of one thousand
 nine hundred and eleven be amended by adding after the word
 "corporations," in line twenty-one of said section of said act, the
 following words and figures, to wit: "Provided, however, that if Proviso: power to
 said commission or corporation shall at any time after commencing borrow money.
 the work, dredging, or canaling mentioned in this act, determine
 that it is necessary to have funds or money in addition to the
 sum or sums provided by the first or original assessment and levy
 mentioned, authorized, and provided for in this act, in order to
 properly complete or carry out said work, dredging, or canaling,
 or to maintain said ditch or canal, then in such event said com- Limit of amount.
 mission or corporation shall have power and authority to issue
 the note, bond, or obligation of said corporation in an amount
 not exceeding five thousand dollars (\$5,000), in addition to any
 other notes, bonds, or obligations mentioned and authorized in
 this act, payable in an amount to be fixed by said commission or
 corporation at stated intervals, not exceeding five years, to be Maturity.
 fixed by said commission or corporation: Provided, that said Proviso: assess-
 commission or corporation may, for the purpose of providing money ment for payment
 or funds to pay or liquidate the sum or sums so determined to of loan.
 necessary as aforesaid, levy an assessment on all lands in said

drainage district in the same manner and same proportion as the original assessments were made, and the money or fund that is collected shall be used for the purpose of completing the work of dredging and canaling said Crowders Creek as provided in this act.

County bridges.

SEC. 2. That section fourteen of chapter two hundred and sixty-eight of the Public-Local Laws of North Carolina of one thousand nine hundred and eleven shall be amended by striking out the words "The Crowders Creek Drainage Commission," in line eight of said section fourteen, and by inserting in lieu thereof the words "Gaston County, North Carolina: *Provided*, the cost of replacing any railroad bridge so removed shall be borne by the Crowders Creek Drainage Commission."

Proviso: railroad bridges.

SEC. 3. That all laws and clauses of laws in conflict herewith are repealed.

Ratified this the 19th day of February, A. D. 1913.

CHAPTER 108.

AN ACT TO REGULATE THE EXPENDITURE OF PUBLIC MONEY FOR ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Accounts to be presented and audited before payment.

SECTION 1. That no person holding any office by appointment or otherwise in Rockingham County shall pay out any money on any contracts for goods, services, or other things on behalf of Rockingham County until an account for same shall have been presented to and audited and passed upon by the board of commissioners of said county, and voucher issued in the name of the person presenting such claim: *Provided*, the superintendent of public roads for said county may expend not more than the sum of fifty dollars in any one calendar month for any small articles he may need on behalf of the county, and may present to said board of commissioners an omnibus itemized account, properly verified, for any such items for not more than fifty dollars in any one month. It shall be unlawful for the commissioners of Rockingham County to pay out or to issue any voucher for any omnibus account or accounts to any such road superintendent for more than fifty dollars in the aggregate expended by him in any month as aforesaid.

Proviso: small purchases.

Itemized account.

Issue of vouchers on omnibus accounts forbidden.

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

Ratified this the 20th day of February, A. D. 1913.

CHAPTER 109.

AN ACT TO DIVIDE NANTAHALA TOWNSHIP INTO TWO ROAD DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the township of Nantahala, Macon County, shall be divided into two road districts, one to be known as the Nantahala Road District, and the other one as Briartown Road District. That the Nantahala Road District shall be composed of what is now known as the voting district of Nantahala, and the Briartown Road District shall be composed of what is now the voting district of Briartown; and the board of county commissioners shall appoint two sets of road trustees for said two precincts, with all the corporate rights, powers, and privileges that such boards of trustees now possess.

Two districts.

Nantahala district.

Briartown district.

Road trustees.

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

Ratified this the 18th day of February, A. D. 1913.

CHAPTER 110.

AN ACT TO PERMIT THE ROPER LUMBER COMPANY TO CONSTRUCT A BRIDGE ACROSS THE UPPER END OF SWIFT CREEK IN CRAVEN COUNTY.

Whereas the John L. Roper Lumber Company desires to build a bridge across Swift Creek at a point about two miles above Vanceboro, in Craven County, for the purpose of making a logging road thereover, and said creek is not navigable for boats above Vanceboro: Now, therefore,

Preamble: location of bridge.

Creek not navigable.

The General Assembly of North Carolina do enact:

SECTION 1. That the John L. Roper Lumber Company be authorized and it is hereby authorized to construct a bridge across Swift Creek in Craven County at any point it may desire above Vanceboro for use as a logging road.

Construction authorized.

SEC. 2. That the construction of said bridge shall be in accordance with such rules and regulations as may be prescribed by the War Department of the United States Government: *Provided*, the said Roper Lumber Company shall leave a space of twelve feet for the passage of logs in the run of said creek.

Building rules and regulations.

Proviso: runway for logs.

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

Ratified this the 19th day of February, A. D. 1913.

CHAPTER 111.

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF EDUCATION OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Increase of numbers.

SECTION 1. That the board of education of Franklin County be and is hereby increased to a membership of five, all of whom shall possess the same qualifications as now provided for by law, and whose appointment shall be made as now provided for by law.

Election of additional members.

SEC. 2. That the two additional members herein provided for shall be appointed by the Legislature of one thousand nine hundred and thirteen, one of whom shall serve for a term of four years and the other for six years, and whose successors shall be appointed by succeeding Legislatures, as is now provided for.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 19th day of February, A. D. 1913.

CHAPTER 112.

AN ACT TO AMEND CHAPTER 74, PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

Costs and fees.

SECTION 1. That section eight of chapter seventy-four, Public-Local Laws of one thousand nine hundred and eleven, entitled "An act to establish a special criminal court in the city of Washington and in Washington Township, Long Acre Township, and Chocowinity Township." etc., etc., be and the same is repealed, and said act is further amended by adding thereto the following:

Salary of recorder.
Salary of clerk.

SEC. 2. The recorder of said court, in lieu of all other fees and costs, shall receive a salary of seventy-five dollars per month, and the clerk of the said court, in lieu of all other costs and fees, shall receive a salary of twenty-five dollars per month, which salaries shall be payable monthly by the Treasurer of Beaufort County at the same time and in the same manner as now prescribed for payment of the salaries of county offices. Whenever a substitute recorder or deputy clerk shall be appointed and serve in place of the regular recorder or clerk of said court, he shall be entitled to the salary of such recorder or clerk, respectively, during the time engaged, and the same shall be deducted from the monthly salary payable to such recorder or clerk.

Substitute recorder and deputy clerk.

Costs as in justices' courts.

SEC. 3. The costs taxable in said recorder's court shall be the same as are now taxable in a justice's court for all cases of which a justice of the peace would have final jurisdiction, that is to say,

the costs in the recorder's court for cases which may now be tried by a justice of the peace, or which heretofore were triable by the mayor's court, shall be the same as are now prescribed by law in justices' courts; and in all other cases triable by the said recorder, the costs shall be the same as in the Superior Court, except that a fee of one dollar shall be taxed for trial and judgment upon each defendant convicted: *Provided*, that in all cases before the recorder, witnesses and jurors shall each be entitled to fifty cents per day and mileage, but only two witnesses in support of any material fact shall be allowed to file. Every defendant convicted and adjudged guilty by said court, or who pleads guilty therein, shall be taxed with the costs of the prosecution, as hereinbefore prescribed; and the clerk of said court shall collect all costs and fines imposed by said court, and shall on the first day of each month file an itemized statement of all costs and fines imposed and collected during each preceding month, either with the board of commissioners of Beaufort County or with the clerk to the said board, and in addition thereto the clerk of said court shall keep a permanent record, or docket, of all cases tried in or disposed of by the said court, all costs and fines imposed, with a minute of the proceedings and of the judgment of the court in each case, which record or docket shall be open to inspection at all times. All costs and fines so imposed and collected shall be payable weekly by the clerk of said court to the Treasurer of Beaufort County, but it is provided that fees properly belonging to the public officers of the city of Washington shall be paid to said city of Washington, and it shall be the duty of the clerk of said recorder's court to keep a separate account of such fees and pay over same weekly to the treasurer of the city of Washington, who shall credit the same to the general county fund, but the fines so collected shall be held by the said treasurer for the purposes now prescribed by law.

SEC. 4. In every case of which the recorder may have final jurisdiction, the defendant, upon demand therefor, shall be entitled to a trial by jury, but before making such demand the defendant must have pleaded "Not guilty" to the warrant or indictment, and such demand must be made before evidence is offered. The procedure in the recorder's court, upon demand for a jury as aforesaid, shall be the same, as nearly as may be, as is now provided by law for a jury in justice's court, and the costs taxable against the defendant therefor shall be the same as in justices' courts, except that in all cases of which a justice of the peace would have jurisdiction the jury shall be drawn from the township in which the alleged offense was committed, and in all other cases an equal number of jurors shall be drawn from Washington, Long Acre, and Chocowinity townships; but this requirement shall not apply to talesmen, who may be summoned from the bystanders, or as the court may direct, to make up the jury, if the regular panel be

Costs as in superior court.
Trial fee.

Proviso: witnesses and jurors.

Costs on conviction.

Collection and settlement of costs and fines.

Dockets.

Weekly settlements.

Separate accounts.

Trial by jury on demand.

Jurors.

Talesmen.

- Costs for jury. exhausted. The costs for a jury in the recorder's court shall be the same as in a justice's court, except that jurors shall each receive fifty cents per day and mileage; and in case of conviction, the defendant shall be taxed with a jury tax of three dollars, which sum shall be deposited when demand for a jury is made.
- Jury tax. SEC. 5. The board of commissioners of Beaufort County may at any interval of six months from and after June first, one thousand nine hundred and thirteen, reduce the monthly salary payable to said recorder or to said clerk, if the expense of conducting the said court shall be found to exceed the costs and fees collected therefrom.
- County commissioners may reduce salaries. SEC. 6. Said board of county commissioners may, at any regular meeting, appoint a substitute recorder and a deputy clerk to exercise the functions and perform the duties of the regular recorder and clerk, respectively, in case of his or their absence or disability.
- Appointment of substitute recorder and deputy clerk. SEC. 7. This act shall be in force from and after its ratification, and any act or provision in conflict herewith is hereby repealed in so far as such conflict may affect the said court or its proceedings as herein prescribed.
- Ratified this the 20th day of February, A. D. 1913.

CHAPTER 113.

AN ACT TO PLACE THE OFFICERS OF SAMPSON COUNTY UPON A SALARY BASIS AND TO CREATE AND ESTABLISH AN AUDITOR'S OFFICE FOR THE SAID COUNTY.

The General Assembly of North Carolina do enact:

- Officers to collect, receive, and account for fees. SECTION 1. That the sheriff, clerk of the Superior Court, register of deeds, and treasurer of Sampson 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 day of every calendar month, or within five days thereafter, to the Treasurer of Sampson 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."
- Monthly settlements. 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 salary and compensation
- Salary fund.
- Officers to collect faithfully.
- Compensation.

as is provided for in this act; and for any abstraction, concealment, or misapplication of any of the moneys payable to 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 provided by law in cases of embezzlement by public officers.

Abstraction, concealment, or misapplication of money felony.

SEC. 3. Any officer of Sampson County, or any clerk or deputy thereof, who shall willfully 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 the said county as provided by this act.

Failure to collect fees misdemeanor.

Punishment.

Fees collected in advance.

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 Sampson 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.

Account books.

Books open to inspection.

Auditor to prescribe forms.

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 such 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 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.

Monthly statements under oath.

Auditor to check and compare statements.

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 Sampson 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.

Report to county attorney.

County attorney to institute action.

Failure to make statement, or false statement, a misdemeanor.

Punishment.

Salary of sheriff.

Expense account.

Monthly statement of expenses.

Payment of accounts.

Office clerk and field deputy.

Duty of field deputy.

Proviso: township deputies.

Process sent to deputies.

Deputies to retain fees.

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.

SEC. 7. The Sheriff of Sampson County shall receive as his salary and clerk and deputy hire the sum of three thousand five hundred dollars (\$3,500) 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 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.

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 courthouse at Clinton: *Provided, however,* that the sheriff may appoint one deputy sheriff in each township of Sampson County, except such as lie wholly within a radius of fifteen miles of the courthouse at Clinton; and the Sheriff of Sampson 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 courthouse at Clinton, 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.

SEC. 9. The Sheriff of Sampson County shall retain and pay Commissions on taxes.
 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 courthouse at Clinton where such persons fail to pay the taxes due by them on or before the first day of April next after the said taxes become due and payable. *Proviso: commissions retained.*

SEC. 10. The sheriff of said county shall also appoint a jailer, Jailer.
 whose salary shall be fixed by the board of commissioners of said county; and the actual expense 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.

SEC. 11. The Clerk of the Superior Court of Sampson County shall receive for his salary, and for deputies and other clerical assistance, the sum of two thousand dollars (\$2,000) per annum; and out of the allowance made to said clerk in this section the said clerk of the Superior Court may employ and pay the compensation of at least one deputy clerk and one office clerk and such other and further clerical assistance for the prompt and efficient discharge of his duties as clerk and of all duties imposed upon him by law. *Salary of clerk of superior court.*
Deputy clerk and office clerk.

SEC. 12. The Register of Deeds of Sampson County shall receive for his salary and for deputies and other clerical assistance the sum of two thousand five hundred dollars per annum, and out of the allowance made to said register of deeds in this section he may 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. *Salary of register of deeds.*
Deputy register and office clerks.

SEC. 13. The Treasurer of Sampson County shall receive for his salary and for clerical assistance the sum of seven hundred and fifty dollars (\$750) per annum; and out of the allowance made to said treasurer in this section he may employ and pay the compensation of at least one clerk and such other clerical assistance as the public 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. The salary mentioned in this section shall constitute the total salary for the treasurer for receiving and disbursing all *Salary of treasurer.*
Clerk and clerical assistance.
Salary to cover all services.

funds, including county funds, school funds, and road funds, and all other funds of Sampson County.

Office supplies.

SEC. 14. That in addition to the salaries herein provided and the allowances herein set forth, the board of commissioners of Sampson 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 Sampson and by the general county fund thereof.

Salaries in full for services.

SEC. 15. That the salaries and allowances herein provided for the several officers of Sampson 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 Sampson 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.

Collection of fees for salary fund.

County commissioners may increase allowances.

SEC. 16. If it shall appear at any time to the board of commissioners of Sampson 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 and clerical assistance for any of said officers or for the Auditor of Sampson 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.

Action spread on minutes. Proviso: limit of increase.

Salaries paid monthly.

SEC. 17. All the salaries herein provided for shall be paid by the Treasurer of Sampson 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.

Warrants.

Funds kept separate.

SEC. 18. 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. The treasurer shall open a separate account with each

Separate accounts.

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 at all times be open to the public.

Accounts open to inspection.

SEC. 19. 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, 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 for, the balance remaining in said salary fund shall on the 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.

Detailed annual statement.

Balance to general fund.

SEC. 20. All officers of Sampson 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 in surety companies.

Premiums paid from salary fund.

SEC. 21. 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 to perform the duties of their said offices.

Officers to perform duties.

Pay for extra service forbidden.

SEC. 22. That in order to perform the duties heretofore performed by the board of audit and finance of Sampson County, and certain other duties as fixed by this act, there is hereby created and established the office of "Auditor of Sampson County." The said auditor shall be a citizen of Sampson County and an expert accountant, and shall be elected by the voters of Sampson County as is provided by law for the election of county treasurer. The term of said auditor shall be for two years and until his successor is elected and qualified as provided for in this act.

Office of auditor created.

Election.

SEC. 23. 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 Sampson County shall furnish the said auditor a suitable room in the county courthouse, together with necessary furniture, fixtures, and supplies, stationery, postage, and so forth, the same to be paid for out of the general county fund.

Duties.

Office hours.

Office room, furniture and supplies.

SEC. 24. If, for any cause, there shall be a vacancy in said office, the resident judge of the Superior Court of the Fifth Judicial

Appointment to fill vacancy.

District of North Carolina shall appoint some fit and suitable citizen of Sampson 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.

Removal for cause. Sec. 25. The resident judge of the Superior Court of the Fifth Judicial District of North Carolina shall at all times have power to suspend or remove said auditor from office for incompetence, misfeasance, malfeasance in office, or other sufficient reason. Any and all charges of incompetence, misfeasance or malfeasance in office, or other sufficient charge to cause a 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 Fifth 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 Fifth 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 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 thereon, which said judgment shall find the facts, shall be signed by said judge, and shall be transmitted to and filed with the Clerk of the Superior Court of Sampson 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 or removal and the appointment of the successor to such auditor shall be filed with the Clerk of the Superior Court of Sampson County, and spread upon the minutes of said court: *Provided, however,* that the said judge of the Fifth Judicial District shall

Charges in writing.

Copy of charges served.

Time for hearing.

Place of hearing.

Hearing on charges.

Suspension or removal.

Appointment ad interim.

Order filed and recorded.

Proviso: judge may act on own motion.

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.

SEC. 26. 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 Sampson County, and when approved shall be filed with the register of deeds of said county as other official bonds. Bond of auditor.

SEC. 27. 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 the State of North Carolina, shall take before the Clerk of the Superior Court of Sampson 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 Sampson County to the best of my knowledge, skill, and ability, without fear, favor, reward or the hope of reward: so help me, God." Auditor to be sworn.
Form of oath.

SEC. 28. 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 misdemeanor, 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. Interest in other offices and contracts with county forbidden.
Misdemeanor.
Punishment.
Penalty.

SEC. 29. The auditor of Sampson County shall receive for his salary and clerk hire and other clerical assistance the sum of one thousand eight hundred dollars (\$1,800) 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 by him hereunder; and it shall at all times be the duty of said auditor to provide and pay, out of the allowance herein made for him, sufficient clerical assistance for the prompt and efficient discharge of his duties as auditor and all duties imposed Salary of auditor.
Clerical assistance.

Salary paid monthly.

Warrants.

Enumeration of duties of auditor.

Record of auditor.

Annual statements published.

Duties in settlements with other officers.

Reports to solicitor and county attorney.

Actions on reports.

Audit of accounts.

Cancellation of vouchers.

Disposal of canceled vouchers.

Discharge of duties.

upon him by law under this act. The salary and allowance herein made shall be paid by the Treasurer of Sampson 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 Sampson County and shall be paid out of such general fund.

SEC. 30. It shall be the duty of the 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 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 Sampson 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 Sampson, 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 courthouse door and also in some newspaper in 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.

SEC. 31. It shall be the duty of the said auditor to act as accountant for the county of Sampson 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 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.

SEC. 32. 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.

SEC. 33. It shall be the duty of said auditor to perform all the duties imposed upon him by virtue of this act, and he shall investi-

gate 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.

SEC. 34. 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.

Form of accounts and books.

Books furnished.

SEC. 35. 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.

Notice to officers to appear and settle.

Forfeit for failure to appear and settle.

Misdemeanor.

Punishment.

Proviso: discretion of court.

SEC. 36. 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 Sampson 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.

Authority to enforce attendance and administer oaths.

Failure to appear and give evidence.

Punishment.

Forfeit.

SEC. 37. 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 county 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

Power to employ counsel.

Pay of counsel.

Proviso: limit of amount.

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.

Accounts verified on oath.

SEC. 38. All claims or accounts against the county of Sampson 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 indorse 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 reason 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 Sampson 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.

Auditor to administer oaths.

Auditor to investigate claims.

Claims rejected by auditor.

Payment of claims before audit forbidden.

Proviso: payment of disapproved claims.

Auditor to be purchasing agent.

Bills and accounts.

Payment before audit forbidden.

Proviso: payment of rejected claims.

SEC. 39. The said auditor shall act as purchasing agent for the county of Sampson 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 indorse the same with his approval or disapproval, and if he disapprove any such claim, he shall attach thereto a statement of his reasons therefor, 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.

SEC. 40. It shall be the duty of the said auditor to meet with the board of commissioners of Sampson 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 as 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.

Auditor to meet with county commissioners.

Commissioners to call for information or direct investigation.

Other duties and services required of auditor.

SEC. 41. It shall be the duty of said auditor of Sampson 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.

Listing and assessment of taxes.

List takers.

Proviso: election by county commissioners.

SEC. 42. It shall be the duty of the 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.

Auditor to examine and pass upon tax lists.

SEC. 43. 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 their poll, and thereupon it shall be the duty of said board of commissioners to cause such property and polls

Auditor to investigate listing.

To report list of delinquents.

Investigation as to poll tax.

to be placed upon the tax books as provided by the general laws of the State.

- Investigation of valuation. SEC. 44. 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 owners 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.
- Report. 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.
- Notice to property owners. SEC. 45. Beginning with the first Monday in April, one thousand nine hundred and fifteen, and weekly thereafter, it shall be the duty of said auditor to examine the records of the office of the Register of Deeds of Sampson 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 of 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 of 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.
- Powers of auditor. Failure to appear and produce evidence a misdemeanor.
- Punishment. Auditor to examine records.
- Penalty. Lists of deeds and transfers.
- Memorandum on tax lists.

SEC. 46. 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 Sampson, 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 herebefore 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.

Copies of tax lists.

Disposition of tax lists.

Proviso; alternative form.

SEC. 47. It shall be the duty of said auditor to perform and discharge all the duties heretofore imposed upon the Register of Deeds of Sampson 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 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 provided by said sections to be imposed upon the register of deeds; and the Register of Deeds of Sampson 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, all of said duties being hereby imposed upon the auditor of Sampson County.

Duties formerly of register of deeds.

Pains and penalties.

Register of deeds relieved.

SEC. 48. It shall be the duty of the 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

General supervision over tax books.

Applications for rebates.

Monthly statements.

- 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.
- Action by commissioners.** SEC. 49. It shall be the duty of the mayor of each incorporated town in the county of Sampson to report to the auditor of said county, on or before the first Monday in June, one thousand nine hundred and fifteen, 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 Sampson 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 towns and cities.**
- Auditor to make inquiry and report.**
- Proviso: sheriff not relieved.**
- Notices to mayors.**
- Failure to perform duty a misdemeanor.**
- Punishment.**
- Statements of fines and penalties.** SEC. 50. It shall be the duty of the mayors of the several towns within the county of Sampson and 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 with the first Monday in June, one thousand nine hundred and fifteen, 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 be the duty of said auditor, on or before the first Monday in May, one thousand nine hundred and fifteen, and yearly thereafter, to transmit by mail to all mayors and justices of the peace of Sampson 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 re-
- Auditor to enforce payments.**
- Notice to mayors and magistrates.**
- Failure to report and settle a misdemeanor.**

quired 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 any 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 said auditor to prosecute all violations of this and the next preceding section of this act.

SEC. 51. Any person who shall be elected or appointed as auditor of Sampson 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.

SEC. 52. That this act shall be in full force and effect on the first Monday in December, one thousand nine hundred and fourteen.

SEC. 53. That this act shall not be in force or effect unless it shall be ratified by a vote of the people to be held Tuesday after the first Monday in November, one thousand nine hundred and fourteen, as hereinafter provided.

SEC. 54. That the board of commissioners of Sampson County shall submit to the voters of Sampson County held on Tuesday after the first Monday in November, one thousand nine hundred and fourteen, an election to be held by the election officers appointed to hold the general election under the law as is now provided for the election of members of the General Assembly. That at the said election the ballots tendered and cast by the qualified voters shall have written or printed, or partly written or partly printed, upon them, "For Salary Bill" or "Against Salary Bill," and all qualified voters shall be entitled to cast their votes in said election upon said question.

SEC. 55. That if a majority of the votes cast shall cause this bill to become a law, then on the first Monday in December, one thousand nine hundred and fourteen, the board of commissioners of Sampson County shall elect a county auditor to serve two years or until his successor shall be elected and qualified as provided in this act.

SEC. 56. That this act shall be in force and effect from and after its ratification.

Ratified this the 20th day of February, A. D. 1913.

CHAPTER 114.

AN ACT TO PROVIDE RURAL POLICEMEN FOR THE
COUNTY OF SCOTLAND.

The General Assembly of North Carolina do enact:

Office created.	SECTION 1. The office of rural policeman for the county of Scotland, with such duties and regulations as are provided in this act, is hereby created.
Election.	SEC. 2. That at the first regular meeting of the board of county commissioners of Scotland County held after the ratification of this act, the said board of commissioners shall appoint three able-bodied men of good habits and known as men who are not addicted to the use of alcoholic liquors and are men of good moral character, and shall commission them as rural police for the county of Scotland, whose term of office shall continue until the first Monday in December, nineteen hundred and fourteen, and until their successors shall be appointed and qualified. That on the first Monday in December, nineteen hundred and fourteen, and biennially thereafter, the said board of commissioners shall appoint three men, possessing the qualifications stated in this section, to said office for a term of two years. That any policeman appointed under and by virtue of this act shall be subject always to removal by the said board of commissioners for cause; and any degree of intoxication on the part of any policeman appointed under this act caused by use of alcoholic liquors is hereby declared to be a sufficient cause for removal.
Number and qualifications of policemen.	
Term of office.	SEC. 3. That the salaries of each of said policemen shall be seventy-five dollars per month, payable monthly by the county treasurer upon the warrant of the said board of county commissioners out of the general fund of the county.
Election of successors.	
Removal for cause.	SEC. 4. That it shall be the duty of said policemen to provide themselves with policemen's billets and such firearms as may be prescribed by the said county commissioners, and with horses for regular use in riding over the county and performing duty as a mounted policeman, and with uniforms if required in the discretion of the said commissioners, and shall bear all expense incident to their service, except the expense of a badge hereinafter provided for. It shall be the duty of said policemen, under the general control and direction of the sheriff of the county, especially in the rural districts, to patrol and police the county, to detect and prevent the violation of the criminal laws of every kind; to search out, apprehend, and arrest any and all persons charged with the violation of the criminal laws of any and every kind; to make arrests upon their own initiative as well as upon information or complaint; to report their acts and all known or suspected violations of the criminal laws to the sheriff of the county once a week;
Intoxication cause for removal.	
Salaries.	
Arms and equipment.	
Uniforms.	
Duties of policemen.	

to obtain warrants of arrest for and prosecute all persons who have violated any of the criminal laws; and they shall at all times obey and carry out the orders and instructions of the sheriff of the county, when not inconsistent with the law and with this act.

SEC. 5. That the said policemen shall patrol the entire county at least twice a week by sections assigned to each by the sheriff and county commissioners, remaining on duty at night when occasion or circumstances suggest that it would be proper so to do in order to prevent or detect crimes or to make arrests; and they shall always be on duty not less than ten hours each day, except when granted occasional indulgences or leaves of absence by the sheriff of the county. They shall frequent railroad depots, stores, public gatherings of any and every kind where violations of law are likely to occur, places where vagrants may be loafing or alcoholic liquors may be sold, bartered, or given away contrary to law, and shall use every means to prevent and to detect breaches of the peace, public drunkenness, the use of obscene language, boisterous conduct, discharging firearms on the public highways or at any public place or gathering, carrying concealed weapons, gambling, violations of the game laws, cruelty to animals, violation of the fire laws, and for the violation of any and every law which is detrimental to the peace, good order and morals of the said county.

SEC. 6. That said policemen shall have authority, for any freshly committed crime, whether a witness to the commission thereof or has knowledge thereof, upon prompt information or complaint, to arrest without warrant; and when an arrest is made without a warrant, the person so arrested shall be forthwith carried before a trial officer of the county and a warrant of arrest procured, to the end that the person charged may be dealt with according to law.

SEC. 7. That each of said policemen, before being appointed and entering upon the discharge of their duties, shall enter into a bond in an amount to be fixed by county commissioners, with sufficient surety to be approved by the said county commissioners, conditioned upon the faithful performance of all duties imposed or prescribed by this act, and for the payment to the county or to any person or corporation all such damages as they or any of them may sustain by reason of his malfeasance in office or by abusing the authority and discretion given him in the preceding section five of this act.

SEC. 8. That before entering upon the discharge of their duties, the said policemen shall take and subscribe to the following oath: "I solemnly swear (or affirm) that during my term of office as county policeman I will study the act creating the office and prescribing my duties, and will be alert and vigilant to enforce the criminal laws of the State, and to apprehend and bring to punishment every violator of the same, and will conduct myself at all times with due consideration to all persons, and will not be influenced in any matter on account of personal bias or prejudice: so

Patrols.

Night duty.

Hours of duty.

Localities for special surveillance.

Power to arrest without warrant.

Trials on arrests without warrant.

Policemen to give bond.

Policemen sworn.

Form of oath.

help me, God." The oath of office, after being taken and subscribed by the said policemen, shall be filed with the clerk of the Superior Court of said county, together with a bond provided for in this act.

County to furnish badges.

SEC. 9. That it shall be the duty of the commissioners of said county to furnish to each of the said rural policemen a metal badge bearing the following inscription: "Rural Policeman, Scotland County"; and it shall be the duty of each of the said policemen to wear one of the said badges on the front of his person and on the outside of his clothing in plain view of the public, and the failure of any policeman appointed under this act to so wear one of the said badges while discharging any of the duties and services prescribed and provided by this act shall constitute a sufficient cause for removal from office.

Policemen to wear badges.

Failure to wear badge cause for removal.

County commissioners to allot sections.

SEC. 10. That the said county commissioners shall divide the county of Scotland into three sections and shall assign any one of the said policemen to duty in any one of the said sections: *Provided*, that it shall be lawful for any of said policemen to discharge the duties prescribed by this act anywhere within the said county at any time during their term of office: *Provided*, that the county commissioners shall have the authority to rotate the said policemen from one section to another every six months or oftener.

Proviso: policemen to perform duty throughout county.

Proviso: rotation of policemen.

Civil process.

SEC. 11. That the said rural policemen shall have the power and authority, such as deputy sheriffs now have, to execute anywhere within the said county, civil processes, delivered to them by the sheriff and directed to the sheriff or other lawful officer of Scotland County, and the said rural policemen shall be required to serve all criminal processes and indictments issued by any lawful authority and placed in their hands for service.

Criminal process.

Fees.

SEC. 12. That in all cases and matters in which the said rural policemen shall perform any service by authority of this act, the same fees shall be charged as are now charged for the sheriff of the county for a similar service, except that for each arrest made for the violation of any law a fee of one dollar and fifty cents shall be charged. In all matters which are determined before a justice of the peace in which any fee or fees are charged for service performed by any of the said rural policemen, it shall be the duty of the said rural policeman who performed the service to collect such fees and on the first day of each month to pay the same to the Treasurer of Scotland County, and to furnish a verified written statement with the said treasurer showing all amounts collected by him during the preceding month. Failure on the part of said policeman to furnish any one statement as herein provided for shall be a sufficient cause for removal from office by the commissioners of Scotland County. The said fees paid to the treasurer of said county under this section shall go into the fund out of which the salaries of the said policemen are paid.

Policemen to collect and pay over fees.

Monthly statements.

Failure to furnish statement cause for removal.

Salary fund.

SEC. 13. In all matters which are determined before any court in the county of Scotland, other than the court of justices of the peace, and in which fees are charged for service performed by the said rural policemen, or any of them, it shall be the duty of the clerk of said court to collect the said fees and pay the same to the Treasurer of Scotland County, which said fees shall go into the fund from which the salaries of the said policemen shall be paid.

Clerks of courts to collect and pay over fees.

Salary fund.

SEC. 14. That all indictments and cases of arrest by the said rural policemen or by the sheriff or deputy sheriff of Scotland County, returnable before any criminal court of said county, shall be disposed of or quashed only in open session of said court before which the same is returnable. Any officer violating this section shall be guilty of a misdemeanor.

Cases to be disposed of in open court.

Misdemeanor.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1913.

CHAPTER 115.

AN ACT TO ESTABLISH A CRIMINAL COURT TO BE CALLED THE CRIMINAL COURT FOR THE COUNTY OF SCOTLAND.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be a criminal court for the trial of misdemeanors and other offenses established for the county of Scotland, to be designated The Criminal Court for the County of Scotland.

Court established.

Title.

SEC. 2. The said court shall be a court of record and shall be presided over by a trial justice, 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 said county. Said justice shall be elected by the qualified voters of said county in the same manner as the members for the General Assembly from said county are elected. He shall hold office for the term of two years. The first full term shall begin on the first Monday in December, one thousand nine hundred and fourteen. His appointment between the date when this act shall go into effect and the said first Monday in December, one thousand nine hundred and fourteen, shall be as hereinafter provided. Before entering upon the duties of his office he shall take and subscribe to an oath of office as is now prescribed by law for justices of the peace, and shall file said oath with the Clerk of the Superior Court of Scotland County, which clerk shall duly record the same. Said justice shall receive a salary to be fixed by the board of county commissioners of Scot-

Court of record.

Trial justice.

Election of justice.

Term of office.
First full term.

First appointment.

Justice to be sworn.

Salary.

land County and the board of commissioners of the town of Laurinburg, one-half of which shall be paid upon order of the board of county commissioners of Scotland County and one-half upon order of the board of commissioners of the town of Laurinburg, which compensation shall be in full and for all services rendered by him : *Provided, however,* that said salary shall not be less than fifty dollars per month.

Proviso: minimum salary.

Sessions of court.

SEC. 3. Said court shall be open at all times for the trial of cases, and said trial justice shall, if there be any business to transact, hold daily sessions, Sundays and legal holidays excepted, in the courthouse in the county of Scotland; and if Superior Court is in session in said county, then the sessions of said criminal court shall be held at some other convenient place, to be chosen by said trial justice, in or near the said courthouse; and said daily sessions shall begin at nine o'clock a. m. and continue until the business of the court is dispatched.

Place of sitting.

Hours of sitting.

Jurisdiction.

SEC. 4. That the court shall have all the jurisdiction and powers in all criminal offenses occurring within the corporate limits of the town of Laurinburg which are now or may hereafter be given to justices of the peace, and said court shall also have exclusive original jurisdiction to hear and determine all offenses and misdemeanors consisting of a violation of any ordinance of the town of Laurinburg.

Jurisdiction of crimes below felony.

SEC. 5. Said court, in addition to the jurisdiction conferred by section four of this act, shall have exclusive original jurisdiction of all other criminal offenses committed within the corporate limits of the said town of Laurinburg below the grade of felony as now defined by law, and all such offenses committed within said town of Laurinburg are hereby declared to be petty misdemeanors.

Petty misdemeanors.

Jurisdiction co-extensive with county.

SEC. 6. Said court, in addition to the jurisdiction conferred by sections four and five of this act, shall have all the jurisdiction and powers in all criminal offenses occurring without the limits of the town of Laurinburg and within the limits of the county of Scotland 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 other criminal offenses committed outside the corporate limits of the town of Laurinburg and within the limits of the county of Scotland which are below the grade of felony as now defined by law, and all offenses that may be committed anywhere in said county which are below the grade of felony are hereby declared to be petty misdemeanors.

Further enumeration of subjects of jurisdiction.

SEC. 7. Said court, in addition to the jurisdiction conferred by sections four, five, and six of this act, shall have exclusive original jurisdiction to hear and determine all offenses of larceny, receiving stolen goods knowing them to have been stolen, where the value of said article or articles shall not exceed twenty dollars, and which are committed anywhere in Scotland County, and all manner

and kind of false pretenses and frauds, not including forgery, where the value of the property so obtained shall not exceed twenty dollars, and which are committed anywhere in Scotland County, and the offenses of larceny, receiving stolen goods knowing the same to have been stolen, false pretenses and frauds as herein stated, are hereby declared by this act to be petty misdemeanors.

SEC. 8. Warrants may be issued by said justice, the substitute justice, or the Clerk of the Superior Court of Scotland County, for any person or persons charged with the commission of any offense of which said justice has jurisdiction under this act, and such person or the State shall have the right to a trial by a jury, if demand is made for the same, and the jury shall be drawn as the law now provides for the drawing of a jury in courts of justices of the peace, except that the jury list furnished to the said justice shall be composed of jurors from the county at large. The jurors so drawn shall be allowed and paid fifty cents each per diem, and such jurors as are thus summoned and required to attend, but are rejected and not required to sit in the trial of such case, shall be paid the sum of twenty-five cents each, which said fees shall be advanced and paid into the court for the purpose by the party demanding said jury trial: *Provided, however,* that in case the defendant so demanding a jury trial shall be acquitted in said trial, the amount so advanced by him as jury fees shall be refunded to him. Any person convicted of any offense in said court shall have the right to appeal to the Superior Court, and the trial shall be *de novo*, and on appeal, except appeals from offenses which justices of the peace now or may hereafter have jurisdiction, the action shall be quashed unless an indictment shall be found by the grand jury. In all cases of appeal the defendant shall be required to enter into bond with sufficient surety for his appearance at the next succeeding term of Superior Court for the trial of criminal cases for said county, and in default of such bond, said justice shall commit such defendant to the jail of said county until said bond is given or the defendant is otherwise discharged according to law; and it shall be the duty of the Clerk of Superior Court of Scotland County in all cases of appeal, within ten days thereof, to docket the same for trial in the Superior Court of said county. Said justice may also issue warrants for any person or persons charged with the commission of any offense of which said justice has not final jurisdiction, and shall have power and authority to hear such case preliminary, and if it appears that an offense has been committed, and it is probable that the defendant committed the offense, he shall bind the defendant to the Superior Court of the said county, if the offense be not capital, or commit the defendant to jail to await trial in the Superior Court as now provided by law if the offense be capital: *Provided, however,* that nothing contained in this section shall be construed to give the right of trial by jury in said

Issue of process.
Trial by jury.
Pay of jurors.
Proviso: jury fee returned on acquittal.
Right of appeal.
Bond on appeal.
Commitment in default of bond.
Appeals docketed.
Jurisdiction in preliminary hearings.
Defendants bound over.
Proviso: violations of town ordinances.

court to defendants charged with the violation of a town ordinance.

Warrants returnable to court.

SEC. 9. The several justices of the peace of Scotland County shall make all warrants issued by them for persons charged with the commission of offenses of which said justices of the peace have not final jurisdiction, but which are within the jurisdiction of the said criminal court for the county of Scotland, returnable to the said court, and they may make all other warrants issued by them so returnable.

Costs and fees to magistrates and sheriff.

SEC. 10. That the justices of the peace or other committing magistrates mentioned in section nine hereof shall be entitled to all the costs and fees for issuing such warrants or other process made returnable by them to said criminal court; the sheriff or other officer serving such warrants or process shall be entitled to his costs and fees: *Provided*, that the fees and costs charged and collected for the services of any such officer who is receiving a salary shall be paid to the treasurer of the county if said salary is paid by said county, or to the treasurer of the town of Laurinburg if said salary is paid by the town of Laurinburg. The said costs and fees shall be the same as now provided for courts of justices of the peace, except as otherwise provided in this act, and said costs and fees shall be collected and paid to the said officers, or to the said treasurers, by the clerk of said court.

Proviso: fees of salaried officers.

Costs and fees.

Punishments.

SEC. 11. Any person convicted in said criminal court of any of the offenses mentioned in sections four, five, six, and seven of this act shall be fined or imprisoned, or both, according to law.

Persons convicted to pay costs.

Every person convicted of any such offense shall be required to pay all the costs of the case.

Persons convicted sentenced to road work.

SEC. 12. Whenever any person is convicted in said criminal court of any of the offenses of which said court has final jurisdiction, and the punishment imposed is a fine and imprisonment or imprisonment and costs, the justice shall sentence the defendant to the common jail of Scotland County, to be worked upon the public roads of any county in North Carolina, to be named by the court, maintaining and operating a chain-gang, until such sentence has been complied with.

Seal of court.

SEC. 13. That said court shall have a seal with the impression, "The Criminal Court for the County of Scotland," which seal shall be used in the attestation of writs, warrants, subpoenas, or other process, acts, judgments, or decrees of said court, in the same manner and to the same effect as the seal of the Superior Courts in the State of North Carolina.

Officers to whom process may issue.

SEC. 14. That the said justice of said criminal court may issue his warrant, subpoena, or other process to the Sheriff of Scotland County, or to any constable thereof, or to any police officer of the said town of Laurinburg, or police officer of the county of Scotland, or to any other officer to whom a justice of the peace may direct his precepts, or to any other sheriff, constable, or any other

local officer of any county in the State of North Carolina, and such warrant, subpoena, or other process, when attested by the seal of said court, in case the same is to run outside of the county of Scotland, shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law.

SEC. 15. That the Clerk of the Superior Court of Scotland County shall be *ex officio* the clerk of the criminal court created by this act, and shall receive as compensation for such services fees, which shall be added in the bill of costs of the cases tried by said court, in the same manner and amounts as now allowed by law in similar cases tried in the Superior Court; and it shall be the duty of the clerk of said court to keep an accurate 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 of the offender, the name of the offense, the date of the hearing of the trial, and 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 cases which shall be disposed of in said court, and what disposition has been made of them.

SEC. 16. In all cases tried and disposed of in which fines and costs are paid, the said clerk shall pay to the treasurer of the town of Laurinburg all fines collected for the violation of ordinances of said town; all other fines shall be paid to the Treasurer of Scotland County for the benefit of the school fund. All costs collected by him from persons convicted shall be paid by him as follows, namely: costs due to any of the officers of Scotland County or other officers of said court not on salary shall be paid to them; *Provided*, that costs due officers of Scotland County who receive a salary shall be paid to the Treasurer of Scotland County; costs accruing from the service of any warrant, subpoena, or other writ by any police officer of the town of Laurinburg shall be paid to the treasurer of the town of Laurinburg; costs due witnesses shall be paid direct to them; costs due the said justice shall be paid one-half to the treasurer of the town of Laurinburg and one-half shall be paid to the Treasurer of Scotland County. There shall be taxed in the bill of costs in all criminal actions in which the party charged is convicted the usual fees now allowed in the courts of justices of the peace in criminal actions, except as otherwise provided in this act. The said clerk shall make out bills of cost and file same, and in all offenses which are not violations of any ordinance of said town, and of which a justice of the peace has not either now or hereafter final jurisdiction to hear and determine, and in which the parties convicted and imprisoned and from whom costs are not collected, the county shall pay one-half costs as now provided by law, to be disbursed in the manner

Process to run outside county.

Clerk of court.

Compensation.

Clerk to keep records.

Permanent docket.

Payment of fines.

Payment of costs.

Proviso: costs due.

Bills of cost.

Half costs.

Fees of justices.

provided by this section. The fees which shall be charged and collected for the said justice shall be the same as are now allowed to justices of the peace, except that the fee for trial and judgment shall be one dollar.

Jurisdiction for recovery of penalty.

SEC. 17. Said justice shall have jurisdiction to try all actions for the recovery of any penalty or forfeited bond made returnable to said court by any justice of the peace in said county or taken by said trial justice and returnable before him, with power to dispose of same as now provided by law.

Elections to fill vacancies.

SEC. 18. In case of a vacancy occurring in the office of said trial justice for any cause, such vacancies shall be filled by the election of a justice for the remainder of the term by the board of commissioners of Scotland County. Said justice shall be liable to be removed from office by the board of commissioners, but only after notice of the charges against him, and a full opportunity to be heard; and any misconduct amounting to nonfeasance, misfeasance, or malfeasance in office shall be a ground for removal; and any degree of intoxication caused from the use of alcoholic liquors by the said justice during his term of office, except from the use of such for medical purposes only, shall constitute a sufficient cause for removal from office, and is hereby so declared. In case of the temporary absence of said justice from the county, or other temporary disability or inability on his part to perform the duties of his office, the same shall devolve upon and be performed by the substitute justice hereinafter provided for.

Justice liable to removal.

Grounds for removal.

Substitute justice.

Election of substitute justice.

SEC. 19. Immediately upon the qualification of the said justice, or as soon thereafter as may be practicable, and biennially thereafter, the board of commissioners of Scotland County shall elect a citizen of Scotland County, possessed of all the qualifications of said justice, to fill the office of substitute justice, which is hereby created. The term of office of the substitute justice shall be concurrent with that of the justice, and any vacancy occurring in the office of said substitute shall be filled by said board of county commissioners. Said substitute justice shall have the same powers and be subject to the same penalties as herein provided for the regular trial justice. Said substitute justice shall receive in full compensation for his services the sum of two dollars per day for such time as he may be actually in the performance of the duties of said justice, the same to be deducted from the salary of the regular trial justice, but not to exceed in any calendar month the full salary of said justice for that month.

Term of office.
Vacancy.

Powers of substitute justice.

Compensation.

Appointment of first trial justice.

SEC. 20. That the said board of county commissioners of Scotland County, at the first regular meeting of said board after the ratification of this act, shall appoint a trial justice to preside over the said criminal court herein provided for, who shall have the qualifications prescribed by this act for said trial justice, and the said trial justice shall hold office until the first Monday in December, one thousand nine hundred and fourteen, and until his

Term of office.

successor is elected and qualified: *Provided*, that he may be removed for cause. Proviso: removal for cause.

SEC. 21. That the said trial justice and substitute trial justice shall not by reason of their office as such be prohibited from practicing the profession of an attorney at law in any of the other courts of this State, except in those cases in which the defendant was convicted or bound over by them. Trial justice and substitute may practice law.

SEC. 22. That at the same time and in the same manner as other county officers are elected for Scotland County in the year nineteen hundred and fourteen, and biennially thereafter, there shall be elected a prosecuting attorney, who shall be a licensed attorney of good moral character and in good standing in his profession, and who is at the time of his election an elector of Scotland County, whose duty it will be to prosecute all cases tried in said criminal court, to consult with witnesses for the State, investigate complaints and direct the institution of such criminal cases as are brought to his attention, to prepare for trial and prosecute all such cases in said court in the same manner as is now the duty of solicitors in the Superior Court. That the first full term Prosecuting attorney.

of office of said prosecuting attorney shall begin on the first Monday in December, nineteen hundred and fourteen, and shall run for two years and until his successor has been elected and qualified. That at any regular meeting of the board of county commissioners of Scotland County held after the ratification of this act, said board of commissioners may, in its discretion, employ some licensed attorney of Scotland County to prosecute in said court and discharge the duties enumerated in this section from the date of his employment until the first Monday in December, nineteen hundred and fourteen. The said prosecuting Duties.

attorney shall receive such fees for the prosecuting of cases in said criminal court as are allowed solicitors for misdemeanors in the Superior Court: *Provided, however*, that his fee for conviction in cases of which justices of the peace now or may hereafter have final jurisdiction shall be two dollars, said fees to be taxed in the costs of the case, and in the event 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. For all cases of violations of the ordinances of the town of Laurinburg in which the said prosecuting attorney prosecutes and obtains a conviction, he shall be allowed a fee of one dollar, to be taxed in the cost of the case. First full term.

SEC. 23. That chapter six hundred and twenty-three of the Public-Local Laws of one thousand nine hundred and eleven, and sections one, two, three, four, five, and six of chapter two hundred and three of the Private Laws of one thousand nine hundred and nine, be and the same are hereby repealed. All other laws and clauses of laws in conflict with this act be and the same are hereby repealed. First selection.

Fees.

Proviso: fees for cases in justice's jurisdiction.

Fees in case for violation of town ordinances.

Laws repealed.

SEC. 24. That this act shall be in force and effect from its ratification.

Ratified this the 20th day of February, A. D. 1913.

CHAPTER 116.

AN ACT TO APPOINT CERTAIN JUSTICES OF THE PEACE FOR ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Chapel Hill town-
ship.
Term.

SECTION 1. That W. M. Sugg of Chapel Hill Township, Orange County, is hereby appointed justice of the peace for said county for a period of two years.

Hillsboro township.
Term.

SEC. 2. That Joseph A. Harris of Hillsboro Township, Orange County, is hereby appointed justice of the peace for said county for a period of six years.

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

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 117.

AN ACT TO REGULATE THE PAY OF JURORS IN THE COUNTIES OF CHOWAN, CRAVEN, PAMLICO, SAMPSON, WAYNE, AND DAVIDSON.

The General Assembly of North Carolina do enact:

Regular jurors,
Chowan county.

SECTION 1. That all regular jurors for the county of Chowan shall be paid the sum of two dollars per day and mileage as is now allowed by law.

Regular jurors and
accepted veniremen,
Craven county.
Talesmen.

SEC. 2. That the regular jurors for Craven 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; and talesmen shall receive one dollar and fifty cents per day, but no mileage except when ordered to return another day.

Jurors, Pamlico
county.

SEC. 3. That all grand, petit, and tales jurors summoned to attend and attending the Superior Courts of Pamlico County shall receive two dollars per day and five cents per mile for travel going to and returning from court: *Provided*, that all tales jurors summoned from the bystanders shall receive no pay for travel unless required to serve more than one day, in which event they shall receive five cents per mile for returning from court.

Proviso: tales
jurors from
bystanders.

Jurors, Sampson
county.

SEC. 4. That in Sampson County all regular jurors, special veniremen who actually serve in capital cases, and jurors sum-

moned in group under special direction of the court, shall each receive two dollars per day for each day's attendance, with mileage at five cents per mile; that tales jurors summoned from the bystanders in court, and jurors attending upon coroner's inquests shall each receive one dollar and a half per day for each day's attendance, but shall receive no mileage; that special veniremen who are summoned in capital cases and who actually attend, but do not sit upon the trial of the case, shall receive one dollar per day for each day's attendance, but shall receive no mileage; that in capital cases the clerk of the court shall certify to the county treasurer a list of the veniremen who actually attend, but who do not serve, stating the amount due and number of days attended by each such venireman, and for such certificate the clerk shall receive a fee of one dollar, to be taxed in the bill of costs in the case; the county treasurer shall pay said veniremen upon said certificate of the clerk, carefully checking the name and amount paid each such venireman, and the treasurer shall present such certificate, properly checked, as a voucher in his settlement with the board of county commissioners.

Talesmen from bystanders and on inquests.

Special veniremen not serving.

Lists in capital cases.

Fee of clerk.

Payment.

SEC. 5. That the commissioners of Wayne County are hereby authorized and directed to pay the regular jurors of Wayne County the sum of two dollars per day and the mileage now authorized by law; that tales jurors shall receive the sum of two dollars per day and no mileage.

Regular jurors, Wayne county.

Talesmen.

SEC. 6. That all special veniremen who attend the Superior Court of Davidson County and who do not serve shall be paid the sum of one dollar per day, without mileage.

Special veniremen not serving, Davidson county.

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 21st day of February, A. D. 1913.

CHAPTER 118.

AN ACT TO AMEND AN ACT RATIFIED ON THE 8TH DAY OF FEBRUARY, 1913, RELATING TO THE COUNTY COMMISSIONERS OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to amend section three of chapter seven hundred and twelve of the Public Laws of one thousand nine hundred and eleven," ratified on the eighth day of February, one thousand nine hundred and thirteen, be and the same is hereby amended as follows: By inserting in line two of the title of said act, between the word "Public" and the word

Title amended.

Reference corrected.

"Laws," the word "Local," so that the title shall read: "An act to amend section three of chapter seven hundred and twelve of the Public-Local Laws of one thousand nine hundred and eleven," and by inserting in line two of section one of said act. between the word "Public" and the word "Laws," the word "Local," so that said section shall read as follows: "Section 1. That section three, chapter seven hundred and twelve of the Public-Local Laws of nineteen hundred and eleven, be and the same is hereby repealed, and that section two of said act be amended by adding at the end thereof the words: *Provided*, that no commissioner shall vote on his appointment to perform extra services or the pay therefor."

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

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 119.

AN ACT TO PROVIDE FOR THE REGISTRATION OF DEEDS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Deeds to be probated and ordered for registration.

SECTION 1. That all deeds properly probated and registered in Caldwell, Watauga, and Mitchell counties of lands lying and being in Avery County, North Carolina, shall be probated and ordered to registration on the original probate certificate of either of the Superior Court clerks of said Caldwell, Watauga, and Mitchell counties, and the same shall be registered for the sum of seventy-five cents, fifteen cents of which shall go to the clerk of the Superior Court and sixty cents to the register of deeds, for their respective fees: *Provided*, said deeds shall be filed in the office of the Register of Deeds of Avery County for registration after the passage of this act and prior to January first, nineteen hundred and fifteen.

Fee for probate and registration.

Proviso: time for registration.

Fee on deeds not presented within time.

SEC. 2. That all persons, firms, and corporations who fail to comply with the requirements of this act on or before the first day of January, nineteen hundred and fifteen, shall pay the regular fees for probating and recording of such deeds.

SEC. 3. That all laws and parts 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 21st day of February, A. D. 1913.

CHAPTER 120.

AN ACT TO AMEND CHAPTER 160, PUBLIC LAWS OF NORTH CAROLINA, 1911, RELATIVE TO WORKING ROADS IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and sixty, Age for road work. Public Laws of North Carolina, session of one thousand nine hundred and eleven, be and the same is hereby amended by striking out the word "Bladen" after the word "Sampson," in line four of said section.

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

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 121.

AN ACT TO REGULATE THE PAY OF JURORS IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all grand and petit jurors summoned to attend Regular jurors. and attending any of the Superior Courts of Bertie County shall receive two dollars per day and five cents per mile of travel going to and returning from said court, and that tales jurors who are Tales jurors. summoned and serve on the jury shall receive one dollar per day and no mileage.

SEC. 2. That all laws and clauses of laws in conflict with this act in its relation to Bertie County are hereby repealed.

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

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 122.

AN ACT TO AMEND CHAPTER 371, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1909, RELATIVE TO COURT STENOGRAPHER IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred seventy-one, Public Laws of nineteen hundred and nine, be amended as follows: In section Compensation.

two, line two, after the word "exceeding" and before the word "dollars," strike out the word "five" and insert in lieu thereof the word "ten"; after the word "dollars" and before the word "per." in same line, strike out "(\$5)" and insert in lieu thereof "(\$10)."

Tax fee.

SEC. 2. In section three, lines three and four, after the word "required" in line three, strike out "two and one-half dollars (\$2.50)," and insert in lieu thereof "five dollars (\$5)."

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

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 123.

AN ACT TO PERMIT THE COUNTY COMMISSIONERS OF LINCOLN COUNTY TO SELL CERTAIN LANDS OF THE COUNTY HOME FOR AGED AND INFIRM.

The General Assembly of North Carolina do enact:

Sale authorized.

SECTION 1. That the board of county commissioners of Lincoln County, in its sound discretion, may sell and execute title to that portion of the lands belonging to the county as part of the lands of the aged and infirm, as lies north of the Beattie's Ford Road, containing about one acre, and that portion of same tract of land as lies east of the High Shoals Road, containing about one and a half or two acres of land, each of said strips of land being cut off from the other lands of the County Home by the above-named public roads, and the said board of county commissioners are authorized to fix the price and sell said lands at private sale at such price as they may deem a fair and reasonable price for same, and are authorized to make and execute title to said land.

Lands subject to sale.

Price.

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

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 124.

AN ACT TO PERMIT THE COUNTY COMMISSIONERS OF LINCOLN COUNTY TO TRANSFER CERTAIN FUNDS OF THE COUNTY HOME FUND TO THE COUNTY FUND.

Preamble: surplus remaining.

That whereas there remains in the hands of the county treasurer of Lincoln County the sum of six hundred sixty-five and 72/100 dollars, balance after erection of Home for Aged and Infirmary, arising from special taxes levied for said purpose; and

whereas the board of county commissioners are without authority to transfer said fund to the common fund of the county: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Lincoln County are hereby authorized to transfer the sum of six hundred sixty-five and 72/100 dollars, funds now in the hands of the county treasurer, balance after erecting Home for Aged and Infirm arising from special taxes levied for said purpose, to the common funds of the county of Lincoln, and are authorized to use and expend said fund as a part of the common funds of the county of Lincoln, and the treasurer of said county is directed and authorized to make said transfer. Transfer to general fund authorized.

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

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 125.

AN ACT TO AMEND CHAPTER 559 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA AT ITS SESSION OF 1911, WHICH IS ENTITLED "AN ACT TO PROVIDE GOOD ROADS IN WARSAW TOWNSHIP, DUPLIN COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That said chapter five hundred and fifty-nine of the Public-Local Laws of North Carolina, passed at the session of the Legislature of one thousand nine hundred and eleven, be and the same is hereby amended by striking out all of section fourteen after the words "section fourteen," and insert in lieu thereof: "That the roadbeds of Hill Street and of College Street in the town of Warsaw shall be worked through the town to the outward edge of the corporate limits where they connect with the public roads of Warsaw Township leading into each of said streets on the east edge of the town and on the west side of the town, and any other street which connects with the public roads in Warsaw Township which enter into a street in said town." Streets in Warsaw.

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

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 126.

AN ACT TO REGULATE COMPENSATION FOR JURORS IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Regular jurors.

SECTION 1. That all grand and petit jurors summoned who do attend the Superior Court of Clay County shall be allowed two dollars per day for their services as jurors and five cents per mile for travel going to and returning from such courts.

Special veniremen.

SEC. 2. That all special veniremen who are summoned to attend and do attend said courts who are not accepted as jurors shall be allowed the sum of one dollar each.

SEC. 3. That all laws in conflict with this act are hereby repealed, so far as they relate to Clay County.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 21st day of February, A. D. 1913.

CHAPTER 127.

AN ACT TO ENABLE THE COUNTY BOARD OF EDUCATION OF DURHAM COUNTY TO EMPLOY PRIMARY TEACHERS.

The General Assembly of North Carolina do enact:

Employment authorized.

SECTION 1. That the county board of education of Durham County be and it is hereby authorized and empowered to employ one or more primary teachers to aid and generally assist the teachers in the primary department of the public schools of Durham County; that no such teacher shall be employed by the county board of education of Durham County who does not hold a first-grade certificate issued by the county superintendent of public instruction for Durham County, or a certificate issued by the State Board of Examiners.

First grade certificates.

Control and direction.

SEC. 2. That the teacher or teachers so employed shall be under the control and direction of the county board of education of Durham County and the county superintendent of public instruction of Durham County, and shall receive such salary or salaries as may be fixed from time to time by said county board of education of Durham County, said salaries to be paid out of the contingency fund of said county.

Salaries.

Limit of application.

SEC. 3. That this act shall apply only to Durham County.

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

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

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 128.

AN ACT REQUIRING CERTAIN DUTIES OF THE REGISTER
OF DEEDS OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of Carteret County may require of the Register of Deeds of Carteret County to perform, in addition to the duties now required of him, the duty to act as accountant for the county in settling with the clerk of the court, county treasurer, sheriff, and other officers of the county; to supervise, scrutinize, and examine at least once in every calendar month all books, accounts, receipts, and vouchers and all other records of all of the officers of Carteret County.

Commissioners may require additional duties.
Accountant for county.

Supervision of books and accounts.

SEC. 2. It shall likewise be his duty to audit all bills and claims presented to the board of commissioners of said county for payment, which said bills and claims shall first be verified on oath by the person to whom they are due.

Audit of claims.

SEC. 3. That it shall be the duty of the Register of Deeds of Carteret County to perform all things required of him by the commissioners in order to keep a complete and accurate account of the receipts and disbursements of all funds of Carteret County.

Account of receipts and disbursements.

SEC. 4. That the board of commissioners of Carteret County are authorized to pay such compensation not to exceed fifty dollars per month, in addition to the compensation now paid said register of deeds, as in their judgment shall be deemed right and proper.

Compensation.

SEC. 5. It shall be the duty of all the officers of Carteret County and they are hereby required to issue a receipt for all funds coming into their hands belonging to said county from any person whomsoever, and that said receipt shall be countersigned by the register of deeds, except receipts by sheriff for regularly listed taxes.

Officers to give receipts.

Receipts to be countersigned.

SEC. 6. A receipt or license given by any officer shall not be valid unless countersigned by the register of deeds, and it shall be a misdemeanor for any officer to fail to give such receipt for all county funds.

Receipt or license not valid until countersigned.

SEC. 7. It shall be the duty of all officers or custodians of funds of Carteret County to produce all books and papers upon the demand of the register of deeds or county commissioners necessary or required to audit the accounts and books of such officer and to enable the county commissioners to obtain a true statement of the county's condition. Failure to do so shall constitute a misdemeanor.

Officers and custodians of funds to produce books and papers.

Failure a misdemeanor.

SEC. 8. The Treasurer of Carteret County is hereby authorized to pay the said salary of the register of deeds out of the general funds of the said county upon the order of the commissioners of Carteret County.

SEC. 9. This act shall be in force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1913.

CHAPTER 129.

AN ACT RELATING TO OFFICIAL INDEXES IN THE COUNTY OF SCOTLAND.

The General Assembly of North Carolina do enact:

Purchase of index system authorized.

SECTION 1. That the board of county commissioners for the county of Scotland may, in its discretion, if upon an examination of the situation it thinks that the best interests of the county require it, install and purchase for said county a new and improved system of indexing for the offices of the register of deeds and the clerk of the Superior Court, and make provision for the payment of the cost thereof out of the county funds.

Reindexing.

SEC. 2. In this may be included the cost incident to reindexing of the records heretofore made in said county.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 21st day of February, A. D. 1913.

CHAPTER 130.

AN ACT TO AMEND CHAPTER 913 OF THE LAWS OF 1909, INCREASING THE SALARY OF THE COUNTY AUDITOR OF CRAVEN COUNTY, ADDING ADDITIONAL DUTIES TO SAID OFFICE.

The General Assembly of North Carolina do enact:

Tax lister and assessor.

SECTION 1. That after the word "county," in line two of section twelve of chapter nine hundred and thirteen of the Public Laws of one thousand nine hundred and nine, insert the following: "to take the tax list as list taker each year for and to act as one of the assessors of the Eighth Township in assessment years."

Salary.

SEC. 2. That after the word "compensation," in line two of section thirteen of chapter nine hundred and thirteen of the Public Laws of one thousand nine hundred and nine, strike out all down to the word "to," in line three, and insert the following in lieu thereof: "not to exceed the sum of one hundred and fifty dollars per month."

SEC. 3. This act shall only apply to the county of Craven.

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 24th day of February, A. D. 1913.

CHAPTER 131.

AN ACT CHANGING THE BOUNDARY LINES OF PINEY GROVE AND HALLS TOWNSHIPS IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The lands within the boundaries hereinafter described and now a part of Piney Grove Township, Sampson County, is added to and is made a part of Halls Township, Sampson County. Lands added to Halls township.

SEC. 2. Beginning at Bennetts Cross Roads where the Wilmington and Raleigh Road crosses the Fayetteville and Goldsboro Road, and running with said Fayetteville and Goldsboro Road to the Jim Branch to I. R. Daughtery's land, thence the line of I. R. Daughtery and J. C. Hobbs to line of T. A. Hobbs, thence line of I. R. Daughtery and T. A. Hobbs and line of J. K. Andrews and T. A. Hobbs to Wilmington and Raleigh Road, thence said Wilmington and Raleigh Road to the beginning. Boundary.

SEC. 3. The land described in this act shall be subject to taxation in Halls Township. Taxation.

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 24th day of February, A. D. 1913.

CHAPTER 132.

AN ACT RELATING TO LABOR OF CONVICTS ON THE COUNTY FARM OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of clearing the land, constructing new buildings and reconstructing the old buildings upon the farm belonging to the county of Iredell, used for a home for the aged and infirm, and for improving, maintaining, and cultivating said farm, in supporting the inmates of the said home for the aged and infirm, it shall be lawful and the duty of the judges of the Superior Courts of the State holding said court in Iredell County to sentence all criminals convicted of crime in the Superior Court in said county to labor upon the county farm of Iredell County, instead of sentencing said convicted persons to the common jail of Iredell County, to the roads of the county, or to the penitentiary, as the judge presiding in his discretion may deem advisable. Superior courts may sentence convicts to labor on farm.

SEC. 2. That it shall be lawful and the duty of all justices of the peace in Iredell County to sentence all criminals convicted of Justices may assign convicts to farm labor.

crime before them to labor upon the county farm of Iredell County, instead of sentencing said criminals to the common jail of said county or the public roads of said county, as in their discretion may be deemed advisable.

Convicts subject to farm labor.

SEC. 3. That only such convicts as may be sentenced for two years or less shall be sentenced to serve upon said farm.

Persons sentenced for payment of costs.

SEC. 4. That all persons sentenced for the payment of the cost in any criminal action or proceeding shall be sentenced to labor on said farm instead of being confined in the common jail or upon the public roads of Iredell County, as in the judgment of the court may be deemed advisable.

Suspension of judgment.

SEC. 5. That nothing in this act shall prevent the suspension of judgment when the same is deemed proper by the said judge or justice of the peace.

Road force transferred to farm.

SEC. 6. That the convicts now upon the roads of the county be transferred to work on said farm at such time hereafter as the board of commissioners in its discretion may deem advisable.

Purchase of additional land.

SEC. 7. That it shall be lawful for the board of commissioners, if in its judgment it shall deem it advisable, to purchase additional land for and in the name of the county, to be used for the interest of the county in the support of its Home for the Aged and Infirm.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 133.

AN ACT RELATIVE TO HOG CHOLERA IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Allowing infected hogs to run at large forbidden.

SECTION 1. That it shall be unlawful for any person or persons owning hogs affected with cholera or other infectious diseases to permit them to run at large within Pitt County.

Burial of hogs.

SEC. 2. That the owner of hogs which die from cholera or any other infectious diseases within the limits prescribed shall bury them eighteen inches beneath the surface or burn them, at their discretion.

Misdemeanor.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not more than thirty days: *Provided*, that for the first offense such person shall be fined not more than ten dollars or imprisoned not more than five days.

Proviso: first offense.

Publication of act.

SEC. 4. That the county commissioners shall cause this act to be printed in some newspaper in the county at least three times in every calendar month for the term of six months.

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 effect from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 134.

AN ACT TO ALLOW LINCOLN COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Lincoln County, North Carolina, be and they are hereby authorized and empowered to levy a special tax not to exceed fifteen cents on the one hundred dollars valuation of property, real and personal, and other subjects of taxation in Lincoln County, and forty-five cents on each poll, annually for three years, viz., nineteen hundred and thirteen, nineteen hundred and fourteen, and nineteen hundred and fifteen, to be expended for the purpose of paying the indebtedness of said county.

Special tax authorized.

Rate.

Years of levy.

Purpose of tax.

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

Levy and collection of tax.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 135.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GRANVILLE COUNTY TO CALL ELECTIONS RELATIVE TO THE ISSUING OF BONDS FOR ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Granville County be and it is hereby authorized, empowered, and directed to submit to the vote of the qualified electors of Granville 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 Granville shall issue bonds in sums not to exceed one hundred and forty 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,

Call of elections authorized.

Question to be submitted.

Amount.

Use of proceeds of bonds.

Notice of election.	making, improving, and constructing public roads in Granville 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 purposes thereof, by publication in some newspaper published in said county: <i>Provided</i> , that if a 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.
Proviso: further elections.	
Law governing 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.
Appointment of election officers. Registration and challenges.	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 may order a new registration for any and all of said elections, or, if so ordered, the present registration of voters may be used and no new registration required of those now lawfully registered.
Ballots.	That at the said election or elections 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 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 second day 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.
Count and return of votes.	
Canvass of returns.	
Record of result.	
Compensation of commissioners.	
Record conclusive evidence.	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 all 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, if required under this act, shall apply only to the elections under
New registration if ordered.	

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 of Granville County. The fees to the registrars and other officers holding said election shall be the same as allowed by the general election law.

Return of registration and poll books.

SEC. 3. In case a majority of the qualified voters at said election vote "For Good Roads," the board of commissioners of Granville County is hereby authorized, empowered, and directed to issue the bonds and levy the special taxes specified in this act. Said bonds shall be coupon bonds of said county to an amount not exceeding one hundred and forty thousand dollars, and in denominations of not less than one hundred dollars, bearing interest from the date of issue at a rate not to exceed five per cent per annum, payable semiannually; 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-one years from the date of issue, and at such place or places as the said board of county commissioners may determine: *Provided*, 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 the corporate seal of the county of Granville affixed thereto; and the coupons shall bear the engraved or lithographed signature of the chairman of the said board of county commissioners.

Issue of bonds and levy of tax if authorized.

Bonds.
Amount.
Denominations.
Interest.

Maturity.

Proviso: sale below par forbidden.

Authentication of bonds.

SEC. 4. The board of commissioners, in determining upon the roads to be made or improved within said county, shall take into consideration the needs of the entire county and every part thereof, and shall as near as may be use said funds in the various townships of the county so as to treat every section of the county with equal favor and justice.

Selection of roads.

Distribution of funds.

SEC. 5. In relocating, straightening, or widening roads now in use, or in opening new roads, the board of commissioners may cause a survey of the proposed change of an old road or of the new road to be made, and any person who shall obstruct or hinder any 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.

Surveys for roads.

Obstructing officers a misdemeanor.

Punishment.

SEC. 6. That the said board of commissioners shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public highways in said county, and for the purchase of such tools, machinery, implements, stock, and all

Use of proceeds of bonds.

other necessities, and for the employment of such overseers, foremen, and laborers as they may deem necessary for the said purpose.

Bonds issued as needed.

SEC. 7. That if the board of commissioners shall see fit, the bonds herein authorized need not all be issued at one time, but may be issued from time to time in such amounts as the said board shall determine; and any sum derived from sale of said bonds not immediately needed in the construction of work shall be deposited in such bank or banks of the county to bear interest at best rate obtainable for the use of said fund.

Deposit of proceeds.

Expense of issue and sale of bonds.

SEC. 8. That all 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 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

Use of proceeds of bonds.

Proviso: no requirement on purchasers.

Granville: *Provided, however,* that the purchasers of said bonds shall not be required to see to the application of such moneys for the purposes aforesaid.

Roads may be let to contract.

SEC. 9. The said board of commissioners 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.

Advertisement for bidders.

Special tax.

SEC. 10. That in case any election held under the provisions of this act shall be in favor of issuing said bonds, the board of commissioners for the county of Granville shall annually compute and levy 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 and to provide adequate sinking fund; said taxes shall be collected in the same manner and at the same time as other taxes.

Constitutional equation.

Publication of quarterly statement.

SEC. 11. That the board of county commissioners shall cause to be published quarterly statements of expenditures made under the provisions of this act, which statement shall contain an itemized account of all money disbursed and the purpose for which it was expended.

Compensation of treasurer.

SEC. 12. That the board of county commissioners shall have power to fix the compensation of the county treasurer for the handling of the funds derived from sale of said bonds and for the performance of all duties in relation thereto.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 136.

AN ACT TO AMEND SECTION 2802 OF THE REVISAL OF 1905,
RELATIVE TO THE PAY OF THE COUNTY SURVEYOR
OF WILSON COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand eight hundred and two 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 following words, to wit: "The fees of the county surveyor of the county of Wilson shall be five dollars per day for all services rendered by him in his official capacity: *Provided*, that the clerk of the Superior Court shall approve the same." Fees of surveyor. Proviso: approval of clerk.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 24th day of February, A. D. 1913.

CHAPTER 137.

AN ACT TO APPOINT MEMBERS OF HIGHWAY COMMISSION FOR MURPHY TOWNSHIP, CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That M. L. Mauney and A. F. Cunningham be and they are hereby appointed members of the Highway Commission for Murphy Township for a term of six years from the ratification of this act. Commissioners. Term of office.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 138.

AN ACT TO AMEND SECTION 2721 OF THE REVISAL OF
1905 OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out the words "one dollar" in line eighteen of said section, and inserting in lieu thereof the words "two dollars." Commutation for road work.

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

Limit of application.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 139.

AN ACT TO AMEND CHAPTER 40 OF THE PUBLIC LAWS OF
1907 OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty (40) of the Public Laws of North Carolina of one thousand nine hundred and seven be and the same is hereby amended as follows: That section three of said chapter be stricken out.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 140.

AN ACT TO CONTINUE A PUBLIC FERRY IN THE COUNTY
OF COLUMBUS.

The General Assembly of North Carolina do enact:

SECTION 1. That J. George Butler of Columbus County, his heirs and assigns, are hereby authorized and empowered to continue the ferry now established across the Waccamaw River, at or near Pireway postoffice in said county.

SEC. 2. That the right to continue and keep up said ferry be and the same is hereby vested in the said J. George Butler, his heirs and assigns, during the full term of twenty years from the twelfth day of March, one thousand nine hundred and thirteen.

SEC. 3. That it shall be lawful for the said J. George Butler, his heirs and assigns, to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated from time to time by the county commissioners of Columbus County, and it shall be unlawful for any person, firm, or corporation to establish another ferry within two miles of said ferry.

SEC. 4. That this act shall be in force from and after the eleventh day of March, one thousand nine hundred and thirteen.

Ratified this the 24th day of February, A. D. 1913.

Pay of road
overseers.

Continuation of
ferry authorized.

Right vested.

Term.

Tolls and rates.

Other ferries for-
bidden.

CHAPTER 141.

AN ACT PROVIDING FOR THE CONSTRUCTION AND MAINTENANCE OF CERTAIN BRIDGES IN THE TOWN OF LYNN, POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the county commissioners of Polk County to construct, repair, and maintain the bridges across Pacolet River and Skywicker Creek, within the corporate limits of the town of Lynn, on the road leading from Tryon to Columbus. County commissioners to build and repair bridges.

SEC. 2. That this act shall not prevent the authorities of the town of Lynn from regulating the speed of travel over said bridges and of punishing offenders for the violation thereof. Regulation of speed.

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 24th day of February. A. D. 1913.

CHAPTER 142.

AN ACT TO ESTABLISH A CHAIN-GANG IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Avery County shall establish a chain-gang, and that all persons confined in the county jail, either under sentence of the court for crime or imprisonment for the nonpayment of fines or costs, shall be available to the county commissioners for the purpose of working them upon the public roads of the county. Establishment of chain-gang authorized. Persons subject to road work.

SEC. 2. That the county commissioners are hereby authorized to accept convicts from other counties sentenced by the Superior Court judges, whenever in their judgment it is deemed convenient to do so. And the judges of the Superior Court are hereby authorized to sentence prisoners from other counties for misdemeanors and felonies not capital. Acceptance of convicts from other counties. Judges empowered to sentence convicts.

SEC. 3. That upon application of the county commissioners of the county, it shall be lawful for and the duty of judges holding court in said county, also the justices of the peace of said county and mayors of incorporated towns, to sentence to imprisonment and hard labor on the public roads of said county, for such terms as are prescribed by law for their imprisonment in the county jail or in the State's Prison, the following classes of prisoners, to wit: Persons subject to sentence to work on roads.

All persons convicted of offenses the punishment whereof would be in whole or in part imprisonment in the county jail or imprisonment in the State's Prison for a term not exceeding two years.

Control of convicts. SEC. 4. That the convicts sentenced to hard labor shall be under the control of the county commissioners of said county, and the said authorities shall have the power to enact and enforce all needful rules for the working of all convicts upon the public roads, and they may appoint superintendents for said convicts and such guards and other employees as may be necessary, and commit to the superintendent the custody of the whole or any part of the convict force, and they may authorize and empower him to use only such discipline as may be necessary to carry out the rules and regulations in the working of the public roads, as is allowed by law to authorities of the penitentiary in the control of convicts committed to the State's Prison.

Superintendents and guards.

Discipline.

Safe keeping of convicts.

SEC. 5. That for the purpose of equipping and maintaining said convict system the said commissioners are hereby authorized and empowered to use the county jail for the safe keeping of the said prisoners, or to build and maintain a convict camp or camps, and provide for the keeping and maintaining of said convicts and transporting said convicts to and from their work. The rules and regulations enacted by the county commissioners must be in accord with the rules and regulations governing the use of convicts on public roads laid down and published by the State Highway Commission.

Maintenance.

Rules and regulations.

Work in payment of fines and costs.

SEC. 6. That the prisoners working the public roads in default in the payment of fines or costs shall be allowed so much per day as in the opinion their services are worth, which amount shall be credited to them on the account charged against them. If any prisoner shall escape, he shall be deemed guilty of a misdemeanor.

Escape a misdemeanor.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 143.

AN ACT TO PROHIBIT THE SALE OF WINE AND OTHER INTOXICATING LIQUORS WITHIN THREE MILES OF CERTAIN CHURCHES IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Prohibition.

SECTION 1. That it shall be unlawful for any person, firm, or corporation to sell, barter, or exchange any wine or any other intoxicating beverages within three miles of Tabor Baptist Church, New Hope Baptist Church, Sweet Home Baptist Church,

and Poley Bridge Baptist Church, all of said churches being in the county of Columbus.

SEC. 2. Any person, firm, or corporation violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 144.

AN ACT TO PROVIDE FOR A COURT STENOGRAPHER FOR DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That upon the written request of a majority of the members of the bar residing in Duplin County, filed with the board of commissioners of Duplin County on or before the first Monday in any month immediately preceding the beginning of any term of the Superior Court of Duplin County, the said board of commissioners shall employ a court stenographer, whose duty it shall be to take full stenographic notes of oral testimony, the admissions made by either side, the objections to the introduction of testimony, the rulings of the court thereon, the exceptions taken to such ruling, all motions and matters heard and passed upon by the court upon matters controverted, and the charge of the court to the jury, and, whenever required by the judge or requested by either party, the stenographer shall read the notes to the jury: *Provided, however,* that counsel of or parties to the action may waive the services of the stenographer in any particular case by agreement, and cases where there are no counsel appearing, the judge in his discretion may dispense with the service of said stenographer: *Provided further,* that the said board of county commissioners may in their discretion employ said stenographer for any term of said Superior Court to be held hereafter, whether any request has been made by said bar or not.

SEC. 2. That the stenographer employed, before entering upon the discharge of his duty, shall take an oath before the Clerk of the Superior Court of Duplin County to discharge faithfully and impartially all the duties imposed by this act so long as he shall act as court stenographer of Duplin County, which oath shall be in writing, subscribed by said stenographer and recorded on the minutes of said court.

SEC. 3. That the fees allowed to said stenographer shall not exceed ten dollars per day for each day or part of the day that the stenographer is occupied in work in the courtroom while the

Petition for employment of stenographer.

Employment. Duty.

Stenographer to read notes.

Proviso: waiver of service.

Judge may dispense with stenographer.

Proviso: employment without petition.

Stenographer to be sworn.

Fees.

Copies to be furnished.

Transcript on appeals.

Tax fees in criminal trials.

Tax fees in civil cases.

Order of payment.

court is in session. The said stenographer shall, at such price as the board shall fix, furnish a transcribed copy of his notes, or any part of the same, to any person applying to him and paying the price so fixed; and in all cases where an appeal is entered, the said stenographer shall, within five days from the day said court adjourns, unless the parties give him a longer time, transcribe one original and three copies of his notes in said case, to be paid for by the appellant at the time he requests the same to be made out, the original to be filed in the clerk's office, and one copy to appellant and one copy to appellee, the compensation for same to be fixed by the board.

SEC. 4. That in each criminal case, where the stenographer is used, and which occupies one day or less, there shall be taxed a stenographer's fee of two dollars; and in each civil case which shall be tried in one day or less, in which a stenographer is used, there shall be taxed a stenographer's fee of three dollars; and in each criminal or civil case where the stenographer is used more than one day there shall be taxed a stenographer's fee, for each additional day after the first day, in criminal cases, of two dollars, and in civil cases, of three dollars, or for any part of a day so consumed, the same to be collected by the clerk as other costs, and paid to the treasurer of the county, and covered into the general county fund.

SEC. 5. At the meeting of the board of commissioners next ensuing each term of said court, or a subsequent meeting, when a bill for services has been presented, duly audited by the clerk of the Superior Court, an order shall be made by the board of commissioners, directing the county treasurer to pay said stenographer for his services.

SEC. 6. All laws and clauses of law in conflict with the requirements of this act are hereby repealed.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 145.

AN ACT TO AMEND CHAPTER 231, PUBLIC LAWS OF 1897, IN REGARD TO THE PAY OF ROAD OVERSEERS OF UNION COUNTY.

The General Assembly of North Carolina do enact:

One and one-half dollars per day.

SECTION 1. That section nine, chapter two hundred and thirty-one, of the Public Laws of North Carolina, session one thousand eight hundred and ninety-seven, be and the same is hereby amended

by striking out the word "twenty," in line fifteen of said section, and insert in lieu thereof the word "fifty."

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 146.

AN ACT CREATING THE OFFICE OF COUNTY SOLICITOR FOR THE COUNTY OF NEW HANOVER.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of county solicitor for the county of New Hanover be and the same is hereby created, and that George L. Pechau be and he is hereby appointed as county solicitor, who shall serve until the first Monday in December, one thousand nine hundred and fourteen, or until his successor is elected and qualified.

SEC. 2. That it shall be the duty of the county solicitor of New Hanover County to prosecute all cases before the recorder's court of said county, to appear with the State at all coroner's inquests, to advise the recorder of New Hanover County in all matters appearing in his court, to advise the police department of the city of Wilmington, and to advise the Sheriff of New Hanover County in all matters pertaining to the duties of his office as sheriff, and to appear with the State solicitor in all State matters in the Superior Court of New Hanover County when requested to do so by the State solicitor.

SEC. 3. That the county solicitor shall have full power to call upon the police force of the city of Wilmington or the Sheriff of New Hanover County, or either or all of his deputies, to aid him in the service of any papers he may advise served or executed.

SEC. 4. That the salary of the county solicitor shall be eighteen hundred dollars per annum, payable in equal monthly installments, the warrants for the same to be drawn and paid in the same manner and by the same parties that the salaries of the clerk of the recorder's court and the recorder of the recorder's court of New Hanover County are paid.

SEC. 5. That the clerk of the recorder's court shall add seven-fifty cents to all bills of costs where the warrant charges the violation of a city ordinance, or where the warrant charges a crime of which a justice of the peace has final jurisdiction, and where the warrant charges any other offense or crime of which the recorder's court of New Hanover County has final jurisdiction, the said clerk shall charge in the bill of costs the sum of one dollar, all of which shall be a part of the cost, and same shall be

termed solicitor's fee, and shall be collected and accounted for by the said clerk in the same manner as the costs of said court are now accounted for.

Election of
successor.

SEC. 6. That at the next general election held in the county of New Hanover for the election of county officers, and each two years thereafter, a county solicitor shall be elected in the same manner and under the same laws that other county officers are elected, who shall be inducted into office on the first Monday in December, one thousand nine hundred and fourteen, and continue therein for two years or until his successor is elected and qualified.

Term of office.

Removal for cause.

SEC. 7. That the county solicitor of New Hanover County may be removed from office or any vacancy thereof filled in the same way that State solicitors may be removed or any vacancy filled.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 147.

AN ACT TO AMEND THE ROAD LAWS OF SELMA TOWNSHIP, JOHNSTON COUNTY, SO AS TO PROVIDE FOR ELECTING ROAD TRUSTEES BY POPULAR VOTE.

The General Assembly of North Carolina do enact:

Road trustees
elected by popular
vote.

SECTION 1. That chapter five hundred and four, Public Laws of North Carolina of nineteen hundred and seven, and chapter two hundred and eighty-six, Public-Local Laws of North Carolina, nineteen hundred and eleven, be and the same are hereby amended and modified so as to provide for the election by popular vote of public road trustees in Selma Township, Johnston County, and to that end it shall be the duty of the qualified voters residing in the bounds of Selma Township at the next general election of members of the General Assembly and county officers in November, nineteen hundred and fourteen, and biennially thereafter, to elect seven qualified voters of said township to be known as and constitute the board of trustees for all the public roads of Selma Township, to succeed to all the rights, powers, and privileges granted unto the board of trustees as originally provided for in chapter five hundred and four, Public Laws of nineteen hundred and seven, and chapter two hundred and eighty-six of the Public-Local Laws of nineteen hundred and eleven, to hold office for two years next succeeding their election, or until their successors are elected and qualified.

First election.

Term of office.

Law governing
elections.

SEC. 2. Said elections shall be called, conducted, and concluded in the same manner and under the same rules, regulations, pains and penalties, so far as possible, as obtain in the biennial election

of members of the General Assembly: *Provided*, that none but electors actually residing in said township and qualified to vote therein for members of the General Assembly shall participate in said township election for road trustees.

Proviso: qualified electors.

SEC. 3: The county board of elections shall appoint a registrar and two poll-holders to conduct said elections, fix a polling place in the town of Selma, order new registration when deemed expedient, and otherwise perform like requirements as are imposed upon them with reference to State and county elections. The returns of said elections shall be made to, canvassed and declared by the county board of canvassers at the same time and in the same manner as in State and county elections: *Provided*, that all expenses incurred in holding said elections for road trustees shall be paid out of the road funds of said township.

Election officers.

Polling place.

Returns and canvass.

Proviso: expense of election.

SEC. 4. That the persons declared elected road trustees at each biennial election provided for in section one of this act shall, as soon as practicable thereafter, qualify before some officer authorized to administer oaths, and they shall hold office for two years, or until their successors are elected and qualified. Vacancies occurring in said board otherwise than by expiration of term shall be filled for the unexpired term by the remaining members of said board.

Trustees-elect to qualify.

Term of office.

Vacancies.

SEC. 5. The said board of road trustees shall elect from their number a chairman, vice chairman, secretary, and such other officers as they may deem necessary for the proper discharge of their duties. They shall also elect a treasurer, who may be one of their number, or they may constitute and designate some bank or banks of undoubted solvency within said township as custodian of the road funds of the township, and require such bond as they may deem necessary of such person or bank, and pay such compensation to said treasurer or bank as they may consider just and proper for the strict and faithful accounting of all road funds of the township.

Organization.

Treasurer.

Compensation.

SEC. 6. That the terms of the present board shall expire and terminate when their successors are elected as provided for in section one of this act; and said board of seven members elected by popular vote in November, nineteen hundred and fourteen, and biennially thereafter, are hereby vested with all the rights, powers, and privileges and duties imposed by the provisions of chapter five hundred and four of the Public Laws of nineteen hundred and seven, and chapter two hundred and eighty-six of Public-Local Laws of nineteen hundred and eleven, and otherwise required by law.

Terms of present board.

Rights vested.

SEC. 7. That the present board of road trustees in and for said township, and all others succeeding said board by popular vote, shall, immediately upon the election and qualification of their successors, exhibit and deliver to the chairman of the succeeding board for disposition and use under the orders thereof by law all

Delivery of books and papers.

- books, records, vouchers, accounts, moneys, and all other property of whatsoever kind belonging to the public roads interest of said township, accompanied by certificates of deposit and other evidence of the balance in bank, or elsewhere, to the credit of the road fund of the township; and after the ratification of this act no money shall be paid out by the treasurer, custodian, person or bank, belonging to road funds of the district or township, except by authority of the board, a quorum of four being present and assenting thereto, and then only upon vouchers signed by the secretary to the board and countersigned by the chairman, or, in the latter's absence, or if under disability, the vice chairman may countersign vouchers, which, if attested by the secretary and duly ordered by the board, shall be honored as if the same bore the countersignature of the chairman of said board: *Provided*, that any violations of the plain provisions hereof by any treasurer or custodian of the road funds of the township shall constitute a breach of his or its official bonds.
- Payments of road funds.** SEC. 8. That it shall be the duty of the present board of trustees, and all future boards, to publish in some newspaper published in the county, for at least one week during the month of October of this and each succeeding year, a correct itemized sworn statement of each and every item received and disbursed of the road funds of said township.
- Vouchers.** SEC. 9. It shall be the duty of said board of trustees to diligently coöperate with the list takers and assessors to the end that all property liable for road tax in said township be listed and fairly valued and assessed for that purpose.
- Proviso: breach of treasurer's bond.** SEC. 10. Notwithstanding any acts of the General Assembly to the contrary, the terms of the present board of trustees and each and every one of said board shall terminate and expire as soon as their successors are elected by the voters of the township as herein provided, whereupon their successors shall immediately assume exclusive control and management of the public road interests in the township; and the road fund of the township shall not be responsible, or drawn upon, for the payment of any salaries or other emoluments of any officers or employees elected by the present board for a term extending beyond the first Monday in December, nineteen hundred and fourteen.
- Annual statements to be published.** SEC. 11. That the trustees of said township, as herein provided, shall serve without compensation, and nothing within this act shall prevent persons acting as trustees from holding any other office of profit or trust by acting as trustee.
- Trustees to co-operate with list takers and assessors.** SEC. 12. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court, and likewise the official bond of such person or bank shall be liable for any breach or violation hereof.
- Terms of present trustees to expire.**
- Salaries to cease.**
- Trustees to serve without pay. Trustees not officers.**
- Violation of act misdemeanor. Punishment. Liability on bond.**

SEC. 13. That all laws and clauses of laws in so far as they are in conflict or inconsistent with the provisions of this act are hereby repealed.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 148.

AN ACT TO CREATE THE WAKE COUNTY HIGHWAY COMMISSION, AND TO AUTHORIZE THE COMMISSIONERS OF WAKE COUNTY TO SUBMIT TO THE VOTERS OF THE COUNTY THE QUESTION OF ISSUING BONDS TO CONSTRUCT PUBLIC ROADS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose hereinafter set out there is herewith created the Wake County Highway Commission, which shall be composed of one member from each township in Wake County, except Raleigh Township, which shall have one member from each ward in the city of Raleigh, who shall be nominated and elected as are other township officials, and who shall hold office until the next general election, when their successors shall be elected for two years and until their successors are elected and qualified: *Provided*, that the chairman of the board of county commissioners for Wake County shall be *ex officio* chairman, and he is designated *ex officio* chairman of the said Wake County Highway Commission: *Provided, however*, that said highway commission shall only become operative if the bond issue for public road construction in Wake County hereinafter provided for is passed by the county: and *Provided further*, that the election of the members of said highway commission shall be held at the same time and at the same place as the election for or against bonds, as hereinafter set forth.

Highway commission.

Election and term of office.

Proviso: chairman of county commissioners *ex officio* chairman.

Proviso: commission not operative unless bonds issue.

Proviso: election of first commissioners.

SEC. 2. That as soon as possible after their election the members of the Wake County Highway Commission shall qualify by taking an oath of office before some person authorized to administer oaths, and shall meet on the first Monday after their election and organize by electing one of their number secretary. That the members of the Wake County Highway Commission shall be paid two dollars per day out of the county road fund for each day they are in session: *Provided*, that they shall be paid not to exceed twelve days in one year.

Commissioners to qualify.

Election of secretary.

Pay of commissioners.

Proviso: limit.

SEC. 3. That in the event of a vacancy on said highway commission, either by death or resignation, the same shall be filled by the election of a member from the same township in which

Vacancies.

the vacancy occurs, by a majority vote of the members of the highway commission.

County commissioners to order election.

Date for election.

Question to be voted on.

Law governing election.

Ballots.

SEC. 4. It shall be the duty of the county commissioners of Wake County, and they are herewith ordered, to order an election in Wake County to be held on the second Tuesday in August, one thousand nine hundred and thirteen, for the purpose of ascertaining the will of the people in said county upon the question of issuing one million dollars of bonds for the construction of roads in said county, which said election shall be conducted in the same manner as is now or may be hereafter prescribed by law for holding elections for the General Assembly. That at said election the ballots tendered and cast by the voters shall have written or printed upon them, "For Good Roads Bond Issue" or "Against Good Roads Bond Issue," and all electors who favor the issuing of said bonds shall vote a ballot upon which shall be written or printed the words "For Good Roads Bond Issue," and all those opposed to the issuing of said bonds shall vote a ballot upon which shall be written or printed the words "Against Good Roads Bond Issue."

Issue of bonds.

Denomination.

Amount.

Interest.

Maturity.

Authentication.

Bonds turned over without seal.

Advertisement for sale and sale of bonds.

Expense of sale.

SEC. 5. In the event that the majority of the votes cast shall be for the bond issue 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 hundred dollars, as they deem best, the total amount being one million dollars. 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 semiannually 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 Wake County, in the city of Raleigh, 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 Wake County highway improvement bonds. Immediately upon the preparation and signing of said bonds, the said board of county commissioners shall turn over to the said chairman *ex officio* of the Wake County Highway Commission, as herein provided for, all of said bonds, without the county seal having been affixed to any of them. The Wake County Highway Commission shall have the power to advertise and sell any or all of said bonds, at such time and place as they may deem best, for the purpose of raising a fund with which to construct 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 said chairman of the Wake County Highway Commission shall apply to the custodian of the seal of Wake 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 Wake County 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.

Seal affixed before delivery.

Sale below par and division of funds forbidden.

Proviso: purchasers not liable for application.

Record of proceedings with respect to bonds.

Minutes open to inspection.

SEC. 6. 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 Highway Commission for the assistance of the works designated in this act.

Fund for payment of interest.

SEC. 7. The county treasurer of Wake County shall, *ex officio*, be treasurer of said Wake County Highway Commission, who shall have power to fix his compensation, unless otherwise fixed by law, and to require such bonds as they think sufficient for the protection of such funds as will come into his hands by virtue of this act. Such treasurer shall account monthly for all funds in his hands.

County treasurer *ex officio* treasurer of commission. Compensation and bond.

SEC. 8. In the event said bonds herein provided for shall be issued and sold, said Wake County Highway Commission 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 Wake County Highway Commission, who shall hold office for one year and until their successors are elected and qualified; all vacancies to be filled by the Wake County Highway Commission: *Provided,* that the chairman of said board of commissioners shall be *ex officio* chairman of said executive committee. The said executive and finance committee shall not receive compensation for more than four days service in any one month, and their pay shall be the same as is now received by the commis-

Monthly settlements. Executive and finance committee.

Term and vacancies.

Proviso: chairman *ex officio*.

Pay of committee-men.

Declaration of vacancy by two-thirds vote.

sioners of the county. By a two-thirds vote of the Wake County Highway Commission, a vacancy may be declared in the said executive 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.

Charge and control of chain-gang.

SEC. 9. The said Wake County Highway Commission 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 servitude on the said public highways. The executive and finance committee shall elect by ballot a road engineer 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 engineer, 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 engineer, 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 engineer from his office and elect a successor for the unexpired term. He shall enter upon his duties and work when and where directed by the said executive and finance committee; he shall direct the laying out of the highways selected by the said commission; 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 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 engineer shall be subject to the approval of the executive and finance committee.

Election, compensation, and duties of road engineer.
Oath and bond.

Term of office.

Removal for cause.

Enumeration of powers and duties.

Purchase of equipment.

SEC. 10. 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, approved, 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 Wake County Highway Commission, to turn over to it all convicts, tools, machinery, appliances, and road material, property and stock which may be

Proviso; audit and approval of bills.

Hands and equipment to be turned over to commission.

in their hands with which they have been preparing material for working the public roads of the county.

SEC. 11. That in opening new highways, widening and straightening old roads and repairing the same, the said Wake County Highway Commission, 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.

Power to condemn land.

Procedure for condemnation.

SEC. 12. The highways in said county constructed and improved under this act shall have a right of way of not less than forty feet, except where the Wake County Highway Commission deem it impracticable to acquire such width, and in such cases the width shall be at least twenty-five feet, of which not less than twenty feet shall be free from logs, stumps, rocks, and drains, except where ledges of rock are encountered or where the width is considered impracticable by the engineer. The alignment of the road shall be as straight as practicable and with no grade over four and one-half per cent, except as such grade is considered impracticable by the road engineer.

Width of right of way and roadbeds.

Alignment and grades.

SEC. 13. The said Wake County Highway Commission 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.

Purchase of material and rights of way.

SEC. 14. The said Wake County Highway Commission 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 Wake County Highway Commission or its agents upon said public highways.

Sites for plants or camps.

SEC. 15. That whenever said Wake County Highway Commission or its agents cannot 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 to 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 property and the said Wake County Highway Commission, through its agents, cannot 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 free-

Entry on land for material.

Procedure for assessment of damages.

holders, 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 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.

Employment of physician.

SEC. 16. The said Wake County Highway Commission 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.

Care and safe keeping of convicts.

Expenditure of proceeds of bonds.

SEC. 17. 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.

Proviso: purchasers not liable for application.

Work may be let to contract.

SEC. 18. The said Wake County Highway Commission 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.

Good roads fund.

SEC. 19. All moneys that are raised by special tax or a bond issue or in any other manner whatsoever by the county officials of Wake County, for the construction or improvement or repair or maintenance of the public roads of Wake County, shall become a part of what is herewith designated as the good roads fund, which shall be in the custody of the treasurer of the Wake County Highway Commission.

First road to be constructed.

SEC. 20. That the first road to be constructed by the Wake County Highway Commission under authority of this act shall be a road extending northward from the city of Raleigh to either the Franklin or Granville County line; the second road to be constructed shall be from the city of Raleigh eastwardly to the Johnston County line; the third road to be constructed shall be from the city of Raleigh southerly, either to the Johnston or Harnett County line, and the fourth road to be constructed shall be in a westerly direction to either the Durham or Chatham County lines; the location of these roads to be determined by the Wake County Highway Commission. When these four roads are completed, the said highway commission shall build, as funds are available, such additional roads as they deem to be for the best interest of Wake County.

Second road.

Third road.

Fourth road.

Additional roads.

Acceptance of State aid.

SEC. 21. In case a bill authorizing the State to become security for county bonds 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.

SEC. 22. 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 one thousand nine hundred and nine, until after said bonds provided for in this act shall have been issued and sold.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 149.

AN ACT TO ESTABLISH A SYSTEM OF WORKING CONVICTS NOT SENTENCED TO THE PENITENTIARY ON THE PUBLIC ROADS OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any judge of the Superior Court holding court in either of the counties of Watauga, Alleghany, or Ashe may, in his discretion, sentence any person convicted of offenses in either of said counties, the punishment for which is provided for in section one thousand three hundred and fifty-five of the Revisal of North Carolina of nineteen hundred and five, to work on the public roads of Ashe County whenever the county commissioners of Ashe County shall provide, in their discretion, a system for working such convicts upon the public roads of Ashe County under and by virtue of subsection eleven of section one thousand eight hundred and thirteen of the Revisal of nineteen hundred and five of North Carolina: *Provided*, said county of Ashe shall make satisfactory arrangements with the commissioners of Watauga and Alleghany counties relative to the cost and expenses of the cases in which said convicts were convicted.

Convicts sentenced from Ashe, Watauga, and Alleghany counties.

Proviso: arrangements with Watauga and Alleghany counties.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 150.

AN ACT TO AMEND CHAPTER 476, PUBLIC LAWS OF 1911,
IN REFERENCE TO THE ROADS OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Entry on land for material.

SECTION 1. That chapter four hundred and seventy-six of the Public Laws of one thousand nine hundred and eleven be amended by striking out all in line four of section fourteen of said chapter after the word "land" down to the word "is" in the fifth line of said section, and by adding to the end of said section the following: "and shall have the right to cut any and all timber and trees standing on either side of any public road in Iredell County, and within thirty feet of the boundary line of the right of way of said road: *Provided*, that nothing herein shall permit or allow any fruit tree or trees or shade tree or trees about a dwelling to be cut, except by the consent of the owner or his agent: *Provided further*, that the commissioner shall pay the owner of said land from which any timber or trees have been cut the fair and reasonable damage said owner may suffer thereby."

Timber abutting on roads.

Proviso: fruit and shade trees.

Proviso: payment for timber.

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 February, A. D. 1913.

CHAPTER 151.

AN ACT FOR THE CONSTRUCTION, REPAIR, AND MAINTENANCE OF PUBLIC ROADS IN RICHLAND TOWNSHIP,
BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Richland township road district created.

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."

Road commissioners.

SEC. 2. That the public roads in said district shall be under the supervision of the three road commissioners duly elected as provided by the laws of North Carolina, chapter two hundred and three, session one thousand nine hundred and eleven, together with the justices of the peace of said township, who shall compose and be known as the board of road supervisors, which board shall hold semiannual meetings at Aurora, North Carolina, on the last Saturday in May and November.

Road supervisors.
Semiannual meetings.

SEC. 3. The board of road supervisors shall divide and lay off all public roads in said district into convenient sections, numbering each section, and shall appoint some good competent man living on said section as overseer, and shall prescribe the duty and compensation of said overseer, which compensation shall not exceed one dollar per day while actually engaged in road work, and whose term of office shall be two years from the date of appointment.

Road sections.

Road overseers.

Duty and compensation.

Term of office.

SEC. 4. That the said overseer shall have the authority and power to order out and work not to exceed three days in any one calendar year all able-bodied male citizens living on said road between the ages of twenty-one and forty-five, but shall be required to give each road hand at least two days notice, which notice shall contain place of meeting on the road, the hour of such meeting and the character of tool to furnish, and each road hand so notified shall be required to appear at the time and place, with the tool specified, and work as directed by said overseer, not less than seven nor more than ten hours for each day required by said overseer.

Road duty.

Warning.

Day's work.

SEC. 5. That the board of road commissioners of said district, in order to provide for the improvement of the public roads of said district, shall on the last Saturday in April, one thousand nine hundred and thirteen, and annually thereafter, levy a special tax of ten cents on the one hundred dollars valuation of all subjects of taxation contained within said district, except in incorporated towns, and thirty cents poll tax upon all male persons living in said district between the ages of twenty-one and forty-five years, and the money arising from said levy shall be used exclusively by the road commissioners for the purpose of improving the public roads and bridges of said district, and in such manner and at such points as may appear to the said commissioners to be for the best interest of the entire district.

Special tax.

Specific appropriation.

SEC. 6. That the said board of road supervisors hereinbefore provided for shall have full power and authority to adopt such rules and regulations for the government of the road overseers as they shall deem for the best interest of the public roads, and such rules and regulations when adopted shall be mandatory upon said overseer, and upon conviction of any violation thereof the overseer so violating shall forfeit and pay a fine of ten dollars for each and every offense, which fine shall be expended upon the public roads of said district by the board of road commissioners.

Rules and regulations.

Rules and regulations mandatory.

Violation a misdemeanor.
Punishment.

SEC. 7. That the tax collector and treasurer as provided by the laws of North Carolina, chapter two hundred and three, session one thousand nine hundred and eleven, shall perform the duty as prescribed in said law and shall execute the bonds as therein provided, and receive as compensation the fees as is therein provided.

Tax collector and treasurer.

SEC. 8. That the said road commissioners shall receive two dollars per day for each day actually engaged in the supervision of said roads, and five cents per mile for each mile traveled to and from regular road meetings, and the said board of road super-

Pay of road commissioners.

Pay of road supervisors.

visors shall receive no compensation for their services, except they shall not be required to do any service upon said public roads except that of supervision.

Special tax in towns.

SEC. 9. That the said board of road commissioners shall levy, as is provided in section five hereof, a special tax on all subjects of taxation located in any incorporated town or towns in said district, of five cents on the one hundred dollars valuation and ten cents poll tax upon all male persons living in said towns between the ages of twenty-one and forty-five, and the money arising from said levy shall be used by the said commissioners in the same manner as is provided in section five of this act.

Terms of office.

SEC. 10. That the said board of road commissioners, road supervisors, 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 the law for the election of all township officers.

Election of successors.

Forfeiture for failure to appear and work roads.

SEC. 11. That any person subject to road duty who, after being notified as is herein provided, shall neglect or refuse to perform the duties required of him in the manner prescribed by the board of supervisors under direction of the overseer in charge of said road, shall upon conviction forfeit and pay a fine of five dollars for such offense, which fine shall be paid over to the said road commissioners and used by them for the repair and construction of roads in said district.

Construction of ditches and waterways across roads.

SEC. 12. That it shall be unlawful for any person to construct a ditch or waterway across any public road in said district, except with the consent of the said board of road commissioners, and when said consent is obtained, it shall be the duty of such person to cover said ditch or drainway with a good plank bridge of not less than two inches in thickness, or by tilting the same in a good workmanlike manner, and persons violating this section shall upon conviction be fined not less than twenty-five dollars, which fine when collected shall be spent upon the public roads of said district as is hereinbefore provided.

Bridges.

Fine for improper construction.

Supervisors to order covering of ditches.

SEC. 13. That the said board of supervisors shall at their first meeting order all overseers and owners of ditches and drainways which cross any public road in said district to cover said ditch or drainway, within a limited time, with good substantial plank bridges or underground waterway, and any such overseer or owner who refuses to comply with this section shall be guilty of a misdemeanor.

Refusal to comply a misdemeanor.

Obstructing roads a misdemeanor.

SEC. 14. That it shall be unlawful for any person to leave upon any public road in said district any log or other obstruction on more than one side of any public road, and shall leave at least eight feet of clear space from center of road and such log or obstruction, for traffic, and any person or persons, firms, or corporations violating this section shall be guilty of a misdemeanor.

SEC. 15. That it shall be unlawful for any person to plow into or along the surface of any public road in said district within ten feet of the center of said road at any point, or to drag any disk, harrow, or any other implement along said road which will in any wise cut up or damage the surface of said road, and any person violating this section shall be guilty of a misdemeanor. Drainage to roads a misdemeanor.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 152.

AN ACT TO PROVIDE FOR THE WORKING AND IMPROVEMENT OF THE PUBLIC ROADS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all roads that have been laid off by virtue of any act of the Assembly or any order of the court or board of county commissioners are hereby declared to be public roads, and the board of county commissioners as hereinafter in this chapter set forth shall have full power and authority within their respective counties to order the laying out of public roads, to appoint where bridges shall be made, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Public roads. Power and authority of county commissioners.

SEC. 2. That the board of county commissioners shall on the first Monday in April, nineteen hundred and thirteen, and each succeeding year thereafter on the first Monday in March, appoint three competent men in each township, who shall be styled the board of road supervisors for their respective townships, whose term of office shall be one year and whose duty shall be the supervision of the repair and maintenance of the roads in their respective townships as hereinafter provided for. Appointment of road supervisors. Term of office. Duty.

SEC. 3. That said board of supervisors so appointed shall on the first Monday in May, nineteen hundred and thirteen, and each succeeding year thereafter, on the first Monday in April, elect one of their number chairman and one of their number clerk, and, thus organized, shall have the supervision and control in their respective townships; and it shall be the duty of the clerk to keep a record of all proceedings of the board with respect to the public roads of their several townships, and said clerk shall have charge of all books and papers of the board and issue all orders made by said board. Organization. Supervision and control of roads. Record of proceedings. Charge of books and papers.

Regular meetings of supervisors.

Proviso: first meeting.

Other meetings.

Personal inspection of roads.

Proviso: supervisors to receive no compensation.

Roads divided into sections.

Overseers.

Allotment of hands.

Notice to overseer.

Proviso: alteration of section.

Term of service of overseer.

Right of overseer to resign.

Proviso: road in good condition.

Not compelled to serve within two years.

Roads on township lines.

Road duty.

Supervisors exempt.

Limit of duty.

Exemption from road duty.

Overseer to warn hands.

Limit of continuous work.

SEC. 4. That said board of supervisors shall be required to hold three regular meetings in each year, to wit, on the first Monday in April, August, and December: *Provided*, they may hold their first meeting in nineteen hundred and thirteen, on the first Monday in May, for the purpose of looking after the public roads of their respective townships, and the said board shall have such other meetings as they may deem necessary; and it shall be their duty to make personal examination and inspection of the roads of their respective townships once a year, such examination to be made within ten days next before their meeting in August: *Provided*, that the supervisors shall receive no compensation for their services in this respect.

SEC. 5. The said board of supervisors shall annually, at their meeting in April, divide the roads of their townships into sections, and appoint overseers for such sections. They shall at the same time allot the hands to said overseers, and shall also designate the boundaries or points to which each resident shall be liable to work on said section, and shall within five days after such meeting certify to each overseer a written notice of his appointment, with a list of hands assigned to each section: *Provided*, that the board of supervisors may at any time alter the section or allotment, but shall give notice thereof to the overseer. Such overseer shall serve and be liable as such for neglect of duty until he shall be relieved by the board, which shall be done only upon showing that his road is in good condition as prescribed by law. The overseer may resign after twelve months: *Provided*, his road shall be in good condition, and the board of supervisors shall so find. Any overseer so resigning and whose resignation has been accepted by the board shall not without his consent be again appointed overseer until after the expiration of two years after his resignation. When a public road shall be a dividing line between townships the board of supervisors of the respective townships shall assume equal responsibility in keeping up such road, and to this end may divide the same.

SEC. 6. All able-bodied male persons between the ages of eighteen years and forty-five years shall be required under the provisions of this chapter to work on public roads, except the members of the board of supervisors of public roads, but no person shall be required or compelled to work more than six days in any one year, except in case of damage or washouts resulting from a storm.

SEC. 7. No person between the ages prescribed shall be exempted from working upon the public roads except such as shall be exempted by the General Assembly or by the board of supervisors of the townships on account of personal infirmity, of which said board shall be the sole judge.

SEC. 8. The overseer of the road shall, as often as the road may require, subject to the limitation in the preceding section, summon

the hands of his section to work on the road, but the said hands

shall not be required to work continuously for a longer time at any one time than two days, and at least fifteen days shall intervene between workings, except in case of special damage to the road resulting from a storm, washout, or freshet. The notice shall be at least three days before the day named for the work, and shall state the hour and place named for the meeting of the hands, and what implement he shall bring with him. If said notice shall be left at the house or place where said hand is staying for said period of time it shall be sufficient. Every person liable to work on the road who has been so summoned shall appear at the time and place named and with the implement directed, and shall work under the direction of the overseer until discharged by him: *Provided*, that ten hours shall constitute a day's work. Any person so 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 be by him applied on the working and repairing of the road: *Provided further*, that any person who shall furnish one able-bodied hand as a substitute, with the implement directed, shall be held to have complied with this section.

Warning.

Hands to appear and work.

Proviso: day's work. Commutation.

Proviso: substitution.

SEC. 9. Any person liable to work on the road who shall fail to attend and work as hereinbefore provided, or, having attended, shall refuse to obey the directions of the overseer, or shall spend his time in idleness or inattention to the duties assigned him, shall be guilty of a misdemeanor, and fined not less than two dollars nor more than five dollars, or imprisoned not exceeding twenty days, and any money so collected shall be applied by said overseer to the improvement of the roads in his section or division.

Failure to attend and work properly a misdemeanor.

Punishment.

SEC. 10. Every overseer shall at each and every meeting of the board of supervisors of his township make report to them of the present condition of his road, the number of days worked on his section since last meeting, of the number of hands who attended and worked each day, of the number and names of hands who failed to attend and work, of the number and names who attended and refused to obey the directions of the overseer and spent their time in idleness, whether or not they were legally summoned and whether or not they paid the one dollar as provided. The said overseer shall, before some person authorized to administer an oath, make written affidavit that the report is true and correct. Upon this report, sworn to as aforesaid, if it shall appear that any of the hands, after being legally summoned, have failed to attend and work on said road, or that they did not pay the one dollar, then it shall be the duty of the said supervisors or any one of them to issue or cause to be issued a warrant for the arrest of any such hand, and shall put him upon trial for the offense: *Provided*, that the overseer may make report to the chairman of the board at any time, and said chairman may direct such prosecution.

Reports of overseers.

Report under oath.

Supervisors to issue warrants for delinquent hands.

Proviso: reports at any time.

Overseers' annual reports.

SEC. 11. The said overseers shall at the meeting of the supervisors in April make a report of all moneys collected by them from parties excused from work on the road for the preceding year, all fines and penalties collected from delinquents, and all other moneys handled or used by them for road purposes, with a statement as to how the same was expended. If any overseer shall fail to discharge any of the duties imposed by this chapter, he shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor exceeding ten dollars or imprisoned not exceeding thirty days. In case of failure of any overseer to make any report to the board of supervisors of public roads of his township as provided in this chapter, it shall be the duty of the chairman of such board immediately upon such failure to make a sworn statement of the facts before some other justice of the peace, who shall immediately issue his warrant for the arrest of said overseer and proceed to try him for the offense.

Failure in duty by overseer a misdemeanor.
Punishment.

Chairman of supervisors to swear out warrant.

Cartways.

SEC. 12. The board of supervisors shall have the right to lay out and discontinue cartways, and the board of county commissioners only shall have the right to lay out and establish and discontinue public roads: *Provided*, that in laying out and establishing cartways and for the purpose of assessing damage to property by reason of the same, three jurors only shall be summoned or required: *Provided further*, that either party may appeal from the decision of the board of supervisors to the board of commissioners of the county.

Right to establish and discontinue roads.

Proviso: assessment for damages in laying out cartways.

Proviso: right of appeal.

Reports to superior court.

SEC. 13. The board of supervisors shall annually make report to the Fall Term of the Superior Court of their county of the condition of the roads of their township, and if the meetings provided for in this chapter have been held by said board, the judge holding such term of the Superior Court shall during his charge to the grand jury call upon the clerk of said court for such reports and hand them to the foreman of said grand jury; and if any board of supervisors shall fail to make said report or discharge any other duty imposed by this chapter, they shall be guilty of a misdemeanor, and on conviction be fined or imprisoned, or both, in the discretion of the court; and the indictment may be against the board of supervisors or against the individuals composing it.

Reports submitted to grand jury.

Failure to report a misdemeanor.

Punishment.

Indictment joint or several.

Specification of roads.

SEC. 14. All roads except such as are causewayed or through cuts of rock ledges or cliffs on hillsides, shall not be less than twenty feet wide, clear of trees, logs, and other obstructions to the passage of ordinary vehicles, and there shall be sixteen feet in width in the center of the roadway, clear of stumps and runners. Where it may be deemed expedient by the overseers to make or repair causeways on the same, they shall be at least sixteen feet wide and constructed so as to form a drain on each side of the causeway; and they shall make of the same width any necessary bridges through swamps and over small streams of water: *Provided*, that in opening new roads and making extensive improve-

Causeways.

Bridges.

Proviso: temporary passways.

ments on old ones, and the whole of the new road or the amendments on the old ones cannot be built the required width within a reasonable time, the overseer may open said road and make sufficient turnouts for the passage of vehicles until the same can be completed.

SEC. 15. Overseers may lawfully cut logs, poles, and other necessary timber for repairing and making bridges and causeways, and whenever rock and earth shall be needed on a public road, and it cannot be conveniently procured on either side of the road or causeway, the overseer may lawfully enter on the lands of any person along said road and remove timber, rock, or earth therefrom: *Provided*, that nothing contained in this chapter shall authorize the overseer to cut or remove shade trees or trees kept for ornamental purposes unless the same are an obstruction to the road; and the overseer may lawfully enter on any adjoining lands for the purposes of making ditches for the better drainage of said road, doing as little damage to the owner thereof as in his judgment the circumstances will allow.

Entry on land for material.

Proviso: shade or ornamental trees.

Entry on land for ditches.

SEC. 16. The owner of the land, timber, and other substance thus used may file his petition before the board of commissioners of the county wherein the injury is done for damages sustained thereby, and the board is authorized to make such compensation as in their opinion is proper and just and pay the same.

Owner to file claim for damages.

Payment.

SEC. 17. Every overseer of the road, whenever the township board of supervisors may 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 shall also erect and keep in repair necessary hand-rails.

Footbridges.

SEC. 18. Overseers shall cause to be set up, at the forks of their respective roads, plain and durable signboards, with directions to the most public places to which the roads lead, with the number of miles to said places, as nearly as the same can be computed, and every overseer who shall neglect to do so in six months after his appointment, and keep the same in repair, shall be guilty of a misdemeanor, and upon conviction be fined not exceeding five dollars or imprisoned not exceeding twenty days, and any money derived from such fines to be applied to the erection and repairing signboards or applied on the road.

Signboards.

Neglect a misdemeanor.

Punishment.

SEC. 19. Any person who shall wantonly remove, knock down, or deface any sign-posts or mile-marks shall for every such offense forfeit and pay ten dollars, one half to the informant and the other half to the road fund of the township in which such offense occurs, and be guilty of a misdemeanor, and upon conviction be fined or imprisoned, at the direction of the court.

Forfeit for injury to signboards.

Misdemeanor.

Punishment.

SEC. 20. Every overseer of a road shall cause the same to be measured, where it has not already been done, and at the end of each mile shall mark in a plain, legible, and durable manner the

Roads to be measured.

Mile-marks.

number of miles to different public places, beginning, continuing, and marking the number in such manner and form as the board of supervisors shall direct, and every overseer shall keep up and repair such mile-marks and sign-posts. If any overseer shall neglect any of the duties prescribed in this section for the space of thirty days after notice of his appointment, he shall forfeit and pay four dollars to the use of said road, and the like sum for each thirty days thereafter for such neglect.

Forfeit for neglect. **SEC. 21.** It shall be the duty of every overseer to see that each hand shall put in six days work on the public roads in each year, to keep the roads well drained and dragged, and to keep the roads and bridges in good repair; and if any overseer shall permit his road to remain out of repair or neglect to keep the bridges in safe condition for a period of ten days, unless prevented by extremely bad weather or other unavoidable circumstances, shall forfeit and pay to the road fund of that section the sum of four dollars for each and every offense, and be liable for such damages as may be sustained: *Provided*, that nothing in this section shall excuse any overseer for neglect of duty and made indictable as prescribed in any other part of this chapter.

Duty of overseer.

Forfeit for neglect.

Liability for damages.
Proviso: penalty not to bar indictment.

Ditches across roads to be bridged.

SEC. 22. It shall be the duty of every owner of a water mill which is situate on any public road, and also of every person who for the purpose of draining his lands or for any other purpose shall construct any ditch, drain, or canal across a public road, to keep at his own expense in good and sufficient repair all bridges that are or may be necessary across such ditch, drain, or canal immediately over which a public road may run, and also to erect and keep in repair all necessary bridges over such ditch, drain, or canal on the highway so long as they be needed by reason of the continuance of said mill or milldam, ditch or canal: *Provided*, that nothing herein shall be construed to extend to any mill which was erected before the laying off of the road, unless said road was laid off at the request of the owner of the mill: *Provided further*, that the duty hereby imposed on the owner of the mill, and on the person cutting the drain, ditch, or canal, shall continue on all subsequent owners of the mill or other property for the benefit of which said drain, ditch, or canal was cut: *Provided, also*, that when any ditch or drain originally constructed across any public road and bridged for the convenience and safety of the traveling public has or may hereafter be enlarged by the owner of adjacent lands to drain his lands, it shall be the duty of such owner to keep up and repair all bridges crossing such ditch or canal, and that such charge shall be imposed upon all subsequent owners of the lands so drained, and that any person throwing a bank of dirt in the main road shall be compelled to spread the same.

Proviso: mills erected before road laid off.

Proviso: duty continuous.

Proviso: ditches enlarged.

Dirt on road.

Liability for damage. **SEC. 23.** Every person who shall fail to perform the duties imposed upon him in the preceding section or shall leave out of

repair any such bridge for the space of ten days, unless prevented by unavoidable circumstances, shall be liable for such damage as may be sustained, and shall be guilty of a misdemeanor and fined or imprisoned, at the discretion of the court.

Misdemeanor.
Punishment.

SEC. 24. That it shall be unlawful for any person, firm, or corporation to place and operate any steam sawmill within one hundred feet of any public road or turnpike, and it shall be unlawful for any person, firm, or corporation to erect and operate any water mill or other machinery with overshot, undershot, or turbine wheel within one hundred feet of any public road or turnpike, unless such wheel or other machinery is protected from sight of such road or turnpike by screen or covering: *Provided*, that where water mills or other machinery using such wheels are now constructed and are now being operated within the limits aforesaid, it shall be the duty of the owner or lessee thereof to provide screens or covering for such wheels or other machinery within ninety days after the passage of this act. Any one violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Steam sawmills.

Water mills.

Proviso: mills now
in operation.

Misdemeanor.

Punishment.

SEC. 25. The board of county commissioners shall not establish or order the laying out of any public road, or discontinue or alter such road, unless upon petition in writing, and unless it appears to the board that every person over whose land the said road may run shall have had twenty days notice of the intention to file such petition; the same to be filed in the office of the clerk of said board until the succeeding meeting of the board, and notice thereof to be posted during the same period at the courthouse door and four public places in the township where said road or amendment thereto is proposed to be made: and the notice so served shall be deemed sufficient without personal service upon the landowners; and at the next meeting of said board the allegations set forth in said petition shall be heard, unless said hearing be continued for good cause, and if sufficient reason be shown, the board shall order the laying out, discontinuance, or alteration of said road, as the case may be.

Petition for laying
out, discontinu-
ance, or alteration
of road.

Notice to land-
owners.

Advertisement.

Hearing on
petition.

SEC. 26. In all applications provided for in the preceding section the board of county commissioners may direct how and by whom the costs shall be paid, and any person may appeal to the Superior Court at term-time, and if any person shall appeal from the board on such petition he shall give bond to the opposing party in a reasonable sum before said board of commissioners, and the Superior Court at term shall hear the whole matter anew; and where any proceeding is instituted to lay out, establish, alter, or discontinue public roads, and said proceeding is carried to the Superior Court in term-time by appeal, the parties to said proceeding shall be entitled to have every issue of fact joined in said proceeding tried in the Superior Court by a jury, and from the judgment of

Costs.

Right of appeal.

Bond on appeal.

Jury trials.

Appeal to supreme court.	the Superior Court either party may appeal to the Supreme Court as is provided in other cases of appeal.
Method of laying out roads.	SEC. 27. All roads and amendments thereto shall be laid out by a competent road surveyor and two freeholders to be appointed by the board of county commissioners, at the time the order is made for the laying out of said road; and the said board shall cause said road surveyor and freeholders to be served with a copy of said order within ten days after their appointment, and said surveyor and freeholders who shall act as his assistants in making the survey shall within thirty days after notice of their appointment, unless hindered by sickness, bad weather, or other unavoidable circumstances, meet upon the line designated in the order, and, after being sworn, proceed to lay out and grade said road to the greatest advantage to the public and inhabitants of the neighborhood and with as little prejudice as may be to lands and inclosures; and said surveyor and freeholders shall, on oath, ascertain and assess such damages as private persons may sustain, and in assessing such damages they shall take into consideration any advantage which may accrue to the owners of the land over which said road may pass, and all damages by them assessed shall be deemed a county charge: <i>Provided</i> , that where damage is claimed and the surveyor and freeholders shall be interested or of kin, a justice of the peace of the township and freeholders not interested or of kin shall make the assessment: <i>Provided further</i> , that in laying out said road said surveyor shall not make his grades steeper than one foot in sixteen in any case, then such grade shall not even be so heavy for a distance of more than fifty yards in any one place; and after said surveyor and freeholders shall have completed their survey, and made their assessment of damages to the different landowners, they shall within ten days make a report of their proceedings to the board of county commissioners, and said report shall specify the grade on each particular part of the road, the approximate distance of the grade, and the amount of damages and for whose benefit the same was assessed, which report shall be filed with the clerk of the board, and if no exceptions shall be filed to said report within ten days the same shall be confirmed by said board. The said road surveyor shall be allowed three dollars per day for his services and the freeholders shall be allowed one dollar and fifty cents each per day for their services. If exceptions to the report shall be filed, the said board shall hear the same at their next meeting, and if said exceptions shall raise the point as to the location and grade of said road, the said board shall order another survey of said road, if sufficient cause be shown, and if said second survey shall be ascertained by said board to be more practicable and useful to the public and the inhabitants of the neighborhood, the same shall be adopted, and the county shall pay the costs; otherwise, the party at whose instance said survey is made shall be adjudged to pay the costs
Assessment of damages.	
Proviso: assessment by parties not in interest.	
Proviso: grade of roads.	
Report of proceedings.	
Pay of road surveyor and assistants.	
Hearing on exceptions.	
Second survey.	
Costs of resurvey.	

of said second survey: *Provided*, no second survey shall be ordered until the party at whose instance it is made shall give bond for costs in case said second survey is not adopted: *Provided further*, that if the State furnishes to the counties engineering assistance and supervision of their road work, that all roads and amendments as provided for in this section shall be laid out by said engineer and two freeholders.

Proviso: bond for resurvey.

Proviso: engineering assistance from State.

SEC. 28. Whenever any road has been laid out and established in accordance with the preceding section, it shall be the duty of the board of county commissioners to appoint as many overseers as may be necessary, with a sufficient number of hands to construct and open said road on the grade; and it shall be the duty of said board to cause a copy of the order of appointment to be served on each overseer within twenty days after his appointment, and said order shall designate the boundary from which said hands shall be taken or embody the names of the hands liable to work on said road: *Provided further*, that no hand shall be required to work outside of, his own township, except on a bridge over a stream dividing one township from another or where he may be required to do so by special act of the Legislature, and in no case shall he be required to work on the new road more than four days of the six days in any one year as provided for in this act.

Appointment of overseers and allotment of hands.

Notice to overseer.

Proviso: hands to work in township of residence.

Limit of work on new roads.

SEC. 29. The board of supervisors of the township within ten days after the adjournment of the board shall, if convenient, serve each overseer with a copy of the order of his appointment, and if not convenient, or said overseer refuses to accept said appointment, the board shall within ten days deliver two copies of said order to the township constable or to the sheriff or his deputy, who shall serve each overseer with a copy of the order or leave the same at his usual place of habitation, and the other copy shall be returned to the next meeting of the board of supervisors with the date of reception by him and the date and manner of service indorsed thereon; and if either the board or constable or other officer shall willfully fail to perform any duty enjoined by this section, he shall be guilty of a misdemeanor.

Service of notice on overseers.

Failure in duty a misdemeanor.

SEC. 30. When an overseer shall not be able to personally notify the hands three days before the day appointed for working the road, he shall leave at the house of each hand a written summons, specifying the day and hour which they are required to attend, the place of the road to be worked, and the kind of tools to be brought or used, and the said written notice left as aforesaid shall be deemed sufficient notice to the hands required to be notified, and all penalties or fines recovered by an overseer for default in working on the road shall be applied by him to the repair of the road of which he is or may be overseer.

Warning left at residence.

SEC. 31. If any person be settled upon or is cultivating any land to which there is leading no public road, and it shall appear neces-

Petition for cart-ways.

Notice to landowner.	sary, reasonable, and just that such person should have a private way to a public road over the lands of other persons, he may file his petition before the board of supervisors of the township, praying for a cartway to be kept open across such other person's lands leading to some public road or landing; and upon his making it appear to the board that the adjoining landowner has had ten
Hearing on petition.	days notice of his intention, the board shall hear the allegations of the petitioner and the objections of the adverse party or parties,
Jury of view.	and if sufficient reasons be shown, shall order the constable or other officer to summon a jury of three freeholders to view the premises and lay off a cartway not less than fourteen feet wide and assess the damages the owner of such land may sustain
Damage and expense paid by petitioner.	thereby, which with the expenses of making the cartway shall be paid by the petitioner; and said cartway when established shall be kept open for the free passage of all persons on foot, horseback,
Proviso: continuance for lack of notice.	or with carts, wagons, and other vehicles: <i>Provided</i> , 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,
Hearing after continuance. Right of appeal. Trial by jury.	when they shall proceed to hear and determine the same, and the petitioner or the adverse party may appeal from the order of the supervisors to the board of county commissioners, and from the order of the board of commissioners to the Superior Court at
Appeal to supreme court.	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
Payment of costs.	other cases of appeal, and all costs accumulated after the order made by the board of supervisors shall be paid by either party, as the court may direct.
Change or discontinuance of cartways.	<p>SEC. 32. Cartways laid off according to the provisions of this chapter may be changed or discontinued upon application by any person concerned, under the same rules and proceedings as they were first laid off, and upon such terms as the board of supervisors may deem equitable and just; and any person through whose lands a cartway may pass may erect gates across the same; and if any person shall leave open, break down, or otherwise injure such gates, he shall forfeit and pay for every such offense ten dollars to the person erecting the same or the owner of the land, and if the offense be wantonly and willfully done, he shall be guilty of a misdemeanor, and fined not exceeding twenty dollars or imprisoned not exceeding twenty days.</p>
Gates.	
Forfeit for leaving open or injuring gates.	
Misdemeanor.	<p>SEC. 33. The board of supervisors in each township is authorized to order the laying out of any and all necessary roads to and from any church or other place of public worship or public school house in their said township; to discontinue such roads when they may be found to be useless, and to alter the same so as to make them more useful, and the right of way herein provided for shall terminate whenever the church or other place of public worship or public school house shall cease to be used as such: <i>Provided</i>, this section shall not apply to public roads.</p>
Punishment.	
Church and school roads.	
Proviso: public roads excepted.	

SEC. 34. The board of supervisors shall not order the laying out of such road or discontinue or alter the same except upon petition in writing, nor shall they hear any such petition unless it shall be made to appear that every person over whose lands the said road may pass shall have had ten days notice of the intention to file such petition by personal service of notice in writing, or if the owner be unknown or there be no owner, agent, or attorney of such owner resident in this State, then by notice thereof posted at the courthouse door of the county in which the township is situate and three public places in the township for the space of ten days; and upon the hearing of the petition, if sufficient cause be shown, the said board of supervisors shall order the laying out, shall discontinue or alter the said road, as the case may be, and from their determination any party dissatisfied may appeal as provided in this chapter in the section directing the laying out of cartways.

Roads not established, discontinued, or altered but on petition. Notice to parties in interest.

Order on hearing.

Right of appeal.

SEC. 35. All roads provided for in the two preceding sections shall be laid out, to the greatest advantage to the inhabitants and with as little prejudice as may be to lands and inclosures, by three disinterested freeholders to be appointed by the board of supervisors, within twenty days after notification of their appointment; and such damages as may be sustained by individuals shall be ascertained by said freeholders, who shall report the same to said board of supervisors, and all damages assessed by said freeholders shall be paid by the petitioners, and until paid there shall be no confirmation of the report and such laying out shall be of no effect.

Method of laying out roads.

Assessment and report of damages.

Damages paid by petitioners.

SEC. 36. The following named persons shall be exempt from working on public roads, namely: Members of the board of supervisors of public roads, and such persons as may be excused by said board on account of disease or physical incapacity.

Persons exempt from road work.

SEC. 37. If any person shall willfully alter, change, place a fence so near the edge of a public highway that tends to make said highway less than the required width or to prevent the road from being properly drained or to prevent the free passage of vehicles, or otherwise obstruct the highway, cartway, mill road, or road leading to and from any church or other place of public worship or a public school house, whether the right of way thereto be secured in the manner herein provided for, or by purchase, donation, or otherwise, shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court; and if any person who now maintains any fence so near the edge of any highway that it amounts to an obstruction as above set forth, and who shall fail, neglect, and refuse to remove the same within thirty days after being ordered so to do by the overseer of said road, or by order from the board of supervisors, shall forfeit and pay ten dollars for each thirty days he so neglects and refuses to remove said fence, and he shall also be guilty of a misdemeanor and fined not exceeding ten dollars or imprisoned not exceeding twenty days

Obstructing roads a misdemeanor.

Punishment.

Continuous offense.

Interference with work a misdemeanor.	for each thirty days he neglects and refuses to remove said fence. And if any person shall hinder or in any manner interfere with the making of any road, cartway, or other road laid off according to the provisions of this chapter he shall be guilty of a misdemeanor and punished by a fine or be imprisoned, or both, at the discretion of the court.
Punishment.	
Material, tools, and implements.	SEC. 38. It shall be the duty of the board of county commissioners to furnish to the board of supervisors of each township dynamite, powder, and necessary tools and implements used in blasting whenever the board of supervisors may call for the same for the various sections; and it shall be the duty of the board of supervisors of each township to take receipts from the overseers of each section for such tools and implements, and said overseers shall be liable for the care and safekeeping of the same, and be required to turn over to any other overseer said tools and implements or return the same to the board of supervisors when so ordered; and said overseers shall be held liable for the loss or needless injury of the same in an action to be prosecuted in the name of the board of supervisors against said overseer.
Receipts from overseers.	
Liability of overseers.	
Special tax.	SEC. 39. It shall be the duty of the board of county commissioners to levy annually a special tax of twenty cents on each one hundred dollars valuation of property, which shall be collected as other taxes are collected, and when collected the same shall be paid to the county treasurer, whose duty it shall be to keep said fund separate from all other funds, and this fund, together with any other road fund now due or to become due, shall constitute a part of the road fund of the county, and there shall be annually collected from each person, firm, or corporation one dollar for each horse, mule, or ox used in the livery business or kept for hire or used in hauling lumber, merchandise, or other thing to and from market; and all persons who shall have teams employed on the farm a part of the time and partly on the roads for pay or hire or for hauling lumber, merchandise, or other thing to and from market shall be subject to this tax, and all animals used as aforesaid shall be taxed at the time other property is assessed, and this fund shall constitute a part of the road fund of the county; and it shall be the duty of the board of county commissioners from time to time and as often as a sufficient amount of said road fund is ascertained to be in the hands of the treasurer to divide this road fund into four equal parts and apply the same as follows: one-fourth to be used in building, maintaining, and repairing the road from Newland to Plumtree; one-fourth to be used in building and repairing the road from Newland to Cranberry; one-fourth to be used in building, maintaining, and repairing the road from Newland to Banner Elk; and one-fourth to be used in building, maintaining, and repairing the road from Newland to Montezuma, Linville, and Saginaw: <i>Provided</i> , that no part of this road fund shall be expended on any portion of any of said roads which
Fund kept separate.	
Special tax for use of roads.	
Division of road fund.	
Road from Newland to Plumtree. Road from Newland to Cranberry. Road from Newland to Banner Elk.	
Road from Newland to Montezuma, Linville, and Saginaw. Proviso: expenditure of fund.	

shall be on bad or heavy grades, and that this road fund to be applied on said four roads in addition to the public labor performed on the same.

SEC. 40. It shall be the duty of the board of county commissioners, whenever it is ascertained that a sufficient amount of said road fund is in the hands of the county treasurer, to appoint an energetic and competent foreman on each of said four roads, whose duty it shall be to employ laborers to maintain and repair the different sections of said four roads and distribute the labor along said sections to the best advantage for the traveling public and the keeping of said roads in good condition and repair. It shall be the duty of each foreman to keep a just and accurate account of the number of days work performed by each laborer, the amount due each, and render a true account of the same, sworn to, to the board of county commissioners monthly, and said laborers shall be paid for their services by the county treasurer out of said road fund upon an order signed by the foreman and approved by the chairman of the board of county commissioners; and the compensation of said foreman shall not exceed two dollars per day for his services and shall be paid by the county treasurer out of said road fund, apportioned for the section, upon an order signed by the chairman of the board of county commissioners: *Provided*, it shall be lawful for the board of county commissioners to apply a portion of the road fund due on each of said roads for the purpose of furnishing blasting material, tools, and implements, and for the purpose of erecting, maintaining, and keeping in repair bridges across small streams on that section of said road, and it shall be the duty of each foreman to care for and return such blasting material, tools, and implements to said board of county commissioners or to any person whom they may designate, when ordered so to do.

Appointment of foreman.

Foreman to return sworn accounts.

Pay of foreman.

Proviso: expenditures for bridges.

SEC. 41. That the board of county commissioners are hereby authorized and empowered to furnish to the board of supervisors of the several townships in their county blasting material and tools used for blasting for the purpose of building and keeping in repair the public roads in the county whenever the same are necessary.

Material and tools for blasting.

SEC. 42. That this act shall only apply to the county of Avery.

Limit of application.

SEC. 43. All laws and parts of laws in conflict with this chapter are hereby repealed.

Ratified this 24th day of February, A. D. 1913.

CHAPTER 153.

AN ACT TO ALLOW THE CITIZENS OF JACKSON COUNTY TO EXPRESS THEIR WILL CONCERNING THE PROPOSED REMOVAL OF THE COUNTY-SEAT OF JACKSON COUNTY FROM THE TOWN OF WEBSTER TO THE TOWN OF SYLVA, IN SAID COUNTY, AND TO REMOVE THE COUNTY-SEAT IF A MAJORITY OF THE QUALIFIED VOTERS OF THE COUNTY SHALL FAVOR IT; AND TO LEVY A SPECIAL TAX FOR THE BUILDING OF A NEW COURTHOUSE AND JAIL.

The General Assembly of North Carolina do enact:

Date for election.	SECTION 1. That there shall be submitted to the qualified voters of the county of Jackson at an election hereby called and fixed to be held on the second Thursday in May in the year one thousand nine hundred and thirteen, on the question of the removal of the county-seat of said county of Jackson from the town of Webster to the town of Sylva in said county, at which said election all qualified voters favoring such removal of the county-seat from Webster to the town of Sylva shall vote a written or printed ballot with the words "For Removal" thereon, and all qualified voters opposed to such removal shall vote a written or printed ballot with the words "Against Removal" thereon; and if a majority of the qualified voters at said election shall be for removal, then the county-seat of said county of Jackson shall be at Sylva, and the public papers, records, and books and public business required to be done at the county-seat shall be transferred from the town of Webster to the town of Sylva when the courthouse and jail at the latter place are completed and received by the proper officers as hereinafter more particularly provided. That the election shall be held and in all respects conducted under the general law as now existing providing for and regulating the election of members of the General Assembly of North Carolina, except as herein otherwise may be especially provided; that at least forty days before the said second Thursday in May, one thousand nine hundred and thirteen, the county board of elections of said county of Jackson shall meet and appoint a registrar and two judges for each voting precinct in said county, and the duties of the board of elections for said county in respect to this election, and the penalties imposed for any failure or default of duty, shall in all respects be the same as those imposed under the general law for the election of members of the General Assembly of North Carolina, unless otherwise herein provided; that the duties of the registrars and judges and the penalties imposed for failure or default to perform any duty in connection with this election shall be and they are hereby made the same as those provided in the general law for
Question of removal.	
Ballots.	
Removal by majority of qualified voters.	
Transfer on completion of courthouse and jail.	
Law governing election.	
Election officers.	
County board of elections.	
Registrars and judges.	

the election of members to the General Assembly of this State; and they shall open books of registration and hold the said election in the same manner, except that the day for hearing challenges shall be on Wednesday instead of Monday preceding the election; that the register of deeds of said county of Jackson shall deliver over to the registrar of the respective precincts all registration books and one poll book used by such precinct at the November election, one thousand nine hundred and twelve, and it shall not be necessary for any elector who was duly registered at said November election to reregister for this election, and the judges and registrars shall not be required to keep more than one poll book for each precinct; that the registrars and judges of each precinct shall appoint one of their number to attend a meeting of the board of county canvassers as a member thereof, and shall deliver to such member the returns from such precinct who shall have been so appointed, and the members so appointed from the respective precincts, together with the county board of elections, shall constitute the board of county canvassers for the purposes of canvassing and declaring the result of the election, and such canvassing board shall meet in the courthouse in Webster at noon on the first Monday following the said election and shall canvass said vote and declare the result, and under the hand of their chairman and secretary shall file a certified copy of the result of their canvass with the register of deeds and the clerk of the court of said county, who shall record the said returns as in case of general elections for members of the General Assembly; and if a majority of the votes cast at such election shall be for removal, then it shall be the duty of the register of deeds to notify the committee, hereinafter named in section . . . , of the said result; that all qualifications, duties, and penalties for the failure to perform any duty hereunder and in connection with said election by any person or officer are hereby made the same as if an election for members of the General Assembly of North Carolina were being held: *Provided*, that the registrars appointed hereunder for the several voting precincts of said county shall purge the registration books for their respective precincts of the names of all persons deceased, removed, or who have not paid their poll tax on or by May first, one thousand nine hundred and thirteen, for the year one thousand nine hundred and twelve; and it shall be the duty of the sheriff of said county, before the day of said election, to furnish to each registrar a sworn statement of the names of all persons shown by his one thousand nine hundred and twelve tax list to be liable for the payment of a poll, who did not pay same on or by May first, one thousand nine hundred and thirteen; and if any registrar fails to so purge the registration book of his precinct, then the board of canvassers provided hereunder may purge such books before canvassing the vote, and may take and hear evidence and require the production of books and papers.

Registration.

Challenge day.

Registration and
poll books.

County canvassers.

Canvass of returns.

Record of result.

Committee to be
notified.Proviso: registra-
tion books purged.Lists furnished by
sheriff.Purging of registra-
tion books before
canvass.

Special tax on majority of vote cast.	SEC. 2. That if at said election a majority of the votes cast shall be for removal, then it shall be the duty of the board of commissioners of said county of Jackson and they are hereby authorized and empowered to and shall, at the same time of levying State and county taxes for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, levy for each of said years a special tax of not exceeding twenty-five cents on the one hundred dollars valuation of property and not exceeding seventy-five cents on each poll, observing the constitutional equation, sufficient, as nearly as they may be able to estimate, to raise ten thousand dollars for each the year one thousand nine hundred and thirteen and the year one thousand nine hundred and fourteen, to be applied to the construction of a new courthouse and jail in the town of Sylva in said county of Jackson, which said special taxes shall be collected and accounted for in the same manner and under the same regulations and penalties prescribed by law for the collection of State and county taxes.
Limit of rate.	
Constitutional equation.	
Amount.	
Purpose of tax.	
Collection and settlement.	
Committee to select site.	SEC. 3. That if at said election a majority of the votes cast are ascertained and declared to be for removal, then Lee Hooper, John B. Ensley, E. L. McKee, George W. Sutton, S. W. Enlow, H. R. Snider, C. A. Bird, H. R. Queen, and T. L. Jamison are hereby appointed, made, and constituted a special committee to select and locate within the present corporate limits of the town of Sylva the site for the new courthouse and new jail, which said special committee shall meet in the town of Sylva within thirty days from the date of said election and organize by electing one of their number chairman and one secretary and proceed to select a suitable site for the courthouse and a suitable site for the county jail, but which said sites need not be on the same or on contiguous lots, and which sites may be of such size as said committee may in its judgment and discretion determine to be necessary for the respective purposes, and the said committee may adjourn from day to day or from time to time until such sites are selected, and over the hand of their chairman and secretary shall file with the register of deeds of said county a report containing a description of the sites by them selected and located, which report shall be recorded by the register of deeds on the minutes of the board of commissioners and indexed; that in this and all matters of duty herein upon said special committee imposed a majority of the same shall constitute a quorum for the transaction of business, and in case of vacancies upon said committee from death or otherwise, they shall have the right to fill the vacancies by the election of some other citizen of said county of Jackson.
Committee to meet and organize.	
Organization.	
Selection of sites for courthouse and jail.	
Report of committee.	
Quorum of committee.	
Vacancies.	
Powers granted to committee.	SEC. 4. That the committee named in section three of this act shall be and are hereby given and granted all the powers given by special statute to boards of commissioners in and about obtaining, acquiring, and receiving title for the sites by them selected for the public buildings and for letting contracts for constructing

and building the said courthouse and county jail; and the said committee shall be empowered to employ surveyors, engineers, and architects as may be necessary, and to receive and adopt plans for the courthouse and jail, and to have constructed the said public buildings and to see that the same are constructed out of proper materials and according to specifications, and when completed to receive the same.

Surveyors, engineers, and architects.
Plans and construction.

SEC. 5. That if good and sufficient title in fee simple to the said county of Jackson cannot be had for said sites by purchase or by purchase at a reasonably fair price, in the judgment of the said committee, or if for any reason title in fee simple to said county cannot be had for the particular sites selected, then the same may be obtained by condemnation proceedings, and in such event the said committee, after having first given the owner or occupant thereof ten days notice of the time and place of their meeting, are hereby authorized to hear such evidence as the owner or occupant may choose to offer to them, and then fix and appraise the value of said site or sites; and the said committee shall report their proceedings in this respect, over the hand of their chairman and secretary, to the board of commissioners of Jackson County, with a description of the said sites and the amount of the appraisals, and such report shall be recorded by the register of deeds on the record of deeds, and such report when so recorded shall have the effect to vest the fee-simple title to said sites in the said county of Jackson: *Provided*, of course, that the value assessed by the said committee or, in case of appeal, the value finally assessed, shall be paid to such owner: *Provided*, of course, that the landowner or landowners, as the case may be, shall have the right to appeal from the appraisal of said committee, within ten days after the fixing of the valuation by said committee, to the next term of the Superior Court of said county, and such appeal shall have precedence of all civil cases; but no such appeal or proceedings from said committee to said Superior Court shall have the effect to prevent or delay the erection of said courthouse or jail on the site or sites so selected by said committee, and the only question from which an appeal shall lie shall be as to the amount of the appraisal, and the appellant shall give bond in at least the sum of two hundred dollars for the costs of the appeal, if the same should be adjudged against him or them.

Condemnation of land for sites.

Procedure for condemnation.

Record of report.

Effect.

Proviso: payment of appraised value.

Proviso: right of appeal.

Precedence of appeal.
Appeal not to delay work.

Amount only reviewable..

Bond on appeal.

SEC. 6. That the town of Sylva having agreed that in event of the removal of the county-seat from Webster to Sylva that it would donate a site for the courthouse and the site for the jail and would pay the sum of ten thousand dollars toward the construction of the public buildings, it is enacted that prior to letting a contract for the construction of said buildings or prior to the beginning of the construction of the same, the said town of Sylva shall tender or cause to be tendered to the said committee above named a good and sufficient deed for the fee simple in a site for

Contribution from Sylva.

Town to tender deed.

- Proviso: in case of condemnation. the courthouse and a site for the county jail: *Provided*, of course, that if the title to the sites selected by the aforesaid committee must be had by condemnation proceedings, then the tender of such deed or deeds need not be a condition precedent to the letting of the contract or contracts or the beginning of the work, but the work of construction may proceed pending such condemnation proceedings in event of appeal to the Superior Court as is provided in section five above, and that before the letting of the contract or contracts or the beginning of the construction of said public buildings, the town of Sylva shall pay or cause to be paid to the above named committee or the payment of the same to be secured to the above named committee, the sum of ten thousand dollars, to be used and applied by said committee in the construction of the said public buildings: *Provided*, that if the said site or sites are had by condemnation proceedings, and there is an appeal from the amount of damages assessed as provided for in section five, then the town of Sylva shall give or cause to be given a good and sufficient justified bond in said cause, to be approved by the court, in double the sum of the damages claimed by the appellant, conditioned that the town of Sylva will pay or cause to be paid the full amount of damages finally assessed for such site or sites and will bear the county of Jackson harmless from the payment of any such damages and from the cost of any such appeal or appeals.
- Payment before letting contract. SEC. 7. That the said above named committee shall from time to time, at least once every three months after the construction of said buildings begins, render to the board of commissioners of Jackson County statements of receipts and disbursements of all funds which may in any wise come into their hands in and about the construction of said buildings, and the board of commissioners shall audit and allow the same; and the said committee shall from time to time report to the board of commissioners any amounts due and to whom, for work, materials, or otherwise in the construction of said buildings, and the said board of commissioners shall issue vouchers therefor against any funds available for the construction of said buildings.
- Proviso: town to give bond for purchase money. SEC. 8. That upon the completion of the said courthouse and receipt and acceptance of the same by the above named committee, or a majority of them, they shall forthwith notify the then incumbent of each of the public offices of Jackson County of such fact and assign to each a suitable office in said courthouse in the town of Sylva for the public papers, records, books, documents, furniture and movable fixtures of their respective offices, and it shall forthwith become the duty of each and every such officer, within twenty days from the receipt of such notice, to remove from the courthouse at Webster to the new courthouse at Sylva, at the expense of the county, all papers, books, records, public documents, furniture and movable fixtures belonging to their respective offices, and place them in the offices so assigned in the new courthouse;
- Quarterly statements.
- Audit of account. Reports of bills payable.
- Vouchers.
- Assignment of offices.
- Officers to remove

and after the receipt and acceptance by the said committee, or a majority of them, of the said courthouse, all courts for said county of Jackson and all meetings of the board of commissioners and all other public business required by law to be done at the courthouse of said county shall be done at the courthouse in Sylva; and upon the completion, receipt and acceptance of the jail by said committee, or a majority of them, it shall be their duty forthwith to notify the keeper of the county jail, who shall, within ten days from the receipt of such notice, at the expense of the county, transfer all prisoners, furniture and movable fixtures from the jail at Webster to the new jail at Sylva.

Courts and other public business.

Transfer of prisoners and jail fixtures.

SEC. 9. That after the receipt and acceptance of the said public buildings at Sylva by the said committee, then it shall be lawful for the board of commissioners of Jackson County to sell and dispose of the old courthouse and jail, and the sites upon which the same stand, at public or private sale, as in their judgment may be for the best interests of the said county, but in either event of public or private sale, they shall give thirty days notice by advertising in some paper published in said county of Jackson and in such other papers as to them may seem proper.

Sale of present buildings and site.

Advertisement of sale.

SEC. 10. That until the public buildings at Sylva are completed and received as aforesaid, the courthouse and jail at Webster shall be used as such for public business.

Use of present buildings.

SEC. 11. It being the desire to have a full and fair expression of the citizens of the county upon the question of "For Removal" and "Against Removal," it is enacted that the board of commissioners of said county of Jackson shall not call or cause to be held, under any existing statute or otherwise, any other election on any other question upon and for the same day upon which the election herein provided for is fixed.

No other election on same day.

SEC. 12. That all laws and parts of laws in conflict with the provisions of this act, or the spirit, intention, and purposes hereof, are hereby repealed.

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

Ratified this the 24th day of February, A. D. 1913.

CHAPTER 154.

AN ACT FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN MINERAL SPRINGS TOWNSHIP, MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Leonard Tufts and J. B. Voncannon and A. A. McDonald be and they are hereby created a board of road commissioners of Mineral Springs Township, Moore County, who shall

Road commissioners.

Commissioners to qualify.

<p>Term of office. Vacancies. Election of successors.</p>	<p>qualify by taking an oath of office, before some officer authorized to administer oaths, to faithfully and honestly discharge the duties of their office, and shall hold office until the first Monday in January, one thousand nine hundred and fifteen, with authority to fill any vacancies that may occur in said board. On the first Monday in January, one thousand nine hundred and fifteen, the board of commissioners of Moore County shall elect the board of road commissioners for said township from the resident freeholders of said township, who shall hold their office for two years from said election and until their successors shall be elected and qualified, and after the said first Monday in January, one thousand nine hundred and fifteen, the term of office of said board of road commissioners shall be two years. The members of said board of road commissioners 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.</p>
<p>Term of office.</p>	
<p>Pay of commissioners.</p>	
<p>Township incorporated.</p>	<p>SEC. 2. That the said division of Moore County known as Mineral Springs Township shall, for the purposes of this act, be and it is hereby declared a body corporate by the name and style of "Mineral Springs Township," and is vested with all the necessary power and authority 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 are declared to be the corporate agents of said township and may sue in the name of "Mineral Springs Township," and be sued under said name, and shall have the power and authority to carry out the provisions of this act.</p>
<p>Corporate name.</p>	
<p>Corporate powers.</p>	
<p>Road commissioners corporate agents.</p>	
<p>Control and management of roads.</p>	<p>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 Mineral Springs 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.</p>
<p>Selection of roads.</p>	
<p>Meetings of commissioners.</p>	<p>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 than once in three months. The said board of road commissioners shall annually elect one of their members 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</p>
<p>Organization.</p>	<p>in a suitable book provided for that purpose and do such work as the board of road commissioners shall see fit to require of him, and the said board may allow him suitable compensation therefor.</p>
<p>Record of proceedings.</p>	
<p>Further duties and compensation of clerk.</p>	<p>SEC. 5. The board of road commissioners created by this act and the parties to be thereafter elected under the provisions of this act shall at their first meeting elect a treasurer of said board, who shall hold office during the term of said respective boards. All road taxes collected by the Sheriff of Moore County for Mineral</p>
<p>Election of treasurer.</p>	
<p>Payment of road funds to treasurer.</p>	

Springs 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. 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 required, authorized, and directed to pay to the treasurer of the board of road commissioners of Mineral Springs Township, as soon as his bond has been approved, all moneys held by him on account of the road fund for Mineral Springs Township under existing law. 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 on the sinking fund herein provided for. Before entering upon the duties of his office said treasurer shall execute a bond payable to the State of North Carolina 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 as provided by this act and the general laws of the State, which bond shall be approved by the board of commissioners of Moore County and recorded in the book of official bonds of said county, and the original shall be deposited with the register of deeds of said county. Suit may be brought upon said bonds in the name of the State of North Carolina upon relation of the board of road commissioners of Mineral Springs Township. Said treasurer shall pay out said funds coming into his hands and belonging to the road fund of said township only 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 funds. Said treasurer shall render an itemized account of the receipts and disbursements of said road funds to the board of road commissioners of said township every three months, and oftener if required by said board, 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; said register of deeds shall be entitled for such services the fees prescribed for recording deeds, which fees the said board of road commissioners are authorized to pay out of any funds in the hands of the treasurer; 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 funds of said township.

Sec. 6. The board of road commissioners shall annually appoint or elect a supervisor of roads, whose duty it shall be, under the

Time for settlement of sheriff.

Payment of existing fund.

Proceeds of bonds.

Interest on sinking fund.
Treasurer to give bond.

Suit on bonds.

Orders on road funds.

Itemized statements quarterly.

Reports recorded.

Fees for registration.

Compensation of treasurer.

Bond in bonding company.

Premium on bond.

Election and duty of supervisor.

- 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 Mineral Springs Township. Said supervisor shall submit monthly statements to the board of road commissioners showing the costs of work on the public roads of said township, of expenditures made thereon for the month, together with all 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 service.
- Monthly statements.**
- Bond may be required of supervisor.**
- Compensation of supervisor.**
- Tools and machinery.**
- Surveyor.**
- Audit of sheriff's accounts.**
- Settlements.**
- Actions for road funds.**
- Suits on official bonds.**
- Fraudulent order misdemeanor.**
- Punishment.**
- Entry on land for construction and material.**
- 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.
- SEC. 8. Said board of road commissioners shall audit the account 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 settlement of the same between said sheriff and treasurer of said board, which settlement shall be spread upon the 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 funds for which any officer may fail to properly account, and may bring suit upon relation of the State of North Carolina against said sheriff and his sureties upon his official bond for any defalcation in the payment of said road funds to said treasurer.
- SEC. 9. Any member of the board of road commissioners or supervisor of Mineral Springs Township who shall make or cause to be made any fraudulent order whereby money is to be obtained out of said township road fund shall be guilty of a misdemeanor, and upon a conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, and upon conviction thereof shall be removed from office.
- SEC. 10. That for the purpose of building, or construction, repairing, or maintaining the public roads of said township, or for constructing ditches or drains for the construction of said public roads 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 dig and maintain any ditches, and cut down and carry away any trees or timber, or remove any

sand, clay, gravel, stone, or other substance 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 roads. If the owner of the lands over which any road is constructed or from which any material is removed or on which any drains or ditches may be caused to empty shall demand compensation therefor and present his claim to the board of road commissioners, it shall be the duty of said board of road commissioners to pass upon and consider the same and to make 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 lands any new road has been located or from which any material may be removed or on which drains shall be made shall claim damages therefor, which the said board shall refuse to pay, such person claiming damages shall, within thirty days after the location of said road or removal of material or making said drains, petition 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 or work thereon, to order a jury of three disinterested freeholders of Mineral Springs Township to be summoned by the Sheriff of Moore County, to be named and designated by said sheriff, qualified to serve as jurors, and the jury so selected shall give three days notice to the landowner and to the board where and when said jury shall meet to assess said damages, and in the consideration thereof it shall be the duty of said jury 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 finding in writing to the board of road commissioners for confirmation or revision: *Provided further*, that a landowner may appeal to the Superior Court of Moore County from the decision of the jury and said board of road commissioners, and upon said appeal the same shall be heard *de novo* in said court.

SEC. 11. For the purpose of funding and paying off the indebtedness of Mineral Springs Township in the county of Moore, State of North Carolina, outstanding and contracted for laying out, making, repairing, improving, grading, and maintaining the public roads of said township, and for the purpose of laying out, making, repairing, grading, maintaining, and improving additional public roads in said township and the roads already built therein, the board of road commissioners of Mineral Springs Township created by this act is authorized and empowered to issue coupon bonds for said Mineral Springs Township, payable to bearer, bearing interest from the date of said bonds at a rate not exceeding six per cent per annum, to the amount of ten thousand dollars, in de-

Claims for compensation.

Proviso: assessment of damages.

Notice to parties.

Proviso: right of appeal.

Purpose of bond issue.

Bond issue authorized.

Interest.

Amount; denominations.

Maturity. nominations of one thousand dollars each, the principal of said bonds to be due and payable, one thousand dollars ten years after date and one thousand dollars each year thereafter. The said bonds and their coupons shall be payable at the office of the treasurer of Mineral Springs Township, at a place named in said bonds, and shall have coupons attached representing the interest on said bonds, which interest shall be payable semiannually on the first days of January and July in each year after the date of said bonds until said bonds are fully paid. Said bonds and their coupons shall be numbered consecutively from one to ten, both inclusive. 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 Mineral Springs 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 "Mineral Springs Township Road Bonds." That a record shall be kept of said bonds by the board of road commissioners of said township, showing the number 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.

Authentication. SEC. 12. That the bonds hereby authorized to be issued shall not be sold for less than their par value, and shall not be delivered to the purchaser thereof until the purchase money therefrom 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 on 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 the 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 be used only for the purpose of funding and paying off the outstanding indebtedness of Mineral Springs Township contracted for laying out, making, repairing, improving, grading, and maintaining the public roads of said township, and for the purpose of laying out, making, repairing, improving, grading, and maintaining additional public roads in said township, and the public roads in said township already built and established: *Provided*, that the purchasers of said bonds shall not be held responsible for the application of said fund.

Entitlement of bonds.
Record of bonds.

Sale below par and delivery before payment forbidden.

Treasurer liable on bond.

Specific appropriation of proceeds.

Proviso: no liability on purchaser.

SEC. 13. That the cost of issuing and selling said bonds shall be paid by the board of road commissioners of said township from the road tax heretofore or hereafter collected in said township for road improvements.

Cost of issue and sale of bonds.

SEC. 14. For the purpose of paying the interest on said bonds

Special tax.

and to create a sinking fund to pay the principal of said bonds at maturity, and to create an additional fund for further laying out, improving, grading, and maintaining the public roads of said township to the extent hereinafter in this section set forth, 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 Mineral Springs 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 Mineral Springs Township. The said taxes

Limit of rate.

so levied and collected shall be applied, for the first five years after the date of the bonds issued under the provisions of this act, first, to the payment of the interest on the bonds as the same shall become due, and the balance for the purpose of laying out, improving, grading, and maintaining the public roads of said township; but the said taxes so levied and collected after the first five years from the date of said bonds issued under the provisions of this act shall be applied, first, to the payment of the interest on the said bonds as the same shall become due, and the balance shall constitute a sinking fund for the payment of the principal of the said bonds at maturity, which fund may be invested by the treasurer of the 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 for the payment of the principal of said bonds when due. 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 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 the purchase added.

Application of tax.

Application after five years.

Investment of sinking fund.

Purchase of bonds.

SEC. 15. That the bonds issued and sold under the provisions of this act shall be and constitute obligations of Mineral Springs Township, and shall be payable only by said township as provided in this act.

Liability for bonds.

SEC. 16. That nothing in this act shall be construed to release the board of commissioners of Moore County from the duty of

Bridges.

building and maintaining all bridges on the public roads of Mineral Springs Township as provided by law.

Further special tax.

SEC. 17. 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, and for the purpose of laying out, improving, grading, and maintaining the public roads of said township as hereinbefore provided, the board of commissioners of Moore County, for the purpose of raising additional sums for the purpose of laying out, establishing, improving, repairing, grading, and maintaining the public roads of Mineral Springs Township, shall annually at the time of levying county and other taxes as provided by law, levy a special tax on all persons and property subject to taxation within the limits of Mineral Springs 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 taxes 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 the same for the purpose for which it was levied and collected only in the manner hereinbefore authorized.

Rate.

Special tax if bonds not issued.

If the board of road commissioners of Mineral Springs Township shall for any reason fail to issue and sell the bonds in the sum of ten thousand dollars authorized by this act, then the board of commissioners of Moore County shall be authorized and directed for the purposes 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.

Rate.

Record of road orders.

SEC. 18. That the board of road commissioners of said township shall keep a record of all orders made upon the treasurer of the said board for the payment and disbursement 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 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, all disbursements on any 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 book of official reports, and shall be posted at three or more public places in said Mineral Springs Township. For all services required to

Annual statement published.

Record of statement.

Fees of register of deeds.

be done under the provisions of this act by the Register of Deeds of Moore County he shall receive the same fees allowed him by law for the recording of deeds.

SEC. 19. That this act shall constitute the road law of Mineral Springs Township upon the ratification of the same, and shall take the place of all previous laws regulating roads in said township. Act to constitute road law.

SEC. 20. 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. Secretary of State to send copy of act.

SEC. 21. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this 24th day of February, A. D. 1913.

CHAPTER 155.

AN ACT SUPPLEMENTAL TO AN ACT AMENDATORY OF CHAPTER 35 OF THE PUBLIC LAWS OF 1895, AND DESIGNATED AS HOUSE BILL No. 569, SENATE BILL No. 464.

The General Assembly of North Carolina do enact:

SECTION 1. That upon said election being carried in the affirmative, the tax to be levied shall not exceed ten cents on the one hundred dollars assessed valuation of property nor more than thirty cents on the poll. Limit of tax rate.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 156.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BEAUFORT COUNTY TO SUBMIT TO THE VOTERS OF THE COUNTY THE QUESTION OF ISSUING BONDS TO MAKE, MAINTAIN, AND IMPROVE THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Beaufort County be and it is hereby empowered to submit to the qualified voters of Beaufort 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 thousand dollars (\$200,000), with interest Election authorized. Amount of bond issue.

Purpose of issue.	coupons attached, the proceeds of which to be used in grading, improving, macadamizing, or otherwise surfacing the public roads
Advertisement of election.	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: <i>Provided</i> , that if a majority of the qualified 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.
Proviso: further elections.	
Law governing elections.	SEC. 2. That any elections 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: <i>Provided, however</i> , 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 county 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: appointment of election officers.	
Count and return of votes.	
Record of result.	
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 Bond 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 Bonds Issue": <i>Provided</i> , said bonds shall not be issued unless a majority of the qualified voters of said county shall have first cast their vote in favor of the issuance thereof.
Proviso: majority of qualified vote.	
Issue of bonds.	SEC. 4. In the event that a majority of the qualified voters 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 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 semiannually during the time the bonds shall run, with the principal payable forty years from this issue.
Denomination.	
Interest.	
Maturity.	
Standard currency.	Said bonds and coupons shall be payable in standard currency of the United States, in the city of Washington, North Carolina, or

such other place as may be designated by board of county commissioners. 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 "Beaufort County Highway Improvement Bonds."

SEC. 5. 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 hereinafter provided for all of said bonds, without the county seal having been affixed to any of them. The good roads commission shall have the power to advertise and sell any or all of said bonds at public sale at such time and place as they may deem best, for the purpose of raising a fund with which to construct 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 Beaufort 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, including accrued interest, 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.

SEC. 6. When any of the bonds provided for in this act are sold, the proceeds of sale shall be turned over to the treasurer of the good roads commission hereinafter provided for, and shall become part of the good roads fund hereinafter provided for. 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 Beaufort, conditioned that he will well and truly receive, account for, and pay over all such of said funds as may come into his hands, the penal sum of said bond to be equal to the greatest amount which may at any time come into his hands during the

Authentication.

Entitlement.

Bonds turned over to road commission.

Sale of bonds.

Payment of expense.

Seal affixed on sale of bonds.

Sale below par forbidden.

Specific appropriation.

Proviso: no liability of purchasers.

Record of bonds.

Record open for inspection.

Proceeds to treasurer of road fund.

Treasurer to give bond.

- succeeding year, which said bond shall be passed upon and received by the said good roads commission if the same is satisfactory to it: *Provided*, the said good roads commission from the said good roads funds shall pay the premium on the said bond.
- Proviso; premium for bond. All orders directed to the treasurer for 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 the said good roads commission.
- Orders on road fund.
- Road tax. Sec. 7. In case the election shall be in favor of issuing bonds as aforesaid, the board of county commissioners of Beaufort County shall, on the first Monday of June following said election, and annually thereafter, levy a separate road tax for said county of Beaufort, as follows:
- Property tax. (1st) On all real and personal property in the said county on which the said board of commissioners are now or may hereafter be authorized to levy taxes for general county purposes, not more than twenty cents on each one hundred dollars worth of said property.
- Poll tax. (2d) On each poll in said county on which said board of commissioners are now or shall hereafter be authorized to levy poll tax for general county purposes, not to exceed sixty cents on each of said polls.
- Rate recommended by road commission. Constitutional equation. Collection. Settlement. The said taxes shall be as recommended by the board of road commissioners, and in levying the same the constitutional equation shall at all times be observed. The taxes so levied shall be collected as all other taxes, and at the same time. The Sheriff of Beaufort County shall pay over said taxes to the Treasurer of Beaufort County on or before the first Monday in March of the year following their levy. The Treasurer of Beaufort County shall keep such taxes separate from all other taxes, and same shall be known as the good roads fund. The said taxes shall be used for the following purposes, in the following order, viz.:
- Taxes kept separate.
- Use of taxes.
- Interest. (1) For the payment of such interest as may accrue on the bonds issued by virtue of this act.
- Sinking fund. (2) For the creation of a sinking fund adequate for the redemption of the bonds issued by virtue of this act.
- Road fund. (3) For the maintenance of roads constructed or improved by virtue of this act, and for the maintenance of all other public roads in Beaufort County.
- Payments on interest account. The Treasurer of Beaufort County is hereby directed to pay the interest that shall accrue on the bonds issued by virtue of this act to the lawful holder or holders of said bonds, upon surrender of interest coupons thereto attached. The Treasurer of Beaufort County is hereby directed to pay the part of said fund set apart for the construction and maintenance of roads upon the order of the good roads commission as herein provided for.
- Payment to road fund.
- Sinking fund. Sec. 8. The good roads commission shall designate the amount to be set apart for a sinking fund for the redemption of the said

bonds, and shall certify the same to the Treasurer of Beaufort County annually. The good roads commission shall have charge of the management and investment of the said sinking fund. The Treasurer of Beaufort County and *ex officio* treasurer of the good roads fund shall handle the same under the direction of the good roads commission, without any additional compensation therefor. The good roads commission shall direct the said treasurer to deposit the said sinking fund in a bank or banks, to be designated by the said good roads commission, upon the highest rates of interest that can legally be obtained, compounded as often as will be allowed, until the said fund shall amount to as much as ten thousand dollars (\$10,000). When the said fund shall amount to said amount, the good roads commission shall have the right, in their discretion, to continue to deposit the said funds as aforesaid, or they may invest the same in legally authorized and issued State of North Carolina bonds, or bonds of municipalities in North Carolina, or bonds of counties in North Carolina. The said bonds, if purchased by the good roads commission, shall be paid for by the treasurer, upon order of the good roads commission. The said bonds, if purchased, shall be kept in such place as may be designated by the good roads commission, and, subject to such rules as they shall make with reference to the keeping thereof, shall be kept by the said treasurer. All of such sinking fund shall be exempt from all State, county, and municipal taxes, including herein all such securities as may be purchased as aforesaid. The treasurer shall publish annually a statement, in some newspaper in said county, giving his account with the said fund, and describing all securities held by him.

Management and investment of sinking fund. No additional pay to treasurer.

Deposit of sinking fund.

Investments allowed.

Exemption from taxation.

Statements published annually.

Sec. 9. If any act or acts shall be passed at this or any subsequent session of the General Assembly authorizing the State to loan money to counties to aid in the building or improving public roads, taking county bonds as collateral for such loan, then the board of county commissioners of Beaufort County are hereby authorized and empowered to avail themselves of the privileges of any such act or acts.

Acceptance of State loan authorized.

Sec. 10. The board of county commissioners of Beaufort County shall, at its regular meeting next following the adoption of this act by the voters in Beaufort County, in the event the election shall be in favor of issuing bonds as hereby authorized, elect seven qualified voters of said county to be known as "The Good Roads Commission of Beaufort County," one of said number to come from each township in Beaufort County, and one to be selected from the county at large. The board of county commissioners shall place the names of those elected in a box, and there shall be drawn therefrom, one at a time, the names of the first two commissioners drawn shall be elected for a term of two years, the names of the next two commissioners drawn shall be elected for a term of four years, the names of the next three commissioners

The good roads commission of Beaufort County.

Terms of office.

Vacancies.	drawn shall be elected for a term of six years; all to hold office until their successors are elected and qualified; at the expiration of said terms their successors to be likewise elected for a term of six years. The said board of county commissioners shall fill all vacancies caused by death, resignation, or failure to qualify,
Proviso: residence.	or from any other cause, for the unexpired term: <i>Provided</i> , that when any vacancy occurs the successor in office shall be elected from the township in which the commissioner resided by reason of whom the vacancy occurred, unless such vacancy occurs in the office of the commissioner at large, which vacancy shall be filled from the county at large. As soon as practicable after the 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 of their members a chairman and a secretary. The Treasurer of Beaufort County shall be <i>ex officio</i> treasurer of the good roads commission, but shall receive no compensation therefor except such salary as is now or shall hereafter be allowed him as Treasurer of Beaufort County. 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 is now or shall be hereafter paid county commissioners: <i>Provided</i> , they shall not be paid for more than twenty-four days in the year.
Commissioners to qualify.	
Organization.	
Treasurer <i>ex officio</i> .	
Pay of commissioners.	
Proviso: limit.	
Road engineer.	<p>SEC. 11. In order that the road work may be properly and economically carried on, the good roads commission is expressly authorized and instructed to employ a competent road engineer, at a salary to be fixed by it and to be paid out of the road fund as provided in this act: <i>Provided</i>, that the road commissioners are authorized, if proper arrangements can be made, to hire jointly with another county the services of the road engineer, or to employ the road engineer for such part of his time as they deem it necessary to give proper supervision to the work: and <i>Provided further</i>, that if the State furnishes to the counties engineering assistance and supervision of their road work, that the acceptance of such service from the State by the good roads commission shall be considered as fulfilling the requirements by the commissioners of this section. The highway engineer shall advise the good roads commissioners regarding the road work, supervise the making of plans and specifications for the work, and have general supervision of all road work, and he is expressly authorized to give instructions to the highway superintendent hereinafter provided.</p>
Proviso: coöperation in hiring engineer.	
Proviso: service from State.	
Duties of engineer.	
Election and compensation of highway superintendent.	<p>SEC. 12. Before proceeding with the road work of Beaufort County, the good roads commission shall elect by ballot a competent highway superintendent of the county of Beaufort and fix his compensation. The result of said election shall be declared and recorded in the proceedings of said good roads commission. The person so elected shall take and subscribe an oath for the faithful performance of his duties as such highway superintendent, and shall execute an official bond in the sum of two thousand five hun-</p>
Superintendent to qualify and give bond.	

dred dollars for the faithful performance of his duties, and for the accounting of 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 or by the highway engineer, and shall have such authority and perform such duties as may be from time to time determined by said good roads commission, except as otherwise provided in this act.

SEC. 13. The highway superintendent shall appoint, and with the approval of the good roads commission, road supervisors for Beaufort County, and shall designate with exactness the roads to be under the supervision of each supervisor. Said supervisor shall have charge of the road assigned to him, but shall be at all times subject to the authority of the highway engineer and highway superintendent, and shall carry out their instructions as to methods of maintenance of the road assigned to them. The duties of the said supervisors shall be such as is from time to time prescribed by the good roads commission and the highway superintendent; said road supervisors may be discharged at any time, for cause, by the highway superintendent. The compensation for the said road supervisors shall be fixed by the highway commission. The good roads commission shall have power and authority, as in their discretion may seem best, to open new highways, widen and straighten old roads, and are hereby given authority to enter upon lands in Beaufort County for the purpose of making surveys necessary to determine the expediency of doing such acts. Before doing any work or construction, except for the surveys, the said board shall give to the landowner over whose land the proposed new road or change of road may run, at least five days notice in writing of the 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 lives. If the landowner be a nonresident or cannot be found within the county, such notice shall be mailed to his last known address, or, if his address is unknown, published in some newspaper in Beaufort County once a week for two weeks before the hearing. If the good roads 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 good roads commission shall be subject to review by appeal to the Superior Court. 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.

Term of office.

Removal for cause.

Work directed by road commission or engineer.

Authority and duties.

Supervisors.

Supervisor subject to authority of engineer and superintendent.

Duties of supervisors.

Discharge for cause. Compensation.

Power to establish and alter roads.

Entry on land for surveys.

Notice to landowners.

Order for condemnation of land.

Order subject to review.

Land to be condemned.

- 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 shall make claim on said commission for damages, and shall be unable to agree with the commission as to the amount thereof, he shall file with the Clerk of the Superior Court of Beaufort County his petition, asking for the assessment thereof, five days notice of which shall be given to the chairman of the good roads 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 of their meeting; but if said jury fail to so meet, they shall meet at such other time as they may fix by giving ten days notice in writing to the chairman of the good roads commission and the landowner. The jurors, after being duly sworn, shall ascertain the amount of damages of the landowner, and after deducting therefrom the special benefits that the landowner will receive by reason of the said road, shall award the excess, if any, of damages over benefits to be paid by the good roads commission. Either the good roads commission or the landowner may appeal to the Superior Court within ten days from the filing of the report or award of the said jury with the clerk of the Superior Court.
- Assessment of damages.
- Right of appeal.
- Specifications for roads. SEC. 15. The highways in said county constructed or improved under this act shall have a right of way of not less than forty feet, except where the good roads commission deem it impracticable to acquire such width, and in such cases the width shall be at least twenty-five feet, of which not less than twenty feet shall be free of logs, stumps, rocks, and drains, except where ledges of rock are encountered or where the width is considered impracticable by the engineer. The alignment of the road shall be as straight as practicable and with no grade over four and one-half per cent, except as such grade is considered impracticable by the road engineer.
- Alignment and grades.
- Chain-gang. SEC. 16. The good roads commission shall have the right to use the Beaufort County chain-gang, created by chapter one hundred and eighty-three of the Public Laws of one thousand nine hundred and seven, entitled "An act to authorize the board of county commissioners of Beaufort County to establish a chain-gang." The said chain-gang shall be turned over to the good roads commission for work in constructing, maintaining, and improving the public roads of Beaufort County, under the direction of the road engineer and highway superintendent, whenever the said chain-gang shall be called for by the good roads commission. The good roads commission, out of the good roads fund, shall pay all expenses of the said chain-gang during such times as the same shall be in its charge, including expenses of guards, feeding and clothing the prisoners, transportation of the same, and all other expenses
- Work of chain-gang.
- Maintenance.

thereof. Whenever said chain-gang is not so required by the good roads commission, the board of county commissioners shall have the right to hire out the said chain-gang, or parts thereof, to any person, firm, or corporation, to be worked in the said county of Beaufort, but not elsewhere, and the revenue derived therefrom to be applied on the expenses of maintaining said chain-gang, and the balance to be paid into the treasury of Beaufort County, to be held according to law.

Use by county.

SEC. 17. The term highway shall be understood to mean all public roads where the county owns and controls the right of way.

Highway defined.

SEC. 18. 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 good roads fund provided for by this act.

Expense of meetings.

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 good roads 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.

Fraudulent orders felony.

Punishment.

SEC. 20. The treasurer of the good roads commission shall, on the first Monday of each January, post on the courthouse door of said county an itemized statement showing in full an account of his receipts and disbursements for the previous year; and the good roads commission shall require him to account to them quarterly in each year for the said good roads fund; and it may require, as often as is 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.

Itemized statements posted annually.

Quarterly accounts.

Reports from officers and employees.

SEC. 21. 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 commissioners removable for cause.

SEC. 22. Any moneys that are raised by special tax or a bond issue or in any other manner whatsoever by the county officials of Beaufort County, for the construction or improvement, or repair, or maintenance of the public roads of Beaufort County, shall become a part of what is herewith designated as the good roads fund, which shall be in the custody of the treasurer of the good roads commission, to be drawn upon as directed by the good roads commission.

Moneys to use of road fund.

SEC. 23. The good roads commission is herewith authorized to use the good roads fund provided for in section thirteen to construct and improve and repair and maintain the public highways in Beaufort County, and may purchase for such work the necessary tools, machinery, implements, and stock: *Provided*, that no such purchase shall be made until the order for same has been approved either by the highway engineer or the highway superin-

Use of road fund.

Purchase of tools and stock.

Proviso: approval of purchase.

Overseers, supervisors, foremen, and laborers.

Work let to contract.

Application of act.

Richland Township.

Alternative repeal.

tendent, or both if this is deemed advisable by the good roads commission. The good roads commission is also authorized to employ overseers, supervisors, foremen, and laborers as it may be necessary for carrying out the purposes of this act, and to pay for the hiring of such out of the good roads fund. The good roads commission is also authorized to let out any of the road work on contract when in the opinion of the highway engineer and highway superintendent this is more economical for the county.

SEC. 24. This act shall apply to the whole of Beaufort County. This act is not intended to repeal the special road law for Richland Township passed at this session of the General Assembly. In the event the election hereinbefore provided for shall be in favor of the adoption of this act, then chapter four hundred and twenty-four of the Public-Local Laws of one thousand nine hundred and eleven, entitled "An act for the improvement of the public roads of Beaufort County," shall be repealed as soon as the board of county commissioners shall elect the aforesaid good roads commission. But if said election shall be against the adoption of this act, then the said chapter four hundred and twenty-four, Public-Local Laws of one thousand nine hundred and eleven, shall remain in full force and effect. That except as herein otherwise specified, all laws in conflict herewith shall be repealed in the event the said election shall be in favor of the adoption of this act; otherwise, to remain as they are at the present time.

SEC. 25. This act shall be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1913.

CHAPTER 157.

AN ACT TO AUTHORIZE No. 5 TOWNSHIP, CLEVELAND COUNTY, TO ISSUE BONDS AND IMPROVE THE HIGHWAYS THEREIN.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. For the purpose of building, grading, macadamizing, or otherwise improving the roads of Number Five Township, in Cleveland County, the board of commissioners of said county is hereby authorized, empowered, and directed to issue bonds of said township to an amount not exceeding fifty thousand dollars (\$50,000), in denominations not exceeding one thousand dollars (\$1,000), bearing interest from the date thereof at not exceeding the rate of six (6) per cent per annum, with interest coupons attached, payable semiannually 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 at such time or times, not exceeding

Amount.

Denominations.

Interest.

Maturity.

fifty 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 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. In the event the board of commissioners shall sell all of said bonds at one time, or in greater amounts than is necessary for the ordinary operating expenses, then all of the excess of the money received from the sale of said bonds pending its use for road purposes shall be placed on interest, the said interest to be collected and applied to the principal fund for the purpose of carrying out the provisions of this act, and shall be used in the same manner as the principal fund is used.

Division into series.

Proviso: sale below par forbidden.

Interest on surplus.

SEC. 2. Such bonds shall be numbered, and shall be signed by the chairman of the 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 coupons, and shall be executed by the signing of the chairman of the board of commissioners and treasurer of said county, or by their lithographic signatures engraved or printed thereon.

Authentication.

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 township, and to whom, amount and date of sale and the issuing of each bond and its number.

Record of bonds.

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, and establish, alter, repair, and maintain the public roads and highways of Number Five Township in Cleveland County, in good condition, the board of commissioners of the county of Cleveland, or other authorities vested with the power of levying taxes for said county, shall annually compute and levy, at the time of levying taxes for other county purposes, a sufficient tax on all polls, all real estate and personal property, and all other subjects of taxation in said township 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 Number Five 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 sixty cents upon the hundred dollars of property and one dollar and eighty 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 purposes of this act, such

Special tax.

Constitutional equation.

Proviso: limit of rate.

Proviso: sinking fund.

sums of money remaining after the interest on said bonds have been paid.

Taxes kept separate.
Specific application.

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 they were collected, except as specified in section four of this act.

Investment of sinking fund.

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 the special tax herein provided for sinking fund, in the purchase of any said bonds, at a price deemed advantageous to said township by the said board of commissioners and to be agreed upon by them and the owners thereof. But in case said township bonds cannot 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 township, 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 the 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.

Alternative investments.

Road fund.

SEC. 7. That the money received from the sale of said bonds 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 the 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 improved road-working machinery, to repair, survey, lay out, grade, macadamize, improve, and maintain the public roads in said township, either by contract or employing laborers, and for the purpose of carrying out the general provisions of this act.

Use of road fund.

Election on bond issue.

SEC. 8. For the purpose of ascertaining the wishes of the voters in Number Five Township, Cleveland County, upon the question of issuing said bonds and improving the roads of said township, as provided for in this act, an election shall be held in said township on the fifth day of April, one thousand nine hundred and thirteen. At said election all voters in Number Five Township 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 Number Five Township, Cleveland County, who vote at said election shall vote "For Good Roads," 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

Date for election.

Tickets.

Effect of election.

Law governing election.

registrars paid, and the result decided in the manner and form provided for 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, 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 said election fail to vote "For Good Roads," then the provisions of this act shall be inoperative.

Returns.

Canvass of returns.

Act inoperative.

SEC. 9. The road laws now existing and in force in Number Five Township shall cease to be in force and effect on January first next after said election is held if this act shall be adopted, except as hereinafter provided. In the event said bonds are voted, no free labor shall be required of any of the citizens of the said Number Five Township on and after January first next following the adoption of the provisions of this act.

Present road laws repealed.

Free labor abolished.

SEC. 10. At the same time the foregoing election is held the electors shall vote for three citizens and taxpayers of Number Five Township, and not more than two of whom shall be of the same political party, and the three citizens and taxpayers who receive the majority of the votes cast at said election shall be declared elected as members of said highway commission of Number Five Township, and the three citizens and taxpayers who receive the majority of votes cast at said election shall be declared as members of said highway commission by the board of commissioners of Cleveland County, and the election board in the respective precincts in Number Five Township shall certify the votes for members of highway commission and deliver the same to the board of commissioners of Cleveland County in the same manner and at the same time that the vote of the bond issue is certified and delivered, and the three citizens and taxpayers receiving the majority of the votes cast at said election, and when declared elected by the board of commissioners of Cleveland County, shall

Election of highway commission.

Returns and canvass.

serve for a period of two years and until their successors are elected and qualified, and their successors shall be elected at the next general election held in Cleveland County, and be elected in the same manner in which justices of the peace are elected, and their names shall appear on the tickets prepared for justices of the peace and constables. Upon being declared elected highway commissioners as above provided, the said members as elected shall file with the board of county commissioners of Cleveland County a bond with sufficient sureties in the sum of three thousand dollars (\$3,000) for the faithful performance of their duties as prescribed in this act, and said bond shall be filed before they enter upon the discharge of any of their duties under this act; and at the same time said bond is filed they shall take and subscribe an oath for the faithful performance of their duties; and

Term of office.

Election of successors.

Commissioners to give bond.

Commissioners to qualify.

Official title.	when thus qualified, the said three citizens and taxpayers so elected shall be known, designated, and styled the Highway Commission of Number Five Township, Cleveland County. They shall
Compensation.	each receive for their services three dollars (\$3) per day during the time they are actually employed in the discharge of their
Expenses.	duties assigned to them by this act. They shall be allowed all necessary expenses for postage, stationery, attorney's fees, and for
Organization.	such other additional expenses as may be incurred by them in the discharge of their duties. The three men so elected shall meet
Election null.	within ten days of their election and elect one chairman and one secretary of said highway commission, and the chairman and secretary shall certify to the board of county commissioners the names of the said chairman and secretary of highway commission so elected. In the event that the majority of the electors voting at said election should vote "Against Good Roads," then the election of the highway commissioners as herein prescribed shall be null and void and shall be inoperative.
Commission incorporated. Corporate powers.	<p>SEC. 11. The highway commission of Number Five Township 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 tax 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; and before entering upon the discharge of their duties under this act, each of them 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 Cleveland County, in the sum of three thousand dollars (\$3,000) for the faithful</p>
Oath and bond.	<p>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 Number Five Township full and complete control of the roads and highways of Number Five Township, and said commissioners shall loan the highway commission of Number Five Township the road machinery and road 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.</p>
Roads to be turned over to commission.	<p>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 work of surveying, laying out the roads, and constructing and building same, and said commission shall have the</p>
Loan of machinery and implements.	
Road superintendent or engineer.	

roads of Number Five 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 lands taken for the same, the highway commission, through its agents or employees, is 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 cannot agree as 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 lands 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 is 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 the township.

SEC. 13. That the said 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 bond 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

Entry on lands.

Assessment of damages.

Proviso: notice to landowners.

Proviso: right of appeal.

Injunction forbidden.

Work let to contract.

Sale of bonds.

Disbursement of proceeds.

Orders.

Separate accounts.

Treasurer liable on bond.

No compensation to officers.

Officers liable on bond.

for the faithful accounting of the taxes collected by him under this act, and the sheriff or tax collector shall collect said taxes.

Right to sue and be sued. SEC. 14. That said highway commission herein created shall have 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.

Powers under general laws. SEC. 15. The highway commission of Number Five 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 Number Five Township, except to require free labor of its citizens. Wherever roads are

Entry on land for material. opened, created, surveyed, or constructed, said highway commission shall have the power to enter upon the lands in said township and take therefrom sand, clay, gravel, rock, or any other substance needed in the making of said roads, and where roads

Timber cut for benefit of 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

Proviso: limit. 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

Assessment of damages. sustained by the landowner, either from taking 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 cannot agree as to

Proviso: timber property of landowner. damages: and *Provided further,* that wherever any timber is cut, said timber shall remain the property of the landowner. Said

Width, grade, and location of roads. highway commission shall have the power and authority to determine the width, grade, and location of roads in said township.

Bridges. The said highway commission is authorized, where the public roads cross a branch, creek, or river, to erect and construct there-

Proviso: payment for bridges. over, or have erected and constructed thereover, such bridges as in their judgment may be necessary: *Provided,* that the cost of

same shall be paid by the board of county commissioners out of such funds as may be collected by them in said township for bridge purposes.

Cartways. SEC. 15. That the general law shall obtain as to the granting of cartways in Number Five Township, and the applicant for a cartway shall proceed in the same manner and under the same rules and regulations as if the bill had not been passed.

Appointment of election officers. SEC. 16. That the board of commissioners of Cleveland County, at the first meeting following the passage of this act, shall appoint the registrars and judges for the election precincts in Number

Five Township, and cause notice to be published in a newspaper published in Cleveland County once a week for four successive weeks, giving the names of the registrars and judges of election for the precincts in said township, and giving the date of election and the purpose for which said election is to be held.

Publication of notice.

SEC. 17. In the event that this act shall be adopted, and the bonds voted at the election herein provided for, then the purpose of this act is to give the exclusive management and control of the public roads of Number Five Township to the highway commission of Number Five Township, and to invest it with full power to do all the things necessary to be done in the furtherance of the provisions of this act.

Purpose of act.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 158.

AN ACT TO AMEND CHAPTER 220 OF THE PUBLIC LAWS OF 1909, ENTITLED "AN ACT TO PROVIDE FOR LEVYING A SPECIAL TAX FOR PUBLIC ROADS IN MITCHELL COUNTY, AND FOR OTHER PURPOSES."

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter two hundred and twenty of the Public Laws of nineteen hundred and nine be and the same is hereby amended by striking out in line eighteen, between the words "of" and "per day," the words "one dollar," and inserting in lieu thereof the words "seventy-five cents," and by striking out the word "four," between the words "the" and "dollars," in line nineteen of said section and chapter, and insert in lieu thereof the word "three."

Road duty.

SEC. 2. That section six of said chapter be and is hereby amended by adding after the word "substitute," in line two thereof, the words "between the ages of twenty and forty-five years of age."

Age of substitute.

SEC. 3. That section fourteen of said chapter be and the same is hereby amended by adding after the word "contract," in line six thereof, the following: "*Provided*, the total cost for said inspection shall not exceed eighteen dollars in any one year."

Proviso: cost of inspection.

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

SEC. 5. That this act shall apply to Mitchell County only.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 159.

AN ACT TO PROVIDE FOR A FOOTPATH ALONGSIDE OF THE PUBLIC ROADS IN ROCKINGHAM COUNTY FOR THE BENEFIT OF SCHOOL CHILDREN AND THE TRAVELING PUBLIC.

The General Assembly of North Carolina do enact:

Complaint by patron of school.

Investigation by school committee.

Location of footpath.

Location by county supervisor.

Damages.

Improving footpath.

Fine for riding on or damaging footpath.

SECTION 1. That there may be a footpath located alongside of any public road in any school district in Rockingham County. When any patron of a school makes complaint to any member of the school committee of his district of the need of a footpath, then it shall be the duty of two of the school committee to investigate the matter, and if found needful, they shall locate a footpath not to exceed four feet in width near bank of road on most suitable side. If there should be any objection made by the owner or owners of the land over which the footpath is to be located, then they shall stop and notify the county roads supervisor, whose duty it shall be to locate a footpath at his earliest convenience, and he shall be vested with the same power as he is in locating the public roads under the general road law, Public Acts of one thousand eight hundred and ninety-nine, chapter five hundred and eighty-one, and any person claiming damages shall have the same recourse as relates to the recovery of damages for locating public roads.

SEC. 2. That the patrons of any school shall have authority to improve the footpaths after they have been located, by placing stepping-stones, planks or slabs, or by filling in with dirt or gravel on cleared or cultivated land, and by trimming and cutting undergrowth or brush through timbered land.

SEC. 3. That any person riding on horseback on any footpath, or in any way damaging the same, shall upon conviction thereof be fined not less than one nor more than five dollars for each offense.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 160.

AN ACT TO PROVIDE FOR THE WORKING OF ROADS IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Appointment of civil engineer.

SECTION 1. The board of county commissioners of the county of Granville may appoint a competent civil engineer experienced in the construction and maintenance of improved roads for such terms

and at such compensation as the said board may determine, who shall be known and designated as the county road engineer, whose duties shall be to lay out, locate, relocate, change, grade, or otherwise alter any of the public roads of said county; to prepare plans and estimates of the cost of constructing permanent improved roads; to supervise all constructive work that shall be done by contract; to have general superintendence, under the supervision of the board of commissioners, of the convict force of the county; and to supervise and direct the working of the roads in the several townships by the road overseers of the county; and said engineer shall perform such other duties and make such reports as the board of commissioners may require.

SEC. 2. The said board of county commissioners is hereby authorized, when in its judgment the best interests of the county will be promoted, to let by contract the building and maintaining of any section or portion of any public road in the county.

SEC. 3. The board of county commissioners shall appoint, with power at any time to remove or discontinue, such foreman, guards, or other employees as may be needed to properly take care of and work the convict force.

SEC. 4. That all prisoners confined in the county jail under a final sentence of the court for crime, or imprisoned for nonpayment of costs or fine, or under final judgment in cases in bastardy, or under the vagrant act, or all insolvents who shall be imprisoned by any court in said county for nonpayment of costs, and all persons who would otherwise be 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 Granville County: *Provided*, that in the case the number of persons at any time be less than ten, the commissioners may arrange with the commissioners of any neighboring county or counties for such exchange of prisoners during alternate months or years as will enable each cooperating county to thereby increase the number of prisoners at work on the public roads at any given time; and upon application of the chairman of the board of county commissioners of said county, the judges of the Superior and criminal courts, the justices of the peace, and the principal officers of any municipal or other inferior courts residing in any other county or counties which do not otherwise provide for the working of their own convicts upon their own public roads, shall sentence such able-bodied male prisoners to work on the public roads of Granville County; and the costs of transporting, guarding, and maintaining such prisoners as may be sent to Granville County shall be paid by said county out of the road fund: *Provided*, that in case of a serious physical disability, certified by the county physician, such prisoners may be sentenced to the State's Prison or the county jail: *Provided further*, that the commutations now allowed by law for good behavior of prisoners in the State's Prison shall apply to prisoners worked on the roads of said county.

Official title.
Duties.

Roads may be let to contract.

Foremen, guards, and employees.

Prisoners to be worked on roads.

Proviso: exchange with other counties.

Prisoners sentenced from other counties.

Transportation, guarding, and maintenance.

Proviso: prisoners under physical disability.

Proviso: commutation for good behavior.

Election of supervisor.	<p>SEC. 5. That on the first Monday of March in the year one thousand nine hundred and thirteen, and on the first Monday in January of each and every year thereafter, the board of county commissioners shall appoint three discreet persons for each township in the county, who shall constitute and be known as the board of supervisors of their respective townships. Immediate notice of their appointment shall issue to each person so appointed, and the persons so appointed shall meet within their respective townships at such time and place as the board of county commissioners shall designate, and shall organize by electing a chairman and secretary. Said supervisors shall then proceed to divide the public roads of their townships into convenient sections, and appoint overseers over each section, and assign the able-bodied male persons living on said section to the sections of road on or nearest which they reside. And said supervisors shall make written report of their actions to the next meeting of the board of county commissioners.</p>
Notice of appointment.	
Organization. Division of roads into sections. Overseers. Allotment of hands.	
Report.	
Road duty.	<p>SEC. 6. That all able-bodied male persons in the county of Granville between the ages of twenty-one 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 township supervisor: <i>Provided</i>, that each person who is subject to road duty shall be given at least two days notice by the overseer 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. The overseer may exchange personal labor for use of horse or tools, making due report thereof to the supervisors: <i>Provided further</i>, 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 overseer, respond to such notice with reasonable promptness for the purpose of doing whatever work may be necessary to repair the road: <i>Provided further</i>, that any person may, in lieu of working four days on the public roads, pay to the secretary of the board of supervisors on or before the first day of April of each year four dollars, or he may pay two dollars on or before the first day of April in lieu of working two days, and two dollars on or before the first day of October in lieu of working two days. It shall be the duty of the secretary of board of supervisors to issue a receipt to the person so paying, stating the amount and purpose of same, and shall report to the supervisor and faithfully account for same. All money paid under this provision shall be faithfully expended on the section of road</p>
Day's work.	
Proviso: warning.	
Teams and tools.	
Proviso: emergency work.	
Proviso: commutation for road work.	
Appropriation of commutation.	

to which the person so paying has been assigned, and shall be used for no other purpose whatever; and any secretary or supervisor failing to make report of moneys received, and any secretary or other person receiving money under this provision who shall fail or refuse to account for same, shall be guilty of a misdemeanor: *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.

Failure to account
misdemeanor.

Proviso: propor-
tional work.

SEC. 7. That any person who shall, after being duly notified as provided in section six of this act, fail to appear and work as required to do after having failed to pay the money in lieu thereof, or any person who shall appear as notified and fail or refuse to perform good and reasonable labor as required by the overseer, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than three nor more than ten dollars, or sentenced to work on the public roads of the county for not less than ten nor more than thirty days; and it shall be the duty of the overseer to make complaint to some justice of the peace of any violation of this section, and apply for a warrant for the offender.

Failure to appear
and work a mis-
demeanor.

Punishment.

Overseer to apply
for warrants.

SEC. 8. That any person appointed overseer who shall refuse to serve, unless by leave of the board of county commissioners, shall be guilty of a misdemeanor; and every overseer who shall fail to perform any of the duties imposed by this act shall be guilty of a misdemeanor; and it shall be the duty of the board of county commissioners to report the names of all overseers who fail to discharge their duties, as prescribed in this act, to the solicitor.

Refusal to serve
as overseer misde-
meanor.

Failure to perform
duty a misde-
meanor.

Report to solicitors.

SEC. 9. That no person shall be compelled to accept the position of overseer who is not liable to road duty, and every person appointed overseer shall be required to serve as such for at least one year. Overseers may resign after the expiration of one year, provided their road shall be in good condition, and the road engineer shall so find; and any overseer so resigning and whose resignation has been accepted by the supervisors shall not without his consent be again appointed overseer until after the expiration of one year from the date of his resignation.

Exemption.

Terms of over-
seers.

Condition of
resignation.

SEC. 10. That every section of roads designated by the supervisors 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 supervisors; and every overseer shall on the last Saturday in November of each year make a written report to the supervisors of the number of days worked on each section during the year, 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 have paid the money in lieu of working as provided in this act.

Road work pre-
scribed.

Reports of over-
seers.

- Annual reports of supervisors. SEC. 11. The board of supervisors of each township shall make written report to the board of county commissioners and transmit the report of the overseers on the first Monday in December of each year.
- Footways and hand-rails. SEC. 12. Every overseer of the public roads, when the county commissioners 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 that may cross the section of the public roads allotted to him, and, when so directed, he shall also erect and keep in repair hand-rails on each side of all hollow bridges situated on his section of the public roads.
- Pay of overseers and supervisors. SEC. 13. That every overseer shall be paid out of the road fund three dollars per year for his services under this act, and each member of the board of supervisors shall be paid out of said funds the sum of one dollar and a half for each day actually in session, not exceeding three in any year, and mileage at the rate of five cents per mile traveling to and from the place of meeting and in reporting to the county commissioners.
- Public roads defined. SEC. 14. That all roads laid out or opened by virtue of any act of the General Assembly, or pursuant to any order of court, or by resolution of the board of commissioners of Granville County, are hereby declared to be public roads, and the board of county commissioners shall have full power and authority to order the laying out and opening of public roads where necessary, and to appoint where bridges shall be built, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful and convenient to the traveling public. All public roads of the county shall be at least thirty feet wide, with authority to the commissioners to widen any road in the county not exceeding sixty feet in width.
- Powers of county commissioners. SEC. 15. That for the purpose of carrying out the provisions of this act the county road engineer and the overseers are authorized to enter upon any lands near to or adjoining any public roads, to cut and carry away timber (except trees or groves on improved lands, planted or left for ornament or shade), to dig or cause to be dug 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 drains or ditches through the same as they may deem necessary for the betterment of the roads, and to cut such trees outside of the right of way as may shade the roadbed, except fruit trees or ornamental shade trees, doing as little injury to said lands or the timber or the 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 water-course or waste ground, and shall be kept open by the said road engineer or overseer; and it shall be unlawful for any person to obstruct any ditch or drain on the public roads in said county, or to plow fur-
- Specifications for roads.
- Entry on land for material.
- Drains and ditches.
- Power to cut trees.
- Obstructing drains or ditches a misdemeanor.

rows across the ditches. Any person so offending shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and it shall be the duty of the county road engineer to have a warrant issued by some justice of the peace in said county against any person guilty of said offense.

Punishment.

Engineer to swear out warrant.

SEC. 16. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, gravel, sand, soil, clay, or stone has been taken, shall present an account for the same, through the county road engineer, at any regular meeting of the board of county commissioners within ninety days after the taking and carrying away of such timber, gravel, sand, soil, clay, or stone, it shall be the duty of the said commissioners to pay for the same a fair price; and before deciding upon this, they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county commissioners, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their award of damages, which award shall be binding upon the party claiming damages and upon the county.

Payment of damages.

Arbitration.

SEC. 17. That when any person or persons on whose land any new road or part of the road is located claims damage therefor, and within sixty days after the change in the road is ordered petitions the board of county commissioners for a jury to assess the damages, the said board of commissioners, within not less than fifteen nor 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 other officer as provided by law, who shall give said landowners or their local representatives forty-eight hours notice of the time and place when and where said jury will meet to assess the damages; and said jury, being first duly sworn, in considering the question of damages, shall take into consideration the benefits 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 said jury shall report in writing its findings to the board of county commissioners for confirmation or revision: *Provided*, that if said landowner be a non-resident of the county and have no local representative in said county, it shall be deemed sufficient service of said notice for said sheriff or other officer 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 postoffice 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 courthouse door of said county: *Provided further*, that damages, if any, shall be paid out of the road fund of the county.

Assessment of damages for location.

Proviso: notice to nonresident landowners.

SEC. 18. That in case the landowner or his local representative shall be dissatisfied with the finding of the jury provided for in

Right of appeal.

- the preceding section, and with the decision of the county commissioners, he may appeal from the finding of the jury, and the decision of the county commissioners to the Superior Court of the county, and all such appeals shall be governed by the law regulating appeals from courts of justices of the peace, and the same shall be heard *de novo*; but the judge may in his discretion require the landowner to give bond when the case is taken by appeal to the Superior Court.
- Bond on appeal. SEC. 19. That the words "roads" and "public roads" used in this act shall include any and all bridges in the county.
- Injuring sign-board or mile-post misdemeanor. Punishment. SEC. 20. Any person injuring a signboard or mile-post shall be guilty of a misdemeanor, and upon conviction shall be fined ten dollars.
- Appointment of road walkers. Duty. SEC. 21. The board of county commissioners may appoint road walkers or inspectors, whose duty it shall be to travel the section of roads assigned to each at designated times with such tools as may be necessary to remove leaves, stones, or other obstructions from the roadbeds or ditches, which are likely to cause mudholes or do other damage, and shall fill the holes with sand or rocks, or causeway them so as to cover them. Each road walker shall receive such pay as the board of commissioners may stipulate.
- Pay of road walkers. SEC. 22. Any person cutting a ditch across any public road for private advantage shall keep the same covered in a substantial manner, subject to the approval of the supervisors. Any person failing to keep said ditch so covered shall be guilty of a misdemeanor, and upon conviction shall be fined for each offense not more than fifty dollars or imprisoned not more than thirty days.
- Ditches across roads covered. Failure a misdemeanor. Punishment. SEC. 23. Railway and other corporations shall erect and maintain in a substantial manner all bridges and plantation crossings which the county commissioners may find necessary in crossing their tracks, and they shall not obstruct the drainage of any portion of the road or empty into the road water from their ditches.
- Railroad crossing. Drainage. 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. SEC. 24. The board of county commissioners of said county of Granville may adopt such rules and regulations for the construction, maintenance, and protection of the public roads of said county as may be deemed necessary or advisable, 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.
- Rules and regulations. Width of tires. Misdemeanors. Punishment. SEC. 25. The board of county commissioners of Granville County may hold meetings at such times as may be necessary to attend to the duties imposed by this act, and the members shall be paid
- Meetings of county commissioners.

the same per diem and mileage as they receive as county commissioners.

SEC. 26. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 27. That this act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 161.

AN ACT TO PROVIDE GOOD ROADS IN GOOSE NEST TOWNSHIP IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

- SECTION 1. That Justus Everett, B. M. Worsley, and R. J. House are hereby constituted a board of trustees for the public roads of Goose Nest Township in Martin County. That Justus Everett shall hold the said position of trustee for six years, B. M. Worsley for four years, and R. J. House for two years from the date of their qualification as hereinafter provided for. All vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term by the remaining members of said board. That at the expiration of the term of any of said trustees, their successors shall be elected by the qualified voters of Goose Nest Township at the same time and place and under the same rules and regulations as prescribed for the election of officers of the town of Oak City, North Carolina: *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.
- 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 Goose Nest 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 said board of trustees to take the control and management of all the roads of Goose Nest Township, including Commerce and Maple streets in the town of Oak City, North Carolina, and the said board of trustees are hereby vested with all the rights and powers for such control and management of same as are now vested in and exercised by the board of commissioners of Martin County and the commissioners of the town of Oak City.
- SEC. 4. That for the purposes of carrying out the provisions of this act the said board of trustees shall annually appoint a road

Trustees.

Terms of office.

Vacancies.

Election of successors.

Proviso: trustees not officers.

Trustees incorporated.
Corporate name.

Corporate powers.

Control and management of roads.

Rights and powers.

Appointment and salary of road superintendent.

Organization of trustees.	superintendent and fix his salary, and may delegate to said superintendent any power conferred in this act as said board of trustees may deem wise. The said board of trustees shall annually elect a chairman and secretary from among the members of said board, who shall hold office for one year and until their successors are elected and qualified; and said board shall elect a treasurer whose salary shall not exceed fifty dollars per annum and to be fixed by said board, who shall have charge of all road funds of said township, and shall require a bond of said treasurer to be approved by said board in an amount sufficient to cover all funds that may come into his hands.
Election and salary of treasurer.	
Bond of treasurer.	
Payment and term of superintendent.	SEC. 5. That the superintendent of roads as herein provided for shall be paid out of the road fund for said township, and said superintendent 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 ten days notice, 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 construction and maintenance of all the public roads in Goose Nest Township, including the streets hereinbefore mentioned, and he shall submit to said board a weekly report concerning the work in progress and the moneys expended, and such other and further reports as may be required of him by said board of trustees. 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 they may see fit.
Proviso: removal for cause.	
Duty of superintendent.	
Weekly reports.	
Bond of superintendent.	
Purchase of machinery, team, and implements.	SEC. 6. That said board of trustees may purchase such machinery, teams, and other implements and tools as may be needed for the proper working, construction, and maintenance of the roads of said township and the streets hereinbefore mentioned, and may exercise such other powers and privileges as may be needed for carrying out the purposes and provisions of this act.
Other powers and privileges.	
Entry on land for material.	SEC. 7. That the superintendent of roads of Goose Nest 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, dirt, or stone which may be necessary to construct, improve, or repair or maintain 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 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 lands from which timber, stone, clay,
Drains and ditches.	
Obstructing drain or ditch misdemeanor.	
Punishment.	
Claims for damages.	

sand, gravel, or dirt were taken as aforesaid shall present an account for the same to said board of trustees 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 board shall appoint one freeholder, the person claiming the damages a second, and these two a third, which said three freeholders shall assess said damage and report the same to said board of trustees.

Damages assessed
by arbitration.

SEC. 8. That, subject to the approval of the said board of trustees, the said superintendent of roads shall have the 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 ten days makes petition to said board for a jury to assess the damages, the said trustees shall, within not less than thirty days after the completion of said roads, order a jury of three disinterested freeholders of Goose Nest Township to be selected and summoned by the Sheriff of Martin 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 Martin County from the decision of said trustees.

Location and
change of roads.

Procedure for
assessment of
damage.

Proviso: right of
appeal.

SEC. 9. That the said board of road trustees shall be and they are hereby authorized and empowered to issue bonds of said Goose Nest Township, to be styled "Goose Nest Township Road 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 at a rate not exceeding six per cent per annum, with interest coupons attached payable annually or semiannually, as may be deemed wise, 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 the date thereof, at such place or places as the 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

Bond issue
authorized.

Entitlement of
bonds.
Amount.
Denominations.

Interest.

Authentication.

Maturity.

Sale below par
forbidden.
Issue of bonds.

Liability for pay-
ment.

all interest that may be due thereon, shall be attached to and imposed upon the political division of Martin County known as Goose Nest Township as constituted at the time of the ratification of this act.

Special tax.

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 public roads of said township, including the streets hereinbefore mentioned, the said board of road trustees and their successors in office shall annually, on the first Monday in June, one thousand nine hundred and thirteen, and every year thereafter, levy and lay a special tax on all persons and property subject to taxation within the limits of Goose Nest Township of not more than twenty-five cents on the one hundred dollars assessed valuation of real and personal property and not more than seventy-five cents on each taxable poll. The taxes so levied shall be collected by a tax collector to be appointed by said board upon such terms as may be agreed upon, and said taxes so collected shall be paid to the treasurer of said board of trustees, who may require a bond as they may deem sufficient.

Tax rate.

Collection and settlement of taxes.

Act to be submitted to vote.

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 Goose Nest Township at an election to be held on a day to be named by the board of county commissioners of Martin 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 the registration books of said township shall be delivered to said registrar by the Register of Deeds of Martin County. Said registrar shall revise said registration book so as to show only the names of persons entitled to vote in said township, and shall register all duly qualified voters applying for registration, whose names do not appear on said book. That the chairman of the board of commissioners for Martin County shall give notice of said election by publishing a notice thereof in the "Enterprise" for thirty days immediately preceding such election, and by posting a notice thereof at three public places in Goose Nest Township. At the close of said election 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 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 written or printed "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

Election officers.

Registration.

Advertisement of election.

Count and canvass of vote.

Report and record of canvass.

Ballots.

Bonds issued on majority of votes cast.

votes cast at said election shall be in favor of "For Good Roads," then said bonds shall be issued and said tax levied and other powers and duties exercised as provided for in this act: *Provided*, that if a majority of the votes cast at said election shall be "Against 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.

SEC. 12. That all funds derived from the sale of any bonds by said board of trustees and all taxes collected hereunder 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 and the streets hereinbefore mentioned, the purchase of such material, teams, 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 construction and maintenance of said roads, either convict labor or hired labor, or both, may be used, as may be ordered by the said board of trustees.

SEC. 14. That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to Goose Nest 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, A. D. 1913.

CHAPTER 162.

AN ACT FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN DEEP RIVER TOWNSHIP, MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. J. Wadsworth, E. M. Harrington, H. L. Farley, A. J. Jones, and W. H. Womble be and they are hereby created a board of road commissioners for Deep River Township, Moore County, who shall qualify by taking an oath of office before some officer authorized to administer oaths, to faithfully and honestly discharge the duties of their offices, and shall hold office until the first Monday in January, one thousand nine hundred and fifteen. Their successors shall be elected by the qualified voters of Deep River Township at the general election to be held as provided by law in the year one thousand nine hundred and fourteen, and at each biennial general election thereafter, and shall hold office for two years from the first Monday in January next after their election and until their successors shall be elected and quali-

Proviso: further election.

Specific appropriation of proceeds of bonds.

Labor.

Road commissioners.

Commissioners to qualify.

Term of office.

Election and term of successors.

Vacancies.	<p>Sec. 1. Said board of road commissioners shall fill all vacancies occurring in their board prior to any election of a new 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 offices hereinafter prescribed.</p>
Pay of commissioners.	
Township incorporated.	<p>SEC. 2. That the said division known as Deep River Township shall, for the purposes of this act, be and is hereby declared a body corporate by the name and style of "Deep River Township," and is vested with all the necessary power and authority 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 are declared to be the corporate agents of said township, and may sue in the name of "Deep River Township," and be sued under said name, and shall have the power and authority to carry out the provisions of this act.</p>
Corporate name.	
Corporate powers.	
Corporate agents.	
Control and management of roads.	<p>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 Deep River 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.</p>
Quarterly meetings.	<p>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 than once in three months. The said board of road commissioners shall 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 that purpose, and do such work as the board of road commissioners shall see fit to require of him, and the said board may allow him suitable compensation therefor.</p>
Organization.	
Record of proceedings.	
Compensation of secretary.	
Election and term of treasurer.	<p>SEC. 5. The board of road commissioners created by this act and the parties to be thereafter elected under the provisions of this act shall at their first meeting elect a treasurer of said board, who shall hold office during the term of said respective boards. All road taxes collected by the Sheriff of Moore County for Deep River 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. 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 Deep River Township, as soon as his bond has been approved, all moneys held by him on account of the road fund for Deep River Township under existing law.</p>
Moneys paid to treasurer.	
Settlements with sheriff.	
Settlement with county treasurer.	

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 on the sinking fund herein provided for. Before entering upon the duties of his office the said treasurer shall execute a bond payable to the State of North Carolina, 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 as provided by this act and the general laws of the State, which bond shall be approved by the board of commissioners of Moore County and recorded in the book of official bonds of said county, and the original shall be deposited with the register of deeds of said county. Suit may be brought upon said bond in the name of the State of North Carolina upon relation of the board of road commissioners of Deep River Township. Said treasurer shall pay out said funds coming into his hands and belonging to the road fund of said township only 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 funds. Said treasurer shall render an itemized account of the receipts and disbursements of said road funds to the board of road commissioners of said township every three months, and oftener if required by said board, 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; said register of deeds shall be entitled for such services the fees prescribed for recording deeds, which fees the said board of road commissioners are authorized to pay out of any road funds in the hands of the treasurer. 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 funds of said township.

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 Deep River Township. Said supervisor shall submit monthly statements to the board of road commissioners, showing the cost of work on the public roads of said township, of expenditures made thereon for the month, together with all other improvements that 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,

Treasurer to give bond.

Bond recorded.

Suit on bond.

Orders on road funds.

Itemized accounts quarterly.

Accounts recorded.

Fees of register.

Compensation of treasurer. Proviso: limit.

Premium on treasurer's bond.

Election and duty of supervisor of roads.

Monthly statements.

Bond of supervisor.

- Compensation of supervisor. 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 by said supervisor for his services.
- Purchase of tools and machinery. SEC. 7. The board of road commissioners shall have full power and authority to purchase for said township 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 road that they may deem necessary.
- 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 settlement of the same between said sheriff and treasurer of said board, which settlement shall be spread upon the 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 funds for which any officer may fail to properly account, and may bring suit upon relation of the State of North Carolina against said sheriff and his sureties upon his official bond for any defalcation in the payment of said road funds to said treasurer.
- Board to audit sheriff's accounts and make settlements. SEC. 9. Any member of the board of road commissioners or supervisor of Deep River Township who shall make or cause to be made any fraudulent order whereby money is to be obtained out of said township road fund shall be guilty of a misdemeanor, and upon a conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, and upon conviction thereof shall be removed from office.
- Actions for road funds. SEC. 10. That for the purpose of building or constructing, repairing or maintaining the public roads of said township, or for constructing ditches or drains for the construction of said public roads 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 dig and maintain any ditches and cut down and carry away any trees or timber, or remove any sand, clay, gravel, stone, or other substance 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 roads. If the owner of the land over which any road is constructed or over which any material is removed or on which any drains or ditches may be caused to empty shall demand compensation therefor, and present his claim to the board of road commissioners, it shall be the duty of said board of road commissioners to pass upon and consider the same, and to pass an order
- Fraudulent orders misdemeanors.
- Punishment.
- Entry on lands for drains, ditches, or material.
- Order for compensation.

for the payment of said account if the said board shall deem it just: *Provided*, that in the event any person over whose lands any new road has been located or from which any material may be removed or on which drains shall be made shall claim damages therefor, which the said board shall refuse to pay, such person claiming damages shall, within thirty days after the location of said road or removal of material or making said drains, petition 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 or work thereon to order a jury of three distinguished freeholders of Deep River Township to be summoned by the Sheriff of Moore County, to be named and designated by said sheriff, qualified to serve as jurors, and the jury so selected shall give three days notice to the landowner and to the board where and when said jury shall meet to assess said damages, and in the consideration thereof it shall be the duty of said jury to take into consideration any decrease in said damages by any benefits 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 finding in writing to the board of road commissioners for confirmation or revision: *Provided further*, that a landowner may appeal to the Superior Court of Moore County from the decision of the jury and said board of road commissioners, and upon said appeal the same shall be heard *de novo* in said court.

Proviso: procedure for assessment of damages.

Proviso: right of appeal.

SEC. 11. That at the first regular meeting of the board of commissioners of the county of Moore after the ratification of this act, or at any meeting thereafter held, the said board of commissioners is hereby authorized and empowered and directed to submit to the qualified voters of Deep River Township at an election to be held therein for that purpose, after giving thirty days notice of said election in some newspaper published in Moore County and at the courthouse door in the town of Carthage, Moore County, the question whether the said township shall issue coupon bonds in a sum not exceeding twelve thousand five hundred dollars as hereinafter prescribed, and whether the tax shall be levied on the taxable property of 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 taxes, the said board of commissioners of Moore County shall at any time thereafter again submit said question to the qualified voters in said township as herein provided on the petition of one-fourth of the qualified

Order for election.

Advertisement of election.

Question to be voted on.

Proviso: further elections.

voters resident in said township, and the election may be held at any time or times thereafter under the provisions and regulations herein prescribed after such petition may be filed.

Voting places.

SEC. 12. The election or elections ordered to be held upon the questions 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 be hereafter 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 election.

Election officers.

For the purpose of holding said election or elections under the provisions of this act an entire new registration of voters shall be had in said township under the rules and laws prescribed for the election of members of the General Assembly, except as modified by the provisions of this act. At the close of said election 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 said 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 the said board of commissioners of Moore County held after said report has been made the said board of commissioners of Moore County shall canvass and declare the result of said election or elections 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.

New registration.

Count and canvass of votes.

Report and record of canvass.

SEC. 13. That at said election or elections held under the provisions of this act as aforesaid all the qualified voters of said township who shall favor the issue of said bonds as hereinafter prescribed and the levy of the special tax as hereinafter prescribed shall vote a ballot upon 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, "Against Good Roads." In all other respects said election or elections shall be held and conducted in the manner prescribed by law for the election of members of the General Assembly.

Ballots.

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 Deep River Township are thereupon authorized and empowered to issue and sell coupon bonds for said Deep River Township, payable to bearer, not to exceed in amount the sum of twelve thousand five hundred dollars, or any amount less, as the said board of road commissioners of Deep River Township may in their discretion determine

Bond issue authorized.

Amount.

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 Deep River Township are thereupon authorized and empowered to issue and sell coupon bonds for said Deep River Township, payable to bearer, not to exceed in amount the sum of twelve thousand five hundred dollars, or any amount less, as the said board of road commissioners of Deep River Township may in their discretion determine

upon, and in denominations of not less than one hundred dollars and not 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 semiannually 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 Deep River 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 at a place to be designated by said board: *Provided, however,* that the said board of road commissioners of Deep River 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 twelve thousand five hundred dollars. It is further enacted that the said bonds and their coupons shall be numbered consecutively, beginning with the number one. The bonds shall be signed by the chairman of the board of commissioners of Moore County, North Carolina, and countersigned by the chairman of the board of road commissioners of Deep River Township and shall have affixed thereto the seal of the office of the register of deeds of said Moore County, and the coupons attached to said bonds shall be signed by the chairman of the board of commissioners of the said Moore County or shall have his lithographed signature thereon, and the said bonds shall be styled "Deep River Township Road Bonds"; that a record shall be kept of said bonds by the board of road commissioners of said township, showing the number 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 the 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 their 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 such moneys paid in the purchase of said bonds in his official capacity, and he and the sureties on his official bond shall be liable therefor, and he 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 moneys realized from the sale of said bonds or any portion

Denominations.

Maturity.

Proviso: classification of bonds.

Issue in installments.

Authentication.

Record of bonds.

Sale below par and delivery before payment forbidden.

Treasurer liable on bond.

Orders on road funds.

Specific appropriation.

- thereof as provided by this act shall be used only for the purpose of establishing, laying out, improving, grading, and maintaining the public roads of Deep River Township: *Provided*, that the purchasers of said bonds shall not be held responsible for the application of said fund.
- Proviso: no liability on purchasers.**
- Cost of issue and sale of bonds.** SEC. 16. That the cost of issuing and selling said bonds shall be paid by the board of road commissioners of said township from the road tax heretofore or hereafter collected in said township for road improvement.
- Special tax.** 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, North Carolina, 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 Deep River 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 Deep River 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 the 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 for the payment of said bonds. The board of road commissioners of said township are authorized and empowered at any time said bonds may become due to use any part of said sinking fund in the purchase of said bonds or any part thereof, if agreement can be made 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.
- Limit of rates.**
- Collection and settlement of tax.**
- Application of tax.**
- Investment of sinking fund.**
- Purchase of bonds.**
- Proviso: limit of price.**
- Liability for payment of bonds.** SEC. 18. That the bonds issued under the provisions of this act shall be and constitute obligations of Deep River 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 Deep River 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 Deep River 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 Deep River 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 the same for the purpose for which it was levied and collected only in the manner hereinbefore authorized. If a majority of the qualified voters of Deep River 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 purposes 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 levy hereinbefore first authorized in this section.

SEC. 21. That the board of road commissioners of said township shall keep a record of all orders made upon the treasurer of the said board for the payment and disbursement 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 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; all disbursements on any account, all property and assets of said township, together with the permanent debts 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 Deep River Township. For all services required to be done under the provisions of this act by the Register of Deeds of Moore County he shall receive the same fees allowed him by law for the recording of deeds.

SEC. 22. That this act shall constitute the road law of Deep River Township upon the ratification of the same, and shall take the place of all previous laws regulating roads in said township.

SEC. 23. 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.

SEC. 24. That all laws and clauses of laws in conflict with this act are hereby repealed.

Rate.

Collection and settlement of tax.

Tax if bonds not issued.

Record of orders on road funds.

Annual statements.

Statement recorded and posted.

Fees of road law.

Act to constitute road law.

Certified copy.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 163.

AN ACT TO REPEAL CHAPTER 112 OF THE PUBLIC-LOCAL LAWS OF 1911, AND RE-ENACT CHAPTER 391 OF THE PUBLIC LAWS OF 1909, RELATING TO WORKING THE PUBLIC ROADS OF TRANSYLVANIA COUNTY, AND TO PROVIDE A BETTER SYSTEM FOR WORKING AND MAINTAINING THE SAID ROADS.

The General Assembly of North Carolina do enact:

Road laws repealed and reënacted.

SECTION 1. That chapter one hundred and twelve of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby repealed, and that chapter three hundred and ninety-one of the Public Laws of one thousand nine hundred and nine is hereby reënacted, with the amendments thereto as hereinafter set out.

Appointment of road trustees.

SEC. 2. That chapter three hundred and ninety-one of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out in section one and line eight the word "nine," and inserting in lieu thereof the word "thirteen"; and further amend the said section by striking out in line fourteen the word "eleven" and inserting in lieu thereof the word "fifteen." Further amend the aforesaid chapter, in section one, by inserting between the word "years" and the word "and," in line fifteen, these words: "Provided, that if a majority of the voters in any township shall petition the county commissioners any time within thirty days prior to the general election to be held in November, one thousand nine hundred and fourteen, to be allowed to elect their road trustees, then and in that case the term of office of the trustees in said township as herein appointed shall be deemed to have expired, and their successors shall thereupon be elected by the voters of such township for a term of two years, and reelected every two years thereafter under the laws and rules governing the election of township officers."

Proviso: election submitted to voters.

Meetings of road trustees.

SEC. 3. That the aforesaid chapter three hundred and ninety-one of the Public Laws of one thousand nine hundred and nine be and the same is further amended by striking out in section two of said chapter the word "nine," in line three, and inserting in lieu thereof the word "thirteen"; and further amend the said section two by striking out all after the word "township" in line thirty-two down to the end of said section.

Compensation rescinded.

SEC. 4. That the aforesaid chapter be and the same is further amended by striking out in section six of said chapter the word "nine," in line three thereof, and inserting in lieu thereof the word "thirteen"; amend the said section six further by striking out in said section the word "ten," in line five thereof, and inserting the word "fourteen"; and amend the said section six further by striking out the word "each," in line eight, and inserting in lieu thereof the word "the"; and amend the said section further by striking out all after the word "therein," in line thirteen, down to and including the word "act," in line sixteen; and further amend the said section six by striking out the word "each," in line seventeen, and inserting in lieu thereof the word "the."

Election of supervisors.

Description of road districts.

One supervisor to township.

Bonds of supervisors.

SEC. 5. That chapter three hundred and ninety-one aforesaid be further amended by striking out in section nine and line four thereof the word "five" and inserting in lieu thereof the word "four"; and amend the said section nine further by adding at the end of the said section the words: "Provided further, that if any person between the ages of eighteen and twenty-one subject to road duty under the provisions of this act shall be a *bona fide* student of any public or private school, he shall not in such case be required to perform road duty while attending such school."

Road duty.

Proviso: students exempted.

SEC. 6. That the aforesaid chapter be further amended by striking out in section sixteen and line three the words "nine hundred and nine," and inserting in lieu thereof the words "nine hundred and thirteen"; and amend the said section sixteen further, by striking out the word "five," in line five, and inserting in lieu thereof the word "ten"; and amend further, by striking out in line five of said section the word "fifteen" and inserting in lieu thereof the word "twenty."

Road tax.

Tax rate.

SEC. 7. That the said chapter three hundred and ninety-one be further amended by striking out all of section twenty thereof down to and including the word "acting," in line eight, and inserting in lieu thereof these words: "The supervisor shall receive for his services the sum of one dollar and fifty cents per day for the time actually employed on the road, or while sum-moning hands, the said amount to be paid out of the road fund of the township in which the said supervisor is acting."

Pay of supervisors.

SEC. 8. That the aforesaid chapter be further amended by striking out in section forty-one and line two thereof the words "nine hundred and nine." and inserting in lieu thereof the words "nine hundred and thirteen."

When act effective.

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

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 164.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BEAUFORT COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Special tax authorized.

Rate.

Years.

Application.

Levy and collection of tax.

SECTION 1. The board of county commissioners of Beaufort County be and they are hereby authorized and empowered to levy a special tax not to exceed thirteen and one-third 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 thirteen (1913) and one thousand nine hundred and fourteen (1914), 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 25th day of February, A. D. 1913.

CHAPTER 165.

AN ACT TO AMEND THE ROAD LAW OF GUILFORD COUNTY AND PROVIDING FOR THE WORKING OF THE ROADS OF SAID COUNTY ENTIRELY BY TAXATION.

The General Assembly of North Carolina do enact:

Free labor and overseers abolished.

Improvement of roads.

Proviso: definition of terms.

Meetings of township commissioners with county commissioners.

SECTION 1. That chapter three hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and eleven be amended by striking out sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-five, and twenty-six thereof, and that portion of section seven beginning with the word "to" in the fifth line from the bottom of said section, and ending with the word "overseers" in the third line from the end thereof; by inserting in section six, after the word "roads" in the first line thereof, the word "improving"; and inserting in said section, after the word "to" in the fourth line thereof, the word "improve"; by adding to said section, before the word "provided" in line eight from the bottom thereof, the following proviso: "Provided, the words 'improving' and 'improve' shall include the cutting and removing of any tree or trees which may shade or otherwise do damage to the road." By amending section ten thereof by striking out the word "shall," in line three, and inserting in place thereof the word "may"; by inserting in section twenty-one, for the word "overseers," the words "township com-

missioners"; by striking out the words "no overseers shall," in line one of section twenty-four, and inserting in lieu thereof the words "the township commissioners shall not"; and by striking out the words "or overseers" in line five of section twenty-nine.

SEC. 2. That in addition to the taxes now levied, the board of county commissioners are hereby authorized to levy a special tax not to exceed fifteen (15) cents on the one hundred dollars valuation of property and forty-five (45) cents on the poll for the purpose of working, improving, grading, and repairing the public roads of the county. Additional tax.

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

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 166.

AN ACT TO AMEND CHAPTER 736 OF THE PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That the word "or," between the words two and three in line thirty-eight, section five of chapter seven hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and eleven, be stricken out. Installments of assessments.

SEC. 2. That the words "or four" be inserted after the word three in line thirty-eight, section five of chapter seven hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and eleven. Installments of assessments.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 167.

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

The General Assembly of North Carolina do enact:

SECTION 1. That all laws and parts of laws repealing or in conflict with chapter three hundred and fifty-four of the Public Laws of eighteen hundred and ninety-one are hereby repealed, and said chapter is hereby reenacted and revised and the same is hereby

Road duty.

amended as follows: By striking out the words "six days labor" wherever they occur and insert in lieu thereof the words "four days labor"; and by striking out the words "four dollars and fifty cents" in line twelve, section five, and inserting in lieu thereof "three dollars"; by striking out the word "six" in line thirteen, section five, and insert in lieu thereof the word "four"; and by striking out the words "seventy-five cents" in line six of section nineteen and insert in lieu thereof "one dollar."

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

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 the first Monday in May, nineteen hundred and thirteen.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 168.

AN ACT TO PROVIDE GOOD ROADS AND A BOND ISSUE FOR HAMILTON TOWNSHIP IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Trustees named.

SECTION 1. That R. W. Salsbury, W. S. Rhodes, and G. F. Roberson are hereby constituted a board of trustees for the public roads of Hamilton Township in Martin County. That R. W. Salsbury shall hold the said position of trustee for six years, W. S. Rhodes for four years, and G. F. Roberson for two years from the date of their qualification as hereinafter provided for. All vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term by the remaining members of said board. That at the expiration of the term of any of said trustees their successors shall be elected by the qualified voters of Hamilton Township at the same time and place and under the same rules and regulations as prescribed for the election of officers from the town of Hamilton, North Carolina: *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.

Terms of office.

Vacancies.

Election of successors.

Proviso: trustees not officers.

Incorporation.

SEC. 2. That the said board of trustees and their successors in office shall be and they are hereby constituted a body corporate by the name and style of "The Board of Road Trustees of Hamilton 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.

SEC. 3. That it shall be the duty of said board of trustees to take the control and management of all the roads of Hamilton Township, including streets in the several incorporated towns as follows: town of Hamilton, Front Street and Liberty Street; town of Hassell, Main Street and Church Street; and the said trustees are hereby vested with all the rights and powers for such control and management of the same as are now vested in and exercised by the board of commissioners of Martin County and the governing bodies of the several towns above named.

Control and management of roads.

Rights and powers vested.

SEC. 4. That for the purposes of carrying out the provisions of this act the said board of trustees shall annually appoint a road superintendent and fix his salary, and may delegate to said superintendent any power conferred in this act as said board of trustees may deem wise. Said board of trustees shall annually elect a chairman and secretary from among the members of said board, who shall hold office for one year and until their successors are elected and qualified; and said board shall elect a treasurer whose salary shall not exceed fifty dollars per annum and to be fixed by said board, who shall have charge of all road funds of said township, and shall require a bond of said treasurer, to be approved by said board, in an amount sufficient to cover all funds that may come into his hands.

Election and salary of road superintendent.

Organization of board.

Election and salary of treasurer.

Bond of treasurer.

SEC. 5. That the superintendent of roads as herein provided for shall be paid out of the road fund for said township, and said superintendent 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 ten days notice, 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 construction and maintenance of all the public roads in Hamilton Township, including the streets hereinbefore mentioned, and he shall submit to said board a weekly report concerning the work in progress and the moneys expended, and such other and further reports as may be required of him by said board of trustees. 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 they may see fit.

Pay and term of superintendent.

Proviso: removal for cause.

Duty of superintendent.

Weekly reports.

Bond of superintendent.

SEC. 6. That said board of trustees may purchase such machinery, teams, and other implements and tools as may be needed for the proper working, construction, and maintenance of the roads of said township and the streets hereinbefore mentioned, and may exercise such other powers and privileges as may be needed for carrying out the purposes and provisions of this act.

Purchase of machinery, team, and tools.

Other powers and privileges.

SEC. 7. That the superintendent of roads of Hamilton 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

Entry on land for material.

Drains and ditches.	or left for shade or ornament, to dig or cause to be dug and carried away any gravel, sand, clay, dirt, or stone which may be necessary to construct, improve, or repair or maintain such road, and enter upon any land 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 land 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 lands from which timber, stone, clay, sand, gravel, or dirt were taken as aforesaid shall present an account for the same to said board of trustees within thirty days after the taking thereof, it shall be the duty of the said board to pay for same at a fair price; and in case of any disagreement as to the value, the said board shall appoint one freeholder, the person claiming the damages a second, and these two a third, which said freeholders shall assess said damage and report the same to said board of trustees.
Obstructing drains and ditches misdemeanor.	
Punishment.	
Claims for compensation.	
Arbitration of damage.	
Location and changes of roads.	SEC. 8. That subject to the approval of the said board of trustees, the said superintendent of roads shall have the 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 ten days makes petition to said board for a jury to assess the damages, the said trustees shall, within not less than thirty days after the completion of said roads, order a jury of three disinterested freeholders of Hamilton Township to be selected and summoned by the Sheriff of Martin 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: <i>Provided</i> , that such owner may appeal to the Superior Court of Martin County from the decision of said trustees.
Procedure of assessment of damage.	
Proviso: right of appeal.	
Bond issue authorized.	SEC. 9. That the said board of road trustees shall be and they are hereby authorized and empowered to issue bonds of said Hamilton Township, to be styled "Hamilton Township Road Bonds," to an amount not to exceed forty thousand dollars, of such denominations and of such proportion as said board may deem advisable, bearing interest from the date of issue at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semiannually, as may be deemed wise, at such time or times and at such place or places as may be
Entitlement.	
Amount.	
Denominations.	
Interest.	

deemed advisable by said board; said bond 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 the date thereof, and at such place or places, as the 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 bond, together with all interest that may be due thereon, shall be attached thereto and imposed upon the political division of Martin County known as Hamilton Township as constituted at the time of the ratification of this act.

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 public roads of said township, including the streets hereinbefore mentioned, the said board of road trustees and their successors in office shall annually, on the first Monday in June, one thousand nine hundred and thirteen, and every year thereafter, levy and lay a special tax on all persons and property subject to taxation within the limits of Hamilton Township of not more than twenty-five cents (25c.) on the one hundred dollars assessed valuation of real and personal property and not more than seventy-five cents (75c.) on each taxable poll. The taxes so levied shall be collected by a tax collector to be appointed by said board upon such terms as may be agreed upon, and said taxes so collected shall be paid to the treasurer of said board of trustees, who may require a bond as they may deem sufficient.

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 Hamilton Township at an election to be held on a day to be named by the board of county commissioners of Martin 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 the registration books of said township shall be delivered to said registrar by the Register of Deeds of Martin County. Said registrar shall revise said registration book so as to show only the names of persons entitled to vote in said township, and shall register all duly qualified voters applying for registration whose names do not appear on said book. That the chairman of the board of commissioners for Martin County shall give notice of said election by publishing a notice thereof in the "Enterprise" for thirty days immediately preceding such election, and by posting a notice thereof at three public places in Hamilton Township. At the close of said election said registrar and poll-holders shall count and canvass the vote cast and declare

Authentication.
Maturity.
Sale below par
forbidden.

Liability for pay-
ment.

Special tax.

Limit of rate.

Collection and
settlement.

Bond of treasurer.

Provision sub-
mitted to voters.

Election officers.

Registration.

Notice of election.

Count and canvass
of votes.

- Report and record of canvass. 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 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 Good Roads"; those opposed to such shall cast ballots on which shall be written or printed "Against Good Roads."
- Ballots. 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 votes cast at said election shall be in favor of "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 the votes cast at said election shall be "Against 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.
- Law governing election. SEC. 12. That all funds derived from the sale of any bond by said board of trustees and all taxes collected hereunder 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 and the streets hereinbefore mentioned, the purchase of such material, teams, machinery, and implements, and the employment of such officers and labor as may be found necessary in the carrying out of this work.
- Majority of vote cast to govern. SEC. 13. That in the working and construction and maintenance of said roads, either convict labor or hired labor, or both, may be used, as may be ordered by the said board of trustees.
- Proviso: further election. SEC. 14. That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to Hamilton Township, are hereby repealed.
- Use of proceeds of bonds. SEC. 15. That this act shall be in force from and after its ratification.
- Labor. Ratified this 25th day of February, A. D. 1913.

CHAPTER 169.

AN ACT FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN BENSLEM TOWNSHIP, MOORE COUNTY.

The General Assembly of North Carolina do enact:

Road commis-
sioners.

SECTION 1. That C. W. Bruton, W. M. McKinzie, D. A. Seawell, C. W. Brewer, and J. D. Hinson be and they are hereby created a board of road commissioners for Bensalem Township, Moore

County, who shall qualify by taking an oath of office before some officer authorized to administer oaths, to faithfully and honestly discharge the duties of their offices, and shall hold office until the first Monday in January, one thousand nine hundred and fifteen. Their successors shall be elected by the board of commissioners of Moore County on the first Monday in January, one thousand nine hundred and fifteen and on the first Monday in January biennially thereafter, and shall hold office for two years from the first Monday in January next after their election or appointment, and until their successors shall be elected and qualified. Said board of road commissioners shall fill all vacancies occurring in their board prior to any election of a new 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 offices hereinafter prescribed.

Term of office.

Election of successors.

Vacancies.

Pay of commissioners.

SEC. 2. That the said division known as Bensalem Township shall, for the purposes of this act, be and is hereby declared a body corporate by the name and style of "Bensalem Township," and is vested with all the necessary power and authority 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 are declared to be the corporate agents of said township, and may sue in the name of "Bensalem Township," and be sued under said name, and shall have the power and authority to carry out the provisions of this act.

Township incorporated.

Corporate name.

Corporate powers.

Corporate agents.

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 Bensalem 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.

Control and management of roads.

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 than once in three months. The said board of road commissioners shall 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 that purpose, and do such work as the board of road commissioners shall see fit to require of him, and the said board may allow him suitable compensation therefor.

Quarterly meetings.

Organization.

Record of proceedings.

SEC. 5. The board of road commissioners created by this act and the parties to be thereafter elected under the provisions of this act shall at their first meeting elect a treasurer of said board, who shall hold office during the term of said respective boards. All road taxes collected by the Sheriff of Moore County for Bensalem Township and all moneys collected by said sheriff or any

Election and term of treasurer.

Road taxes paid to treasurer.

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 Bensalem Township. Said supervisor shall submit monthly statements to the board of road commissioners, showing the cost of work on the public roads of said township, of expenditures made thereon for the month, together with all other improvements that 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 by said supervisor for his services.

Monthly statements.

Supervisor to give bond.

Compensation.

SEC. 7. The board of road commissioners shall have full power and authority to purchase for said township 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 road that they may deem necessary: *Provided*, that when at any time during the building and maintenance of said road a petition shall be filed before said board or its secretary, signed by a majority of the qualified voters in said township, objecting to any specific action of said board or act contemplated by said board, the said board shall, upon the filing of said petition, refrain from further prosecuting said work or intended action until a meeting shall be held by said board, giving opportunity to the citizens of said township to be heard in relation to said act of the board. The time and place of said meeting of said board shall be fixed by the board by notice thereof posted in at least three public places in said township, setting forth the time and place of said meeting, which notice shall be posted at least three days before the time of said meeting. At said meeting the board shall give a reasonable hearing to said citizens, and thereafter prosecute said action or intended action, or refrain therefrom, as in the discretion of the board may seem meet and proper.

Purchase of tools and machinery.

Surveyor.

Proviso: action suspended on petition.

Meeting for hearing.
Notice.

Hearing on petition.

SEC. 8. Said board of road commissioners shall audit the account 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 settlement of the same between said sheriff and treasurer of said board, which settlement shall be spread upon the 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 funds for which any officer may fail to properly account, and may bring suit upon relation of the State of North Carolina against said sheriff and his sureties upon his official bond for any defalcation in the payment of said road funds to said treasurer.

Audit and enrollment of accounts with sheriff.

Actions for recovery.

Actions on official bonds.

Fraudulent orders
misdemeanor.

SEC. 9. Any member of the board of road commissioners or supervisor of Bensalem Township who shall make or cause to be made any fraudulent order whereby money is to be obtained out of said township road fund shall be guilty of a misdemeanor, and upon a conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, and upon conviction thereof shall be removed from office.

Punishment.

Entry on land for
drains, ditches,
and material.

SEC. 10. That for the purpose of building or constructing, repairing or maintaining the public roads of said township, or for constructing ditches or drains for the construction of said public roads 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 dig and maintain any ditches and cut down and carry away any trees or timber or remove any sand, clay, gravel, stone, or other substance 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 roads.

Payment of com-
pensation.

If the owner of the land over which any road is constructed or over which any material is removed or on which any drains or ditches may be caused to empty shall demand compensation therefor, and present his claim to the board of road commissioners, it shall be the duty of said board of road commissioners 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 lands any new road has been located or from which any material may be removed or on which drains shall be made shall claim damages therefor, which the said board shall refuse to pay, such person claiming damages shall within thirty days after the location of said road or removal of material or making said drains, petition 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 or work thereon, to order a jury of three disinterested freeholders of Bensalem Township to be summoned by the Sheriff of Moore County, to be named and designated by said sheriff, qualified to serve as jurors, and the jury so selected shall give three days notice to the landowner and to the board where and when said jury shall meet to assess said damages, and in the consideration thereof it shall be the duty of said jury 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 finding in writing to the board of road commissioners for confirmation or revision: *Provided further*, that a landowner may appeal to the Superior Court of Moore County from the de-

Proviso: procedure
for assessment of
damage.

Proviso: right of
appeal.

cision of the jury and said board of road commissioners, and upon said appeal the same shall be heard *de novo* in said court.

SEC. 11. That at the first regular meeting of the board of commissioners of the county of Moore after the ratification of this act or at any meeting thereafter held, the said board of commissioners is hereby authorized and empowered and directed to submit to the qualified voters of Bensalem Township at an election to be held therein for that purpose, after giving thirty days notice of said election in some newspaper published in Moore County and at the courthouse door in the town of Carthage, Moore County, the question whether the said township shall issue coupon bonds in a sum not exceeding ten thousand dollars as hereinafter prescribed, and whether the tax shall be levied on the taxable property of 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 taxes, the said board of commissioners of Moore County shall at any time thereafter again submit said question to the qualified voters in said township as herein provided 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 herein prescribed after such petition may be filed.

SEC. 12. The election or elections ordered to be held upon the questions 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 be hereafter 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 election. For the purpose of holding said election or elections under the provisions of this act an entire new registration of voters shall be had in said township under the rules and laws prescribed for the election of members of the General Assembly, except as modified by the provisions of this act. At the close of said election 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 said 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 the said board of commissioners of Moore County held after said report has been made the said board of commissioners of Moore County shall canvass and declare the result of said election or elections and record the same in the

Election on bond issue directed.

Advertisement of election.

Amount.

Use of proceeds of bonds.

Proviso: further election.

Voting places.

Election officers.

New registration.

Count and canvass of votes.

Canvass and record of result.

minutes of said board, and no other canvass of said election shall be necessary to determine the result thereof.

Ballots.

SEC. 13. That at said election or elections held under the provisions of this act as aforesaid all the qualified voters of said township who shall favor the issue of said bonds as hereinafter prescribed and the levy of the special tax as hereinafter prescribed shall vote a ballot upon 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, "Against Good Roads." In all other respects said election or elections shall be held and conducted in the manner prescribed by law for the election of members of the General Assembly.

Law governing election.

Bond issue by majority of qualified vote.

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 Bensalem Township are thereupon authorized and empowered to issue and sell coupon bonds for said Bensalem Township payable to bearer, not to exceed in amount the sum of ten thousand dollars, or any amount less, as the said board of road commissioners of Bensalem Township may in their discretion determine upon, and in denominations of not less than one hundred dollars and not 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 Bensalem 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 at a place to be designated by said board: *Provided, however,* that the said board of road commissioners of Bensalem 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 the number one. The bonds shall be signed by the chairman of the board of commissioners of Moore County, North Carolina, and countersigned by the chairman of the board of road commissioners of Bensalem Township, and shall have affixed thereto the seal of the office of the register of deeds of said Moore

Amount.

Denominations.

Interest.

Maturity.

Proviso: bonds classified.

Bonds issued in series.

Authentication.

County, and the coupons attached to said bonds shall be signed by the chairman of the board of commissioners of the said Moore County, or shall have his lithographed signature thereon, and the said bonds shall be styled "Bensalem Township Road Bonds"; that a record shall be kept of said bonds by the board of road commissioners of said township, showing the number 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 their 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 such moneys paid in the purchase of said bonds in his official capacity, and he and the sureties on his official bond shall be liable therefor, and he 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 moneys realized from the sale of said bonds or any portion thereof as provided by this act shall be used only for the purpose of establishing, laying out, improving, grading, and maintaining the public roads of Bensalem Township: *Provided*, that the purchasers of said bonds shall not be held responsible for the application of said fund.

SEC. 16. That the cost of issuing and selling said bonds shall be paid by the board of road commissioners of said township from the road tax heretofore or hereafter collected in said township for road improvement.

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, North Carolina, 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 Bensalem 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 Bensalem 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 the said bonds at maturity, which fund may

Official designation.

Record of bonds.

Sale below par and delivery before payment forbidden.

Treasurer liable on bond.

Orders on fund.

Specific appropriation.

Cost of issue and sale.

Special tax.

Limit of rate.

Collection and settlement of tax.

Application of tax.

Investment of sinking fund.

- 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 for the payment of said bonds. The board of road commissioners of said township are authorized and empowered at any time said bonds may become due to use any part of said sinking fund in the purchase of said bonds or any part thereof, if agreement can be made 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.
- Purchase of bonds.** SEC. 18. That the bonds issued under the provisions of this act shall be and constitute obligations of Bensalem Township, and shall be payable only by said township as provided in this act.
- Proviso: limit of price.** 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 Bensalem Township as provided by law.
- Liability for payment of bonds.** 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 Bensalem 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 Bensalem 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 the same for the purpose for which it was levied and collected only in the manner hereinbefore authorized. If a majority of the qualified voters of Bensalem 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 purposes 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 levy hereinbefore first authorized in this section.
- Bridges.**
- Special tax for roads.**
- Tax rate.**
- Collection and settlement.**
- Road tax if bonds are not voted.**
- Accounts of road fund.** SEC. 21. That the board of road commissioners of said township shall keep a record of all orders made upon the treasurer of the said board for the payment and disbursement 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 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; all disbursements on any account, all property and assets of said township, together with the permanent debts 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 Bensalem Township. For all services required to be done under the provisions of this act by the Register of Deeds of Moore County he shall receive the same fees allowed him by law for the recording of deeds.

Statement recorded and posted.

Fees of register of deeds.

SEC. 22. That this act shall constitute the road law of Bensalem Township upon the ratification of the same, and shall take the place of all previous laws regulating roads in said township.

Road law of township.

SEC. 23. 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.

Secretary of State to send copy of act.

SEC. 24. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 170.

AN ACT TO PROVIDE FOR GOOD ROADS IN THE COUNTY OF WARREN, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Warren County shall at the first regular meeting of said board after the passage of this act elect from the qualified voters of each township in the said county, save Warrenton Township, one person, and from said Warrenton Township two persons, to be known as the Board of Road Trustees of Warren County; that the first four designated shall hold their said office for a term of two years, the second four for a term of four years, and the last five for a term of six years; the said board of county commissioners shall fill all vacancies occasioned by expiration of said term of office, death, resignation, or failure to qualify, or for any other cause. The said board of road trustees of Warren County and their successors shall be and are hereby constituted a body corporate by the name

Election of road trustees.

Terms of office.

Vacancies.

Incorporation.

Corporate name.

- and style of "The Board of Road Trustees of Warren County,"
- Corporate powers. and by that name may sue and be sued, make contracts, acquire real and personal property, hold, exchange, and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations.
- Trustees to qualify. SEC. 2. That as soon as practicable after the aforesaid election, the members of the said board of road trustees of Warren County shall qualify by taking the oath of office before some person authorized to administer oaths, and shall meet and organize by electing one of the said members chairman, and a secretary and a treasurer; the said secretary and treasurer need not be a member of said board. The said officers of the said board and the executive committee hereinafter designated shall be elected by the said board annually. The said treasurer shall not be allowed fees, but his salary shall be fixed by the said board of road trustees of Warren County; the said treasurer shall have charge of all the road funds of the said county of Warren, and he shall be required to give a bond in sufficient amount to cover the funds coming into his hands. The members of the said board of road trustees of Warren County shall each be paid out of the road funds of the said county of Warren the same per diem and mileage as the aforesaid county commissioners now receive: *Provided*, they shall not be paid to exceed twelve days in one year.
- Organization. SEC. 3. That the said board of road trustees of Warren County shall elect three of their number, who shall constitute and be known as the executive committee. This committee shall meet at stated intervals, as it may be directed by the said board, shall have a chairman and a secretary, and shall order and issue vouchers for the payment of the general expenses connected with the working and the building of public roads in the said county of Warren, and the securing of implements and machinery and forces to repair, build, and construct the same, together with the bridges in said county. The said vouchers shall be signed by the chairman and the secretary of said committee and a record thereof kept by said committee; and the said board of road trustees of Warren County may delegate to said executive committee any and all of its powers, except that of issuing bonds. The compensation for said executive committee shall be fixed by the said board of road trustees of Warren County.
- Term of office. SEC. 4. That it shall be the duty of the said board of road trustees of Warren County to take control and management of the public roads and bridges of the county of Warren, and they are hereby vested with all the rights and powers of such control and management as are now vested in the board of commissioners of said Warren County and all other authorities which now have control and management of the public roads and bridges of said county or of any township in the said county, said powers and duties being derived through chapter number five hundred and
- Salary of treasurer. Treasurer to give bond.
- Pay of trustees.
- Proviso: limit.
- Executive committee.
- Meetings and organization of committee.
- Expenses.
- Vouchers.
- Delegation of powers.
- Compensation of committee.
- Control and management of roads and bridges.

eighty-one, Acts of one thousand eight hundred and ninety-nine, and all subsequent amendments thereto.

SEC. 5. The said board of trustees shall annually elect a superintendent of roads of Warren County, who shall be paid such compensation out of the road fund of said county as may be fixed by the said board of trustees, and the said superintendent shall hold his said office for one year or until his successor shall be elected and qualified: *Provided*, that said superintendent may at any time be removed by the said board of trustees after having been given ten days notice and a hearing, when in the opinion of the said board of trustees there exists good and sufficient cause for such removal. It shall be the duty of said superintendent, subject to the approval of the said board of trustees, or the said executive committee, to supervise, direct, and have charge of the maintenance and construction of the public roads and bridges of said Warren County, and he shall submit to the said executive committee a monthly report concerning his said work and the progress thereof and the money expended by him, and all such other reports as may be required by the said committee or the said board of trustees. The said superintendent may be required to execute a bond in a sum to be fixed by the said board of trustees for the faithful performance of the duties of his said office. The said executive committee is hereby empowered to employ a competent engineer or surveyor, when necessary, to lay off and locate or relocate the said roads of the county of Warren, and the same shall be constructed in the most feasible and scientific manner, having due regard for the nature of the soil, the proper width, and the drainage thereof.

SEC. 6. That the superintendent of the roads of Warren County is hereby authorized to enter upon any lands near to or adjoining any public road in the said county of Warren, to cut and carry away timber, except trees or groves on improved land planted or left for shade or ornament and may dig and carry away any gravel, clay, or stone which may be necessary to construct, improve, or repair such roads; and may enter upon any lands adjoining or lying near such roads in order to make such drains or ditches through the same as may be necessary for the improvement of such roads; and the ditches so made shall not be obstructed by the occupant of said lands or any other person; any person or persons willfully obstructing such ditches or drains shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court. If the owner of any land from which timber, stone, clay, or gravel or sand or soil shall be taken, as aforesaid, shall present an account for the same through said road superintendent to the said executive committee within thirty days from the taking thereof, it shall be the duty of the said committee, subject to the approval of the board of trustees, to pay for same at a fair and reasonable price; and in case any dispute as to the value of the

Election, pay, and term of road superintendent.

Proviso: removal for cause.

Duty of superintendent.

Monthly reports.

Bond.

Engineer.

Construction of roads.

Entry on land for material.

Drains and ditches.

Obstructing drains or ditches misdemeanor.

Punishment.

Payment of claims.

Assessment by arbitration.

said property taken from the said landowner by the said superintendent shall arise, the said superintendent shall appoint one disinterested freeholder, the person claiming damages a second, and these two a third, which said three freeholders shall assess said damages and report the same in writing to the said executive committee, which shall issue voucher for same.

SEC. 7. The said superintendent of roads, with the approval of the said board of trustees or the said executive committee, is hereby given discretionary power to go upon any lands in the said county of Warren and locate, relocate, or change any public road or any part thereof, when in his judgment the same will be advantageous to public travel, and when any person on whose land the said road or part thereof is located claims damages therefor, and within thirty days petitions the said executive committee for a jury to assess the said damages, the said executive committee shall within sixty days after the completion of said road order a jury of three disinterested freeholders of Warren County to be selected and then summoned by the sheriff of said county as provided by law, and, after giving the said landowner two days notice of the time and place when and where the said jury will meet and assess damages, shall hear the matter; and the said jury in considering the matter of damages shall take into consideration the benefits to the said landowner derived by reason of the road improvement, and if such benefits be equal to or greater than the damages sustained, the jury shall so declare, and shall report its finding to the said executive committee in writing for confirmation and settlement: *Provided*, that any landowner from whom timber, soil, gravel, clay, or stone is taken, or whose land is taken for the purpose of locating, relocating, or building any public road in the said county of Warren under the provisions of this act, may appeal to the Superior Court of said county from the findings in respect to the damages said landowner has sustained.

SEC. 8. That the said board of road trustees of Warren County are hereby authorized and empowered to issue bonds of said Warren County, to be styled "Warren County Road Bonds," to an amount not to exceed two hundred thousand dollars, of such denomination and of such proportion as the said board of trustees may deem advisable, the said bonds to bear interest from the date of the 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, and at such time or times and 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 the said board of trustees may determine. None of said bonds shall be disposed of for a less price than their

Entry on land for location or change of roads.

Procedure for assessment of damages.

Proviso: right of appeal.

Issue of bonds authorized.

Entitlement of bonds.
Amount.
Denomination.

Interest.

Authentication.

Maturity.

Sale below par forbidden.

par value; and the said bonds may be issued at such time or times and in such a manner as may be deemed best to meet the expenditures provided for in this act. The entire county of Warren shall be liable for the payment of the said bonds, together with all interest due thereon.

Liability for payment.

Sec. 9. That for the purpose of providing for the payment of said bonds and the interest due thereon, and for the construction, improvement, and maintenance of the public roads and bridges of the said county of Warren, the board of county commissioners of said 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 said Warren County, of not more than twenty-five cents on the one hundred dollars assessed valuation of property 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 the said board of trustees of Warren County: *Provided*, that no person shall be subject to road duty in the said county of Warren.

Special tax.

Limit of rate.

Collection and settlement of tax.

Proviso: road duty abolished.

Sec. 10. That the provisions of all these preceding sections of this act, save that provision relating to the election of the board of road trustees of Warren County, shall be submitted to a vote of the qualified voters of Warren County at an election to be held on a day to be designated by the board of county commissioners of said Warren County. For the holding of said election the said county commissioners shall appoint a registrar and two poll-holders, who shall hold and conduct the said election in the manner now prescribed for the election of members of the General Assembly, under the provisions of the general election law. At the close of said election said registrar and poll-holders shall count and canvass the vote cast, and declare the result thereof, and shall report such canvass to the said board of county commissioners, which said report shall be recorded in the minutes of said board of county 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 Good Roads"; those opposed to such shall cast ballots on which shall be written or printed "Against Good Roads." If a majority of the votes cast in the said county shall be "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 the votes cast shall be "Against Good Roads," then in that event the present system or systems of working the public roads of the said Warren County shall be in no way impaired, but shall remain in full force and effect.

Act submitted to vote.

Election officers.

Law governing election.

Count and return of vote.

Record of result.

Ballots.

Bonds issued by majority of vote cast.

Proviso: present road law.

Sec. 11. That all the funds derived from the sale of any of the aforesaid bonds by the said board of road trustees shall be paid over to the treasurer of said board of road trustees, and the same

Use of proceeds of tax.

shall be used, together with all amounts received from the taxes herein provided for, over and above what is necessary to pay the interest on the said bonds and create a sinking fund to pay the principal at maturity, for the purpose of constructing, improving, and repairing the public roads and bridges in the said county of Warren, and for purchasing material, machinery, and implements and the employment of such officers, teams, and labor as may be necessary for the carrying out the provisions of this act.

Labor. SEC. 12. That in the working and construction and repairing of the said roads and bridges in Warren County, convict labor or hired labor, or both, may be used, or the same may be put out
Convict work. by contract, as may be ordered by said board of trustees. The said board of trustees may provide for and work all convicts which may be assigned to work upon the public roads in Warren County in like manner as now or hereafter provided by law.

Work in different sections. SEC. 13. That the said road superintendent of Warren County may constitute one or more repair forces, to work in different sections of the county, and for the purpose of keeping the public roads and bridges in as good repair as possible.

Road funds turned over. SEC. 14. That should there be any funds in the hands of any road authorities now vested with power in the said county of Warren, belonging to any township, when the provisions of this act shall go into effect, then this fund shall be paid to the treasurer of the board of road trustees, to be used under this act for the road improvement in that township to which the said fund belongs.

Streets in towns. SEC. 15. That no moneys shall be expended under this act on any road or street in any incorporated town.

SEC. 16. That all laws and clauses of law in conflict with the provisions of this act are hereby repealed.

Application of act. SEC. 17. That this act shall apply only to the county of Warren.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 171.

AN ACT TO APPOINT CERTAIN JUSTICES OF THE PEACE FOR HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the following are hereby appointed justices of the peace for Halifax County and the townships named, in North Carolina, their said terms to begin upon their qualification after the passage and ratification of this act:

For Littleton Township—C. D. House, two years; J. E. Pepper, Littleton township. two years.

For Halifax Township—J. H. Fenner, two years. Halifax township.

For Weldon Township—D. E. Stainback, two years; K. E. Kilpatrick, two years. Weldon township.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 172.

AN ACT TO REPEAL CHAPTER 567 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO TAX ON DOGS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and sixty-seven of the Public-Local Laws of one thousand nine hundred and eleven, relative to a tax on dogs in Ashe and Mitchell counties, be and the same is hereby repealed. Dog tax repealed.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 173.

AN ACT TO PROVIDE FOR A NONPARTISAN BOARD OF EDUCATION FOR FORSYTH COUNTY, AND TO FIX THE SALARY OF SAID BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Forsyth County shall be elected as now provided by law, but that said board of education shall be composed of two members selected from the majority party in the State of North Carolina, and one member shall be selected from the minority party of the State of North Carolina. Election. Majority party. Minority party.

SEC. 2. That the members of the board of education of Forsyth County shall receive as pay for their services the sum of five dollars per day and no mileage. Pay.

SEC. 3. That said board of education shall not hold and receive pay for more than fifteen sessions during any one year. Limitation.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 174.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COURT
STENOGRAPHER FOR WAKE COUNTY.

The General Assembly of North Carolina do enact:

- Employment by county commissioners ordered. SECTION 1. That it shall be the duty of the board of county commissioners of Wake County, at their regular meeting in April, nineteen hundred and thirteen, to employ one or more stenographers for Wake County Superior Court to attend all the regular and special terms of said court, and said board shall fix the compensation therefor, to be paid out of the county treasury; and said board shall thereafter at all times employ and constantly keep
- Compensation. employed a stenographer or stenographers for such purpose. The stenographer or stenographers employed by the said board shall, subject to the other provisions of this act, hold office during the pleasure of said board; and such stenographer or stenographers shall, when so employed, take and subscribe an oath faithfully and honestly to discharge the duties of the office as prescribed by this act.
- Term of office. SEC. 2. Such stenographer shall take full stenographic notes in every case tried or heard during any term of said Superior Court of all the oral testimony, the admissions made by either side, the objections to the introduction of testimony, rulings of the court thereon and the exceptions taken to such rulings, and the charge of the court to the jury; and shall take such other notes of the proceedings as the court may direct. The judge shall not be required to take any notes of the evidence; and whenever required by the judge, the stenographer shall read the notes to the jury.
- Stenographers to be sworn. SEC. 3. In all cases on appeal, and in such other cases as counsel may request, the stenographer shall as soon as practicable furnish the counsel so requesting it one typewritten copy of the entire record as reported by him, and shall file with the Clerk of the Superior Court of Wake County two copies thereof, one of which is to be preserved by the clerk and the other to be used in making up a case on appeal: *Provided*, the stenographer may require the necessary charges for such transcript before delivering the same to the counsel requesting it or to the clerk of the court, and such charges shall be fixed by the board of county commissioners not to exceed twenty cents for each page, and no charge is to be made for the two additional copies. The party appealing, or the party requesting the transcript, shall in all cases pay the charges as herein provided, and in cases of appeal the charges so paid may be taxed as costs to abide the final result of the cause.
- Matters to be taken by stenographer. SEC. 4. The compensation provided for in section one hereof shall be compensation only for attending the court and taking the stenographic notes of the proceedings as hereinbefore provided,
- Judge not required to take notes. Notes read to jury.
- Record on appeals.
- Proviso: payment in advance.
- Limit of charges.
- Charges taxed as costs.
- Charges for transcribing notes.

and the stenographer and stenographers shall be entitled to the charges for transcribing the notes. The stenographer or stenographers shall, at the beginning of each quarter, file a report with the clerk to the board of county commissioners showing a list of the cases that have been transcribed during the three months preceding the filing of such report and the charges therefor.

Stenographer to file reports.

SEC. 5. To reimburse the county for expenditures required by this act there shall be taxed by the clerk of the Superior Court of Wake County and paid to the county treasurer a fee of two dollars (\$2) as a part of the costs in all civil and criminal actions wherein a jury is impaneled, except that in cases of capital felonies the fee shall be five dollars.

Fees taxed as costs.

SEC. 6. That chapter one hundred and sixty-one of the Public Laws of nineteen hundred and seven, entitled "An act relating to court stenographer for Wake County," be and the same is hereby repealed; and all other laws or clauses of laws in conflict with the provisions of this act are, to the extent of such conflict, hereby repealed.

Specific and general repeal.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1913.

CHAPTER 175.

AN ACT TO PROTECT THE PUBLIC ROADS OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Lincoln County, through its authorized agents or employees, is hereby authorized and empowered, after due notice to the landowner and his failure to comply with the terms of said notice, to enter upon any land adjoining and lying alongside of any public road in said county and to cut all timber or standing trees within thirty feet of the edge of said road on either side thereof: *Provided*, that no fruit trees, or shade trees about a dwelling, shall be cut except by and with the consent of the owner of said land or his agent: *Provided*, that no hedge for protection of land from washing shall be cut when less than six feet in height. That the timber so cut under and by direction of the board of commissioners of said county shall belong to and be the property of the owner of said land, and the notice above referred to shall be given to said landowner for the purpose of giving him the privilege of cutting said timber himself, and the landowner shall have thirty days from the service of said notice on him in which to cut said timber. That after the expiration of this time, and in the event the landowner has not cut said timber or trees, then the board of commissioners shall direct said

Power to cut timber.

Proviso: fruit and shade trees.

Proviso: hedges.

Ownership of timber.

Notice to landowner.

Assessment of
damages.

work to be done, and after it is completed, and if the landowner and the board of commissioners cannot agree as to the amount of damages, if any, then the said board of commissioners shall cause three freeholders to be summoned to go upon said land and view the timber and inspect the road and assess the benefits and damages, as provided for under the general road law in the matter of opening new roads, with the right of appeal to either party to the Superior Court of said county: *Provided*, that in the event the landowner should appeal and not recover a larger amount than that granted by the three freeholders so summoned, then no cost shall be taxed against the board of commissioners of Lincoln County.

Right of appeal.
Proviso: costs on
appeal.

Draining water on
roads.

SEC. 2. That it shall be unlawful for any landowner or any other person in charge of or cultivating any land in Lincoln County to cut any ditches or build or construct any terraces emptying the water from the land and delivering it in any public road in Lincoln County, unless it shall be impracticable to convey the water in any other direction; and in the event that said water cannot be delivered elsewhere than in the public road, it shall be so delivered as not to enter the road in a large volume, and such ditches or terraces shall be provided for its delivery into the road as shall be approved by the supervisors of the township in which the land is situated, or in the event of the election of road commissioners for said county, then in accordance with the method approved by them, and any person violating the provisions of this act shall be guilty of a misdemeanor and be fined or imprisoned, in the discretion of the court.

Ditches and
terraces.

Misdemeanor.
Punishment.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1913.

CHAPTER 176.

AN ACT TO AMEND CHAPTER 451 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1909, RELATIVE TO INCREASE OF TAX LEVY FOR ROADS IN CERTAIN TOWNSHIPS OF SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and fifty-one of the Public Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended by adding to the end of section thirteen thereof the following: "*Provided, however*, that it shall be the duty of said board of county commissioners to levy and collect annually in Stewartsville Township a special tax of not less than ten cents nor more than twenty cents on the one hundred dollars worth of property, real and personal, of whatso-

Tax rate.
Stewartsville
township.

ever description, and not less than thirty cents nor more than sixty cents on polls in said township, and to levy and collect annually in Williamson Township a special tax of not less than ten cents nor more than thirty cents on the one hundred dollars worth of property, real and personal, of whatsoever description, and not less than thirty cents nor more than ninety cents on polls in said township, which tax levied on property shall be *ad valorem* tax, and the tax upon polls and property be in the proportion as required by the Constitution and laws of the State of North Carolina. It shall be the duty of the road commission of Stewartsville Township and the road commission of Williamson Township to make recommendation to said board of county commissioners, on or before the day fixed by law for the levying of county taxes, for the levy of special taxes as herein provided, stating the rate of levy desired, and if the percentage of levy thus recommended is not less than the minimum nor greater than the maximum provided for by this section for such township, it shall be the duty of the said board of commissioners to make such levy according to such recommendation, but in no case shall the rate or percentage of levy be less than the minimum nor greater than the maximum provided for such township by this act: *Provided further*, that the funds collected under said levy may be used by the road commission of each township for both the purposes of repair and of the construction of public roads in said township."

Williamson township.

Road commission to recommend rate.

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 effect from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 177.

AN ACT TO AMEND CHAPTER 72, REVISAL OF 1905 OF NORTH CAROLINA, RELATIVE TO THE SALE OF REAL ESTATE FOR TAXES IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand eight hundred and eighty-eight 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 following: "*Provided*, that the time for selling real estate for taxes in Cherokee County be on the first Monday in March of each year, instead of the first Monday in May."

Proviso: time for sale.

SEC. 2. That this act shall take effect from and after December first, one thousand nine hundred and fourteen. When act effective.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 178.

AN ACT TO PERMIT THE ROPER LUMBER COMPANY TO
CONSTRUCT A BRIDGE ACROSS THE UPPER END OF
SWIFT CREEK IN CRAVEN COUNTY.Preamble: location
of bridge.

Whereas the John L. Roper Lumber Company desires to build a bridge across Swift Creek at a point about two miles above Vanceboro, in Craven County, for the purpose of making a logging road thereover, and said creek is not navigable for boats above Vanceboro:

Stream not
navigable.

The General Assembly of North Carolina do enact:

Construction
authorized.

SECTION 1. That the John L. Roper Lumber Company be authorized and it is hereby authorized to construct a bridge across Swift Creek in Craven County at any point it may desire above Vanceboro for use as a logging road.

Regulations of war
department.

SEC. 2. That the construction of said bridge shall be in accordance with such rules and regulations as may be prescribed by the War Department of the United States Government: *Provided*, the said Roper Lumber Company shall leave a space of twelve feet for the passage of logs in the run of said creek.

Proviso: runway
for logs.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 179.

AN ACT TO REPEAL CHAPTER 604 OF THE PUBLIC-LOCAL
LAWS OF 1911, RELATIVE TO THE BOUNDARY LINE BE-
TWEEN REDDIES RIVER TOWNSHIP AND NORTH
WILKESBORO TOWNSHIP IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Boundary line
repealed.

SECTION 1. That chapter six hundred and four of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby repealed, and the following inserted in lieu thereof: That the boundary line between North Wilkesboro Township and Reddies River Township shall be as follows, viz.: Beginning at the mouth of Browns Creek or Lousy Creek on the north bank of Reddies River; thence running south to the middle of the river; thence up the center of Reddies River to a point just opposite the mouth of Sardins Branch; thence south to the mouth of Sardins Branch; thence a direct course from the mouth of Sardins Branch to a stake, the southeast corner of T. H. Eller's land on the west bank of the Wilkesboro and Jefferson Road; thence down said

New boundary.

Wilkesboro and Jefferson Road on the west side of said road to the forks of the road above Union Methodist Church; thence with the east side of said Wilkesboro and Jefferson Road to the northern boundary line of the right of way of the Yadkin Valley Railroad; then westwardly along said northern boundary line of said right of way to the point where it crosses the public road near Brown's Ford; thence south with said public road to the southern boundary line of said right of way of the Yadkin River Railroad; and thence eastwardly along the southern boundary line of said right of way to the bridge across the Yadkin River, near Curtis Ford, so as to include all lands west of said Wilkesboro and Jefferson Road on the Pennel farm, except John Davidson's land in Reddies River Township.

SEC. 2. That the county commissioners of Wilkes County shall direct the county surveyor to make survey of that part of the township boundary line between North Wilkesboro and Reddies River Township between the mouth of Sardins Branch and the stake corner of T. H. Eller's land on the west bank of the Wilkesboro and Jefferson Road, and make a report to the board of county commissioners of Wilkes County, and said commissioners shall cause the register of deeds to record the said report in some suitable record in his office.

Survey of line.

Report to be made and recorded.

SEC. 3. That said county surveyor shall be paid for his services out of the general county funds.

Pay of surveyor.

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, A. D. 1913.

CHAPTER 180.

AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS BY CHEOAH TOWNSHIP IN GRAHAM COUNTY, FOR THE CONSTRUCTION AND REGRADING OF ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That W. A. McKeldry, Jake Randolph, and B. N. Hyde and their successors in office are hereby incorporated as "The Highway Commission of Cheoah Township," and shall hold their office until the first Monday of December, one thousand nine hundred and fourteen, or until their successors shall be elected and qualify: *Provided*, that there shall be biennially elected in Cheoah Township three competent men as highway commissioners of Cheoah Township at same time and under same laws and regulations governing the general election of township officers.

Highway commissioners.

Incorporation.

Corporate name.

Term of office.

Election of successors.

Powers and rights in respect to roads and bridges.

Power to lay out, discontinue, and alter roads.

Cartways, church and mill roads.

Streets in Robbinsville.

Meeting of commission.

President.

Secretary.

Record of proceedings.

Treasurer.

Bond of treasurer.

Proviso: bank may act as treasurer.

Deposit of funds.

Bond from depositary.

Orders on road funds.

SEC. 2. Said highway commission shall have the same supervision, powers, and rights in respect to all the public roads and bridges in Cheoah Township as has heretofore been vested in the board of county commissioners of Graham 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 commissioners shall have joint jurisdiction with the commissioners or aldermen of the town of Robbinsville of the principal roads or streets in Robbinsville, so far as their improvement and maintenance is concerned, but not including the sidewalks.

SEC. 3. Said highway commission shall meet in the town of Robbinsville within ten days after the first day of May, one thousand nine hundred and thirteen, 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 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 of Graham 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 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 shall 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, and the commission may also require said depositary to execute a surety bond covering such deposits in addition to the bond required of the treasurer. The premium on said depositary's bond shall be paid by the bank.

SEC. 4. 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.

SEC. 5. All road taxes for Cheoah Township which may hereafter be collected by the Sheriff of Graham 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 Cheoah 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 State purpose, but he shall at all times keep the road taxes collected in Cheoah 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.

Taxes paid over to treasurer.

Sheriff to settle promptly.

Road tax kept separate.

Time of settlement.

SEC. 6. Said commission shall at their first meeting after election, or as soon thereafter as practicable, elect some competent road engineer, fix his compensation, and prescribe his duties, and the term of employment of any engineer shall be during the pleasure of the commission.

Election, compensation, duties, and term of engineer.

SEC. 7. 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 footpaths, and maintain the same. It shall be unlawful for any person on horseback to use any footpath 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.

Employees.
Supplies.

Machinery, tools, and material.

Riding on footpath misdemeanor.

Punishment.

SEC. 8. 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.

SEC. 9. It shall be the duty of the highway commission to keep the public roads of Cheoah Township in good repair, and for this purpose shall have control and general supervision of the road supervisors of Cheoah Township, and he shall work under their instruction in repairing and regrading roads; and if said commission shall willfully fail or omit to discharge any of its duties it shall be guilty of a misdemeanor.

Commission to keep roads in good repair.

Failure of duty a misdemeanor.

SEC. 10. 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.

Pay of commissioners.

Pay of superintendent. 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.

Right to improve road.

Relocation or establishment of road.

Entry on land for surveys.

SEC. 11. The highway commission shall have the right and authority to 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 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.

Approval of survey and estimate to establish road.

Rights of way condemned.

Obstructing or interfering with officers or employees a misdemeanor.

SEC. 12. 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, in the discretion of the court; and the highway commission may employ an attorney to prosecute any such offender.

Punishment.

Employment of attorney.

Entry on land for material.

SEC. 13. The superintendent of roads or any other employee of the highway commission may enter upon the lands of any person and upon 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.

Rights of contractors.

Application for assessment of damage.

SEC. 14. 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 improve-

ment 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.

SEC. 15. 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 Cheoah Township road fund for the amount, and the said treasurer shall pay said order out of the road 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.

Procedure for assessment of damage.

Proviso: right of appeal.

SEC. 16. 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.

Width of right of way.

SEC. 17. 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.

Engineer to prepare specifications.

SEC. 18. 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.

Advertisement for bids.

Work let to contract or done by superintendent.

SEC. 19. 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 authorized.

SEC. 20. That for the purpose of providing sufficient funds from time to time for the necessary expenses for the highway commission of Cheoah Township in grading or otherwise improving the public roads under their jurisdiction, the said commission is hereby

Bond issue authorized.

Amount.

- authorized, empowered, and directed to proceed at once to the issuing of coupon bonds for Cheoah Township for an amount sufficient to carry on the improvements aforesaid, not to exceed fifteen thousand dollars. 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 Cheoah Township.
- Proviso: limitation. SEC. 21. 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 Graham County, who shall cause the same to be recorded in the minutes of the board of county commissioners for their information and future guidance.
- Resolution for bond issue. SEC. 22. 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.
- Record of resolution. SEC. 23. Said bonds shall bear a rate of interest to be fixed by the commission, not exceeding six per cent per annum, payable semiannually, 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.
- Sale of bonds. SEC. 24. 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 facsimile thereof.
- Sale below par forbidden. SEC. 25. That the highway commission of Cheoah Township is hereby authorized and empowered to adopt and use a 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.
- Interest. SEC. 26. That said bonds when issued and sold shall become a valid debt of said township, and shall fall due and become payable as follows: fifteen hundred dollars twenty years from date thereof and fifteen hundred dollars each year thereafter. 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 purposes than those authorized in this act: *Provided,* that said money raised by said bond issue shall be applied as follows: first, to the building of a bridge across Tullulah Creek near Robbinsville; to building a bridge across Sweet Water
- Denomination. Bond a valid debt.
- Authentication. Maturity.
- Corporate seal. Specific appropriation of proceeds.
- Proviso: application of proceeds.

Creek at a point to be selected by the highway commission; to build a bridge across Cheoah River near the John M. Colvard footbridge at a point to be selected by said commission; to build a bridge across Snowbird Creek on the road from Robbinsville to Rough; all money remaining after said bridges are built to be used in laying out and regrading the public roads of Cheoah Township so that not less than seventy per cent of said surplus shall be spent on the main thoroughfares: *Provided, however,* that the purchasers 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.

Proviso: purchaser not liable for application.
Commission of treasurer.

SEC. 27. For the purpose of paying the interest coupons on said bonds as they respectively fall due, the board of county commissioners of Graham 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 Cheoah Township 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 shall be ascertained and recommended each year by the highway commission to the board of county commissioners of Graham County; but in the absence of such recommendation, it is hereby made the duty of the county commissioners of Graham County annually to ascertain and levy a special tax which will be sufficient for the purposes aforesaid.

Special tax.

Rate recommended by highway commission.

SEC. 28. The sheriff or tax collector of Graham 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 of Graham County.

Collection of tax.

Settlement.

SEC. 29. The official bond of the sheriff or tax collector for Graham 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.

Bond of sheriff.

SEC. 30. 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

Payment of interest.

- Proviso: surplus. 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.
- Terms defined. SEC. 31. Whenever the word "commission" or "highway commission" is used in this action it shall be held to mean and to refer to the "Highway Commission of Cheoah Township" as created by this chapter.
- Laws repealed. SEC. 32. All laws and clauses of laws in conflict with this act are hereby declared inoperative in Cheoah Township in Graham County: *Provided*, this act shall be construed in connection with so much of the act to provide for the working of public roads of Graham County, passed by the Legislature of one thousand nine hundred and thirteen, as related to Cheoah Township.
- Proviso: construction of act. SEC. 33. That this act shall be in force from and after its ratification.
- Ratified this 25th day of February, A. D. 1913.

CHAPTER 181.

AN ACT TO ENABLE THE BOARD OF COUNTY COMMISSIONERS OF LENOIR COUNTY TO BORROW MONEY FOR THE CONSTRUCTION OF AND BUILDING OF GOOD ROADS, AND TO PLEDGE THE STOCK IN THE ATLANTIC AND NORTH CAROLINA RAILROAD COMPANY AS COLLATERAL SECURITY AND TO EMPOWER THE SAID COMMISSIONERS TO SELL THE SAID STOCK.

The General Assembly of North Carolina do enact:

- Power to borrow money granted. SECTION 1. That the board of county commissioners of Lenoir County, for the purpose of providing necessary funds for the building and construction of good roads in Lenoir County, are authorized and empowered to borrow a sum or sums of money not exceeding in the aggregate the sum of thirty-five thousand dollars, and to execute and deliver to the lender or lenders of the said amount or amounts the binding obligation of the county of Lenoir for the sum or sums so provided, to be evidenced by negotiable note or notes signed in the name of the county of Lenoir by the chairman of the board of county commissioners and attested by the clerk of the said board, bearing a rate of interest not greater than five per cent per annum, payable annually, and the principal of said note or notes to be due at a period of not more than twenty-five years from the date thereof, and that the said note or notes, when so executed and delivered, shall be and become a valid indebtedness and obligation of the county of Lenoir.
- Amount.
- Negotiable note or notes. Authentication.
- Interest.
- Maturity.

SEC. 2. That in order to obtain the funds provided for in section one, the said board of county commissioners are authorized and empowered to pledge the five hundred shares of the Atlantic and North Carolina Railroad Company owned by the county of Lenoir, as evidenced by its certificate of stock number four thousand two hundred and twenty-two, dated the twenty-ninth day of August, one thousand nine hundred and five, as collateral security for the payment of the interest on the said note or notes and the principal thereof at maturity.

Pledge of stock authorized.

SEC. 3. That the said board of county commissioners are authorized and empowered to take and use the dividends from the said five hundred shares of stock in the Atlantic and North Carolina Railroad Company for the purpose of paying the interest on the note or notes executed by the authority of this act, and to use the surplus, if any, from the said dividends to create a sinking fund for the redemption of the said loan or loans at the end of the period for which the said loan or loans may be secured, and that the said board of county commissioners are further authorized and empowered to levy a special tax on all real and personal property subject to taxation in said county or not more than two cents on the one hundred dollars and six cents on each and every poll in said county, for the purpose of paying any interest on the loan or loans and to create a sinking fund for the redemption of the said loan or loans at maturity thereof, and that the said board of county commissioners shall levy the taxes for one thousand nine hundred and thirteen, herein provided for, at the same time that the other levies for other purposes are made by the said board, and annually thereafter as long as may be necessary for the purpose of paying the interest on the said loan or loans, as herein provided for, and the creating of a sinking fund for the redemption of the said loan or loans at maturity.

Dividends of stock to interest and sinking fund.

Special tax.

SEC. 4. That the said board of county commissioners shall keep the sinking fund, as it may be collected, in such manner or deposit in such banks as in their judgment may seem best in order to receive the best rate of interest on the said fund each year.

Investment of sinking fund.

SEC. 5. That the said board of county commissioners are authorized and empowered, if in their judgment and discretion it may appear best, in lieu of borrowing the money herein provided for and the pledging of the five hundred shares of the stock in the Atlantic and North Carolina Railroad Company, to sell the said five hundred shares of the said stock of Lenoir County in the Atlantic and North Carolina Railroad Company at not less than seventy-five dollars per share, and to transfer and deliver the same to the purchaser or purchasers, and for use and apply the proceeds of the sale of the said stock to the construction and building of good roads in Lenoir County.

Sale of stock authorized.

Minimum price.

SEC. 6. That in the event of the sale of the said five hundred shares of the stock of the Atlantic and North Carolina Railroad

No money borrowed if stock sold.

Company, sections one, two, three, and four of this act shall be rescinded and repealed from the time of the sale of the said stock.

Repealing clause.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed, except that this act shall not in any wise repeal, affect, or interfere with any road law of Lenoir County enacted at this session of the General Assembly.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 182.

AN ACT TO REGULATE CERTAIN FEES OF THE REGISTER OF DEEDS AND CLERK OF THE SUPERIOR COURT OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Pay of register as clerk to commissioners.

SECTION 1. The Register of Deeds of Jackson County shall, for his services in acting as clerk of the board of commissioners, for recording minutes, and doing other clerical work for or under direction of the board of commissioners, receive three dollars (\$3) per day, to be paid by the county.

Pay of clerk for writing minutes of court.

SEC. 2. That the Clerk of the Superior Court of Jackson County shall, in addition to any fees now provided by law, receive the sum of five dollars (\$5) for writing up the minutes of each day's session of the Superior Court of said county, to be paid by the county.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 183.

AN ACT AMENDATORY OF CHAPTER 219 OF THE PUBLIC LAWS OF 1901, RELATIVE TO THE EMPLOYMENT OF TEACHERS IN GUILFORD GRADED SCHOOLS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter two hundred and nineteen of the Public Laws of nineteen hundred and one be and it is hereby amended by adding after section 11 thereof two new sections to be numbered respectively 11½ and 11¾, as follows:

"SEC. 11½. That all teachers to be employed in Guilford Graded Schools shall submit to examinations by the county superintendent of education of Guilford County as required of other teachers in the public schools of said county. Examination of teachers.

"SEC. 11¾. That the board of school commissioners of said Guilford Graded Schools shall consult and advise with the county superintendent of education of said county respecting the employment of teachers in said graded schools, and obtain his consent before the employment of teachers shall be made." Consultation with county superintendent.

SEC. 2. That all laws and clauses of laws in conflict herewith be and they are hereby repealed.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 184.

AN ACT TO AMEND THE LOUISBURG TOWNSHIP ROAD LAW IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and fifteen of the Public-Local Laws of North Carolina, session of one thousand nine hundred and eleven, being an act entitled "An act to provide good roads in Louisburg Township, Franklin County," be amended by adding thereto the following sections:

SEC. 16. That the board of road trustees of Louisburg Township shall be and are hereby authorized and empowered to issue additional 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 semiannually, 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

Additional bond issue authorized.
Amount.
Denomination.
Interest.
Authentication.
Maturity.
Sale below par forbidden.
Bonds issued as needed.
Liability for payment.

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.

Special tax.

SEC. 17. 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 the levying of the county taxes, levy and lay a special tax on all the persons and property subject to taxation within the limits of said Louisburg Township of not less than ten and not more than twenty-five cents on the one hundred dollars assessed valuation of property and not less than thirty 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.

Rate.

Collection and settlement.

Use of proceeds of bonds.

SEC. 18. That all the 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 said work.

Provisions submitted to vote.

SEC. 19. That the powers granted and the 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 designated by the board of commissioners of Franklin County. For the holding of said election the said board of 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 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 the board of county 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 Road Bonds." and those opposed to such shall cast ballots on which shall be written or printed "Against Road Bonds." 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 Road Bonds," the said bonds shall be issued and said tax levied, and the other powers and duties exercised under the provisions hereof:

Election officers.

Count and canvass of vote.

Report of canvass recorded.

Ballots.

Law governing election.

Bonds issued by majority of qualified vote.

Proviso: further elections.

Provided, that if a majority of said qualified voters shall fail to vote "For Road Bonds." 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 road trustees.

SEC. 20. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 185.

AN ACT FOR THE WORKING AND IMPROVING THE PUBLIC ROADS OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all former road laws for the county of Ashe, and the amendments thereto, except chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine, be and the same are hereby repealed, and said chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine is hereby adopted for the county of Ashe, except as hereinafter provided.

Former road laws repealed.

Road law adopted.

SEC. 2. That section one of said chapter two hundred and eighty-six of said Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended as follows: by inserting after the word "commissioners," in line three of said act, the words "or other proper road authorities of said county heretofore having power to lay out and establish roads in Ashe County"; and by striking out of said section the words "county commissioners," in line four of said section, and inserting in lieu thereof the words "township trustees of their respective township"; and also by striking out the word "counties," in line six of said section, and inserting in lieu thereof the word "township."

Public roads defined.

Roads laid out by township trustees.

SEC. 3. That section two of said chapter and said Public Laws shall be and the same is hereby amended as follows: by striking out in line three of said section the words "April, eighteen hundred and ninety-nine," and inserting in lieu thereof "May, one thousand nine hundred and thirteen"; and by striking out in line five of said section the word "supervisors" wherever the same appears in said section, or any other section of said chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine, and insert in lieu thereof the word "trustees"; and also by striking out of said chapter and said act, wherever it appears in same, the words "April, one thousand eight hundred and ninety-nine," and inserting in lieu thereof the words "May, one thousand nine hundred and thirteen."

Dates for election of trustees.

Dates changed.

SEC. 4. That section three of said chapter and said act shall be and the same is hereby amended as follows: by striking out the

Organization.

words "one of their number," wherever the same does appear in said section, and inserting in lieu thereof, "some suitable and competent person, a resident of said township"; and also add after the word "clerk," in line four of said section, the following: "and some suitable and competent person, a resident of said township, treasurer of said board of road trustees of their respective township"; and also by adding at the end of said section the following:

Treasurers to give bonds. "It shall be the duty of the said board of trustees of their respective townships to require the treasurers of their respective boards to file with said board a good justified bond in the sum of not exceeding one thousand dollars, in the discretion of said board, within ten days after the election of said treasurer, which bond shall be recorded on the books of said boards of trustees of their respective townships, and the original filed with the Register of Deeds of Ashe County, under the same rules and regulations governing the filing of bonds of other county officers. That upon the failure of said treasurer to file such bond, or if he files an insufficient bond in the opinion of said board, said board of trustees may declare said office vacant, and proceed to elect another treasurer at such time as they deem just and wise, who, when elected, shall be required to comply with the above conditions. That it shall be the duty of said treasurer, when so elected and after he has filed his bond as above set out, and after the same has been approved by the said board of road trustees, to collect from the Sheriff of Ashe County, or any former road officials of Ashe County, any and all road funds due said township or that shall become due his said township during his said term of office, and to this end may sue for and recover any such funds so due said township from any source or persons before any court of competent jurisdiction. That it shall be the duty of said treasurer to keep a true and accurate account of all of the funds that come into his hands as such treasurer, and shall not pay out any of the same except upon an order made by the trustees, or a majority of the same, of said township. That it shall be the duty of said treasurer to make an annual settlement with the said board of trustees of his said township not later than the first Monday in December of each year, rendering an itemized statement thereof, which shall be entered by the secretary of said board upon the books of said board and the original filed by said secretary with the finance committee of Ashe County, who shall audit the same and place it in the office of the Register of Deeds of Ashe County for public inspection. That said treasurer of said township shall receive for his services the same commissions allowed the Treasurer of Ashe County. That if said treasurer fails to discharge any of the above obligations he shall be liable upon his official bond. That at said meeting, and annually thereafter, said board of road trustees of the respective townships shall elect some suitable, competent, and discreet person, a resident of the said township, who

Vacancy for failure to give bond.

Treasurer to collect road funds.

Accounts.

Orders on road funds.

Annual settlements.

Accounts audited and open for inspection.

Commission of treasurer.

Treasurer liable on bond.

Election of road supervisor.

- shall be styled the general road supervisor of said township, whose duty it shall be to go over and inspect all the public roads in his said township three times per annum prior to each term of the Superior Court of Ashe County, and make his report in writing to the Clerk of the Superior Court of Ashe County, whose duty it shall be to submit the same to the solicitor of the district at each term of court. He shall show in said report the condition of the public roads in said township, and shall also report whether the board of road trustees, the secretary and treasurer, or any other road official, are complying with the provisions of this act; and also whether the road overseers of said township are doing their duty and complying with the provisions of this act; and he shall also require of the various overseers of said township the names of all persons who have failed and refused to work the road after having been duly summoned to do so as this act provides, to the end that said solicitor may prosecute said delinquent hand or hands. It shall be the duty of said general road supervisor to report to said solicitor any violation of the provisions of this act that may come to his knowledge; that said report shall be made under oath; and if said general supervisor fails or refuses to make said report, he shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court. That said general road supervisor shall receive for his services one dollar per day and actual expenses while engaged in the performance of his duties, after deducting therefrom the number of days he would be liable for under the provisions of this act. It shall be the duty of the secretaries of the various boards of road trustees of the several townships of Ashe County to notify the clerk of the Superior Court, immediately upon the election of said board, the name of the general supervisor chosen for said township.
- SEC. 5. That section four of said chapter and said act shall be and the same is hereby amended as follows: by striking out the word "April," in line three of said section, and inserting in lieu thereof the word "May"; and striking out all of said section after the word "necessary" in line four of said section.
- SEC. 6. That section five of said chapter and act shall be and the same is hereby amended as follows: by striking out the word "April," in line two of said section, and inserting in lieu thereof the word "May."
- SEC. 7. That section six of said chapter and act shall be and the same is hereby amended as follows: by striking out of said section all after the word "roads," in line three of said section, down to the word "but," in line four of said section.
- SEC. 8. That section eight of said act shall be and the same is hereby amended as follows: by striking out the words "sixty-five cents" in line nineteen of said section, and also wherever said words appear in said chapter and said act, and insert in lieu thereof the words "seventy-five cents or whatever amount the overseer has to pay to obtain a hand in his stead."
- Inspection of roads.
- Reports filed with court and submitted to solicitor.
- What report to show.
- Report of violations of act.
- Report under oath.
- Failure to make report a misdemeanor.
- Punishment.
Pay of supervisor.
- Names of supervisors certified to court.
- Meetings of trustees.
- Date for division of roads.
- Exemption from road duty rescinded.
- Commutation for road work.

- Date of overseer's report.** SEC. 9. That section eleven of said chapter and act shall be and the same is hereby amended as follows: by striking out the word "April" in line two of said section, and inserting in lieu thereof the word "May."
- Cartways.** SEC. 10. That section twelve of said chapter and act shall be and the same is hereby amended as follows: strike out in line two of said section the words "commissioners of the county," and insert in lieu thereof the following: "road trustees of the township"; and by adding at the end of said section, "and from the board of commissioners of the county to the Superior Court of said county."
- Right of appeal.**
- Reports.** SEC. 11. That section thirteen of said chapter and act is hereby repealed.
- Petition for damages.** SEC. 12. That section sixteen of said chapter and act shall be and the same is hereby amended as follows: by striking out the words "commissioners" and "county," in line two of said section, and inserting in lieu thereof the words "trustees" and "township," respectively.
- Roads not laid out but on petition.** SEC. 13. That section twenty-five of said chapter and act shall be and is hereby amended as follows: by striking out the words "county commissioners," in line one of said section, and inserting in lieu thereof the words "township trustees"; and also by striking out the words "the courthouse door" in line eight of said section, and inserting in lieu thereof, "three public places in said township."
- Notice of hearing.**
- Cost of petition.** SEC. 14. That section twenty-six of said chapter and act shall be and the same is hereby amended as follows: by striking out the words "county commissioners," in line two of said section, and inserting in lieu thereof the words "township trustees"; and also by inserting after the word "appeal," in line three of said section, the following: "first to the board of commissioners of Ashe County, and thence."
- Right of appeal.**
- Appointment of assessors.** SEC. 15. That section twenty-seven of said chapter and act shall be and the same is hereby amended as follows: by striking out the words "county commissioners," in line three of said section, and inserting in lieu thereof the words "township trustees"; and also by striking out all of said section after the word "shall," in line twenty-four, down to and including the word "place," in line twenty-six of same, and inserting in lieu thereof the following: "locate same on a reasonable grade under all the circumstances"; and also by striking out the words "county commissioners," in line thirty of the same, and inserting in lieu thereof the words "township trustees of said township"; and also by striking out all of the same after the word "specify," in line thirty of the same, down to and including the word "and" in line thirty-two of the same.
- Grade of roads.**
- Report to trustees.**
- Grade not included.**
- Appointment of overseers.** SEC. 16. That section twenty-eight of said chapter and act be and the same is hereby amended by striking out the words "county

commissioners," in line three of the same, and inserting in lieu thereof "township trustees of said township."

SEC. 17. That section twenty-nine of said chapter and act be and the same is hereby repealed, and the following substituted in lieu thereof: "whenever any person desires to change a road from one part of his land to another part, he shall file his petition in writing with the board of road trustees of that township in which the road to be changed is situated, setting forth the proper change, who in their discretion may appoint two disinterested freeholders who, together with the road overseer of said road, shall go and view said proposed change, and they may permit said change to be made upon such terms and conditions as to them may seem best, and when said change has been made upon a reasonable grade they shall make their report to the board of road trustees of said township, who shall confirm same if the terms and conditions of said change have been complied with."

Petition for change of road.

Procedure for change.

Report to trustees.

SEC. 18. That section thirty-seven of said chapter and act be and the same is hereby repealed, and the following enacted in lieu thereof: "That no person subject to road duty under the provisions of this act shall be excused from same; but the justices of the peace shall be given credit on their road time by their respective road overseers for each day they are engaged in electing the road trustees of their respective townships, or other duties performed by them in respect to the public roads of their townships; that the road trustees of their respective townships shall also have credit on their road dues for the number of days actually performed by each of said road trustees, to be allowed said trustees by their respective overseers; that the overseers of the several townships in said county shall be paid one dollar per day for each day actually engaged in the performance of his duties over and above the time he is required to work under the provisions of this act; that the road trustees of the several townships shall have a like compensation, with the above exception."

No exemption from road duty. Credits on road time.

Pay of overseers.

Pay of road trustees.

SEC. 19. That the following sections shall be and the same are hereby added at the end of said chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine, to wit:

SEC. 44. Any person through whose lands any public road runs in Ashe County may file his petition with the board of road trustees of the township in which said road is situated, praying that he may be allowed to keep up and in repair the public road that runs through his said land in lieu of the road duties he is required to perform, and setting forth his reasons therefor, and said board of trustees, after notice to the overseer of said road, may in their discretion make an order allowing said petitioner to do so, under such restrictions and upon such terms as to them may seem just: said order may be subsequently revoked upon petition filed by the overseer of said road, after notice to the original petitioner or the owner of the land through which said road runs.

Petition for exchange of road duty.

Procedure for
removal of fence.

SEC. 45. That whenever any road overseer shall deem any fence too near the road over which he has supervision, he may apply to the board of road trustees of said township, giving the name or names of the parties whose fence or fences he deems too close to the road, and said board shall within a reasonable time thereafter notify said parties, and appoint a time and place when said board shall hear both the overseer and said parties, and may, upon such terms and conditions as to them seems just, order said fence moved; that it shall be unlawful for any overseer or hands to dig under or undermine any fence along any public road in Ashe County, but if any fence is too near the public road, shall proceed as above provided to remedy such evil; and any overseer or hand violating this provision of this section shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court.

Undermining fence
forbidden.

Misdemeanor.

Punishment.
Petition for road
in two or more
townships.

SEC. 46. That whenever any new public road is petitioned for to be established, and said proposed new road extends into two or more townships, then the same shall be heard by a joint meeting to be agreed upon by the chairmen of the boards of road trustees of the several townships through which said proposed road would run, and a majority of said trustees shall settle all questions arising concerning the same.

Payment of road
orders.

SEC. 47. That all expenses and wages provided for in this act shall be paid by the treasurers of the boards of road trustees in their respective townships where they are incurred, upon an order signed by the chairman of said board and at least one other member of said board, so long as there are any funds in said treasurers' hands, or due said treasurers, but if there be no funds in said treasurers' hands, then by the board of county commissioners upon an order signed by the board of road trustees and the treasurer of said township, also certifying that there are no funds in said treasurer's hands and now due said townships to pay said claim.

Special tax
authorized.

SEC. 48. That the board of commissioners of Ashe County may in their discretion at their May meeting, one thousand nine hundred and fourteen, and annually thereafter, levy a special tax of not exceeding ten cents upon every hundred dollars worth of property in the county for road purposes, which shall be collected along with the other taxes, and turned over by the Sheriff of Ashe County to the respective treasurers of the road trustees for the several townships, the amount so due each township, who shall spend the same as provided for under the provisions of this act.

Collection and
settlement.

Election for
special tax.

SEC. 49. That the board of road trustees of any township in Ashe County may, upon a petition filed before them, signed by fifty freeholders in said township, in their discretion, order an election to be held for a special tax not to exceed twenty-five cents on each one hundred dollars worth of property in said township, for road purposes; said election to be held under the provisions of the general law for holding county elections, so far as the same would

Law governing
elections.

be applicable; and wherein said general law would not be applicable, said board to prescribe such regulations as to them seem wise and just: *Provided further*, that said board of road trustees of any township in the county may, in their discretion, upon a like petition, order under similar provisions an election to be held to vote bonds for the improvement of the public roads in said township, in such amount, time, terms, and conditions as to said board might seem wise and just, under the provisions of the general law for voting bonds for the purpose of aiding in the construction of railroads in so far as it could be made applicable, supplying such deficiencies as might be apparent, by such rules and regulations as said board deem wise and just: *Provided, however*, that no election for either a special tax or bonds shall be ordered by any such board of trustees unless it shall be made to appear to the board that at least thirty days notice of the application for said election has been published at the courthouse door and three public places in said township before the first day of May of the year in which said proposed election is applied for.

Proviso: election on bond issue.

Proviso: notice of application for election.

SEC. 50. The board of road trustees of Peach Creek Township is hereby empowered and directed to have located and constructed a public road from the bridge above Rowan Craven's mill at the junction of the Jefferson, Ore Knob, and Buttermilk Road, to a point in the Boone-Ore Knob Road, near D. C. Bare's store, Ashe County, by the way of P. R. Sheets' mill; said road to be located and constructed under the general provisions of this act. The road trustees of Grassy Creek, Hilton and Walnut Hill Township, are hereby directed to complete and have constructed under the general provisions of this act the public road begun but not completed, leveling from the ford on Big Hilton Creek near J. E. Waddell's, by the way of the "Low Notch," so as to intersect with the Old Field Creek Road near Cabin Brineagers. That the road trustees of Walnut Hill Township are hereby directed to have constructed under the general provisions of this act a new public road, beginning near the mouth of Old Field Creek and running up the west side of the river, and intersect with the Silos Creek Road near the Deny Ford.

Roads in Peach Creek township.

Grassy Creek, Hilton, and Walnut Hill townships.

Walnut Hill township.

SEC. 51. That the Sheriff of Ashe County is hereby directed to turn over to the treasurer of the board of road trustees of each township all the funds that he now has on hand collected from such township or which he may hereafter collect from same, under and by virtue of the tax placed upon dogs of Ashe County during the time said act was in force, which funds shall be used for the benefit of the public roads of said township, and spent under the general provisions of this act.

Funds turned over to township treasurers.

SEC. 52. That the board of commissioners of Ashe County shall cause to be published at least two hundred copies of chapter two hundred and eighty-six of the Public Laws of one thousand eight

Publication of law.

hundred and ninety-nine, as amended by this act, and distributed among the road officers and justices of the peace of Ashe County.

SEC. 53. That this act shall apply only to the county of Ashe.

SEC. 54. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 186.

AN ACT TO INCORPORATE HORN'S METHODIST CHURCH IN NASH COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation. SECTION 1. That Horn's Methodist Church, in the county of Nash, North Carolina, be and the same is hereby incorporated and created
Corporate name. a body politic and corporate under the name and style of "Horn's Methodist Church."

Trustees. SEC. 2. That B. F. High, W. H. Mercer, E. K. Flowers, W. A. Eatmon, C. E. Williams, W. R. Biggs, and W. H. Perry and their associates and successors in office be and they are hereby elected as trustees of said Horn's Methodist Church.

Prohibition. SEC. 3. That no cider, wine, beer, or other spirituous, vinous, or malt liquors shall be sold within one mile and a half of the church house or building of said Horn's Methodist Church, and any person violating the provisions of this section shall be guilty of a
Misdemeanor. misdemeanor.

SEC. 4. This act shall be in force from and after its ratification.
Ratified this the 25th day of February, A. D. 1913.

CHAPTER 187.

AN ACT FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN GREENWOOD TOWNSHIP, MOORE COUNTY.

The General Assembly of North Carolina do enact:

Road commis- SECTION 1. That John B. Cameron, M. McL. McKeithen, and P. sioners. A. Fisher be and they are hereby created a board of road commissioners for Greenwood Township, Moore County, who shall
Commissioners to qualify by taking an oath of office, before some officer authorized
qualify. to administer oaths, to faithfully and honestly discharge the duties
Term of office. of their offices, and shall hold office until the first Monday in
Election of suc- January, one thousand nine hundred and fifteen. Their successors
cessors. shall be elected by the qualified voters of Greenwood Township
at the general election to be held as provided by law in the year
one thousand nine hundred and fourteen, and at each biennial

general election thereafter, and shall hold office for two years from the first Monday in January next after their election and until their successors shall be elected and qualified. Said board of road commissioners shall fill all vacancies occurring in their board prior to any election of a new 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 offices hereinafter prescribed.

Vacancies.

Pay of commissioners.

SEC. 2. That the said division known as Greenwood Township shall for the purposes of this act be and is hereby declared a body corporate by the name and style of "Greenwood Township," and is vested with all the necessary power and authority 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 are declared to be the corporate agents of said township, and may sue in the name of "Greenwood Township" and be sued under said name, and shall have the power and authority to carry out the provisions of this act.

Township incorporated.

Corporate name.

Corporate powers.

Corporate agents.

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 Greenwood 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.

Control and management of roads.

Selection of roads.

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 than once in three months. The said board of road commissioners shall annually elect one of their members 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 that purpose, and do such work as the board of road commissioners shall see fit to require of him, and the said board may allow him suitable compensation therefor.

Quarterly meetings.

Organization.

Record of proceedings.

Compensation.

SEC. 5. The board of road commissioners created by this act and the parties to be thereafter elected under the provisions of this act shall at their first meeting elect a treasurer of said board, who shall hold office during the term of said respective boards. All road taxes collected by the Sheriff of Moore County for Greenwood 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. 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 Greenwood Township, as soon as his

Election and term of treasurer.

Moneys paid to treasurer.

Time for sheriff to settle.

Moneys to be paid over to treasurer.

- bond has been approved, all moneys held by him on account of the road fund for Greenwood Township under existing law. 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 on the sinking fund herein provided for. Before entering upon the duties of his office said treasurer shall execute a bond payable to the State of North Carolina, 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 as provided by this act and the general laws of the State, which bond shall be approved by the board of commissioners of Moore County and recorded in the book of official bonds of said county, and the original shall be deposited with the register of deeds of said county. Suit may be brought upon said bond in the name of the State of North Carolina upon relation of the board of road commissioners of Greenwood Township. Said treasurer shall pay out said funds coming into his hands and belonging to the road fund of said township only 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 funds. Said treasurer shall render an itemized account of the receipts and disbursements of said road funds to the board of road commissioners of said township every three months, and oftener if required by said board, 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; said register of deeds shall be entitled for such services the fees prescribed for recording deeds, which fees the said board of road commissioners are authorized to pay out of any road funds in the hands of the treasurer. 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 funds of said township.
- Bond of treasurer.**
- Suit on bond.**
- Orders on road funds.**
- Itemized quarterly accounts.**
- Fees of register of deeds.**
- Compensation of treasurer. Proviso: limit.**
- Premium on treasurer's bond.**
- Election and duty of supervisor.**
- Monthly statements.**
- 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 Greenwood Township. Said supervisor shall submit monthly statements to the board of road commissioners, showing the costs of work on the public roads of said township, of expenditures made thereon for the month, together with all 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 to said supervisor for his services.

SEC. 7. The board of road commissioners shall have full power and authority to purchase for said township 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: *Provided*, that when at any time during the building and maintenance of said road a petition shall be filed before said board or its secretary, signed by a majority of the qualified voters in said township, objecting to any specific action of said board or act contemplated by said board, the said board shall, upon the filing of said petition, refrain from further prosecuting said work or intended action until a meeting shall be held by said board, giving opportunity to the citizens of said township to be heard in relation to said act of the board. The time and place of said meeting of said board shall be fixed by the board by notice thereof posted in at least three public places in said township, setting forth the time and place of said meeting, which notices shall be posted at least five days before the time of said meeting. At said meeting the board shall give a reasonable hearing to said citizens, and thereafter prosecute said action or intended action or refrain therefrom, as in the discretion of the board may seem meet and proper.

SEC. 8. Said board of road commissioners shall audit the account 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 settlement of the same between said sheriff and treasurer of said board, which settlement shall be spread upon the 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 funds for which any officer may fail to properly account, and may bring suit upon relation of the State of North Carolina against said sheriff and his sureties upon his official bond for any defalcation in the payment of said road funds to said treasurer.

SEC. 9. Any member of the board of road commissioners or supervisor of Greenwood Township who shall make or cause to be made any fraudulent order whereby money is to be obtained out of said township road fund shall be guilty of a misdemeanor, and upon a conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, and upon conviction thereof shall be removed from office.

Bond of supervisor.

Compensation.

Purchase of equipment.

Surveyor.

Proviso: action suspended by petition.

Notice of meeting for hearing.

Action on hearing.

Audit and settlement of accounts with sheriff.

Actions for recovery.

Suit on official bond.

Fraudulent order misdemeanor.

Punishment.

Entry on land for drains, ditches, and material.

SEC. 10. That for the purpose of building or constructing, repairing, or maintaining the public roads of said township or for constructing ditches or drains for the construction of said public roads 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 dig and maintain any ditches and cut down and carry away any trees or timber or remove any sand, clay, gravel, stone, or other substance 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 roads. If the owner of the land over which any road is constructed or over which any material is removed or on which any drains or ditches may be caused to empty shall demand compensation therefor and present his claim to the board of road commissioners, it shall be the duty of said board of road commissioners 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 lands any new road has been located or from which any material may be removed or on which drains shall be made shall claim damages therefor, which the said board shall refuse to pay, such person claiming damages shall within thirty days after the location of said road or removal of material or making said drains petition 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 or work thereon, to order a jury of three disinterested freeholders of Greenwood Township to be summoned by the Sheriff of Moore County, to be named and designated by said sheriff, qualified to serve as jurors, and the jury so selected shall give three days notice to the landowner and to the board where and when said jury shall meet to assess said damages, and in the consideration thereof it shall be the duty of said jury 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 finding in writing to the board of road commissioners for confirmation or revision: *Provided further*, that a landowner may appeal to the Superior Court of Moore County from the decision of the jury and said board of road commissioners, and upon said appeal the same shall be heard *de novo* in said court.

Payment of claims.

Proviso: procedure for assessment of damages.

Proviso: right of appeal.

Election on bond issue.

SEC. 11. That at the first regular meeting of the board of commissioners of the county of Moore after the ratification of this act the said board of commissioners is hereby authorized and empowered and directed to submit to the qualified voters of Green-

wood Township at an election to be held therein for that purpose after giving thirty days notice of said election in some newspaper published in Moore County and at the courthouse door in the town of Carthage, Moore County, the question whether the said township shall issue coupon bonds in a sum not exceeding ten thousand dollars as hereinafter prescribed, and whether the tax shall be levied on the taxable property of 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 taxes, the said board of commissioners of Moore County shall at any time thereafter again submit said question to the qualified voters in said township as herein provided 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 herein prescribed after such petition may be filed.

SEC. 12. The election or elections ordered to be held upon the questions 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 be hereafter 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 election. For the purpose of holding said election or elections under the provisions of this act an entire new registration of voters shall be had in said township under the rules and laws prescribed for the election of members of the General Assembly except as modified by the provisions of this act. At the close of said election 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 said 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 the said board of commissioners of Moore County held after said report has been made the said board of commissioners of Moore County shall canvass and declare the result of said election or elections 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.

SEC. 13. That at said election or elections held under the provisions of this act as aforesaid all the qualified voters of said township who shall favor the issue of said bonds as hereinafter prescribed and the levy of the special tax as hereinafter prescribed shall vote a ballot upon which shall be written or printed, or

Notice of election.

Amount.

Use of proceeds of bonds.

Proviso: further election.

Voting places.

Election officers.

New registration.

Count and canvass of vote.

Declaration and record of result.

Ballots.

Law governing election.	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, "Against Good Roads." In all other respects said election or elections shall be held and conducted in the manner prescribed by law for the election of members of the General Assembly.
Issue and sale of bonds.	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 Greenwood Township are thereupon authorized and empowered to issue and sell coupon bonds for said Greenwood Township, payable to bearer, not to exceed in amount the sum of ten thousand dollars or any amount less as the said board of road commissioners of Greenwood Township may, in their discretion, determine upon, and in denominations of not less than one hundred dollars and not 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 semiannually 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 Greenwood 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 at a place to be designated by said board: <i>Provided, however,</i> that the said board of road commissioners of Greenwood 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: <i>Provided,</i> 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 the number one. The bonds shall be signed by the chairman of the board of commissioners of Moore County, North Carolina, and countersigned by the chairman of the board of road commissioners of Greenwood Township, and shall have affixed thereto the seal of the office of the Register of Deeds of said Moore County, and the coupons attached to said bonds shall be signed by the chairman of the board of commissioners of the said Moore County, or shall have his lithographed signature thereon, and the said bonds shall be styled "Greenwood Township Road Bonds"; that a record shall be kept of said bonds by the board of road commissioners of said township, showing the number and denominations thereof, the
Amount.	
Denomination.	
Interest.	
Maturity.	
Proviso: bonds may be classified.	
Bonds issued in series.	
Authentication.	
Entitlement.	
Record of bonds.	

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 their 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 such moneys paid in the purchase of said bonds in his official capacity, and he and the sureties on his official bond shall be liable therefor, and he 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 moneys realized from the sale of said bonds or any portion thereof as provided by this act shall be used only for the purpose of establishing, laying out, improving, grading, and maintaining the public roads of Greenwood Township: *Provided*, that the purchasers of said bonds shall not be held responsible for the application of said fund.

Sale below par
forbidden.

Treasurer liable
on bond.
Orders on fund.

Specific appropri-
ation.

Proviso: purchasers
not liable for
application.

SEC. 16. That the cost of issuing and selling said bonds shall be paid by the board of road commissioners of said township from the road tax heretofore or hereafter collected in said township for road improvement.

Cost of issue and
sale.

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, North Carolina, 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 Greenwood 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 Greenwood 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 the 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 for the payment of said bonds. The board of road commissioners of said township are authorized and empowered at any time said bonds may become due to use any

Special tax.

Limit of rate.

Collection and
settlement.

Application of tax.

Investment of
sinking fund.

Purchase of bonds.

- part of said sinking fund in the purchase of said bonds or any part thereof, if agreement can be made 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.**
- Liability for bonds.** SEC. 18. That the bonds issued under the provisions of this act shall be and constitute obligations of Greenwood 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 Greenwood 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 Greenwood 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 Greenwood 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 the same for the purpose for which it was levied and collected only in the manner hereinbefore authorized. If a majority of the qualified voters of Greenwood 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 purposes 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.
- Rate.**
- Collection and settlement.**
- Tax if bonds are not issued.**
- Record of orders.** SEC. 21. That the board of road commissioners of said township shall keep a record of all orders made upon the treasurer of the said board for the payment and disbursement 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 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; all disbursements on any account, all property
- Annual statements.**

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 Greenwood Township. For all services required to be done under the provisions of this act by the Register of Deeds of Moore County, he shall receive the same fees allowed him by law for the recording of deeds.

Statement re-
corded and posted.

Fees of register of
deeds.

SEC. 22. That this act shall constitute the road law of Greenwood Township upon the ratification of the same, and shall take the place of all previous laws regulating roads in said township.

Road law of town-
ship.

SEC. 23. 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 of
act.

SEC. 24. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 188.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A PUBLIC BRIDGE ACROSS MULBERRY CREEK, IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Wilkes County are hereby authorized, empowered, and directed to have constructed an iron or steel bridge across Mulberry Creek on the Trap Hill Road at the most practical point at or within eight hundred yards of the Elledge Ford near J. P. Elledge's residence, the exact point to be located by the board of commissioners or a competent disinterested committee appointed by them, said bridge and approaches to cost the county of Wilkes not exceeding fifteen hundred dollars.

Construction
directed.

Location.

SEC. 2. That in order to provide a fund for the construction of said bridge, the board of commissioners of Wilkes County are hereby directed to levy a special tax of not more than five cents on the hundred dollars valuation of property at their regular meeting in June, one thousand nine hundred and thirteen, or at such meeting as they shall levy other county taxes for the year one thousand nine hundred and thirteen, to be placed on the tax list and collected in the manner as the other current taxes of the year.

Special tax.

Contract let within
six months.

SEC. 3. The board of commissioners shall let the contract for the construction of said bridge to the lowest responsible bidder, upon such terms as they may deem expedient, at a date not later than six months from the ratification of this act. For the purpose of carrying out this contract, the board of commissioners are authorized, if expedience require, to pledge the credit of the county in payment for the construction of said bridge, until such time as the funds herein provided shall be levied and collected.

Credit of county
pledged.

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

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

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 189.

AN ACT REQUIRING THE OFFICERS OF SAMPSON COUNTY TO SUBMIT STATEMENT SHOWING RECEIPTS AND DISBURSEMENTS OF SEVERAL OFFICERS.

The General Assembly of North Carolina do enact:

Sworn statements
to be filed.

SECTION 1. That the clerk of the Superior Court, register of deeds, sheriff, and treasurer of Sampson County shall file with the board of commissioners of Sampson County a sworn statement, showing detailed statement of receipts and expenditures of their respective offices. Said statements shall be filed January first and July first of each year.

Term of filing.

Failure a misde-
meanor.
Punishment.

SEC. 2. Any officer failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by fine in the discretion of the court.

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 25th day of February, A. D. 1913.

CHAPTER 190.

AN ACT TO AMEND CHAPTER 270 OF THE PUBLIC-LOCAL LAWS OF 1911, FIXING SALARIES FOR PUBLIC OFFICERS AND CREATING AND ESTABLISHING AN AUDITOR'S OFFICE IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Former law
repealed.

That chapter two hundred and seventy (270) of the Public-Local Laws of one thousand nine hundred and eleven (1911) be

and the same is hereby repealed, and the following enacted in lieu thereof, viz.:

SECTION 1. That the Sheriff of Gaston County shall appoint at least one deputy in each township in the county, and may allow such deputies the fees made and collected by them as now allowed by law in serving summonses, subpoenas, notices, and processes of all kinds, and all fees and commissions made and collected by them from executions. Said deputies shall receive such fees in all other cases, either civil or criminal, as now allowed by law.

Township deputies of sheriffs allowed fees.

SEC. 2. That 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.

Other fees to be collected to use of county.

SEC. 3. The sheriff may appoint a jailer, whose salary shall not exceed fifty dollars (\$50) per month.

Jailer.

SEC. 4. The said sheriff shall receive a salary of two thousand dollars (\$2,000) 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

Salary of sheriff.

Proviso: rewards for distilleries.

by chapter eight hundred and seven (807), Laws of one thousand nine hundred and nine (1909), 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

Taxes to be collected by sheriff.

fixed by law. It shall be the duty of the county commissioners of said county to fix and appoint one tax collector for each township in said county, except Gastonia Township, whose duty it shall be to collect 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 (30th) 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.

Township tax collectors.

Proviso: time for collection.

Commissions.

Tax collectors bonded.

SEC. 5. 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 to him by virtue of his office.

Register of deeds to collect fees to use of county.

SEC. 6. The register of deeds of said county shall receive a salary of two thousand dollars (\$2,000) per annum in lieu of all other compensation whatsoever, and shall be allowed to employ a deputy register of deeds, or assistant, who shall receive the sum of six hundred dollars (\$600) per annum.

Salary of register of deeds.

Deputy.

Salary of treasurer. SEC. 7. The Treasurer of Gaston County shall receive a salary of twelve hundred dollars (\$1,200) per annum in lieu of any and all other compensation whatsoever.

Auditor. SEC. 8. 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 dollars (\$1,200) per annum, and shall forthwith give bond in the sum of five thousand dollars (\$5,000) (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.

Responsible for negligence, default, malfeasance, or misconduct. SEC. 9. It shall be the duty of the auditor to assist the Register of Deeds of Gaston County in making out the tax lists 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 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 twice at least 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 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 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 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.

Records open to inspection. SEC. 10. 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 commissioners on every first Monday.

Audit of claims and bills.

Warrants.

Supplies for county.

Monthly reports.

SEC. 11. 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 records of his office.

Appointment of auditor.

Office.

SEC. 12. 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.

Extra allowances forbidden.

Pains and penalties.

SEC. 13. All 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, the balance of said fund shall immediately be divided between the public school fund and the public road fund.

Separate fund.

SEC. 14. 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, deputies, and assistants in monthly installments.

Payment of salaries.

SEC. 15. 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.

Monthly settlements.

Exhibition of books and accounts.

SEC. 16. Any officer, clerk, or assistant herein mentioned who shall willfully fail or refuse to collect the full fee, commission, or emoluments of any kind belonging to his office shall be guilty of a misdemeanor.

Failure to collect fees misdemeanor.

SEC. 17. All laws and parts of laws in conflict herewith are hereby repealed.

Repealing clause.

SEC. 18. That the foregoing provisions of this act shall be in full force and effect from and after its ratification.

When act effective.

SEC. 19. That from and after the first Monday in December, one thousand nine hundred and fourteen (1914), the Clerk of the Superior Court of Gaston County shall receive a salary of two thousand dollars (\$2,000) per annum, in lieu of all other compensation whatsoever, and he shall be allowed to employ a deputy clerk, who shall receive six hundred dollars (\$600) per annum. And after the first Monday in December, one thousand nine hundred and fourteen (1914), the said clerk shall faithfully collect, account for, and turn over to the treasurer of said county, to be disposed of as hereinbefore provided, all fees, commissions, profits,

Salary of clerk superior court.

Deputy.

To collect fees to use of county.

and emoluments of every kind, now or hereafter by law accruing or belonging to him by virtue of his office.

Ratified this the 25th day of February, A. D. 1913.

CHAPTER 191.

AN ACT TO AMEND CHAPTER 770, PUBLIC-LOCAL LAWS OF 1911.

Preamble: elections heretofore held.

Preamble: subscriptions and bonds voted for.

Preamble: declaration of result.

Preamble: doubt as to elections.

Preamble: subscriptions made.

Preamble: settlement of question.

Resolutions and proceedings of county commissioners legalized. Effect of election.

Whereas, on the seventeenth day of September, A. D. one thousand nine hundred and twelve, there were held in Gilmer and Morehead townships, in the county of Guilford and State of North Carolina, special separate elections, submitting to the qualified voters of said respective townships the question of authorizing the making of subscriptions by said townships respectively to the capital stock of Greensboro, Northern and Atlantic Railway, and of paying therefor in bonds of said townships; and whereas at the said special elections a majority of the qualified voters in said respective townships voted in favor of making said subscriptions and issuing said bonds respectively; and whereas it has been declared by the board of commissioners of the county of Guilford that the said propositions were duly adopted at said special elections by a majority of the qualified voters in each separate and respective township; and whereas it does not clearly appear that all the provisions of section thirteen of said act touching the filing of petitions, the ordering of elections, and for notices of elections, are in complete harmony with themselves, nor with chapter sixty-one, Revisal of one thousand nine hundred and five, concerning railroads and elections in aid of railroads by municipalities; and whereas the board of county commissioners, in pursuance of said elections, have subscribed to the capital stock of said railway company the respective amounts specified and limited in the respective petition asking said respective elections; and whereas, to meet and set at rest any question that may arise touching the legality or regularity of the notices of said elections and the authority vested in said board of commissioners, in pursuance thereof: Now, therefore.

The General Assembly of North Carolina do enact:

SECTION 1. That the resolutions and proceedings of the board of commissioners of the county of Guilford, State of North Carolina, concerning and providing for said special elections, the notices of the said elections and the proposition submitted thereat, be and the same are hereby in all things legalized, and the adoption of the said propositions by the voters of said county, as hereinbefore recited, shall have the following force and effect:

First. To authorize the board of commissioners of Guilford County, or the chairman thereof, to subscribe to the capital stock of said railway company the amounts specified in the respective petitions for said townships. To authorize subscription.

Second. To levy annually upon the taxable property and polls of said townships a sufficient tax to pay the interest on said bonds as the same accrues from time to time, and the principal thereof at maturity. To authorize tax levy.

Third. To incur an indebtedness for said Gilmer and Morehead townships up to, but not exceeding, the amounts specified in the separate respective petitions for said respective elections in said respective townships. To incur debt for townships.

SEC. 2. That section one of said chapter seven hundred and seventy, Public-Local Laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out, after the word "Greensboro" and before the word "Railway," in the name of said railway company, in line sixth, the words "Roxboro and Norfolk," and substituting in lieu thereof the words "Northern and Atlantic." Name changed.

SEC. 3. That section fifteen of said chapter seven hundred and seventy be and the same is hereby amended as follows: By inserting in line nineteen of section fifteen, and after the word "other" and before the word "the," the following sentence: "That all the taxes levied and collected for the railway which may be built under this charter within the counties, cities, towns, and townships subscribing to the capital stock of said railroad and issuing bonds therefor, shall be paid over to the aforesaid treasurers, and by them applied to the payment of the interest accruing on said bond subscriptions, and to create a sinking fund for the payment of said bonds at maturity." Taxes applied to interest and sinking fund.

SEC. 4. That the provisions of section one shall apply to any county, city, town, or township which has heretofore voted or may hereafter vote bonds in aid of said railway, and each and all of said counties, cities, towns, or townships shall have all the benefit of said section as fully as if specifically therein mentioned. Powers of municipalities.

SEC. 5. That this act be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1913.

CHAPTER 192.

AN ACT TO AUTHORIZE THE COUNTY OF BUNCOMBE TO ISSUE REFUNDING BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to pay off and discharge the ninety-eight thousand dollars (\$98,000) bonds of Buncombe County issued under authority of chapter one hundred and seventy-two, Public Bond issue authorized.

Amount.	Laws of North Carolina, session one thousand eight hundred ninety-three, and falling due January first, one thousand nine hundred and fifteen, the board of county commissioners of Buncombe County are hereby authorized and empowered to issue and sell the bonds of said county to an amount not exceeding ninety-eight thousand dollars (\$98,000), in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); said bonds shall be payable not less than twenty nor more than forty years from the date of the issue, and shall bear interest at a rate not exceeding five per centum per annum, payable semiannually.
Denominations.	
Maturity.	
Interest.	
Sale of bonds.	SEC. 2. That said bonds may be sold at either public or private sale and shall be payable at such place or places as the said board of commissioners may designate.
Sale below par forbidden.	SEC. 3. That said bonds shall not be sold for less than par and accrued interest, and shall be sold by said board of commissioners without cost to the county, except the usual and necessary expenses of effecting the sale.
Expense of sale.	
Use of proceeds.	SEC. 4. That out of the proceeds arising from the sale of said bonds the said board of commissioners shall pay off, discharge, and cancel the said ninety-eight thousand dollars bonds maturing on or about January first, one thousand nine hundred and fifteen.
Special tax.	SEC. 5. That said board of commissioners shall annually, at the time other taxes are levied, levy a special tax on all taxable property of said county of sufficient amount to pay the interest on said bonds and the principal at maturity.
	SEC. 6. This act shall be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1913.

CHAPTER 193.

AN ACT TO AMEND A CERTAIN ACT OF THIS GENERAL ASSEMBLY ENTITLED "AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY TO ISSUE BONDS TO IMPROVE THE HIGHWAYS OF LINCOLN COUNTY, AND TO CREATE A ROAD COMMISSION THEREIN," RATIFIED ON THE 30TH DAY OF JANUARY, 1913.

Passage of former law.

Whereas, at the present session of the General Assembly an act was passed submitting to the voters of Lincoln County the question of issuing bonds for road improvement, the election to be held on the fourth day of March, one thousand nine hundred and thirteen, after a notice of thirty days; and whereas, by virtue of said act, an election has been ordered to be held on March fourth, one thousand nine hundred and thirteen, and due notice of said election has been given by the board of commissioners of Lincoln County;

Election ordered and advertised.

and whereas it is deemed right and proper that the question as to whether said bonds shall be issued shall be determined by a majority of those voting in said election: Now, therefore,

Majority of votes cast should determine result.

The General Assembly of North Carolina do enact:

SECTION 1. That the former bill be amended by striking out of lines thirteen and fourteen, in section nine, the words "the voters of Lincoln County qualified to vote," and inserting in lieu thereof the words "those voting"; and this amendment shall control and apply to all provisions of the former bill wherever the same may be relevant, so as to provide that the election shall be determined by a majority of the votes cast.

Majority of votes cast to prevail.

SEC. 2. That notice of this amendment shall be published in the newspapers in Lincoln County immediately after the passage of this act and until the said election on the fourth day of March, one thousand nine hundred and thirteen, and such notice shall be deemed sufficient for a valid election on said day under the statute as amended.

Publication of notice of amendment.

SEC. 3. 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 Lincoln County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

Acceptance of State aid authorized.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1913.

CHAPTER 194.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WILSON COUNTY TO ISSUE BONDS FOR THE PURPOSE OF PAYING OFF THE BONDED INDEBTEDNESS OF SAID COUNTY.

Whereas, pursuant to chapter one hundred and thirty-one of the Public Acts of one thousand nine hundred and one, the board of county commissioners of Wilson County issued thirteen (13) bonds, each for one thousand dollars (\$1,000), the proceeds of which were used to enlarge and repair the courthouse of the county of Wilson, said bonds being payable on the first day of July, one thousand nine hundred and sixteen: Now, therefore,

Preamble: bonds heretofore issued.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Wilson County are hereby authorized and empowered to issue bonds in a sum not to exceed thirteen thousand dollars, for the purpose of

Bond issue authorized.

Amount.

Purpose of issue.	paying off the bonds issued by the board of county commissioners of Wilson County, pursuant to chapter one hundred and thirty-one of the Public Acts of one thousand nine hundred and one.
Maturity.	SEC. 2. Said bonds shall run for a period of not less than ten nor more than twenty years from the date of their issue, to be fixed by the board of county commissioners, and said bonds shall bear interest at the rate of five per centum per annum, the interest on said bonds to be paid semiannually.
Interest.	
Special tax.	SEC. 3. In order to provide for the payment of interest and said bonds as they mature, said board of commissioners are authorized and empowered to levy a special tax not to exceed four mills on every one hundred dollars worth of real and personal property and twelve mills on every taxable poll in said county, which tax when collected shall be applied to the interest on said bonds as they mature, balance to be invested by the said board of commissioners and held as a sinking fund for the payment of said bonds when they mature: <i>Provided</i> , that the said commissioners shall be empowered to purchase and retire one or more of said bonds annually from the proceeds of said tax, when in their judgment the best interest of the county will be promoted thereby.
Application of tax.	
Proviso: purchase and retirement of bonds.	
	SEC. 4. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1913.

CHAPTER 195.

AN ACT TO AUTHORIZE NORTH WILKESBORO AND ELK TOWNSHIPS IN WILKES COUNTY TO VOTE BONDS IN PAYMENT FOR RIGHT OF WAY FOR THE YADKIN RIVER RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Donation authorized.	SECTION 1. That North Wilkesboro Township and Elk Township, both in the county of Wilkes, are hereby authorized to donate to the Yadkin River Railroad Company, or to its successor, the Watauga and Yadkin River Railroad Company, an amount not to exceed twenty-five thousand dollars, sufficient to pay for a right of way for the Yadkin River Railroad, or its successor, from North Wilkesboro to Elkville, in Wilkes County, said amount to be secured by the bonds of said townships respectively, as per prior agreement, said bonds to run for a period not exceeding thirty years, to bear interest at the rate of not exceeding six per cent per annum, subject to the approval of the qualified voters of said townships as hereinafter provided.
Amount.	
Donation secured by bonds.	
Maturity.	
Interest.	
Approval of qualified voters.	
Petition for election.	SEC. 2. That the board of commissioners of Wilkes County are authorized and it shall be their duty, whenever twenty taxpayers in either of said townships shall petition the same, to cause an

election to be held in said township or townships at the proper and legal voting place therein, after thirty days notice of said election published in any newspaper published in said county, and to submit to the qualified voters of said township or townships the question of making donations as aforesaid of the sum of money mentioned in the written request of the petitioning taxpayers, the aggregate amounts to be voted in both townships not to exceed twenty-five thousand dollars, at which election those in favor of said donation shall deposit a ballot on which shall be written or printed the words "For Donation," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Donation." Said election shall be held as required by law for elections of members of the General Assembly, except as herein otherwise provided. The returns of said election shall be made to the county commissioners on Tuesday next after the day on which said election is held, who shall on that day canvass the same and declare the result of said election, and if a majority of the legally qualified voters in said township or townships shall vote "For Donation," then the donation so authorized shall be made by the chairman of the board of county commissioners.

Notice of election.

Limit of amount.

Ballots.

Law governing election.

Canvass of returns.

SEC. 3. For the purpose of carrying into effect any donation made as provided in the next preceding section, the board of commissioners of Wilkes County shall issue bonds to the amount authorized to be donated, payable to bearer, and said bonds shall express on their face by what authority and for what purpose they are issued. Said bonds shall be coupon bonds in denominations of not more than one thousand dollars and not less than one hundred dollars, the interest and principal of said bonds to be payable on such terms and at such times and places as may be determined by the commissioners of Wilkes County. Said bonds may be issued in such form as may be determined by the said commissioners, subject to the provisions of this act, and shall be signed by the chairman of said board of commissioners and the clerk of said board. The coupons may be signed by the chairman alone.

Bond issue authorized.

Denomination.

Authentication.

SEC. 4. That to provide for the payment of the interest on said bonds, the board of commissioners of Wilkes County, if necessary, in addition to other taxes, each year shall compute and levy a special tax upon the proper subjects of taxation in said townships, or either of said townships voting said bonds or donation, a sufficient tax, to pay the interest on said bonds issued as aforesaid, and in order to pay bonds as they mature, the said commissioners shall annually compute and levy an additional tax sufficient to pay the principal of said bonds as they may mature, in accordance with the terms of their issue. Said taxes levied under this section shall be collected by the sheriff or other tax collector of Wilkes County under the same rules and regulations as are provided for the collection of other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as

Special tax.

Collection of tax.

Sheriff liable on bond.

Payment of interest.

are now prescribed by law for the faithful collecting and paying over taxes to the State and county. The Treasurer of Wilkes County shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidences of payment, and the balance of the money shall be applied to the redemption of said bonds in the order in which they are payable.

New registration.

SEC. 5. That it shall be lawful for and the duty of the said commissioners to order a new registration for any election held under this act; and the board of elections of Wilkes County shall provide for such new registration; said board of elections shall appoint a registrar and judges of any election held under this act.

Election officers.

Joint or several elections.

SEC. 6. That it is the purpose and intent of this act that both North Wilkesboro Township and Elk Township shall hold elections hereunder, by complying with the requirements of this act, but the election in both townships may or may not be on the same day; and should either township fail to comply with the requirements of this act and hold an election hereunder, its failure to do so shall in no wise impair the validity of the election in the other township, or the issue of bonds authorized by said election in the other township. In the event that either township, or both townships, shall vote an amount which in the aggregate or singly shall be more than sufficient to pay for the right of way for the Yadkin River Railroad, or its successor, from North Wilkesboro to Elkville, and costs incident to procuring said right of way, then it shall be the duty of said commissioners to issue such an amount of bonds only as shall be necessary to pay for said right of way and costs and expenses incident to the procurement of same.

Donation of right of way only.

Railroad tax applied on interest.

SEC. 7. That when either or both of said townships shall donate their bonds, as provided in this act, the county taxes, which shall be levied and collected upon the property and franchise of the Yadkin River Railroad Company, or its successor, the Watauga and Yadkin River Railroad Company, in said townships respectively, shall be applied in payment of the interest on bonds issued on behalf of the two townships respectively, to the amount of said interest, as long as the same shall accrue, and the excess of said taxes, if any, shall be set aside as a sinking fund to be applied to the payment of the principal of said bonds in the order in which they shall mature; and when the interest and principal of said bonds shall have been paid in full, then said taxes shall be applied to general county purposes, as in the case of taxes on other property.

Sinking fund.

Townships incorporated.

SEC. 8. That for the purposes of this act North Wilkesboro and Elk townships are respectively hereby enacted bodies politic and corporate with power to carry out the provisions of this act, and the county commissioners are declared to be the corporate agents of said townships for the purposes of this act.

Corporate agents.

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

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 196.

AN ACT TO BUILD BRIDGES IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Haywood County at their meeting on the first Monday in June, one thousand nine hundred and thirteen, and each succeeding year thereafter, or as long as may be necessary, levy a special tax of five cents or not more than ten, and not less than ten and more than twenty cents on each poll, on the one hundred dollars worth of taxable property, and fifteen cents on each poll, observing the constitutional equation, for the purpose of erecting steel bridges in Haywood County.

Special tax for building bridges.

Tax rate.

Constitutional equation.

SEC. 2. That said commissioners shall erect two bridges across Jonathans Creek in Ivy Hill Township; one at or near Henry Ford; one at a point to be located above R. H. Plott's residence; one across Richland Creek in Waynesville Township at or near the Hyatt mill place where the old wooden bridge now crosses said creek; and one across west fork of Pigeon River in Pigeon Township at or near the town of Woodrow and opposite the bridge across east fork of Pigeon River; and if the said board of commissioners deem it advisable to do so, may erect one bridge across Pines Creek in Pines Creek Township at or near the ford of said creek above R. G. Rathbone's; and one over west fork of Pigeon River in Pigeon Township at or near the John Long or Chambers Ford. Said commissioners may in their discretion erect one steel or iron bridge across Richland Creek, to be located by the board of commissioners of Haywood County at a place between the dam of the Southern Assembly and Walnut Ford.

Bridges to be erected.

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

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 197.

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

The General Assembly of North Carolina do enact:

SECTION 1. That E. H. Franks, J. A. Porter, J. G. Siler, Charley Teague, George Mashburn, Charley Cabe, and their successors in office are hereby incorporated under the name of the "Highway Commission of Franklin Township."

Highway commissioners incorporated.

Corporate name.

Number and election and term of commissioners.

SEC. 2. Said commission shall always consist of an equal number of members, which number shall be six, to be designated as their terms expire by vote of the people at the regular election for members of the General Assembly, two members to be designated at each such election, and, on being elected and qualified, shall hold office for a period of six years: *Provided*, that of those named in section one of this act, Charley Cabe and Charley Teague shall hold office until the general election in one thousand nine hundred and fourteen; J. G. Siler and George Marshburn shall hold office until the general election in one thousand nine hundred and sixteen; and E. H. Franks and J. A. Porter shall hold office until the general election in one thousand nine hundred and eighteen. Should vacancy occur between two general elections by death, removal, or resignation, the said vacancy shall be filled by the commission, and such successor so chosen shall hold office until his successor shall be chosen at the succeeding general election and shall qualify; and a sufficient number of members shall be chosen at such election to fill such vacancies, if any there be, in addition to the two members to be regularly chosen at such election, and the member so chosen to fill a vacancy shall hold office for the same period as the member would have done whose place he was elected to fill. All such elections shall be held, as nearly as may be, in accordance with the regulations prescribed by law for the election of members of the General Assembly.

Proviso: terms of first commissioners.

Vacancies.

Law governing elections.

Supervision and powers in respect to roads.

Laying out and discontinuing roads.

Cartways, church and mill roads.

Streets in Franklin.

Meeting for qualification and organization.

President.

Secretary.

SEC. 3. Said highway commission shall have the same supervision, powers, and rights in respect to all the public roads in Franklin Township as has heretofore been vested in either the board of road trustees for said township or in the board of county commissioners of Macon County, except as such laws are herein modified. They shall have full power and authority to order the laying out of public roads, where necessary in the judgment of said commission, 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 Franklin, so far as their improvement and maintenance is concerned, of the public streets of Franklin, but not including the sidewalks.

SEC. 4. Said highway commission shall meet in the town of Franklin within ten days after their appointment, and after having taken the oath required by law for public officers, and a further oath to faithfully perform their duties as members of the "Highway Commission of Franklin Township," 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

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 Macon 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 levied for the current year. And the amount of such bonds shall be subject to increase or may be diminished at any time by order of the commission for the purpose aforesaid: *Provided*, that any bank in the State of North Carolina 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 within this State, 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.

Record of proceedings.

Treasurer.

Bond of treasurer.

Proviso: bank acting 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 it is issued.

Orders for payment of road funds.

Record of orders.

SEC. 6. All road taxes for Franklin Township which are now in the hands of the Sheriff of Macon County or the treasurer of the board of road trustees for said township, or any other person or official, and all such taxes which may hereafter be collected by the sheriff or tax collector of Macon 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 or taxes paid for the purpose of meeting the interest or principal of any bonds which may be issued under the provisions of this act, collected by him, to the treasurer of said commission, and shall at no time retain more than one hundred dollars of said taxes which may come into his hands. The sheriff or tax collector shall not apply any of the said taxes to the payment of any other claims which may be drawn on him or the county treasurer, for any other county purposes, or for State purposes, but he shall at all times keep the road taxes for said township and the taxes collected to pay the interest or principal of said bonds separate from all other taxes, and pay them over to the treasurer of the commission as aforesaid. The sheriff or

Funds to be paid to treasurer.

Funds kept separate.

Time for settlement.

Proviso: compensation of sheriff.

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: *Provided*, the compensation of said sheriff, tax collector, or other officer for collecting said taxes and turning them over to the treasurer of the commission as aforesaid shall not exceed two and one-half per centum of said special taxes so collected and turned over by him, said commission to be fixed by the highway commission.

Superintendent of roads.

SEC. 7. Said commission shall at their first meeting after being qualified, 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 said commission.

Term and compensation.

Employment, compensation, duties, and term of engineers.

Employees and supplies.

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 footpaths and maintain the same. It shall be unlawful for any person on horseback to use any footpath constructed under the direction 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 Franklin Township; and in case a county convict force shall be provided for, they shall turn over to 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 elsewhere in the county, and if deemed expedient may turn over the entire force to the said commission, 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.

Machinery, tools, and material.

Drains, culverts, and footpaths.

Riding on footpath misdemeanor.

Punishment.

Machinery delivered to commission.

Convict force.

Division of roads into sections.

SEC. 9. The highway commission shall, as soon as practicable, divide the roads of Franklin Township into suitable sections.

Commission to keep roads in repair. Failure or refusal of duty a misdemeanor.

SEC. 10. It shall be the duty of the highway commission to keep the public roads of Franklin Township in good repair, and if said commission shall willfully fail or refuse to discharge any of its duties, it shall be guilty of a misdemeanor.

Compensation of commissioners.

SEC. 11. The highway commission shall serve without compensation, except an allowance of not more than one dollar and fifty

cents per day for each day they actually attend the sittings of the commission, which if more than two days in any one month, the same shall be without compensation, unless one of their number shall be elected superintendent, in which event his compensation shall be fixed by the commission. Superintendent.

SEC. 12. 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 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 themselves, 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 shall 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. Macadamized roads.
Relocation or establishment of roads.
Entry on land for surveys.
Road established on receipt and approval of reports.
Rights of way condemned.

SEC. 13. Any person who shall obstruct or interfere with the highway commission, the road superintendent, or any engineer, surveyor, or other employee of the highway commission in making any survey as aforesaid, or who shall interfere or obstruct the highway commission, road superintendent, engineer, surveyor, or other employee of said commission, or any contractor or contractors, or his or their employees, in the construction or improvement of any road, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court. Obstruction of survey or construction a misdemeanor.
Punishment.

SEC. 14. The superintendent of roads or any other employee of the highway commission may enter upon any lands and open any quarries, and take away any stone, earth, gravel, or clay, and cut and carry away any timber, except trees or groves on improved lands planted or left for ornament or shade, from any place most convenient, accessible, or desirable on account of the material desired, and cut and carry away any trees, except ornamental trees on improved property, which may unduly shade the road; said superintendent or employees may also enter upon any lands adjoining or near the roads, in order to make such drains or ditches through the same as they may deem necessary for the betterment of the road, doing as little injury to said lands or the improvements thereon as the nature of the case and the public Entry on land for material.
Right to cut timber.
Drains and ditches.

good will permit; and where necessary to protect said lands and the crops or improvements thereon, the ditches and drains so made shall be conducted to the nearest ditch, drain, or water-course or waste ground, and shall be kept open by the commission, and shall not be obstructed by the owner or occupant of such lands, or by any other person or persons. Any person or persons so obstructing the superintendent or other employees of the highway commission shall be guilty of a misdemeanor, and shall upon conviction be fined not exceeding fifty dollars or imprisoned not exceeding thirty days for each and every offense; and the rights and privileges granted by this section to the road superintendent and employees of the highway commission shall be given any contractor or contractors working for the commission, and to his or their servants or employees.

Obstructing officers misdemeanor.

Punishment.

Rights extended to contractors.

Application for assessment of damages.

SEC. 15. Any landowner feeling himself aggrieved by the taking of his land or any part thereof for the relocation or construction of any new or old public road, or by taking of any material from his land for road construction or otherwise as hereinbefore provided, or by the cutting of drains or ditches through his lands, may, within sixty days after such construction or improvement is completed, or such material is taken, or such drains or ditches are cut, make application to the highway commission for an assessment of damages and benefits to his property caused by the taking or invasion of his property for any of the purposes aforesaid.

Procedure for assessment of damage.

SEC. 16. Within thirty days after the application for the assessment of damages has been made to the highway commission, the said commission 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, 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 the improvement of the public road leading over the same, or for which the material was taken or the ditches or drains were cut, and the difference between the two sums shall be their verdict. If the damages awarded by the jury shall exceed the benefits, it shall be the duty of the secretary of the highway commission to draw an order on the sheriff or other officer acting as treasurer of Macon County for the amount, and the said officer on whom the order is drawn shall pay the same out of the general county road fund: *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.

Payment of damages.

Proviso: right of appeal.

Initial point of improvements.

SEC. 17. It shall be the duty of the highway commission to begin the work of laying macadam or other paving or metaling upon each road or street that may be decided upon, at the courthouse

or a point or points near thereto in the town of Franklin. The width of all roads, together with the width of any stone or macadam laid thereon, shall be designated by the commission, who may vary the width in different places in accordance with the necessities of the case. 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.

Width of roads
and of macadam.

Width of right of
way.

SEC. 18. 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
road work.

SEC. 19. 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.

Advertisement for
bids.

Work to lowest
bidder.
Or done by
superintendent.

SEC. 20. If any such work shall be let to contract, it shall be the duty of the contractor to furnish a bond payable to the Franklin Highway Commission, conditioned upon the faithful and full 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. 21. That upon the written request of a majority of the members of the highway commission of Franklin Township, addressed to the board of commissioners of Macon County, it shall be the duty of the said board of commissioners of Macon County to order an election for Franklin Township, at which there shall be submitted to the voters of said township the question as to whether or not the said township shall issue bonds to an amount not exceeding ten per centum of the assessed valuation of all taxable property in Franklin Township, the proceeds of which shall be used for the purpose of making, grading, repairing, macadamizing, and otherwise improving the public roads of said township. The said board of commissioners shall give notice of said election by publication once a week for four successive weeks preceding the election in some newspaper published in Macon County, and by posting a notice at the courthouse door and four other places in Franklin Township for thirty days at least next preceding the said election. The said notice shall give the date of the election, the purposes for which and place at which the same shall be held. The election shall be held at the courthouse in the town of Franklin.

County commis-
sioners to order
election.

Bond issue to be
submitted.

Use of proceeds of
bonds.

Notice of election.

Election at court-
house.

SEC. 22. For the holding of said election, the said board of county commissioners shall appoint a registrar and two judges, and shall

Election officers.

New registration.

- Count and canvass of votes. order a new registration. At the close of said election said registrar and the judges 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 the said election all those voters who shall favor the issue of bonds as aforesaid shall cast ballots on which shall be written or printed the words "For Bonds," and all those voters who shall be opposed to the issue of said bonds shall cast ballots on which shall be written or printed the words "Against Bonds." In all other respects the said election shall be held and conducted in accordance with the law governing general elections in this State, as nearly as may be, and the expenses of such election shall be paid out of the general road fund for Franklin Township. If a majority of those voting shall vote "For Bonds," then said bonds shall be issued and the tax levied and other duties performed in connection therewith as in this act provided: *Provided*, that if a majority of the voters voting at such election shall fail to vote "For Bonds," the power of the board of commissioners of Macon County to submit the question of issuing said bonds to the voters of Franklin Township shall not be exhausted; but it shall be the duty of the said board of commissioners, at the request of a majority of the members of the highway commission of Franklin Township, to submit said question to the voters of the said township at successive elections, to be held and paid for as hereinbefore provided, until the said bonds shall have been authorized and issued: *Provided further*, that no subsequent election shall be held until at least six months shall have elapsed since the preceding election on said question: *Provided further*, that in case such vote carries, and the bonds are issued under this act, then the commissioners shall not levy any tax for road purposes under the road law of the county for Franklin Township, nor shall any labor under said law be required.
- Report and record of canvass.
- Ballots.
- Law governing election.
- Expense of election.
- Bonds issued on majority of votes cast.
- Proviso: further elections.
- Proviso: limit on elections.
- Proviso: road tax under county law and road duty abolished.
- Highway commission to issue bonds.
- Amount.
- Proviso: limit of amount.
- Resolution for issuing bonds.
- SEC. 23. After an election shall have been held in accordance with the provisions of the preceding section of this act, resulting favorably to the issue of said bonds, the "Highway Commission of Franklin Township" shall proceed at once to the issuing of coupon bonds for Franklin Township for an amount sufficient to carry on the work of constructing and improving the public roads of Franklin Township as hereinbefore provided. Said bonds shall be issued in such amounts and at such times as may be directed by the said 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 Franklin Township.
- 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, the same being certified by the secretary of the commission, shall be transmitted to the Register of Deeds of Macon County, who shall record the same in the minutes of the board of county commissioners for their information and future guidance.

Resolution registered.

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 public or private, but not below par.

SEC. 26. Said bonds shall bear a rate of interest to be fixed by the said highway commission, not exceeding six per centum per annum, payable semiannually, 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 have the corporate seal of the commission affixed to each bond, and each bond shall be signed by the president of the highway commission and also signed by the secretary of the commission, and each interest coupon shall be signed by the secretary of the commission either in autograph or a printed facsimile thereof.

Denominations.

Authentication.

SEC. 28. That the highway commission of Franklin Township is hereby authorized to adopt and use a corporate seal, which shall be kept in the custody of the secretary of said commission.

Seal of commission.

SEC. 29. That said bonds when issued and sold shall become a valid debt of said township, and shall be fully binding upon and enforceable against the same. They 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 appropriation 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 and principal of said bonds and for keeping in repair the public roads, the treasurer shall be allowed a commission not to exceed two and one-half per centum, to be fixed by the highway commission.

Bonds valid debt of township.

Maturity.

Proceeds paid to road treasurer.

Specific appropriation.

Proviso: purchaser not liable for appropriation.

Treasurer's commission.

SEC. 30. That for the purpose of paying the interest on said bonds as it falls due, the board of county commissioners of Macon County are hereby authorized and directed to levy annually, at the same time that other taxes are levied, a sufficient special tax on all the taxable property and polls in Franklin Township, which tax when collected shall be turned over to the treasurer of the said highway commission, and shall at all times be kept separate and distinct and used for the purpose aforesaid, and for the further

Special tax.

Tax paid to road treasurer and kept separate.

Specific appropriation.

- purpose of keeping in repair the public roads, in so far as the same may be needed in addition to the labor of the road hands thereon.
- Rate recommended by commission.** A sufficient rate of taxation for the purposes aforesaid shall be ascertained and recommended each year by the highway commission to the board of commissioners of Macon County, but in the absence of such recommendation it is hereby made the duty of said board of commissioners to ascertain and levy a special tax which will be sufficient for the purposes aforesaid.
- Investment of sinking funds.** SEC. 31. That so much of the tax levied each year as may not be required to pay the interest on said bonds, and which may not be required to keep in repair the roads, shall be invested so as to secure the payment at maturity of the principal of said bonds; and to increase the due investment of the above described amounts, from time to time, it shall be the duty of the treasurer of said highway commission, under such regulations as said commission may prescribe, to make investment of said amounts and to do and perform all other services in connection with said bonds as said highway commission may prescribe.
- Collection of special taxes.** SEC. 32. The sheriff or tax collector of Macon 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 and all other funds in his hands, and to pay over and settle for the same as herein provided to the treasurer of the highway commission.
- Taxes kept separate.**
- Bond of sheriff.** SEC. 33. The official bond of the sheriff or tax collector of Macon 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.
- Payment of interest.** SEC. 34. It shall be the duty of the treasurer of the highway commission, receiving the said special taxes, to set apart, first, an amount sufficient to pay the interest on said bonds and pay the same as it falls due, and whatever is left after the payment of said interest, each year, shall be applied to the other purpose mentioned in section thirty-two of this act.
- Definition of terms.** SEC. 35. Whenever the word "commission" or "highway commission" is used in this chapter, it shall be held to mean and refer to the "Highway Commission of Franklin Township" as created by this act.
- Laws repealed.** SEC. 36. That all laws and parts of laws in conflict with this act are hereby declared inoperative in Franklin Township in Macon County, and the highway commission shall supersede and take the place of the former road trustees of said township.
- Road trustees superseded.** SEC. 37. That this act shall be in force from and after its ratification.
- Ratified this the 26th day of February, A. D. 1913.

CHAPTER 198.

AN ACT TO BUILD AN IRON BRIDGE OVER THE YADKIN RIVER, THE DIVIDING STREAM BETWEEN THE COUNTIES OF FORSYTH AND YADKIN, AT A POINT AT OR WITHIN TWO (2) MILES OF THE PRESENT LOCATION OF HUFFMAN'S FERRY, AND REPEAL CHAPTER 588, PUBLIC-LOCAL LAWS OF 1911.

Whereas public roads have been regularly laid off and established according to law in the counties of Forsyth and Yadkin, to the banks of the stream known as the Yadkin River, at a point about thirteen miles west of the city of Winston-Salem, and about eighteen miles from the town of Yadkinville, North Carolina, known as Huffman's Ferry, formerly Glenn's Ferry; and whereas the said public roads leading from said city of Winston and town of Yadkinville to said point on said river at Huffman's Ferry is one of the main thoroughfares now established between said city and town and territory adjacent to said roads; and whereas there is a public ferry at said place which charges toll for ferriage; and whereas it appears that a public bridge at or near said place is a public necessity: Now, therefore,

Preamble: public roads established.

Preamble: main thoroughfare.

Preamble: public ferry.

Preamble: bridge public necessity.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of the counties of Forsyth and Yadkin be and they are hereby authorized and empowered to contract for and expend a sum not exceeding the sum of twenty-five thousand dollars (\$25,000) in the construction of an iron bridge across the Yadkin River, the dividing stream between the counties of Forsyth and Yadkin, at or within two (2) miles of Huffman's Ferry, formerly Glenn's Ferry, the exact location of said bridge to be determined by said boards of commissioners of said counties, within the limits above specified and at a point about thirteen miles from the city of Winston-Salem and about eighteen miles from the town of Yadkinville, North Carolina, the county-seats of said counties respectively.

Expenditure authorized.

Amount.

Location.

SEC. 2. That the charges and costs of building and erecting said bridge shall be defrayed by both counties, Forsyth and Yadkin, in proportion to the taxable property listed for taxation in each of said counties respectively; and the keeping up and repairing of said bridge after the construction thereof shall be a charge on each of said counties, and defrayed by each in proportion to the taxable property listed for taxation in each of said counties respectively.

Apportionment of costs.

SEC. 3. That the board of commissioners of Forsyth County be and it is hereby authorized, empowered, and directed to levy and cause to be collected a special bridge tax of not exceeding ten

Special bridge tax, Forsyth county.

Yadkin county. cents on the one hundred dollars (\$100) valuation of all property listed for taxation in Forsyth County, and the board of commissioners of Yadkin County be and it is hereby authorized and empowered to levy and cause to be collected a special tax of not exceeding ten cents on the one hundred dollars (\$100) valuation of all property listed for taxation in Yadkin County, said funds so raised by said special tax levy to be applied by each of said boards of commissioners to defray the proportionate expense and cost of erection of said bridge by said counties respectively.

Land restored to
Yadkin county.

SEC. 4. That chapter five hundred and eighty-eight of Public-Local Laws of one thousand nine hundred and eleven be repealed and that all that portion of Forsyth County which was annexed to and made a part of Forsyth County from Yadkin County under the provisions of said act is hereby reannexed to and made a part of Yadkin County, said boundaries being described in said act 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 road from Lewisville to West Bend, sometimes called the Nading's Ferry Road, crosses the county line; thence northwardly with the county line to the beginning.

Boundary.

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

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 199.

AN ACT TO AMEND CHAPTER 787 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1907, RELATIVE TO THE ISSUE OF BONDS TO REFUND A PORTION OF THE BONDED DEBT OF RUTHERFORD COUNTY, SO AS TO PROVIDE FOR THE PAYMENT OF THE BONDS AUTHORIZED BY SAID ACT AT THEIR MATURITY.

The General Assembly of North Carolina do enact:

Tax for sinking
fund.

SECTION 1. That section three of chapter seven hundred and eighty-seven of the Public Laws of North Carolina, session one thousand nine hundred and seven, be and the same is hereby amended by adding at the end of said section the following words, to wit: "That in order to provide for the payment of the principal of the bonds herein authorized the commissioners of Rutherford County shall levy annually in the years one thousand nine hundred and thirteen, one thousand nine hundred and fourteen, one thousand nine hundred and fifteen, one thousand nine hundred and sixteen, and one thousand nine hundred and seventeen, a

Limit of rate.

tax of not exceeding seven cents upon the one hundred dollars worth of property and twenty-one cents upon the polls, always observing the constitutional equation between the property and the poll, said tax to be collected as other county taxes, and the proceeds derived from the collection of said taxes, except during the year one thousand nine hundred and seventeen, shall be deposited by the county commissioners of Rutherford County in some safe and reliable bank or depository, or invested in a safe manner, in such a manner and under such terms that the said amounts shall draw interest for the benefit of Rutherford County at a rate of interest not less than four per centum per annum, and on the first of January, one thousand nine hundred and eighteen, the moneys derived from the collection of said taxes and the interest derived from the deposit or investment thereof shall be applied to the payment of said bonds.

Constitutional equation.

Investment of sinking fund.

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

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 200.

AN ACT TO ALLOW THE PAROL OF PRISONERS WORKING UPON THE ROADS OF GUILFORD AND FORSYTH COUNTIES AND THE STREETS AND CITIES OF GREENSBORO, HIGH POINT, AND WINSTON-SALEM, OR CONFINED IN THE COUNTY JAIL OR HOUSE OF CORRECTION OF SAID COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the judge of the Superior Court or justice or recorder of any city court or magistrate who shall commit any prisoner to be worked upon the public roads of Guilford or Forsyth counties, or the streets and public works of the cities of Greensboro, High Point, or Winston-Salem, or to the jail or house of correction of said Guilford or Forsyth counties, for a definite term of imprisonment, or in lieu of the payment of fine and costs imposed, shall have the power, upon the recommendation of the board of county commissioners and superintendent of health of the city, if the prisoner shall be a county prisoner, or upon the recommendation of the board of aldermen or board of commissioners of either the city of Greensboro or the city of High Point or of Winston-Salem and the health officer of either of said cities, if the prisoner shall be a city prisoner, to parol said prisoner upon such terms as said judge, recorder, justice, or magistrate shall deem best; said judge, recorder, justice, or magistrate thereafter to have the right and power to issue an order for the rearrest and commitment of

Judges, recorders, and magistrates may parol prisoners; recommendations for parol.

Order for rearrest and commitment.

said prisoner to serve the balance of the term, if in his judgment it shall be best for the prisoner or the community to do so.

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

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 201.

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

The General Assembly of North Carolina do enact:

Road tax.

SECTION 1. The board of county commissioners of Graham County shall annually levy a tax for the purpose of keeping up and repairing the public roads of Graham County of not less than thirty nor more than sixty cents on the hundred dollars worth of property listed for taxation in said county, and not less than ninety nor more than one dollar and fifty cents on each poll, always observing the constitutional equation between the property and poll tax, until the poll tax reaches two dollars, and the amount raised by said tax shall constitute a special fund for the purpose of repairing and keeping up the public roads of Graham County, and shall be used for no other purpose except as hereinafter provided:

Tax rate.

Constitutional equation.

Special fund.

Specific appropriation.

Proviso: road work in payment of tax.

Proviso: work to be done under supervisor.

Apportionment of fund.

Notice to road supervisors.

Election of road supervisors.

Provided, that any taxpayer shall be allowed to work out the amount of his road tax on the road at the price hereinafter fixed for wages: *Provided further*, that said work shall be at the time and place indicated by the road supervisor, and upon the failure of such hand to diligently perform his duties as a hand he shall be discharged by the supervisor.

SEC. 2. That at the first meeting after the tax books are made out in each year the board of county commissioners shall apportion the amount raised by said levy among the three townships of Graham County, to wit, Cheoah, Yellow Creek, and Stecoah, according to the amount raised by the tax upon the property and poll in each township, so that each township shall receive to its credit for road purposes the whole amount of tax raised on both property and poll in that township, and no more, and that immediately after the apportionment the clerk of the board of county commissioners shall notify the road supervisor of each township the amount placed to the credit of each township.

SEC. 3. That there shall be a road supervisor in each township who shall be biennially elected by the people of the respective townships at the general election under same rules and laws governing the election of township officers, whose duties shall be as

hereinafter set forth: *Provided*, the men hereinafter appointed as road supervisors shall hold office until their successors are elected and qualify; that he shall receive as compensation the sum of twenty cents per hour for all time actually at work: *Provided*, that if the said office shall become vacant either by resignation, death, or failure of the road supervisor to qualify within thirty days after the time specified in this act, the board of county commissioners shall call an election in said township for the purpose of electing a road supervisor, first giving twenty days notice of the time and purpose of said election at three public places in said township; and in case the road supervisor should become sick and unable to attend to the duties of said office, the board of county commissioners shall appoint a competent man to fill said office during the illness of the said road supervisor: *Provided*, the said office shall be surrendered to the road supervisor by the appointee upon his request.

Proviso: term of first supervisors.

Pay of supervisors.

Proviso: elections to fill vacancies.

Temporary appointments.

Proviso: surrender of office.

Sec. 4. That the said road supervisor may, when work is required on different parts of the road in his township, appoint a competent man to oversee the said work at any point where he himself cannot be present by reason of the necessity of his presence at other points on said road work, but said man shall himself be a hand and shall only receive the compensation hereinafter provided for hands at said work, and the said road supervisor and his bondsmen shall be liable for the faithful performance of the road duties the same as though he himself were doing it.

Supervisor may appoint overseer.

Pay of overseers.

Supervisor liable on bond.

Sec. 5. That the said road supervisor shall upon the first Monday in May after his appointment file with the commissioners of Graham County a good and sufficient justified bond, that of the supervisor of Cheoah Township to be in the sum of seven hundred dollars and that of the other two townships to be in the sum of five hundred dollars, to be approved by the board of county commissioners, conditioned for the faithful performance of all the duties prescribed by law for the road supervisor, and to make good any money or fund misappropriated or misapplied, and for the return of all tools issued to the said road supervisor for use on the public roads; that the said road supervisor shall at said time take and subscribe the following oath, to wit: "I, do hereby swear that I will faithfully perform all duties imposed upon me by law as road supervisor of Township; that I will expend the road money to the best advantage of the public roads; that I will employ hands on said roads without regard to friendship, favor, or political affiliations, and that I will make a true report to the board of county commissioners on the first Monday in each month, by mail or in person, showing the amount of time worked by me and all men under me on each day of the preceding month, and that I will prosecute all persons whose names are returned by the road overseers as having failed to work the road as required by law."

Bonds of supervisors.

Supervisor to be sworn.
Form of oath.

Tools. SEC. 6. The board of county commissioners shall purchase from the road funds a kit of tools for each township to be used in working the roads of said townships, which shall be charged to the road accounts of the respective townships, and which shall be turned over to the supervisors of said townships and a receipt taken, itemizing each piece so turned over, which shall be kept by the board of county commissioners; that the said board shall replenish said tools as the same are worn out and turned in to them by the road supervisors: *Provided*, that the road supervisors shall have said tools mended and sharpened and may issue orders in payment therefor to the sheriff, which orders shall be included in the report of the said road supervisors to the board of county commissioners on the first Monday in each month.

Proviso: repair of tools.

Order books. SEC. 7. That the board of county commissioners shall furnish each road supervisor upon his request a blank order book to the sheriff to pay the party therein named the amount specified in the order, which book shall have a stub lettered and numbered to correspond with the order.

Hire and pay of road hands.

SEC. 8. That the road supervisors of each township shall hire able-bodied hands to work, who shall be citizens of Graham County, and shall contract to pay them therefor at the rate of fifteen cents per hour, and shall give them an order to the sheriff for the amount due them for said work, and the sheriff shall pay said orders out of the tax collected under this act and credited to the said townships; that the road supervisors shall keep an itemized account of all the work performed by each man for which he gives orders, and shall transmit an itemized, sworn report of all said orders to the board of county commissioners on the first Monday in each month; that the said reports shall be filed with the clerk of the board of county commissioners and be recorded in a book to be provided for that purpose.

Itemized accounts filed monthly.

Supervisors to keep roads in repair.
Proviso: supervisor to work as hand.
Proviso: apportionment of work.

SEC. 9. That the said road supervisors shall keep the roads in their respective townships in good repair: *Provided*, that if the said road supervisors shall work less than four hands, he shall himself perform a hand's work: *Provided further*, that said road supervisors shall apportion the work so as to keep the main thoroughfare through the county, and the roads most generally used, in good repair: *Provided further*, that not less than sixty-five per cent of the money shall be spent to maintain the main thoroughfares in the respective townships.

Proviso: main thoroughfares.

Charges against supervisors.

SEC. 10. The board of county commissioners shall, upon a petition to them signed by fifty road subjects and taxpayers, charging any road supervisor with malfeasance or incompetence, notify the said road supervisor of said charges, furnishing him a copy of said petition, and shall notify him to appear before them at a time and place named to answer said charge, and if after hearing all of the evidence they unanimously agree that the charges have been sustained by the evidence, they shall declare said office vacated and

Notice to appear and answer.

Office vacated on conviction.

call an election in said township to elect a successor to said office, who shall file bond and take the oath and be subject to all liabilities prescribed by this act.

SEC. 11. If for any year it does not require the whole amount of the money credited to any township to keep its roads in good repair, the board of county commissioners may employ a competent surveyor or engineer to survey any changes desired to be made in the old road so as to place the same on a better grade, and may expend such surplus in regrading said road: *Provided*, that no roads shall be changed without first having a survey made by a competent surveyor or engineer and a certificate made by him that said grade as surveyed by him is upon the best practical grade obtainable; that the survey and the report of the said surveyor or engineer shall, together with the order of the board of county commissioners confirming same, constitute all the proceeding necessary for the condemnation of said property for road purposes: *Provided*, that if any property owner shall deem himself damaged by the appropriation of said property, he shall demand in writing to the said board, within thirty days after the completion of said road, that a jury be appointed to assess the damage, whereupon the said board of county commissioners shall appoint three competent men who are citizens of said county to go upon and view said premises and appraise the damage to said party, taking into consideration all advantages and enhancements in value of said property by reason of the building of said road.

Surplus expended on new roads.

Proviso: survey for new road.

Proviso: procedure for assessment of damage.

SEC. 12. That each and every male person between the ages of twenty-one and forty years shall work for two days in each year upon the public roads, or in lieu thereof shall furnish an able-bodied hand, or pay the road overseer the sum of one dollar for each day to be worked before the meeting of the hands to work for that day; that the time for working said roads shall be the first Friday in March and the first Friday in October in each year: *Provided*, that if the weather is inclement the overseer shall continue the said work from day to day; that said hands shall meet their respective overseers at the upper terminus of their respective sections of roads with tools upon the days specified, without further notice thereof; and any hands failing to comply with this act shall be guilty of a misdemeanor and fined not less than ten dollars nor more than fifty dollars, in the discretion of the court: *Provided*, that the apportionments last made of said roads and the allotment of hands thereon, and the appointment of overseers therefor shall continue until the board of county commissioners shall change same. It shall be the duty of each road overseer immediately after each day above specified to report all delinquent hands upon their respective roads who shall fail to work same as provided, or in lieu thereof furnish an able-bodied substitute or pay into the hands of the overseers one dollar for each day to be worked, to the road supervisors of their respective townships, and

Road duty.

Times for work.

Proviso: continuance for bad weather.

Misdemeanor.

Punishment.

Proviso: apportionment of roads and allotment of hands.

Overseers to report delinquents.

- Supervisor to prosecute. Failure by overseer a misdemeanor. Punishment. Supervisor to prosecute. Failure to vacate office. Settlement of commutation. Sheriff to pay road orders. Settlements. Supervisors named. Surplus in Cheoah township. Proviso; surplus to use of highway commission.
- to turn over all money paid by them in lieu of work, taking the receipt of said supervisor therefor; that the said road supervisor shall immediately secure warrants for all delinquent hands, and prosecute same, the costs of said prosecution to be paid from the road funds of said township in case of a State failure, and that any road overseer failing for thirty days after the day set apart for the working of said roads to report said delinquent hands, or to turn over any money to the road supervisor, shall be guilty of a misdemeanor, and shall be fined not less than ten nor more than fifty dollars, or imprisoned not more than thirty days, in the discretion of the court; and it shall be the duty of said road supervisor to prosecute said road overseer therefor, and his failure so to do shall be ground for his removal from office, and he shall with his next monthly report to the board of county commissioners turn over all moneys paid into his hands to the board of county commissioners, to be credited to said road township, together with an itemized statement as to who paid said money and the name of the overseer.
- SEC. 13. It shall be the duty of the sheriff to pay all orders given by the road supervisors, not to exceed the amount credited to the township, as soon as sufficient tax for that purpose has been collected; the sheriff shall preserve all said orders and turn same over to the board of county commissioners and be credited therefor at his settlement with said county commissioners; said order shall be compared by the board of county commissioners with the itemized statements filed by the road supervisors, and if it is found that an order has been given that is not embraced in the statements, it shall be the duty of the board of commissioners to immediately notify said supervisor to appear before them, and if he shall fail to satisfactorily account for same, shall at once bring suit against the supervisor and his bondsmen for the collection of said amount.
- SEC. 14. That W. E. Hampton be and he is hereby appointed as road supervisor of Cheoah Township; that W. O. Crisp be and he is hereby appointed road supervisor of Stecoah Township; that J. A. Cook be and he is hereby appointed road supervisor of Yellow Creek Township; that the road supervisors above appointed shall hold their office until their successors shall be elected and qualify.
- SEC. 15. That the part of this act providing that the board of county commissioners shall spend the surplus money raised by the special tax herein provided not expended by the road supervisor shall not apply to Cheoah Township: *Provided*, that the surplus of said tax, if any, shall be under the control of the highway commission of Cheoah Township as created and provided in an act entitled "An act to provide for the issuance of bonds by Cheoah Township in Graham County for the construction and regrading of roads." and the said road supervisor of said township shall be under the control of the said highway commission as provided in said act.

SEC. 16. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 17. This act shall be in force from and after the first day of May, nineteen hundred and thirteen.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 202.

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:

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 twenty-five 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.

Purpose of bond issue.

Bond issue authorized. Amount. Denominations.

Interest.

Date and maturity of bonds.

Authentication.

Record of bonds.

Accounts.

SEC. 2. Said bonds shall be dated as of the first day of January, one thousand nine hundred and thirteen, and shall be due twenty years after date—that is to say, on the first day of January, one thousand nine hundred and thirty-three, and shall be signed by the chairman 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 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 that by inspection of said book the true state of the bonded debt herein provided shall be ascertained.

SEC. 3. That the interest becoming due on the first day of January and July in each year on the bonds provided for in this act shall be paid out of the general funds for the public schools of Wake County, and no other.

Payment of interest.

SEC. 4. That the said bonds shall be an indebtedness against the general fund for the public schools of Wake County, and no other.

Obligation of bonds.

SEC. 5. The bonds or coupons provided for by this act shall be receivable in payment of all county taxes, which shall be so expressed on their face.

Bonds receivable for county taxes.

Law repealed.

SEC. 6. Chapter six hundred and thirty-seven, Public-Local Laws of one thousand nine hundred and eleven, is hereby repealed, no bonds having been issued under said act, and this act being adopted in lieu thereof.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 27th day of February, A. D. 1913.

CHAPTER 203.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY TO ISSUE BONDS TO PAY OFF THE FLOATING INDEBTEDNESS OF SAID COUNTY AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

- Bond issue authorized. Amount.** SECTION 1. The board of commissioners of Cumberland County is authorized to issue and sell bonds not exceeding in amount twenty-five thousand dollars (\$25,000), and may use the proceeds thereof to pay off and discharge the floating indebtedness of said county.
- Use of proceeds.**
- Denominations.** SEC. 2. Said bonds shall be issued in denominations of either five hundred dollars or one thousand dollars, as the board of commissioners may determine; said bonds shall be dated April the first, one thousand nine hundred and thirteen, and shall run twenty years from the date thereof, and shall be signed by the chairman of the said board of county commissioners and attested by the register of deeds of said county as clerk of said board of commissioners, and shall have the county seal affixed thereto; they shall be consecutively numbered, beginning with number one, and shall bear interest at the rate of five per centum per annum and shall express on their face when and where the same are payable and the purpose for which they were issued.
- Date and maturity.**
- Authentication.**
- Interest.**
- Coupons.** SEC. 3. Interest coupons shall be attached thereto, numbered to correspond with the numbers on said bonds, payable on the first days of April and October of each year, and shall bear a facsimile of the signatures of the chairman and clerk of said board of commissioners.
- Sale of bonds.** SEC. 4. The said board of commissioners may sell said bonds either at public or private sale, with or without notice, for the purpose aforesaid, in the discretion of said board, but none of said bonds shall be sold for less than their face value with accrued interest to time of delivery.
- Sale below par forbidden.**
- Record of bonds.** SEC. 5. The clerk of said board shall keep a complete record of said bonds, showing the date and amount of each, when and to whom sold, the amount received for same, and the date on which the same shall mature.

SEC. 6. The said board of commissioners and their successors in office shall create and maintain a sinking fund for the redemption of said bonds at maturity. They shall pay into the sinking fund of Cumberland County an amount not less than five per cent annually of the principal amount of said bonds outstanding under the authority of this act until a sufficient fund is realized for said purpose, and it shall be the duty of the sinking fund committee of Cumberland County to see to it that the provisions of this section are complied with, but nothing in this section shall be construed to relieve the said board of commissioners from the duty of creating and maintaining said sinking fund.

Sinking fund.

Sinking fund committee.

SEC. 7. The interest on said bonds shall be paid and the said sinking fund maintained out of the current revenues of said county, if same shall be sufficient; but if same are not sufficient at any time during the time said bonds are outstanding over and above the current expenses of said county, then it shall be the duty of the board of commissioners of said county to levy annually and cause to be collected in the usual course and by the usual methods a special tax, observing the constitutional equation, on all subjects of taxation, sufficient to pay the interest on said bonds and maintain the sinking fund herein provided for their final redemption at maturity.

Fund for interest and sinking fund.

Special tax.

Constitutional equation.

SEC. 8. That the sinking fund herein provided for may be invested by the sinking fund committee of Cumberland County in State, county, municipal, or other safe securities, or in loans secured by first mortgage on real estate, said loans not to exceed fifty per cent of the assessed taxable value of said real estate; said bonds, securities, and loans to bear interest at not less than five per cent per annum.

Investment of sinking fund.

SEC. 9. The sinking fund committee of said county shall report annually to the board of commissioners of said county at every January meeting of said board as to the condition of the sinking fund herein provided for, showing the amount due said fund and the amount paid to same by said county, and the nature and amount of all investments made of said fund, which report shall be recorded and published: *Provided*, that no fees or commissions shall be paid to any public official of said county for any service rendered in connection with said bond issue, or the proceeds of the same.

Report of sinking fund.

Report recorded and published. Proviso: no fees or commissions allowed.

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 204.

AN ACT FOR THE IMPROVEMENT OF ROADS IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Highway commis-
sioners incorpo-
rated.

Notla township.

Shoal Creek town-
ship.

Beaverdam town-
ship.

Hothouse town-
ship.

Terms of office.

Jurisdiction of
streets in Culber-
son.

Supervision,
powers, and rights
of commissions.

Laying out, dis-
continuance, and
alteration of roads.

Cartways, church
and mill roads.

Commissions to
meet and organize.

President.

Secretary.

Treasurer.

Bond of treasurer.

SECTION 1. That A. M. Hatchett, Thomas Evans, and J. E. Graham and their successors in office are hereby incorporated as the Highway Commission of Notla Township, and that J. F. Wood, T. C. Kilpatrick, and G. W. Jones and their successors in office are hereby incorporated as the Highway Commission of Shoal Creek Township; Jake Johnson, Luther Hampton, and Tilden Dockery and their successors in office are hereby incorporated as the Highway Commission of Beaverdam Township; and T. T. Johnson, A. Rice, and W. L. Garron and their successors in office are hereby incorporated as Highway Commission of Hothouse Township. Each of the above commissions shall hold office as such for two years from the ratification of this act and until their successors are elected and shall have qualified.

SEC. 2. That the said commissioners of Notla Township shall have joint jurisdiction with the commissioners or aldermen of the town of Culberson of the principal roads or streets in Culberson, so far as their improvement or maintenance is concerned, but not including the sidewalks.

SEC. 3. Said highway commissions shall have the same supervision, powers, and rights in respect to all the public roads in their respective townships 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.

SEC. 4. Said highway commissions shall meet at some convenient place within their respective townships 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 the 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. If the commission shall 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 Cherokee County, and the commission may also require said depository to execute a surety bond covering such deposit in addition to the bond required by the treasurer; the premium on said depository's bond shall be paid by the bank.

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.

Orders on road fund.

SEC. 6. All road taxes for each of the said townships which may hereafter be collected by the sheriff or tax collector of Cherokee County shall be paid 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 any township to the payment of any other claim 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 each 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.

Road taxes paid to treasurers.

Sheriff to settle promptly.

Division of road fund forbidden.

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 over which they have supervision. 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.

Final settlements.

Superintendent of roads.

Term and compensation.

Road engineers.

Compensation, duties and terms.

SEC. 8. Said commissions 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

Labor and supplies.

Machinery, tools, and materials.

Drains, culverts, and footpaths. chase such machinery, tools, blasting materials, drain pipes, and lumber as may be necessary to build or repair any roads; they may construct necessary drains, culverts, and footpaths and maintain the same; it shall be unlawful for any person on horseback to use any footpath constructed under the direction of the commissions, 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.

Riding on footpaths forbidden. Division of roads into sections. Allotment of hands. Road duty. Commutation. Emergency work. Day's work. Failure in road duty misdemeanor. Punishment. List of delinquents. Warrants and trial. Money paid to treasurer. Superintendent to furnish tools. Charge of road work. Commissions to keep roads in repair. Failure a misdemeanor. Pay of commissioners.

SEC. 9. The highway commissions shall, as soon as practicable, divide the roads in their respective townships 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 seventy-five cents for each day they may fail to work when so summoned. In case of damage to any road by storms or freshet, such road hands shall be liable to do such work as may be necessary to repair the same. For the purpose 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 the 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 the 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. 10. The superintendent of the roads when summoning the road hands shall furnish them with all the necessary tools and see that the same are kept in good order. He shall take immediate charge of repairing the roads, except where more than one road crew is working at the same time, in which case any additional crews may be put in charge of such competent foreman as may be approved by the highway commission.

SEC. 11. It shall be the duty of the highway commissions to keep the public roads of their respective townships 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.

SEC. 12. The highway commission shall serve without compensation, except an allowance of not more than two and one-half dollars 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 repairs of the public roads of the township, unless one

of their number shall be elected superintendent, in which event his compensation shall be not more than two dollars and fifty cents per day for the time actually employed. 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. 13. The highway commissions shall have the right and authority to macadamize or otherwise improve any roads in any township. They may relocate any road in order to make it more useful, or they may establish any new public roads 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 reports of any such surveys, 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 right of way shall thereby become condemned for the public use.

SEC. 14. 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. 15. 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 stones, 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. 16. Any landowner feeling himself aggrieved by the relocation or construction of any new public roads, or by the taking of any material from his land for road construction as herein pro-

Pay as superintendent.

Method of road improvement.

Relocation or establishment of road.

Entry on land for surveys.

Road established on approval of reports and estimates.

Right of way condemned.

Obstructing or interfering with survey or work a misdemeanor.

Punishment.

Employment of attorney.

Entry on land for material.

Rights extended to contractors.

Application for assessment of damages.

vided, 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 aforesaid.

SEC. 17. 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 roads 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 file claim therefor with the board of county commissioners of Cherokee, and said board of commissioners shall pay said order out of the general county funds. Damages awarded for road material taken shall be paid by the commission: *Provided, however,* that if either the county commissioners or the landowner be dissatisfied with the verdict of the jury, they shall have the right of appeal to Superior Court of said county.

SEC. 18. In acquiring any right of way for the relocation or establishment of any public road, not more than thirty feet in width may be taken.

SEC. 19. 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.

SEC. 20. 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.

SEC. 21. 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 of said bond shall be paid by the contractor.

SEC. 22. That for the purpose of providing sufficient funds from time to time for the necessary expenses of the highway commission of each and every township in grading, macadamizing, and

Procedure for assessment of damage.

Payment of awards.

Proviso: right of appeal.

Width taken for right of way.

Specifications for roads.

Work may be let to contract.

Or done by commission.

Bond of contractor.

Bond issue authorized.

otherwise improving the public roads under their jurisdiction, the said commissions are hereby authorized, empowered, and directed to proceed at once to the issuing of coupon bonds as hereinafter provided for their respective townships 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 the township.

Proviso: limit of bond issue.

SEC. 23. Whenever a portion of the bonds herein authorized are issued, the highway commissions 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.

Resolution for bond issue.

Record of resolution.

SEC. 24. 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.

Sale below par forbidden.

SEC. 25. Said bonds shall bear a rate of interest to be fixed by the commission, not exceeding six per cent per annum, payable semiannually, 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. 26. That said bonds shall be issued in denominations of one hundred dollars each, 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 facsimile thereof.

Denomination.

Authentication.

SEC. 27. That the highway commissions of said townships are hereby authorized and empowered to adopt and use a 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.

Corporate seal.

SEC. 28. 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. When 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 purposes 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 issued by him, but for paying out any amount from said funds he shall be allowed a

Maturity of bonds.

Proceeds paid to treasurer.

Specific appropriation.
Proviso: purchaser not liable for application.
Treasurer's commission.

compensation 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 service.

Special tax.

SEC. 29. 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 any of said townships issuing above mentioned bonds, as hereinafter provided, as will pay the interest on all said bonds that will fall due in each year. A sufficient rate for taxation for the purpose aforesaid, together with an amount sufficient to keep in repair 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; said levy for repairs above mentioned not to exceed ten cents on the one hundred dollars worth of property and thirty cents on the poll, and said levy shall be made upon recommendation of the commission of each township.

Tax rate recommended by road commission.

Limit of rate.

Authority for bond issue to be ratified by qualified voters.

SEC. 30. That the provisions of this act with reference to bond issue in any township shall not become operative until approved by a majority of the qualified voters in any township in the manner and form as follows, to wit, that upon a petition of not less than one-half of the qualified voters in any township to the board of commissioners of Cherokee County at any of its regular meetings, it shall be the duty of said board to order an election to be held in the townships so petitioning for the purpose of ratification or nonratification of said act; that said board shall give twenty days notice in some newspaper published in the county of Cherokee and by posting the same at three public places in the townships petitioning for election; that said board of commissioners shall appoint one registrar and two judges for each precinct in the township so petitioning; that said election shall be held at said precinct in the same manner that elections for county officers are held, and those in favor of bond issue shall vote a ballot "For Road Bonds," and those opposed a ballot "Against Road Bonds." That the registration books for said election shall be those used in the township at last general election held in said township, and they shall be kept open during the entire period of twenty days above referred to for the registration of any voters who have become qualified since the last election. That the said registrar and judges of election shall canvass the votes and make returns thereof to the county commissioners. If upon a canvass of said votes it is ascertained that a majority of the qualified voters have cast their votes in favor of said bond issue, then this act to be in full force and effect; otherwise, to be ineffective only in those parts referring to bond issue.

Petition for election.

Election to be ordered.

Notice of election.

Election officers.

Law governing election. Ballots.

Registration.

Canvass and return of votes.

Effect of election.

SEC. 31. The sheriff or tax collector of Cherokee County is hereby authorized and directed annually to collect the special taxes 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 of the highway commission of the township for which said taxes were collected; or if there shall be a vacancy in that office, he shall pay the same over to the county treasurer of Cherokee County.

Collection of tax.

Taxes kept separate.

Settlement.

SEC. 32. The official bond of the sheriff or tax collector of 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 of officers.

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 may 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.

Funds kept separate.

Proviso: surplus.

SEC. 34. That all vacancies occurring in any of the highway commissions of said townships, either by refusal to accept, death, resignation, or otherwise, said vacancies shall be filled by the remaining members of the board, or by appointment by the county commissioners.

Vacancies.

SEC. 35. All laws and clauses of laws in conflict with this act are hereby declared inoperative in the above mentioned townships in Cherokee County.

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 205.

AN ACT TO PROVIDE GOOD ROADS IN ENFIELD TOWNSHIP, HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That S. G. Whitfield, A. S. Harrison, Balfour Dunn, R. R. Bullock, W. H. Clark, J. R. Dickens, H. S. Harrison, P. V. Randolph, Lawrence Whitaker, W. F. White, and Richard Pettitt are hereby constituted a board of trustees for the public roads of

Trustees named.

Term of office.	Enfield Township, in Halifax County. The first four shall hold the said position of trustees for six years, the next four 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 commissioners of Enfield. 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:
Election of successors.	<i>Provided</i> , that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of North Carolina.
Vacancies.	
Proviso: trustees not officers.	
Trustees incorporated. Corporate name.	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 Enfield Township," and
Corporate powers.	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.
Control and management of roads.	SEC. 3. That it shall be the duty of the said board of trustees to take control and management of the roads of said Enfield 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 Halifax County:
Proviso: bridges.	<i>Provided</i> , nothing in this act shall be construed to apply to the bridges in Enfield Township that are now kept up by the board of commissioners of Halifax County.
Organization.	SEC. 4. The board of trustees shall annually elect a chairman and 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 five 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
Bond of treasurer.	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 executive committee.	
Organization.	SEC. 5. The said board of trustees shall annually elect a superintendent of roads for Enfield 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
Vouchers.	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 approval of the board, to supervise, direct, and have charge
Delegation of powers.	
Election and compensation of superintendent.	
Term of office.	
Proviso: removal for cause.	
Duty of superintendent.	

of the maintenance and construction of all public roads in Enfield 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. 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.

SEC. 7. That the superintendent of roads of Enfield 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 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.

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, widen on one or both sides, 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 or widened 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 Enfield Township, to be selected and summoned by the Sheriff of Halifax County as

Monthly reports.

Bond of superintendent.

Machinery and implements.

Engineer or surveyor.
Other powers and privileges.Proviso: road duty abolished.
Entry on land for material.

Drains or ditches.

Obstructing drains or ditches misdemeanor.
Punishment.
Presentation of accounts.

Arbitration of value.

Location and change of roads.

Procedure for assessment of damages.

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 Halifax County from the decision of said trustees.

Proviso: right of appeal.

Bond issues authorized.

SEC. 9. That the said board of road trustees shall be and are hereby authorized and empowered to issue bonds of said Enfield Township, to be styled "Enfield Township Road Bonds," to an amount not to exceed sixty 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 semiannually, 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 Halifax County known as Enfield Township, as constituted at the time of the ratification of this act.

Entitlement.

Amount.
Denomination.
Interest.

Authentication.

Maturity.

Sale below par forbidden.

Obligation of bonds.

Special tax.

SEC. 10. That for the purpose of providing for the payment of said bonds and the interest thereon, and for the construction and 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 the persons and property subject to taxation within the limits of said Enfield 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.

Limit of tax rate.

Collection and settlement.

Provisions submitted to election.

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 Enfield Township at an election to be held on a day to be designated by the board of county commissioners of

Halifax County; said day for holding said election shall be determined by the written request of a majority of the trustees appointed for Enfield Township. 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 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 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 held in the manner and with the same effect as above provided, at any time within one year of the date of the first election, when requested to do so by said board of trustees.

Day for election.
Election officers.
New registration.
Count and canvass of vote.
Report and record of canvass.
Ballots.
Law governing elections.
Effect of election.
Proviso: further elections.

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.

Proceeds of bonds paid to treasurer.
Specific appropriation.

SEC. 13. That in the working and construction of roads either convict labor or hired labor, or both, may be used, or said work may be let out by contract, 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 the convicts in Halifax County or any township therein shall exist and apply to the use of convicts on the roads of Enfield Township.

Labor.
Convict labor.

SEC. 14. That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to said Enfield Township, are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 206.

AN ACT FOR THE BETTER ENFORCEMENT OF THE GAME
LAW IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

- Game protection commissioners. SECTION 1. The clerk of the Superior Court and game warden 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.
- Form of license and other blanks. Record of licenses. SEC. 2. The said game protection commissioners shall prescribe the form of license for all hunters, and all other blanks, and also a book for the purpose of keeping a record of all hunters' licenses that may be issued.
- Application for license by non-residents. SEC. 3. Any nonresident of the State of North Carolina who shall desire to hunt, shoot, or trap birds or other animals in any part of said county (except nonresident landowners) shall make application to the clerk of the Superior Court of said county, who shall issue such a license upon payment of the tax of ten dollars (\$10), and the clerk's fees, amounting to fifty cents; the license shall expire upon the termination of the hunting season.
- License tax. Clerk's fees. SEC. 4. That all residents of the State shall be entitled to hunt in said county by paying a tax of five dollars (\$5), and fifty cents clerk's fees; and all nonresidents of the State and county who own land in said county shall be entitled to hunt without paying a license: *Provided*, they hunt upon their own lands.
- Limit of bag. SEC. 5. No person shall be allowed to kill more than twenty quail per day for each gunner.
- Appointment, term and duty of game warden. SEC. 6. The clerk of the Superior Court shall appoint a game warden for said county on the last Monday in May, who shall hold his office for the term of two years; it shall be his duty to diligently enforce the game law in said county. Said warden is empowered to appoint deputy wardens in the various townships to enforce the said law.
- Deputy wardens. SEC. 7. 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 (\$50) 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 powers and authority held and exercised by the constable of the common law under the statute of this State: *Provided*, their power shall only apply to the execution of any paper or papers in proceedings connected with the game law.
- Oath and bond of wardens.
- Power and authority of wardens.
- Proviso: limit of power.

SEC. 8. The funds received by the clerk of the Superior Court or other persons for the sale of hunters' license shall be turned over to the treasurer, one-half of which shall be turned into the school funds of Clay County and the other half to be set apart as a fund for the enforcement of the game law. Apportionment of license fees.

SEC. 9. If any person shall hunt quail or partridge, rabbits, turkey, or pheasants, or any other game in said county without a license as required by law, or shall hunt upon the lands of another without the written consent of the owner, he shall be guilty of a misdemeanor for each offense, and shall be fined not less than ten dollars (\$10) nor more than twenty-five dollars (\$25). Hunting without license and written consent of land-owner misdemeanor. Punishment.

SEC. 10. That all hunting under this act shall be prohibited from the fifteenth day of February to the first day of November. Close season.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed so far as they apply to Clay County.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 207.

AN ACT TO CHANGE AND DEFINITELY ESTABLISH THE BOUNDARY LINES BETWEEN SYLVA, WEBSTER, AND CULLOWHEE TOWNSHIPS, IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary lines between Sylva Township and Webster Township are hereby changed so as to run as follows: Beginning at a stake in the Webster and Sylva Township lines at a point where the westerly line of C. C. Love's lands crosses the line of said townships on the ridge leading to King Mountain, and runs thence a southeastwardly direction with the various meanderings of the said Love's lands and the lands formerly owned by him and the lands formerly belonging to the estate of A. J. Long, Sr., to the public road leading from the town of Sylva to Cullowhee; thence with said road to a point where the same turns up the Tuckasegee River; thence due west to the center of the river; thence up the center thread and flow of said river as it meanders to a point in the Silas Davis ford; thence northwardly and northeastwardly and with the dividing ridge to the present Sylva Township line; and the remainder of the boundaries of said Sylva Township shall be and remain unchanged, and as above amended shall be and constitute the boundaries of said township. Sylva and Webster townships.

SEC. 2. That the boundaries of Cullowhee Township are hereby amended and changed as follows, to wit: Beginning at a stake on the north bank of the Tuckasegee River in the present Cullowhee Township line, and running down said river with its mean- Cullowhee township.

derings so as to intersect with the Sylva and Webster Township line as created in section one hereof; thence northwardly with the boundary line of Sylva Township as created in section one to the old Sylva Township line; thence with the Sylva Township line to the present or old boundary line of Cullowhee Township; and the boundary of Cullowhee Township as thus amended shall be and constitute its true boundary: *Provided*, that nothing herein shall interfere with the boundaries of special school districts.

Webster township.

SEC. 3. That the boundary lines of Webster Township are so changed and amended as to run with the line of Sylva Township as created in section one until it reaches the boundary of Cullowhee Township as established in section two, and thence with the boundary line of Cullowhee Township as established in section two to the old boundary line of Cullowhee Township to where the old boundary line of Cullowhee Township crosses the Tuckasegee River.

SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed.

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 208.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ASHE COUNTY TO LEVY A SPECIAL TAX TO PAY PRINCIPAL AND INTEREST ON COURTHOUSE BONDS.

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the board of commissioners of Ashe County are authorized and empowered to levy a special tax, annually as long as it may be necessary, to pay the principal and interest on the courthouse bonds, or for other existing necessary county expenses, not to exceed thirty cents on the one hundred dollars valuation of property in said county, and shall be levied at the same time and manner as other taxes are levied on all taxable property in said county.

Limit of rate.

Collection and settlement.

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

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 209.

AN ACT TO AMEND CHAPTER 665 OF THE PUBLIC LAWS OF 1909, RELATING TO ROAD WORK IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and sixty-five of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended so that section four thereof will read as follows: "That the said board of road commissioners of Alligator Township shall apply so much of the moneys levied and collected under this act to the purchase of material for the said road as may be necessary, and any balance remaining to the working of said road."

Purchase of material.

Balance to road work.

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 210.

AN ACT TO VALIDATE CERTAIN BONDS PROPOSED TO BE ISSUED UNDER CHAPTER 838 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1909.

Whereas an election was held in Randleman Township, Randolph County, State of North Carolina, on the eighteenth day of January, one thousand nine hundred and ten, submitting to the voters of said township a proposition to issue fifty thousand dollars (\$50,000) in bonds of said township for the permanent improvement of the public roads of said township, as provided by chapter eight hundred and thirty-eight of the Public Laws of North Carolina, session one thousand nine hundred and nine, at which said election there were two hundred and eighty-three qualified voters, of whom two hundred and three voted "For Good Roads," and, upon the returns of said election being made to the board of county commissioners of Randolph County as by said statute directed, said board of commissioners canvassed and determined said returns and found that the aforesaid election resulted in favor of the proposed bond issue thereunder; and whereas an election was held in Asheboro Township, Randolph County, State of North Carolina, on the fifteenth day of March, one thousand nine hundred and ten, to determine the will of the qualified voters of said township with respect to a proposition to issue fifteen thousand dollars (\$15,000) in bonds of said town-

Preamble: election in Randleman township in favor of bonds.

Preamble: election in Asheboro township in favor of bonds.

ship for the permanent improvement of the public roads of said township, as provided by chapter eight hundred and thirty-eight of the Public Laws of North Carolina, session one thousand nine hundred and nine; at which said election there were two hundred and sixty-five qualified voters, of whom one hundred and fifty-seven voted "For Good Roads," and, upon returns of said election being made to the board of county commissioners of Randolph County as by said statute directed, the said board of county commissioners canvassed and determined said returns and found that the election had resulted in favor of the bond issue thereunder; and whereas said Randleman and Asheboro townships have been unable to find purchasers for said bonds or to dispose of them so as to carry out the purposes for which they were voted, by reason of the fact that they have been unable to show the would-be purchasers of same record evidence of the fact that the petitions upon which said bond issues were respectively ordered by the board of county commissioners of Randolph County were signed by one-third of the resident taxpayers of each of said townships, for that it does not anywhere appear of record who are the resident taxpayers of either of said townships; and whereas all of the requirements specified by the Constitution of North Carolina as a prerequisite to the issuance of bonds and the levy of special taxes have been complied with in respect to each of the proposed bond issues aforesaid; and whereas, in fact, all of the requirements of said chapter eight hundred and thirty-eight of the Public Laws of North Carolina, session one thousand nine hundred and nine, have been complied with, and the issuance of said bonds has been authorized and approved by a majority of the qualified voters of each of said townships, respectively: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The issuance of fifty thousand dollars (\$50,000) in bonds of Randleman Township, Randolph County, State of North Carolina, and the issuance of fifteen thousand dollars (\$15,000) in bonds of Asheboro Township, Randolph County, State of North Carolina, and the levy of special taxes, which were favored and approved by a majority of the qualified voters of each of said townships, respectively, under and in accordance with chapter eight hundred and thirty-eight of the Public Laws of North Carolina, session one thousand nine hundred and nine, are hereby approved; and the acts of the said board of county commissioners of Randolph County and the acts of all other officers and persons carrying out or assuming to carry out or perform any of the acts and things required by said chapter eight hundred and thirty-eight of the Public Laws of North Carolina, session one thousand nine hundred and nine, to be done or performed, are hereby ratified and confirmed; and the failure to comply with said statute in any respect required preliminary to the issuance of said bonds

Preamble: failure of sale from lack of evidence.

Preamble: constitutional requirements complied with.

Preamble: requirements of law complied with.

Issuance of bonds and levy of tax approved.

Acts of officers ratified.

Failure to comply with statute waived.

or to the levy of said special taxes, upon the issuance of said bonds, as aforesaid, if there was any such failure, is hereby waived.

SEC. 2. The proper officers, as designated in said statute, are hereby authorized and empowered to proceed with the execution and sale or other disposition of said bonds, and thereafter, with the levy and collection of said special taxes, as in said statute directed. The said bonds and each of them, when duly and regularly issued and negotiated or otherwise disposed of by the proper authority, shall become just and binding obligations of said respective townships under and in accordance with said act under which said elections were held.

Execution and sale of bonds and levy and collection of tax authorized.

Just and binding obligations.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 27th day of February, A. D. 1913.

CHAPTER 211.

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 thirteen and one thousand nine hundred and fourteen, 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 of tax.

Limit of rate.

Constitutional equation.

Collection and settlement.

SEC. 2. That the board of commissioners of said county may, if they deem it 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 for roads and bridges.

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 212.

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:

Purpose of special tax.

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 courthouse, and for building bridges, the board of county commissioners for the county of Caswell are hereby authorized and empowered to levy a special tax in the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, 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.

Special tax authorized. Years.

Limit of rate.

Constitutional equation.

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 27th day of February, A. D. 1913.

CHAPTER 213.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HOKE COUNTY TO ISSUE COURTHOUSE AND JAIL BONDS AND TO LEVY A SPECIAL TAX TO PAY FOR THE BUILDING OF SAID COURTHOUSE AND JAIL.

Preamble: debt incurred.

Whereas the board of commissioners of Hoke County, at their regular session in June, one thousand nine hundred and eleven, borrowed the sum of fifty thousand dollars for the purpose of building a courthouse and jail for said county, and in exchange for said sum issued courthouse and jail coupon bonds in denominations of one thousand dollars each, numbered from one to fifty, inclusive, dated June first, one thousand nine hundred and eleven, bearing interest payable semiannually from June first, one thousand nine hundred and eleven, at the rate of five per cent per annum, and becoming due and payable as follows: one thousand dollars on June first, one thousand nine hundred and thirteen; one thousand dollars on June first, one thousand nine hundred and fifteen; one thousand dollars on June first, one thousand nine hundred and seventeen; one thousand dollars on June first,

Bond issue.

Interest.

Maturity.

one thousand nine hundred and nineteen; and two thousand dollars thereafter on the first day of June each year until all have been paid; and whereas the said board of commissioners expended the said sum of fifty thousand dollars in building the said courthouse and jail, and in order to complete said buildings, found it necessary to borrow an additional sum of seven thousand dollars: Now, therefore,

Preamble: expenditure of money.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying the aforesaid indebtedness of seven thousand dollars the board of commissioners of Hoke County are hereby authorized and empowered to issue bonds of said Hoke County, not to exceed the sum of seven thousand dollars, to draw a rate of interest not to exceed six per cent per annum, and to mature at such time or times and to be payable at such place or places as the said board of commissioners may determine.

Bond issue authorized.

Amount.

Interest.

Maturity.

SEC. 2. That the proceeds of said bonds shall be used by the said board of commissioners for the purpose of paying the aforesaid indebtedness of seven thousand dollars.

Use of proceeds.

SEC. 3. That the said board of commissioners shall sell said bonds in such manner as to said board may seem best, at either private or public sale.

Sale of bonds.

SEC. 4. That the said board of commissioners are hereby authorized to levy annually, and through the county sheriff to collect annually, a special tax not to exceed fifteen cents on every one hundred dollars worth of taxable property in said county and not to exceed forty-five cents on every taxable poll in said county, the said special tax to be used to pay the interest on and to provide a sinking fund for the retirement of the aforesaid fifty thousand dollars courthouse and jail bonds issued in June, one thousand nine hundred and eleven, and the seven thousand dollars courthouse and jail bonds issued under the authority of this act.

Special tax.

Limit of rate.

Use of proceeds.

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 214.

AN ACT TO AUTHORIZE No. 9 TOWNSHIP, CLEVELAND COUNTY, TO ISSUE BONDS AND TO IMPROVE THE ROADS THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of surveying, laying out, grading, and building the public roads of Number Nine Township,

Bond issue authorized.

Cleveland County, the board of commissioners of Cleveland County is hereby authorized, empowered, and directed to issue bonds for said Number Nine Township, Cleveland County, in an amount not exceeding forty thousand dollars (\$40,000), in denominations not exceeding one thousand dollars (\$1,000), bearing interest from date thereof not exceeding five (5) per cent per annum, with interest coupons attached, payable semiannually, 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 at such time or times, not exceeding forty (40) 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. 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. 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 Number Nine Township, and to whom, amount and date of sale, and the issuing of each bond and its number.

Sec. 2. 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 Number Nine Township, and to establish, alter, repair, survey, lay out, grade, construct, maintain, and build the public roads and highways of Number Nine Township in Cleveland County, 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 Number Nine Township 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 Number Nine 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 (20) cents upon the one hundred dollars (\$100) worth of property and sixty (60) cents on each poll: *Provided further*, that no sinking fund shall be created by such levy within less time

Amount.

Denomination.

Interest.

Maturity.

Proviso: sale below par forbidden.

Authentication.

Record of bonds.

Special tax.

Constitutional equation.

Proviso: limit of tax rate.

Proviso: sinking fund.

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. 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.
Specific appropriation.

SEC. 4. 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 township by the board of commissioners, and to be agreed upon by them and the owners thereof; but in case said township bonds cannot 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 Number Nine Township, 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 Number Nine Township.

Investment of sinking fund in bonds.

Alternative investments.

SEC. 3. 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 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 in the purchase of such necessary road-working machinery and equipment as they may deem advisable, and to carry out the purpose, intent, and provisions of this act.

Purchase of machinery and equipment.

SEC. 4. For the purpose of ascertaining the wishes of the voters of Number Nine Township, Cleveland County, upon the question of issuing said bonds and improving the roads of said township, as provided for in this act, an election shall be held in said township at a time to be designated by the board of commissioners of Cleveland County, but said commissioners shall not order such election except upon the petition of one-third of the qualified voters of said township. At said election all voters in Number Nine Township 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 Number Nine Township, Cleveland County, who vote at said election shall vote "For

Election on bond issue.

Petition for election.

Tickets.

Effect of election.

- Law governing election. Good Roads," 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 election of members of the General Assembly,
- Return of votes. 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
- Canvass of returns. of said election, and at said meeting the board of county commissioners shall officially canvass, determine and declare the result
- Act inoperative. of said road bond election. In the event that the majority of the voters voting at said election fail to vote "For Good Roads," then the provisions of this act shall be inoperative.
- Road laws repealed on vote for bonds. SEC. 5. In the event said bonds are voted and the election is carried "For Good Roads" at any election which may be held under the provisions of this act, then all road laws existing and in force in Number Nine Township, inconsistent with the provisions of this act, shall cease to be in force and effect on January first next after said election is held, and no free labor shall be required of any of the citizens of Number Nine Township after January first next following the adoption of the provisions of this act:
- Road duty abrogated. *Provided, however,* that the general law shall obtain as to the granting of cartways in Number Nine Township, and the applicant for the cartway shall proceed in the same manner and under the same rules and regulations as if this bill had not been passed, except that the highway commission of Number Nine Township shall act in the place and stead of the road supervisors under the general law. The highway commission of Number Nine Township shall have all the powers, rights, authority, 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 powers and authority which has hitherto belonged to the board of commissioners or road supervisors in the management and conduct of the roads in Number Nine Township, except to require free labor of the citizens of Number Nine Township.
- Proviso: cartways. SEC. 6. If a majority of the electors in Number Nine Township voting at said election shall vote "For Good Roads," then the commissioners of Cleveland County shall, within sixty days after the result of said election shall have been canvassed and the result declared, divide Number Nine Township into four road districts, one including Double Shoal, one Lawndale, one Belwood, and the other Fallston, and in making said division the board of commissioners of Cleveland County shall be governed as far as practicable by the wishes of the voters of Number Nine Township, and when said division shall be determined upon by the
- Powers under general law. commissioners, they shall make an order prescribing the boundaries of each of said divisions and record said order upon their minutes,
- Powers as to roads of township.
- Road districts.
- Boundaries.

and thereupon said road districts shall be established; and within thirty days after the creation of said four road districts in said Number Nine Township, the commissioners of Cleveland County shall appoint a freeholder from each of the road districts aforesaid, which four appointees shall be known, designated, and styled the "Highway Commission of Number Nine Township," Cleveland County, and they and their successors in office shall succeed to and inherit the powers of a body politic and corporate as herein provided. They shall receive for their services two dollars (\$2) 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, attorneys' fees, and other additional expenses as may be incurred by them in the discharge of their duties as herein provided. The four men appointed by the commissioners as aforesaid shall meet within ten days after their appointment 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 commission and the name of the secretary of said highway commission, and their term of office shall continue until the first Monday in December, one thousand nine hundred and fourteen; that at the general election to be held in one thousand nine hundred and fourteen, and every two years thereafter, four qualified voters of said township shall be elected as successors to said highway commission 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 in December, one thousand nine hundred and fourteen, 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. Each of the four road districts aforesaid shall be entitled to one commissioner, who must be a *bona fide* resident of said district, but the voters of the entire township shall elect said commissioners; that in the event of a vacancy occurring by the death, resignation, or otherwise, of any member of the highway commission of Number Nine Township, said vacancy shall be filled by the board of commissioners of Cleveland County by the selection of a qualified voter from the road district in Number Nine Township in which the vacancy has arisen, and said appointee shall hold the position of highway commissioner until his successor shall be elected at the next general election.

Sec. 7. The highway commission of Number Nine Township 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

Appointment of highway commission.

Official designation.

Corporate powers.

Pay of commissioners.

Expenses.

Meeting for organization.

Organization.

Term of commissioners.

Election of successors.

Term of office.

Residence and election of commissioners.

Vacancies.

Commission incorporated. Corporate powers.

- Commissioners to qualify and give bond. 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 dollars (\$2,000), 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 Number Nine Township full and complete control of the roads and highways of Number Nine Township, and said commissioners shall loan the highway commission of Number Nine Township, Cleveland County, 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.
- Control of roads and highways.
- Loan of machinery and implements.
- Sale of bonds. SEC. 8. 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.
- Disbursed by county treasurer.
- Road orders. 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 levy of taxes and disbursements made by him, and the dates thereof, 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.
- Separate accounts.
- Treasurer liable on bond.
- Officers to receive no compensation.
- Officers liable on bond.
- Collection of tax.
- Width, grade, and construction of roads. SEC. 9. The highway commission of Number Nine Township shall have the power and authority to determine the width, grade, and location of the roads in said township, and said commission shall have the roads of Number Nine Township surveyed, laid out, graded, and constructed in such manner and in such way as to accomplish the best results with the money herein provided and for the purposes herein provided. Said highway commission shall expend the funds which shall come into its hands from the sale of bonds aforesaid, and the taxes levied aforesaid, so as to give
- Apportionment of funds.

to each of the four road districts of Number Nine Township a fair share and division of said funds. It shall be the duty of the said highway commission herein created to employ some competent and experienced engineer to survey and lay out such roads in Number Nine Township as said commission may determine to construct, and said commission may employ some competent and experienced man for such time or such portion of time as it may deem necessary to have charge, as road superintendent, of the work of grading, constructing, and building such roads in Number Nine Township as said commission may decide upon. Said commission may build and construct said roads by convict labor, or may let the building of same by contract, or may employ day laborers. Said day laborers, however, shall not be paid in excess of one dollar (\$1) per day for each hand, and said commission may, if it shall deem same to be wise, delegate to its member who is a resident of that particular district the actual and active supervision of the road work which shall be done in said member's district; but said highway commission of Number Nine Township, as a body, shall determine the location and grading of the roads of said township, as hereinbefore provided, and shall issue vouchers in payment for the services rendered and work done. Whenever 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, is 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 cannot 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. Wherever roads are opened, created, surveyed, or constructed, said highway commission shall have the power to enter upon the lands in said township 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

Engineer.

Superintendent.

Work may be let to contract.
Day laborers.

Pay of laborers.

Delegation of work.

Work not subject to delegation.

Entrance on land.

Procedure for assessment of damages.

Proviso: notice to landowners.

Proviso: right of appeal.

Appeal not to delay work.

Entry on land for material.

Right to cut timber.

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, but such timber shall not be cut back from said road a greater distance than one hundred (100) feet on either side of said road, and 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 cannot agree as to damages: *Provided*, that whenever any timber is cut, said timber shall remain the property of the landowner.

Limitation.

Assessment of damage.

Proviso: timber property of landowner.

Bridges.

SEC. 10. That said highway commission is authorized and empowered, where the public road built by it under the provisions of this act shall cross a branch, creek, or river, to erect and construct thereover, or have erected and constructed thereover, such bridges as in their judgment may be necessary. The cost of said bridge or bridges may be paid by the board of county commissioners out of such funds as may be collected for bridge purposes in said township, or other bridge funds which may come into the hands of said board of commissioners, but the board of commissioners shall not be required to pay for said bridge or bridges unless said board of commissioners shall have approved and authorized the erection of same.

Payment for bridges.

Further elections.

SEC. 11. In the event that a majority of the voters voting in any election held under the provisions of this act shall fail to vote "For Good Roads," then the board of commissioners of Cleveland County may order another election in Number Nine Township on the question of the adoption of the bond issue herein provided and the other provisions of this act by said township: *Provided*, one-third of the qualified voters of said Number Nine Township shall petition for such election; and *Provided further*, that elections shall not be held oftener than once a year. In all elections held under this act the registrars and judges of election shall be appointed by the board of commissioners of Cleveland County.

Proviso: petition for election.

Proviso: limit of elections.
Election officers.

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 215.

AN ACT TO PROVIDE REVENUE TO CONSTRUCT AND MAINTAIN A PUBLIC ROAD IN PAMLICO COUNTY, KNOWN AS THE "FEREBEE ROAD."

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of better constructing, maintaining, and keeping in repair that certain road in Pamlico County known as the "Ferebee Road," leading from Stonewall, North Carolina, to the J. B. Casey lands, the county commissioners of Pamlico County shall annually levy a special tax of thirty cents on the one hundred dollars valuation of assessed real property lying within the following boundaries, to wit: Beginning at the southwest corner of the lands now owned by Richard Davis and runs with his south line to T. B. Attmore's southwest corner; thence with the west lines of Attmore and Ferebee's land to the northwest corner of S. W. Ferebee's lane land; thence eastwardly to the Ferebee Road; thence with the north line of the land purchased by G. W. Hamilton from K. B. Attmore; thence with J. C. Ormand's line to Alligator Creek; thence up said creek to the mouth of the dividing ditch between J. L. Gatlin and the Morris Daniels estate; thence southwardly to the dividing line between Number Two and Number Five townships; thence with said line westwardly to the Number Three Township line; thence a northwardly course to the beginning.

Special road tax district.

Boundary.

SEC. 2. That said tax shall be in addition to all other taxes levied, and shall be collected at same time and as the general taxes in said county are collected by the sheriff or tax collector of Pamlico County, and shall be kept separate and paid over to the county treasurer separate from other taxes. The taxes provided by this act, after deducting the lawful commissions of the sheriff or tax collector and treasurer, shall be used for the purposes set forth in section one of this act.

Collection and settlement of tax.

Specific appropriation.

SEC. 3. The county commissioners of Pamlico County shall appoint an overseer on the first day of April, one thousand nine hundred and thirteen, and annually thereafter, whose term of office shall be one year; that he shall be an owner of real estate in said territory, and shall receive the same compensation for his services as is paid to other overseers in said county to look after and attend the construction and maintaining said road; and the money collected for this purpose shall be drawn by warrant as other road funds are drawn.

Appointment, term, qualification, and pay of overseer.

SEC. 4. That such overseer shall render an itemized statement monthly to the county commissioners of Pamlico County, showing how much work had been done, who did such work, how many

Itemized monthly statements.

hours any one person worked, and how much was paid to any such person.

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 216.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SURRY AND YADKIN COUNTIES TO BUILD A BRIDGE BETWEEN THE TWO COUNTIES ACROSS THE YADKIN RIVER AT ELKIN.

Preamble: present bridge condemned.

Whereas the counties of Surry and Yadkin are the joint owners of a wooden bridge across the Yadkin River at Elkin, which bridge was completed in one thousand eight hundred and seventy-two and has been declared unsafe by a competent engineer; and whereas the roads leading to said bridge from the counties of Surry and Yadkin are public highways used by the citizens of both counties in large numbers:

Preamble: public highways.

The General Assembly of North Carolina do enact:

Erection of bridge directed.

SECTION 1. That the board of commissioners of Surry and Yadkin counties are hereby authorized and empowered and directed to build, erect, construct, and maintain a steel or iron bridge across the Yadkin River at a site at or near the present wooden bridge at Elkin across the Yadkin River, the point to be selected by the commissioners of Surry and Yadkin counties, or a competent disinterested committee to be appointed by them, said bridge to cost not more than four thousand five hundred dollars (\$4,500).

Location.

Limit of cost.

Apportionment of expense.

SEC. 2. That said bridge shall be constructed and maintained by the said counties in the proportion that the taxable polls of each county bears to the other, and the cost of constructing and maintaining said bridge shall be paid out of the funds arising from the taxes already assessed and collected and the taxes which shall hereafter be assessed and collected by the counties of Surry and Yadkin.

Letting of contract.

SEC. 3. That the contract for the building of said bridge shall be let by the board of commissioners of Surry and Yadkin counties to the lowest responsible bidder at a date not later than three months from the ratification of this act, and said bridge shall be completed by the first day of October, one thousand nine hundred and thirteen.

Completion of bridge.

SEC. 4. That all laws and clauses of laws, in so far as they 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, A. D. 1913.

CHAPTER 217.

AN ACT TO ALLOW THE COMMISSIONERS OF TRANSYLVANIA COUNTY TO LEVY A SPECIAL TAX TO PAY COUNTY INDEBTEDNESS.

Whereas a special act was passed by the General Assembly of North Carolina in the year one thousand nine hundred and eleven, allowing the commissioners of Transylvania County to levy a special tax to pay the county indebtedness then due; and whereas the present board of commissioners of said county desire the passage of a like act to supplement the contingent fund in order to pay some indebtedness already incurred, and to also meet the current expenses of the county for the next two years: Now, therefore,

Preamble: former act.

Preamble: supplemental act.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Transylvania County, North Carolina, be and they are hereby authorized to levy a special tax not exceeding 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 thirteen and one thousand nine hundred and fourteen, for the purpose of paying the obligations above mentioned.

Special tax authorized.

Rate.

Years.

SEC. 2. That said special tax shall be levied, collected, and disbursed as other taxes are levied, collected, and disbursed.

Levy, collection, and disbursement.

SEC. 3. Should there be any surplus remaining in the hands of the county treasurer derived from said special tax after the payment of the above stated obligations, all such excess shall be turned into the general county fund, to be disbursed according to law.

Surplus to general fund.

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 27th day of February, A. D. 1913.

CHAPTER 218.

AN ACT TO LEVY A SPECIAL TAX FOR RAISING REVENUE WITH WHICH TO PAY OFF AND DISCHARGE THE INDEBTEDNESS OF THE COUNTY OF WILKES.

That whereas the county of Wilkes now has outstanding indebtedness which, under the present rate of taxation, she is unable to meet; and whereas a great amount is expended each year by

Preamble: outstanding debt.

Preamble: elimination of interest payments.

payment of interest on said indebtedness; and whereas a small additional tax levy will eliminate such payments by way of interest and further enable the said county to meet all her obligations as they may fall due: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Wilkes County are hereby authorized and empowered, in their discretion, to levy a special tax of five cents (5c.) and not in excess of ten cents (10c.) on the hundred dollars assessed valuation of all real and personal property lying and being in Wilkes County, at their regular meeting in June, one thousand nine hundred and thirteen, or at such time as the tax assessment for said county is usually levied, or at such time thereafter when the usual tax levy is made each year as they may see fit and proper, to the end and for the purpose of paying off any and all outstanding indebtedness of Wilkes County.

SEC. 2. That the Sheriff of Wilkes County shall collect said tax, whenever the same may be levied, as other taxes, and pay same over to the Treasurer of Wilkes County; and he, the treasurer, shall place it to the credit of a fund to be known, and as herein now designated, fund to pay off indebtedness; and such amount so raised shall be ordered paid out by the board of county commissioners in discharge of said indebtedness of Wilkes County.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 219.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF CAMDEN COUNTY TO LEVY AND COLLECT A SPECIAL TAX FOR THE PURPOSE OF PAYING THE INDEBTEDNESS INCURRED IN BUILDING THE COUNTY JAIL.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Camden County are hereby authorized and empowered to levy a special tax for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, at the same time and in the same manner with the levies of other county taxes for said years, on all taxable property and polls in said county for the purpose of paying off the indebtedness of said county incurred in building the said county jail.

Special tax authorized.

Limit of rate.

Collection and settlement of tax.

Appropriation of fund.

Special tax authorized.

Years.

Sec. 2. That the special tax as provided in section one of this act shall not exceed twenty cents on the one hundred dollars valuation of property and sixty cents on each taxable poll; and in making the levy, the county commissioners shall observe a constitutional equation between the property tax and the poll tax. Limit of tax rate.
Constitutional equation.

Sec. 3. That the said taxes shall be collected and accounted for by the sheriff or any 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. Collection and settlement.

Sec. 4. That all laws or clauses of laws in conflict with this act are hereby repealed.

Sec. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 220.

AN ACT TO IMPROVE THE HIGHWAYS OF MANNINGS TOWNSHIP, NASH COUNTY, AND TO AUTHORIZE THE ISSUING OF BONDS FOR THAT PURPOSE.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to provide for the construction, improvement, and maintenance of the public roads of Mannings Township, county of Nash, and to pay the bonds hereinafter mentioned and the interest on same, the board of county commissioners of the said county, at the regular annual meeting in May, one thousand nine hundred and thirteen, and at each regular annual meeting thereafter, shall levy a tax upon all property subject to taxation under the State law, in Mannings Township, in said county, of not less than ten (10) cents and not more than thirty (30) cents on one hundred dollars worth of property, and not less than thirty (30) cents nor more than ninety (90) cents on the poll. Special tax.
Limits of rate.

Sec. 2. That the said board of county commissioners shall annually cause to be made out a full and complete tax list, in accordance with section one of this act, to be placed in a separate column on the regular tax books of the county of Nash, for Mannings Township, to be delivered to the sheriff of said county for collection, as required by law, and the said sheriff shall collect said taxes and account for the same under the same rules and laws and penalties as required in the collection of State and county taxes; that said sheriff and his bond shall be liable for the said taxes in like manner as he is liable and responsible for State and county taxes. Of the entire amount paid by the county commissioners of Nash to the sheriff for his services in collecting taxes, Separate column on tax books.
Collection and settlement.
Sheriff liable on bond.
Proportion of sheriff's commission.

a proportionate part shall be paid by said road supervisor to said county, or the same may be deducted from the taxes that are to be paid by the sheriff to the treasurer of Mannings Township road fund.

Account with road treasurer.

SEC. 3. That the sheriff aforesaid shall account to the treasurer of Mannings Township road fund, to be elected by the road supervisors as hereinafter provided, in like manner as he accounts to the Treasurer of Nash County for State and county taxes by him collected.

Road treasurer to receive and hold tax.

SEC. 4. That the treasurer of Mannings Township road fund shall receive and hold said taxes and give his receipt to the sheriff aforesaid for the same, and he is required to keep an account of his receipts and disbursements in a book kept for such purpose, which book shall at all times be kept open for the inspection of the supervisors; that the said treasurer shall receive in compensation for his services a salary to be fixed by the road supervisors, not exceeding seventy-five dollars a year. A detailed and itemized statement of receipts and disbursements shall each year be prepared by the said road supervisors at the meeting in May, a copy of such statement to be posted at some public place in the town of Spring Hope, and the same to be also published once in some newspaper of the county.

Accounts.

Compensation of treasurer.

Itemized annual account posted.

Board of road supervisors.

SEC. 5. That W. J. May, W. H. Taylor, W. R. Griffin, S. C. Edwards, G. V. Clark, Dr. H. Brantley, W. M. Warren, J. W. Hinton, and W. H. Abernathy shall constitute and be styled "Mannings Township Road Supervisors," and they are hereby incorporated under that name, and shall hold office as follows: the first three until the first Monday in December, one thousand nine hundred and fourteen; the second three until the first Monday in December, one thousand nine hundred and sixteen; and the last three until the first Monday in December, one thousand nine hundred and eighteen; 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 fourteen, 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 supervisors and their successors in office shall, before entering upon the duties of their office, take and subscribe an oath for the 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 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. That it shall be the duty of said supervisors to take control and management of all the roads of Mannings Township,

Corporate name.

Incorporation.

Terms of office.

Election of successors.

Supervisors to qualify.

Vacancies.

Supervisors not officers.

Duties, rights, and powers of supervisors.

and they are hereby vested with all rights and powers for such control and management.

SEC. 6. 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 clerk 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 clerk of said board, and a record thereof kept by the said clerk. Said treasurer and clerk shall each receive such compensation as may be fixed by the supervisors.

Organization.
Duties and bond of treasurer.
Meetings.
Vouchers.
Compensation of treasurer and clerk.

SEC. 7. That the clerk of said board shall be required to keep an account of the business of the board, when in session, and also of the machinery, teams, tools, and all other property belonging to the board, and shall issue his orders on the treasurer for all accounts, of whatever kind, approved by the board and signed by the chairman, and said clerk shall keep on the stub of each order so issued what it is for and to whom issued, and shall also enter same upon his minutes.

Duties of clerk.
Stubs of orders.

SEC. 8. That the said board of road supervisors may annually elect a superintendent of roads for Mannings 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 given ten days notice and a hearing, when in the opinion of the board there exists 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 Mannings Township, and he 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. The said road supervisors are also authorized to employ a civil engineer and also an expert road builder to advise and aid them.

Election, compensation, and term of superintendent.
Proviso: removal for cause.
Duty of superintendent.
Monthly reports.
Bond of superintendent.
Civil engineer and road builder.

SEC. 9. That the said road supervisors are hereby authorized to purchase such material, machinery, teams, etc., as may be deemed necessary to carry on said work, and to pay for the same out of the Mannings Township road fund.

Material, machinery, and teams.

Discontinuation, creation, and alteration of roads.	SEC. 10. That the said road supervisors be and they are hereby authorized and empowered to discontinue old roads and create new roads, to widen any of the roads of Mannings Township, whenever and whenever in their opinion it is desirable, the width not to exceed thirty-six (36) feet, and, when it can be done, an equal amount shall be taken from each side of said road. They shall also have the right to enter upon adjacent lands not in cultivation at that time, and take therefrom gravel, dirt, or rock and timber and material for the purpose of working said roads; shade, grove, and fruit trees being excepted. Any person aggrieved may present his claim to the road supervisors, and if they cannot agree upon the damage done, then it may be left to two disinterested parties, and if they fail to agree, they may call in the third man, and if either party dissents from the decision, such party may resort to legal process to settle the controversy.
Width.	
Entry on land for material.	
Claims settled by arbitration.	
Right of appeal.	
Power to sentence convicts to road work.	SEC. 11. That the mayor of Spring Hope and justices of the peace of Nash County, the recorder's court and the Superior Court are hereby authorized in their discretion to sentence parties convicted in their respective courts to work on the public roads of Mannings Township, and the road supervisors of Mannings Township shall order the costs paid in each case out of the township road fund; but no convict under this act shall be required to wear stripes.
Obstructing ditches misdemeanor.	SEC. 12. That it shall be unlawful for any person to block or fill up any ditch or waterway by the side of or across any public road in Mannings Township by turning water from hillside ditches into said roads, without necessary arrangements to carry off said water, without injury to the roads, or by plowing into or felling trees into or dumping trash or rubbish or underbrush into any such ditches or waterways, or in any way interfering with or preventing the free, uninterrupted flow of water down or through any such ditches or waterways. Any person violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty (30) days, or sentenced to the roads.
Punishment.	
Power to borrow money.	SEC. 13. That said Mannings Township road supervisors are hereby authorized and empowered, whenever it is necessary to carry on the work in the summer and fall seasons, to borrow such sums of money as may be needed, not exceeding seventy-five per cent of the tax for that year, and repay the same out of the next tax collected.
Limit of power.	
Streets of Spring Hope.	SEC. 14. That no part of the tax collected under this act shall be spent on the streets of Spring Hope except principal streets that are extensions of public roads leading into the town.
Bond issue authorized.	SEC. 15. That the road supervisors of Mannings Township, the board of county commissioners concurring, are hereby authorized and empowered to issue bonds of Mannings Township, to be styled "Mannings Township Road Bonds," to an amount not to exceed fifty thousand dollars, of such denomination and such proportion
Amount.	
Denomination.	

as said road supervisors 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 or semiannually, 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 of Mannings 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 forty 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 expenses required by this act. The liability for the payment of said bonds, together with all interest that may be due thereon, shall attach to and be imposed upon the division of Nash County herein named and designated as Mannings Township.

Interest.

Authentication.

Maturity.

Sale below par forbidden.

Obligation of bonds.

SEC. 16. 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.

Proceeds of bonds to road treasurer.

Use of proceeds.

SEC. 17. That the board of county commissioners of Nash County are hereby directed and required to cause to be applied upon the public roads of Mannings Township and to be turned over to 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.

Fund for interest and road work.

SEC. 18. 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 for the roads, or any section thereof, to be macadamized, sand-clayed, graded, or improved under the provisions of this act, the said road supervisors reserving the right to receive or reject any and all bids.

Roads may be let to contract.

Right to reject bids.

SEC. 19. That the said board of road supervisors, in case any of said roads or sections are let to contract, may require of any contractor or contractors good and solvent bonds, the same to be approved by the said board, for the faithful performance of their contract or contracts.

Bonds of contractors.

SEC. 20. That the said board of road supervisors are hereby authorized and empowered to use such amount of the funds provided

Bridges.

for in this act as they may deem proper for the construction of, or the purchasing of bridges in said township.

Pay of road supervisors.

SEC. 21. That 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 duties.

Laws repealed.

SEC. 22. That chapter one hundred and sixty-nine of the Public Laws of one thousand nine hundred and nine, and chapter six hundred and five of Public-Local Laws of one thousand nine hundred and nine, in so far as the same apply to Mannings Township in Nash County, be and the same are hereby repealed, and all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 23. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of February, A. D. 1913.

CHAPTER 221.

AN ACT TO PROVIDE GOOD ROADS IN JACKSONVILLE TOWNSHIP, ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Trustees.

SECTION 1. That Cyrus Thompson, F. W. Hargett, John W. Burton, John Gilman, I. J. Phillips, E. H. Walton, I. T. Morton, E. W. Sabiston, E. F. Craft, B. L. Kellum, J. B. Dawson, George T. Walton, Ewell Gurganus, and W. S. Gurganus are hereby constituted a board of trustees for the public roads of Jacksonville Township, in Onslow County. The first six 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 term of any, their successors shall be elected for six years by the county board of commissioners of Onslow 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.

Terms of office.

Election of successors.

Vacancies.

Proviso: trustees not officers.

Incorporation.

Corporate name.

Corporate powers.

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 Jacksonville 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.

Control and management of roads.

SEC. 3. That it shall be the duty of said board of trustees to take control and management of the roads of said Jacksonville Town-

ship, 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 Onslow County, or by the board of supervisors: *Provided*, nothing in this act shall be construed to apply to bridges over New River.

Rights and powers.

Proviso: bridges over New river.

SEC. 4. The board of trustees shall annually elect a chairman and 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.

Organization.

Charge of funds and bond of treasurer.

Executive committee.

Meetings and organization. Vouchers.

Delegation of powers.

SEC. 5. The said board of trustees shall annually elect a superintendent of roads for Jacksonville 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 Jacksonville 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.

Superintendent of roads. Compensation and term of office.

Proviso: removal for cause.

Duty of superintendent.

Monthly reports.

Bond of superintendent.

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.

Machinery and implements.

Engineer or surveyor. Other powers and privileges.

Proviso: road duty abolished. Entry on land for material.

SEC. 7. That the superintendent of roads of Jacksonville 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

Drains and ditches. 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 three freeholders shall assess said damages and report the same in writing to the superintendent of roads.

Obstruction of drains or ditches misdemeanor.

Claims settled by arbitration.

Location and change of roads.

Procedure for 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 Jacksonville Township, to be selected and summoned by the Sheriff of Onslow 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 Onslow County from the decision of said trustees.

Proviso: right of appeal.

Bond issue authorized.

Entitlement.

Amount.

Denomination.

Interest.

SEC. 9. That the said board of road trustees shall be and are hereby authorized and empowered to issue bonds of said Jacksonville Township, to be styled "Jacksonville Township Road Bonds," to an amount not to exceed ten 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 semiannually, 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 and redeemable at such time or times not exceeding ten 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 by 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 Onslow County known as Jacksonville Township as constituted at the time of the ratification of this act.

Authentication.

Maturity.

Sale below par forbidden.

Obligation of bonds.

SEC. 10. That for the purpose of providing for 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 Jacksonville 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.

Limits of rate.

Collection and settlement.

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 Jacksonville Township at an election to be held on a day to be designated by the board of county commissioners of Onslow 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 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 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 shall said bonds be issued and said tax levied, and the other powers and duties exercised as provided for in this act: *Provided*,

Election for approval of act.

Election officers.

Count and canvass of vote.

Report and record of canvass.

Ballots.

Law governing election.

Effect of election.

Proviso: further elections.

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.

Funds paid over to treasurer.

Specific appropriation.

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.

Labor.

Convict labor.

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 Onslow County, or any township therein, shall exist and apply to the use of convicts on the roads of Jacksonville Township.

Streets of towns.

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 Jacksonville Township, are hereby repealed.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 222.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MECKLENBURG COUNTY TO ISSUE BONDS TO FUND ITS FLOATING INDEBTEDNESS, BUILD A NEW COUNTY JAIL, AND CONSTRUCT CERTAIN HIGHWAY BRIDGES.

Preamble: reductions of tax rate.

Whereas, on account of a reduction in the year one thousand nine hundred and eight of the tax rate for county purposes of twenty cents (20c.) on the hundred dollars valuation of taxable property, and a further reduction of said rate in one thousand nine hundred and eleven of five cents (5c.) on the hundred dollars valuation of such property, the total revenues of the county of Mecklenburg from the year one thousand nine hundred and eight to one thousand nine hundred and twelve, both inclusive, were decreased in the sum of one hundred and fifty-four thousand twenty-seven and fifty-four one-hundredth dollars (\$154,027.54):

Decrease of revenue.

and whereas, on account of the extraordinary expenses of seventy-one thousand five hundred fifty-eight and forty one-hundredth dollars (\$71,558.40), incurred during said period in defraying said county's share of the cost of the construction of the bridges over the Catawba River, at Rozzell's Ferry and at Sloan's Ferry, the disbursements by said county have been increased in that amount; and whereas, on account of said decreased revenues and the extraordinary expenses incurred, as aforesaid, a deficit in receipts as against disbursements for the years one thousand nine hundred and eight to one thousand nine hundred and twelve, both inclusive, approximating two hundred and fifteen thousand dollars (\$215,000), has arisen, which said deficit is represented by the present floating outstanding indebtedness of said county, on which floating indebtedness it has to pay a much higher rate of interest to the several banks carrying the same than it would have to pay in case said floating indebtedness should be converted into long time, low interest-bearing county bonds; and whereas at various terms of the Superior Court of Mecklenburg County, recently held, the grand juries have reported that the county jail is inadequate, unsanitary and unsafe, and have from time to time admonished the board of commissioners of said county to build a modern, safe, and sanitary jail, adequate to meet the present and future demands of the county, which jail, in the opinion of the board of commissioners of said county, ought not to cost exceeding seventy-five thousand dollars (\$75,000); and whereas, in extending the public highways in various directions from the city of Charlotte to the confines of said county, it has become imperative that the board of commissioners of said county should either build or rebuild a number of permanent steel or concrete bridges over certain streams crossed by said highways, which, in the opinion of said board, can be accomplished by an expenditure of not exceeding thirty-five thousand dollars (\$35,000); and whereas, owing to the greatly increased cost of maintaining the several chain-gangs engaged in constructing and repairing the highways of said county, and the necessary teams and road machinery used in connection therewith, which increased cost is due to the general high cost of living, the funds derived from the levy and collection of a reasonable highway tax will be totally inadequate to continue highway building in said county and at the same time construct the bridges aforesaid, there being no funds from the general county tax available for said purpose, thereby rendering it necessary to issue and sell bonds to defray the cost of building said bridges: Now, therefore,

Preamble: extraordinary expenses.

Preamble: deficit.

Interest.

Preamble: jail condemned by grand juries.

Preamble: need for bridges.

Preamble: increased cost of chain-gangs.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Mecklenburg County be and it is hereby authorized and directed to issue the bonds of the county of Mecklenburg to an amount not exceeding Bond issue authorized. Amount.

three hundred and twenty-five thousand dollars (\$325,000), of denominations not greater than one thousand dollars (\$1,000), bearing interest from the date thereof at a rate not to exceed four and one-half per cent ($4\frac{1}{2}$ per cent) per annum, with interest coupons attached, payable semiannually, at such times and places as may be deemed advisable by said board of commissioners, said 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 thirty (30) years from the date thereof, and at such place or places, as the board of commissioners of said county may determine, which bonds shall be numbered and shall be signed by the chairman of said board and countersigned by the clerk thereof, and shall have the county seal impressed thereon; and upon the request of any holder or holders of said bonds, the clerk of said board is authorized and empowered to register said bonds, and to 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 bonds so registered, they shall cease to be payable to bearer.

Special tax. SEC. 2. That for the purpose of paying the accrued interest on said bonds, and to provide a sinking fund for the payment of the principal thereof when due, the board of commissioners of Mecklenburg County shall levy and cause to be collected annually, as other county taxes are levied and collected, a special tax upon all subjects of taxation, in accordance with chapter eight hundred and forty (840) of the Public Laws of North Carolina of nineteen hundred and five, sufficient in amount to pay said interest and create said sinking fund to pay the principal of said bonds at the maturity thereof.

Purchase of bonds. SEC. 3. That for the purpose of paying off any of said bonds with any moneys that may be on hand at any time belonging to the general funds of the county of Mecklenburg, the board of commissioners of said county may, in its discretion, purchase annually, after the lapse of one year from the date of the issuance of said bonds, any number of said bonds then outstanding, at their par value, with accrued interest.

Record of purchasers and bonds. SEC. 4. 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 bonds and the number and amount of bonds so 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 said board of commissioners and the clerk of the Superior Court of said county, and a record of such destruction shall be made and dated.

Advertisement for sale of bonds. SEC. 5. That before selling said bonds said board of commissioners shall advertise the same for thirty (30) days immediately

preceding the day of sale, in at least one newspaper of general circulation published in Mecklenburg County, and may also advertise said sale in one or more financial journals published anywhere in the United States, giving the time and place when bids will be opened for the sale of said bonds and the terms upon which said bonds are issued: *Provided*, that said board shall have the right in its discretion to reject any and all bids for said bonds, but shall not accept any bid for less than par.

Proviso: right to reject bids. Bids below par not accepted.

SEC. 6. That the proceeds arising from the sale of said bonds issued under the provisions of this act shall constitute three separate and distinct funds, as follows: two hundred and fifteen thousand dollars (\$215,000) of such proceeds shall be used exclusively for the purpose of funding the present floating indebtedness of said county; not exceeding seventy-five thousand dollars (\$75,000) of said proceeds shall be used exclusively for the purpose of building a new county jail, and not exceeding thirty-five thousand dollars (\$35,000) of said proceeds shall be used exclusively for the purpose of building bridges over streams intersecting several highways in said county, which bridges shall be designated by said board of commissioners; and said board shall cause the Treasurer of Mecklenburg County to open and keep three separate accounts, in accordance with the foregoing divisions of said proceeds, 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 be hereafter prescribed, for the faithful keeping and disbursement of said funds; and the board of commissioners shall require said treasurer to give bond for the faithful and honest performance of his duties in respect to said special funds, which bond shall be in such amount as said board, in its discretion, may fix. The said treasurer shall receive no compensation for his services in receiving, keeping, and disbursing said funds, other than the premiums upon the bond or bonds which said board of commissioners shall require him to give for the protection of said funds.

Division of proceeds.

Fund for floating debt.

Jail fund.

Bridge fund.

Separate accounts.

Treasurer liable on bond.

Bond of treasurer.

Compensation of treasurer.

SEC. 7. That all taxes levied hereunder shall be collected by the sheriff, tax collector, or other officers 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.

Officers liable on bond.

Bonds of officers.

SEC. 8. 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 Mecklenburg County shall open upon his books, as county treasurer, an account being designated as "Improvement Bonds Sinking Fund." and all amounts received by said treasurer from the taxes levied hereunder, which may

Accounts of sinking fund.

Amounts credited to sinking fund.

not be necessary for the payment of the accrued and accruing interest on said bonds, shall be credited to the said account, which shall be known as the "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 said treasurer is hereby authorized and directed to invest any amounts which belong to said sinking fund, from time to time, in safe interest-bearing securities, payable to the county of Mecklenburg for the use and benefit of said sinking fund: *Provided*, that no investment of said funds shall be made until the security therefor is approved by the board of commissioners of said county; and *Provided further*, that preference shall be given in making said investment in the purchase, if possible, of 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.

Investments of sinking fund.

Proviso: approval of securities.

Proviso: preference of investment.

Duties mandatory.

Failure of duty a misdemeanor.

Punishment.

Designation of bonds.

SEC. 9. That the duties imposed and the powers conferred by this act shall be construed to be mandatory and not directory, and any officer provided for under this act failing to perform any duty imposed or power conferred under the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned, at the discretion of the court.

SEC. 10. That the bonds issued under this act shall be known as "Mecklenburg County Improvement Bonds," and shall be so designated on their face.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 223.

AN ACT TO ALLOW C. P. ROGERS, A JUSTICE OF THE PEACE IN AND FOR HENDERSONVILLE TOWNSHIP, IN HENDERSON COUNTY, TO APPOINT A CONSTABLE.

The General Assembly of North Carolina do enact:

SECTION 1. That C. P. Rogers, a justice of the peace in and for Hendersonville Township, in Henderson County, is hereby authorized and empowered to appoint a constable for Flat Rock Precinct in said township, 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.

SEC. 2. That the said constable, when so appointed, shall have, within the limits of one mile in all directions from the hosiery

Appointment authorized.

Locality.

Power and authority.

Bond.

Police powers.

mill of the Skyland Hosiery 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.

SEC. 3. That the said constable, when so appointed by the said ^{Term of office.} Rogers, shall continue in office until the expiration of the term of office of the said Rogers as a justice of the peace, namely, the first day of April, A. D. one thousand nine hundred and seventeen, or until said constable shall die, resign, remove from said township, or be removed from said office for good cause shown; and in the event the appointee of the said Rogers shall die, ^{Vacancy.} resign, remove from said township, or be removed from office, the said Rogers 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 Rogers as a justice of the peace.

SEC. 4. That the said C. P. Rogers shall appoint said constable ^{Appointment and report.} and make report of the 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 C. P. Rogers, justice of the peace.

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

Ratified this the 1st day of March. A. D. 1913.

CHAPTER 224.

AN ACT TO AMEND CHAPTER 192, PUBLIC LAWS OF 1903, RELATING TO THE PUBLIC ROADS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten of chapter one hundred and ninety-two of the Public Laws of one thousand nine hundred and three be amended as follows: Strike out the words "three dollars," in line five of said section, and insert in lieu thereof the words "five dollars"; and by striking out the words "seventy-five cents," in line nine of said section, and inserting in lieu thereof the words "one dollar"; and by striking out the words "three dollars," in line eleven of said section, and inserting in lieu thereof the words "five dollars"; and by adding at the end of said section the following: "*Provided*, that any one liable for road duty under the provisions of this act and possessing at no time within six months of any one year neither team of mules or horses shall work six days or pay four dollars." ^{Proviso: road duty for persons without team.}

Time for working
roads.

SEC. 2. That section fifteen of the said act be amended as follows: Strike out after the word "direct," in line eight of said section, the words "between the first day of March and the first day of September of each and every year," and insert the words "at any time of the year."

Justices of the
peace made road
supervisors.

Rights and duties.

SEC. 3. That said chapter one hundred and ninety-two of Acts one thousand nine hundred and three be further amended by striking out the word "supervisor" wherever the same may appear, and the manner therein prescribed for his election, and add at the end of the sections prescribing the manner of his election and duties the following: "The justices of the peace in each township (except Morganton) shall perform all the duties prescribed in said act for such supervisor, and as such shall constitute the board of supervisors of public roads. That said township justices of peace shall have all the rights and duties prescribed for said supervisors in like manner and to the full extent required of them in chapter sixty-five, Revisal one thousand nine hundred and five, which to the extent as to prescribing the duties of such supervisors and justices of peace is hereby enacted and made a part of this amendment, and such justices of peace shall be liable to indictment in like manner as if the whole of said chapter sixty-five was made a part of this act, for failure to perform the duties of their office as such township board and as individual justice of peace."

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 225.

AN ACT TO REGULATE HUNTING IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to hunt, trap, shoot, or kill any opossum or coon in Wake County between the first day of February and the first day of October in each and every year.

SEC. 2. That it shall be unlawful to hunt, shoot, kill, wound, or trap any quail, partridge, wild turkey, dove, or lark from the fifteenth day of February to the first day of November in the county of Wake.

SEC. 3. That it shall be unlawful to hunt in Wake County with gun or with dog or in any other manner between the first day of March and the first day of November of each and every year, except as provided in section one hereof: *Provided*, that hawks, owls, and crows may be shot at any time.

Opossum and
coon.

Feathered game.

Close season for
hunting.

SEC. 4. That it shall be unlawful for any person, firm, or corporation to sell or offer for sale any quail, partridge, or wild turkey in Wake County. Selling or offering game for sale forbidden.

SEC. 5. That any one found in possession of any dead game during the closed season for the same, as provided in this act, shall be presumed *prima facie* to have killed the same in violation of this act. Possession of game prima facie evidence.

SEC. 6. That any one violating the provisions of this act shall, upon conviction, be fined not more than fifty dollars (\$50) or imprisoned not more than thirty days. Punishment for violation of act.

SEC. 7. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 8. That this act shall apply only to Wake County.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 226.

AN ACT TO CONFER POLICE POWERS ON SHERIFFS AND CONSTABLES AT WILSON'S MILLS IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the sheriff or deputy sheriff in Johnston County, in the village of Wilson's Mills, said county, or those appointed by the sheriff for said county for that section of the county in which the village of Wilson's Mills is situated, and the constable of Wilson's Mills Township in said county, and they shall have power and authority, to suppress all disturbances of the quiet and good order of and in said village and to arrest all offenders against the same, and to prevent as far as possible all injury to property in said village; said sheriff or deputy sheriff and constable shall have power and authority, 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, said sheriff or deputy sheriff or constable is 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. Powers of sheriff, deputy sheriff, and constable. Locality affected. Power to call for assistance. Report of persons refusing assistance.

SEC. 2. Any person arrested by said sheriff, deputy sheriff, or constable for any offense shall as soon as practicable be taken before some justice of the peace of Johnston 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 Trials on arrests. Detention pending trial.

may be detained in the custody of such officer, or in a calaboose provided for that purpose, subject to the right of appearance bond as provided by law.

Powers as policemen.

SEC. 3. Such sheriff, deputy sheriff, or constable shall have the same power and authority in said village of Wilson's Mills as policemen in incorporated cities and towns of the State have and exercise in said cities and towns.

Public drunkenness a misdemeanor.

SEC. 4. That every person found drunk on the streets or roads or in any public place in said village, or in any public place within one-half mile of any church in said village, or drunk or staggering along said streets and 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. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 227.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A PUBLIC BRIDGE NEAR ELKVILLE, IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Construction of bridge directed.

Location.

Limit of cost.

Time for completion.

Pledge of credit of county.

Proviso: construction of road a prerequisite.

Special tax.

SECTION 1. That the board of commissioners of Wilkes County are hereby authorized, empowered, and directed to have constructed an iron or steel bridge across the Yadkin River, at the most practicable point at or within three hundred yards of Barlow's Ford near H. G. Minton's, east of Elkville, in Wilkes County, North Carolina, the exact location to be selected by said board of commissioners, or a competent, disinterested committee appointed by them, said bridge and approaches to cost not exceeding twenty-five hundred dollars; said bridge to be completed within six months from the first day of March, one thousand nine hundred and thirteen, or as soon thereafter as possible; and said board of commissioners are hereby authorized to pledge the credit of the county in payment for the construction of the said bridge and approaches until the taxes hereinafter authorized for the payment of the same shall be levied and collected: *Provided*, that prior to the erection of said bridge, a first-class public road shall be constructed from said bridge on the north side of the Yadkin River to Elkville, Wilkes County, North Carolina, without cost to the county, said road to be laid out and surveyed by the county supervisor of roads and constructed along the line of said survey.

SEC. 2. That in order to provide a fund for the construction of said bridge and approaches, the board of commissioners of Wilkes

County are hereby directed to levy a special tax at their regular meeting in June, one thousand nine hundred and thirteen, or at such time as they shall levy the other taxes for said county for the year one thousand nine hundred and thirteen, of not more than eight cents on the one hundred dollars valuation of property, to be placed on the tax list and collected with the current tax for said year. Limit of rate.

SEC. 3. That the contract for the construction of said bridge and approaches shall be let by the board of commissioners of Wilkes County upon such terms as they may deem expedient, to the lowest responsible bidder, at a date not later than four months from the ratification of this act. Letting of contract.

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 1st day of March, A. D. 1913.

CHAPTER 228.

AN ACT TO LEGALIZE AND RATIFY THE \$30,000 OF GOOD ROADS BOND ISSUE IN ISLAND CREEK GOOD ROADS DISTRICT, ISLAND CREEK TOWNSHIP, DUPLIN COUNTY.

Whereas, on the fourth day of September, one thousand nine hundred and eleven, one-fifth and more of the qualified voters of Island Creek Good Roads District hereinafter described filed their petition before the board of commissioners of Duplin County, requesting the said board of commissioners to order an election in said district and submit to the qualified voters therein the question of issuing thirty thousand dollars of bonds to provide a fund for the purpose of building, improving, and maintaining the public roads within said district, payable thirty years after their date in denominations in the discretion of the said commissioners and bearing interest at the rate of six per centum per annum, payable semiannually, and the levy of an annual special tax to pay said bonds at maturity and the interest thereon as it becomes due; and whereas, on the fourteenth day of October, one thousand nine hundred and eleven, said election was regularly and legally held and said bond issue was duly approved by a majority of the qualified registered voters of said district; and whereas it is deemed advantageous to have said bonds mature in a shorter period than thirty years, with the payment of one thousand dollars per year each year after the thirty years till the whole amount of said bonds shall be paid off, as set forth in the said petition; and whereas it is deemed advisable and beneficial to the property owners and Preamble: petition for election.

Preamble: election held and bond issue approved.

Change in maturity of bonds desirable.

Preamble: maturity.

qualified voters within said district to sell the said bonds to mature at a time to be fixed by the board of commissioners of Duplin County within any period less than thirty years, in the discretion of the board of commissioners of Duplin County; and whereas it is deemed advisable to legalize said bond issue and change the time set forth in the petition in which they were to mature and place the same in the discretion of the board of commissioners of Duplin County, and to validate, confirm, and ratify said change and incorporate the boundaries of the said district and declare it a body politic as hereinafter set forth: Now, therefore,

Preamble: other changes desirable.

The General Assembly of North Carolina do enact:

Boundaries of district.

SECTION 1. That all the territory embraced within the boundaries and described as follows, to wit, beginning in the Island Creek and Rose Hill Township line in the center of the Atlantic Coast Line Railway right of way north of the town of Teachey's, and runs thence as the said Island Creek and Rose Hill Township line eastwardly to the run of Island Creek; thence down the run of Island Creek to Columbus Hanchey's line; thence his line to his northern boundary line; thence with Hanchey's northern boundary line to J. A. Cavanaugh's northern line; thence as J. A. Cavanaugh's northern line through the center of Lochlin Pocosin to the northern line of the heirs of James Landing, deceased; thence as the line of the heirs of James Landing, meaning their northern line, to the junction of the Wallace and Chinquapin and the Chinquapin and Kenansville Road; thence due east to the northeast river; thence down the various courses of the northeast river to the mouth of Rockfish Creek; thence up the run of Rockfish Creek to the Rockfish and Island Creek Township line; thence as the eastern line between Rockfish and Island Creek townships to the Rose Hill Township line; thence as the Rose Hill and Island Creek Township line eastwardly to the beginning; be and the same is hereby incorporated and known as the Island Creek Good Roads District in Island Creek Township, Duplin County, and as such may sue and be sued, plead and be impleaded, and by that name shall be capable of making contracts, holding property, both real and personal, for road purposes, and shall have the power of prosecuting and defending suits for and against said corporation.

Incorporation. Corporate name.

Corporate powers.

SEC. 2. That the said thirty-thousand-dollar bond issue of the Island Creek Good Roads District for the purpose of building, improving, and maintaining the public roads within the said district authorized by chapter six hundred and six of the Public-Local Laws of North Carolina at its session of one thousand nine hundred and eleven, and by the order of the board of commissioners of Duplin County passed on the fourth day of September, one thousand nine hundred and eleven, and on the fourteenth day of October, one thousand [nine hundred] and eleven, and approved by a majority of the qualified registered voters of said district

Bond issue and change of date legalized.

at an election held on the fourteenth day of October, one thousand nine hundred and eleven, and the change of the time of issuing the bonds as hereinbefore referred to in the preamble of this act, be and the same is hereby in all respects legalized, confirmed, and ratified, and the board of commissioners of Duplin County is hereby authorized and empowered to prepare, execute, and deliver and sell said bonds as provided by law; and when a sale of said bonds as provided by law, and when a sale of said bonds is effected, said board is hereby directed to levy an annual special tax upon all property within said district subject to taxation as provided in the order of the board of commissioners of Duplin County hereinbefore referred to, for the purpose of paying the principal of said bonds at maturity and the interest thereon as it becomes due, and said bonds when issued and sold as provided by law shall become binding obligations of the said Island Creek Good Roads District to the amount of the principal and interest of said bonds.

SEC. 3. That the board of commissioners of Duplin County is hereby directed and required annually to cause to be made out a full and complete tax list of all the taxable property in said district, to be placed in a separate book or a separate column on the regular tax books of the county for Island Creek Good Roads District, to be turned over to the Sheriff of Duplin County for collection as required by law; and the sheriff aforesaid is required to collect said taxes and to account for the same under the general rules and laws and penalties as he is required to collect and account for the State and county taxes, and he shall receive the same compensation therefor; that the said sheriff and his bond shall be liable for said taxes in like manner as he is liable and responsible for the State and county taxes.

SEC. 4. That the sheriff aforesaid shall account to the treasurer of the Island Creek Good Roads District to be elected by the road commissioners of said district in like manner as he accounts to the Treasurer of Duplin County for the State and county taxes by him collected.

SEC. 5. That the road commissioners of Island Creek Good Roads District at any regular or special meeting of said board shall appoint or elect one of its members, or any person outside of said board, treasurer of the Island Creek Good Roads District, who shall receive of the Sheriff of Duplin County all taxes collected in said district and give his receipt to the sheriff aforesaid for the same; and the said treasurer is required to keep an account of his receipts and disbursements in a book kept for this purpose, which book shall at all times be open for the inspection of the road commissioners aforesaid; that said treasurer shall make an annual report to the commissioners of Duplin County the first Monday in December of each year, and shall make a monthly report to the road commissioners of Island Creek Good Roads District, and shall receive such compensation for his work as may be agreed

Issue and sale of bonds.

Special tax.

Binding obligations.

Tax lists.

Collection and settlement of tax.

Compensation of sheriff. Sheriff liable on bond.

Sheriff to account with treasurer of road district.

Election of treasurer.

Treasurer to keep accounts.

Accounts open for inspection. Annual reports.

Monthly reports.

Compensation of treasurer.

upon by him and the said board of road commissioners and to be by them fixed; that said treasurer, before entering upon the discharge of the duties of his office as treasurer of the Island Creek Good Roads District, shall enter into a bond with approved sureties in a sum not less than three thousand dollars, or such amount as may be fixed by the road commissioners aforesaid, for the faithful discharge of the duties of his office, and the prompt payment and accounting for all moneys which may go into his hands by virtue of his office; that the said treasurer shall hold his office for the term of two years, unless removed or he should resign, and until his successor is duly appointed or elected.

SEC. 6. That all moneys derived from the sale of any bonds by the board of commissioners of Duplin County for said Island Creek Good Roads District shall be paid over to the treasurer of said road commissioners and shall be used for the purpose of constructing, improving, and maintaining the public roads in said district, 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. 7. That all laws and parts of laws in conflict with this act be and the same are hereby to the extent of such conflict repealed: *Provided, however,* that nothing in this act shall operate to repeal any of the local or special acts of the General Assembly of North Carolina providing for the building, maintaining, etc., of public roads.

SEC. 8. This act shall be in force from and after its ratification. Ratified this the 1st day of March, A. D. 1913.

CHAPTER 229.

AN ACT TO PROMOTE THE TEACHING OF AGRICULTURE AND DOMESTIC SCIENCE IN THE PUBLIC HIGH SCHOOLS OF DURHAM 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 of Durham 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.

SEC. 2. That the said school or schools shall be under the control and management of the county board of education of Durham County.

SEC. 3. That, after due advertisement inviting bids from the public high schools of said county now in existence or hereafter

Bond of treasurer.

Term of office.

Moneys paid over to treasurer.

Specific appropriation.

Repealing clause.

Proviso: acts not affected.

Departments to be maintained.

Control and management of schools.

Advertisement for bids.

created, the county board of education of Durham County shall designate the 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.

Designation of schools.

Considerations governing selection.

Proviso: excepted locations.

SEC. 4. That for the maintenance of said school or schools the county board of education of Durham County shall provide annually out of the public school fund, or by donation, or local tax, not exceeding twenty-five hundred dollars (\$2,500): *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 benefits 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 dormitories as the county board of education of said county may require, and 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 Durham 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.

Limit of appropriation.

Proviso: average school term not shortened.
Prerequisites for appropriation.

Proviso: equipment submitted to State superintendent.

SEC. 5. That the purpose of said school or schools is 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 the boys training in agricultural pursuits and to prepare the girls for home-making and home-keeping.

Purpose of schools.

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 Durham County for his approval.

Faculty.

Schedule of work.

SEC. 7. That upon its being made to appear to the State Board of Education that Durham 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 said county, it shall appropriate and pay to the county board of education of Durham County for such purposes an amount equal to that appropriated and furnished by the county of Durham for said pur-

Appropriation by State.

Proviso: limit of State appropriation.

Apportionment from future State appropriations.

Compliance with act to entitle county to apportionment.

Requisition and warrant for apportionment.

Proviso: specific appropriation.

Power and authority of principal.

Employment of teachers.

Qualifications for teachers.

Teacher's certificate.

Students from other counties.

County students not charged tuition.

poses: *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 Durham County absolutely, or upon contingency or contingencies, then and in that event such appropriation that would go to Durham County shall be turned over to the county board of education of Durham County to aid in carrying out the provisions of this act. That compliance with the provisions of this act by the authorities of Durham County shall be sufficient to entitle the county of Durham 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 Durham County, and said Auditor shall issue his warrant upon the State Treasurer, payable 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 Durham County in which agricultural or 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 as members of the faculty, of which the high school principal is head.

SEC. 9. That all persons employed as teachers of agriculture or domestic science in the school or schools herein provided for shall be employed by the county board of education of Durham County, and said county board of education shall not employ as teacher in agriculture or domestic science any person who has not furnished to the said board of education 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 Durham 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 county board of education of Durham County 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 county board of education may fix from time to time, but all students who are residents of Durham 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. Proviso: charges for board and incidentals.

SEC. 11. That it shall be a part of the duty of the teachers of agriculture and domestic science to conduct agricultural farm-life and extension work in Durham County in coöperation, 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 Durham County for farmers and farmers' wives; to coöperate with the county superintendent of education of said county and with the county commissioner of agriculture, if such officer exists, in stimulating, directing, and supervising practical farm-life work in the public high schools 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 said county. Coöperation with departments of agriculture, and other like institutions.

SEC. 12. That this act shall apply only to Durham County. Special short courses.

SEC. 13. That all laws and clauses of laws in conflict with this act, so far as they are applicable to Durham County, are hereby repealed. Application of act.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 230.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALAMANCE COUNTY AND THE TOWN OF GRAHAM TO CONTRIBUTE TO A FUND FOR THE ERECTION OF A CONFEDERATE MONUMENT IN GRAHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the county of Alamance is hereby authorized to contribute out of the public funds of said county any sum it may deem proper, not exceeding one thousand dollars, to aid the Daughters of the Confederacy in the erection of a monument in memory of the bravery and devotion of the soldiers from that county in the War Between the States. Contribution from county authorized. Amount.

SEC. 2. That the board of commissioners of the town of Graham is hereby authorized to contribute out of the public funds of said Contribution from town authorized.

Amount.

town any sum it may deem proper, not exceeding one thousand dollars, to aid the Daughters of the Confederacy in the erection of a monument in memory of the bravery and devotion of the soldiers from Alamance County in the War Between the States.

SEC. 3. That this act be in force from and after its ratification, Ratified this the 1st day of March, A. D. 1913.

CHAPTER 231.

AN ACT TO INCORPORATE JONAS RIDGE TOWNSHIP IN BURKE COUNTY AND DEFINE ITS BOUNDARIES.

The General Assembly of North Carolina do enact:

Incorporation.

SECTION 1. That the inhabitants within the territory of the lines and boundaries of Precinct Number Two of Upper Creek Township, Burke County, North Carolina, as now constituted and established are hereby created a body politic under the name and style of Jonas Ridge Township, and in that name and for that purpose shall have perpetual succession, may sue and be sued, plead and be impleaded in any of the courts of the State, and in its corporate right and title shall have and possess all the rights, privileges, and immunities as is now, by the general law of the State, enjoyed by the various townships composed of integral parts of a county, in the organization of such county or counties.

Corporate name.

Corporate powers.

Territory created township.

SEC. 2. That that part of said Upper Creek Township as now constituted in Burke County, and known as Voting Precinct Number Two, and called Jonas Ridge, is hereby cut off and taken from said Upper Creek Township, in Burke County, and created as a new and separate township, to be known as Jonas Ridge; and said Upper Creek Township shall be limited to all that territory as embraced within the lines and boundaries of Voting Precinct Number One of said township, and being the remaining said township, Upper Creek, after establishment said new township.

Lines and boundaries defined.

SEC. 3. That the lines and boundaries of said Jonas Ridge Township as above created shall be and are hereby declared to run according to the lines and boundaries of the said Voting Precinct Number Two of said Upper Creek Township, as heretofore fixed and established by the board of elections of Burke County and the county commissioners of said county, so fixed and established and of record in said Burke County.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 232.

AN ACT TO ESTABLISH A COTTON PLATFORM IN THE TOWN OF ALBEMARLE, STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners for Stanly County shall, upon petition filed with them signed by three hundred qualified voters of said county asking for the establishment of a public cotton platform for said county, establish at some convenient point to be selected by them in the town of Albemarle, by the first day of September, one thousand nine hundred and thirteen or thereafter, a cotton platform on which all cotton bought or sold in said town as provided in chapter five hundred and sixteen of the Public-Local Laws of one thousand nine hundred and eleven, for weighing, shall be weighed.

County commissioners to establish platform.
Petition for establishment.

SEC. 2. That the board of commissioners of Stanly County are authorized, upon the filing of petition as provided in section one of this act, and directed to purchase or lease a site for and erect a cotton platform and pay for the same out of the general funds in the treasury of Stanly County.

Purchase or lease of site.

Erection of platform.
Payment.

SEC. 3. That any person, firm, or corporation who shall weigh any baled cotton at any other point or place which has been sold or is for sale, except cotton which has been bought at other points, at any other place than the public platform designated by the board of commissioners of said county, except as is provided in chapter five hundred and sixteen of Public-Local Laws of one thousand nine hundred and eleven, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five nor more than ten days for each bale of cotton so weighed in violation of this act.

Weighing except on platform forbidden.

Misdemeanor.
Punishment.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 233.

AN ACT TO AUTHORIZE CARVERS CREEK TOWNSHIP IN BLADEN COUNTY TO MAINTAIN THE PUBLIC ROADS, HIGHWAYS, AND STREETS THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That A. O. Trust and A. B. Holmes and D. G. Roberson and their successors in office be and they are hereby incorporated under the name and style of "The Highway Commission

Commissioners.
Incorporation.
Corporate name.

of Carvers Creek Township," and are hereby referred to as "The Highway Commission."

SEC. 2. At the general election to be held in the year nineteen hundred and fourteen (1914), and at each general election to be held thereafter for the election of county officers, there shall be elected by the qualified voters of Carvers Creek Township three (3) members of the highway commission, and said election shall be held under the same rules and regulations and at the same 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 Members of the Highway Commission of Carvers Creek Township," 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 a majority vote of the qualified voters of said township, and no person shall be eligible to election as a member of said highway commission unless he shall have resided in said township for a period of twelve (12) months next preceding the election: *Provided*, that at the election herein provided to be held for the purpose of passing on questions of issuing bonds, three members of the commission shall be elected to take the place of those named above, and the vote therefor shall be canvassed and result declared as is provided for said bond issue.

SEC. 3. If for any cause there should be a vacancy in said highway commission, the remaining members thereof shall appoint some competent and suitable resident of said township to fill such vacancy, and the person so chosen shall fill the unexpired term and until his successor shall be elected and qualified according to law.

SEC. 4. Said highway commission shall have the same supervision, powers, and rights in respect to all the roads in Carvers Creek Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Bladen County, except as such laws are modified herein. They shall have full power and authority to order the laying out of public 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. 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 highway commission shall have joint jurisdiction with the commissioners or aldermen of any incorporated towns in said township so far as the improvement and maintenance of the public highways and streets are concerned; but this shall not include the sidewalks.

Election of commissioners.

Law governing elections.

Ballot box.

Election by majority of qualified voters.

Eligibility.

Proviso: election of commissioners at bond election.

Vacancies.

Powers and rights of commission.

Power to lay out, discontinue, or alter roads.

Cartways, church and mill roads.

Streets in incorporated towns.

- SEC. 5. Said highway commission shall meet as soon as practicable after their appointment or election, and shall organize by electing one of their members 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 said commission and shall deliver the same to his successors 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 not less than double the amount of funds that shall, from time to time, come into his hands as such treasurer, and said bond shall be subject to be increased or diminished at any time by order of said commission, and as the same shall be approved and accepted by said commission it shall be recorded and filed with the proper officials of Bladen County as the bonds of county officers now are: *Provided*, that any bank in Bladen County may act as treasurer of said fund, and if said commission shall appoint an individual as treasurer, they shall have the right to require said treasurer to keep all funds in his hands on deposit in one or more banks in said county, and the commission may also require such depositories to execute a surety bond covering such deposits in addition to the bond required of the treasurer, the premiums on such bond to be paid by the depositories.
- SEC. 6. 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. 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 centum, and for receiving and disbursing the taxes collected annually to pay the interest on said bonds and for keeping in repair the said roads, the treasurer shall be allowed the usual commission now allowed to county treasurers for like services.
- SEC. 7. All taxes levied under the provisions of this act shall be collected by the sheriff or tax collector just as other State and county taxes now are or shall hereafter be collected, and the same shall be promptly paid over by such collecting officer to the treasurer of said commission, who shall give his receipt therefor, and the said sheriff or tax collector shall at no time retain more than one hundred (100) dollars of said special road taxes that may come into his hands. The sheriff or tax collector shall not apply the special road taxes of Carvers Creek Township to the payment of any other claim whatsoever, but he shall at all times keep the road taxes collected in Carvers Creek Township separate from all other taxes and pay them over to the treasurer of said commission as aforesaid, and is hereby required to settle in full with the
- Commission to meet and organize. President.
- Secretary.
- Election and bond of treasurer.
- Proviso: bank may act as treasurer.
- Deposit of funds.
- Surety bond of depositories.
- Orders for payment of road funds.
- Commission of treasurer.
- Collection and settlement of taxes.
- Sheriff not to retain funds.
- Diversion of fund forbidden.
- Time for final settlement.

treasurer of said commission not later than the first (1st) day of May in each and every year, unless such time of settlement shall be enlarged or extended by said highway commission.

Superintendent of roads.

SEC. 8. Said highway commission shall have power to employ, if they shall see fit, some competent, suitable, and discreet person to be superintendent of all the roads in said township, and shall have the power to employ one or more competent road engineers, and to employ such other persons as may be proper and necessary in laying out, establishing, improving, and maintaining the public roads, highways, and streets in said township, and to fix the compensation, define the duties, and prescribe the terms of employment thereof; and the said commission shall have power to buy such supplies and equipment in the way of machinery, stock, tools, lumber, and bridge material as may be found necessary in carrying out and effectuating the purposes of this act.

Road engineers.

Other employees.

Compensation and duties.

Supplies and equipment.

Division of roads and allotment of hands.

SEC. 9. The highway commission shall, as soon as practicable, divide the roads of Carvers Creek Township into sections and assign the hands liable for road service to their proper sections.

Road duty.

All persons now liable to road duty under the general law shall work on the public roads in said township for six (6) days in each year at the call or summons of such person as may be authorized and directed by said commission to summons out the hands so liable, or in lieu thereof shall pay one dollar (\$1) in case they fail to work when so summoned, and for the purposes of this act ten (10) hours shall constitute a day's work; and any person failing to respond to such summons, without a legal excuse therefor, shall be guilty of a misdemeanor, and upon conviction thereof before a justice of the peace shall be fined five dollars (\$5). It shall be the duty of said commission to see that every person liable for road duty in said township shall work the full time required, or pay the amounts specified in lieu thereof, and to prosecute all persons failing so to do, and, if necessary, to employ counsel for that purpose. All moneys collected in lieu of work shall be paid over to the treasurer of said commission, who shall issue his receipt therefor, and the same shall be expended upon that section of road to which the party paying the same is assigned.

Commutation.

Day's work.

Failure to appear and work misdemeanor.

Punishment.

Commission to enforce road duty.

Moneys paid to treasurer.

Appropriation.

Expenses.

SEC. 10. The necessary expense incurred by the 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.

Compensation of commissioners.

SEC. 11. The highway commission shall serve without compensation, except an allowance of not more than two dollars and fifty cents (\$2.50) per day, and five cents per mile traveled may be allowed to each of them for each day they actually attend the sittings of the commission and each day necessarily spent in laying out, supervising the construction, and inspecting the repairs to 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, and the balance of the commission shall receive no mileage.

SEC. 12. The highway commission shall have the right to 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 hereinafter provided. Whenever it shall appear to the commission that any 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 such survey, together with an estimate of the cost of construction or improvement, accompanied by the engineer's profiles and such other plans and 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 right of way shall become condemned for the public use.

Right to improve roads.
Relocation and establishment.

Entry on land for surveys.

Roads established on approval of estimates, plans and specifications.

SEC. 13. The superintendent of roads or any other employee of the highway commission may open any quarries and take away any stone, earth, gravel, or timber, in connection with said road work, from any place most convenient or desirable on account of the quality of the material desired, except trees planted and left for ornamental purposes. And the rights and privileges granted by this section to the highway commission and its employees shall extend to any contractor working for said commission, and to his employees.

Entry on land for material.

SEC. 14. Any landowner feeling himself aggrieved by the relocation, improvement, or construction of any public road, or by taking of any material from his land for road construction as herein provided, may, within six 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.

Claims for assessment of damage and benefit.

SEC. 15. Within thirty (30) 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 summons 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 property by reason of the construction or improvement of such road, and the difference between the sums shall be their verdict. If such damages awarded shall exceed the benefits, it shall be the

Procedure for assessment.

duty of the secretary of the highway commission to draw an order on the Treasurer of Bladen County for the amount thereof, and the Treasurer of Bladen County shall pay said order out of the county general fund: *Provided*, that damages awarded for material taken shall be paid by the highway commission, and if either the highway commission or the landowner shall be dissatisfied with the award of damages, either party may appeal to the Superior Court of said county.

Proviso: payment for material.
Right of appeal.

Matters in discretion of commission.

SEC. 16. The manner of improving said roads, which roads shall be first improved, the amount of grading and other improvement to be done thereon, the width of same, and all such matters shall be in the sound discretion of the highway commission: *Provided*, that in acquiring a right of way for any new road or section of road not less than thirty (30) feet shall be taken.

Proviso: width of right of way.

Plans and specifications for road work.

SEC. 17. It shall be the duty of said highway commission, acting through its engineers, superintendent, or otherwise, to compile full and complete plans and specifications for the improvement or construction of the roads in said township, and to divide the same into convenient sections, and after the approval by the highway commission of such plans and specifications for the work to be done on the various sections, it shall be the duty of said commission to advertise for bids for the work to be done, and they shall have the right to let the work to the lowest responsible bidder, and if no satisfactory bid shall be received, they shall have the right to have the work done themselves, and the said work need not all be undertaken at once, but said highway commission shall have the right to do or contract certain portions thereof, if they shall deem it best, to enable them to arrive at what would be just and reasonable bids for the work for which they are responsible hereunder.

Advertisement for bids.

Work done by commissioners.

Improvement or contract for improvement of part of road authorized.

Contractors to give bond.

SEC. 18. If any such work shall be let on contract, it shall be the duty of the contractor to furnish a good and sufficient bond, either in some surety company authorized to do business in this State or with local bondsmen, who shall justify, conditioned upon the faithful performance of the work as called for in said specifications, and the cost of furnishing any such bond shall be paid by the contractor.

Selection of roads.

SEC. 19. From time to time the highway commission shall select such roads or section of road which they intend next to improve, change, or establish, and shall thereupon publish their purpose with reference thereto by posters or such other method as they shall deem sufficient, setting forth what road or roads or what section of road they propose next to work on, and stating whether the same is to be done by contract or otherwise, and also the plans and specifications therefor and the manner and improvement thereof, to the end that the residents and taxpayers of said township may at all times know the plans and proposals of said commission with reference to said roads, and may know the manner

Notices of selection and intentions of commissioners.

in which it is proposed to expend the funds herein provided before the same are actually expended. If any serious difference of opinion shall arise among those interested as to the location, establishment, or improvement of any particular section of road, and as many as fifteen resident taxpayers shall so request in writing, the commission shall set a time and appoint a place for hearing any discussion by any of the interested parties on the question so in dispute, at which time and place all those interested in the work herein provided for may appear and be heard with reference to such disputed question; and if the commission shall see fit, it may employ road experts to furnish special plans and specifications, estimation of cost, and recommendations with reference to such disputed questions, to the end that the funds herein provided may be wisely and judiciously spent, so as to produce the greatest possible public benefit to all the people of said township; and the expenditure of any portion of said funds whatsoever for the peculiar benefit of any particular person or persons is hereby strictly forbidden.

Request for hearing.

Hearing on request.

SEC. 20. That all railroads or other incorporated companies shall keep 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 the failure to do so, after demand by the said commission, by its agent, shall be guilty of a misdemeanor 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.

Railroads to keep up bridges and crossings.

Failure a misdemeanor.

Punishment.

SEC. 21. That for the purpose of raising a sufficient fund to pay the annual interest on the bonds hereinafter provided for and a sinking fund for the redemption thereof at maturity and keep in repair the public roads in said township, in addition to the labor of road hands thereon, the said highway commission shall ascertain and recommend each year to the board of county commissioners of Bladen County a sufficient rate of taxation for such purpose; but in the absence of such recommendation, it is hereby made the duty of the commissioners of Bladen County, annually, to ascertain and levy a special tax on the taxable property in Carvers Creek Township which shall be sufficient for the purposes aforesaid.

Commission to recommend tax rate.

Action by county commissioners.

SEC. 22. The sheriff or tax collector of Bladen County is hereby authorized and directed annually to collect the special tax as aforesaid at the same time and in the same manner as other taxes are collected, and the official bond of the sheriff or tax collector of Bladen County shall be made in a sufficient amount to cover all the duties, responsibilities, and liabilities incurred by him in the collection and handling of said special tax as set forth in this chapter.

Collection and settlement of tax.

Sheriff liable on bond.

Taxes kept separate.

SEC. 23. 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: use of surplus.

Work in payment of tax.

SEC. 24. If the highway commission shall see fit so to do, it may allow any person or persons in said township to pay the annual tax falling due under the provisions of this act by working upon the public roads of said township at a price to be agreed upon by said commission, but the exercise of the power granted in this section shall be optional with said commission.

Bond issue authorized.

SEC. 25. That, for the purpose of enabling the said highway commission to provide a sufficient fund for the laying out, establishment, changing, grading, improving, and maintenance of the public roads, highways, and streets of Carvers Creek Township, the said highway commission may issue and sell not less than five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000) in coupon bonds in the following manner: Upon the presentation of a petition in writing signed by not less than twenty-five per cent of the registered voters of Carvers Creek Township, Bladen County, as shown by the registration books in the general election in November, one thousand nine hundred and twelve, to the board of county commissioners of Bladen County, requesting them to submit to the qualified voters of said township a proposition to issue bonds in a sum to be named in said petition, and in which shall be set forth also the time for which said bonds shall run, the board of county commissioners of Bladen County shall, within twenty days, order an election to be held in said township for the purpose of submitting to the qualified voters therein the question of issuing such bonds, at which election all qualified voters who are in favor of such bond issue shall vote a ballot on which shall be written or printed the words "For Good Roads," and those opposed to such bond issue shall vote a ballot on which shall be written or printed the words "Against Good Roads"; and the said election for this purpose shall be conducted in the same manner and shall be subject to the same rules and regulations as is now provided by law for the election of the county officers. Such election shall be held after thirty days notice thereof, specifying the amount of the proposed bond issue, the terms of said bonds as to rate of interest and time of payment, shall have been posted at the courthouse door in Bladen County and at the regular voting place and three other public places in Carvers Creek Township; and the said election shall be held at the regular voting place now provided by law in said township. That, in order to ascertain who shall be entitled to vote in said election,

Limit of amount.

Petition for election.

Order for election.

Ballots.

Law governing election.

Notice of election.

Polling place.

New registration.

there shall be an entirely new registration of voters in said township. Upon presentation of said petition to the board of commissioners of Bladen County, and upon their call for said election, they shall appoint a registrar and two judges of election for the purpose of holding the election herein provided for, and shall furnish the said registrar and judges with registration and poll books and such other things as may be necessary to hold said election. Immediately after the election the said registrar and poll-holders shall canvass the vote and declare the result thereof, and certify the same to the board of county commissioners of Bladen County, who shall cause such certification and the results declared thereon to be recorded in their minutes, and no further canvass, certification, or declaration shall be necessary: *Provided*, that if any person shall desire to contest the said election he shall immediately file notice thereof with the registrar and poll-holders, and the same shall be heard on at least ten days notice before the board of county commissioners of Bladen County at any regular or call meeting; the said board of commissioners shall pass upon any question raised, and appeal may be had from said board of commissioners to the Superior Court of Bladen County, upon such contestant filing a justified bond for costs in the sum of two hundred dollars (\$200), and in the event of such appeal, the said board of commissioners shall send up a complete record of all matters with reference thereto which have come before them.

SEC. 26. If a majority of the qualified voters in said township shall vote "For Good Roads," then the said highway commission shall thereupon provide for the executive issue and delivery of coupon bonds in the name of the highway commission of Carvers Creek Township, to the amount specified in said petition and notice of election, and the bonds upon their face shall indicate the name of township, county, and State for which they are issued. Said bonds shall be in the denomination of not less than one hundred and not more than five hundred dollars, and each shall run for such number of years and at such rate of interest, not exceeding the rate prescribed by law, as the said petition and notice of election shall indicate. Said bonds shall be signed by the president and secretary and attested by the official seal of the said highway commission, and said bonds shall bear a rate of interest not in excess of six per cent and be payable at some bank or trust company which shall be stipulated on the face of said bonds.

SEC. 27. The board of commissioners of Bladen County shall, in order to provide for the payment of the bonds and interest thereon, and in order to provide a fund which, in addition to the labor of the hands liable for duty on said roads, shall be sufficient to maintain the same in good condition, compute and levy each year, at the regular time for levying taxes for State and county purposes, a sufficient tax on all taxable property and polls within said township to pay said interest, to create said sinking fund, and to pro-

Election officers.

Canvass of vote and declaration and certificate of result.

Record of result.

Proviso: notice of contest.

Hearing on contest.

Right of appeal.

Bond on appeal.

Record on appeal.

Issue of bonds.

Denomination.

Maturity and interest.

Authentication.

Special tax.

- vide such funds to supplement the maintenance of said roads: *Provided*, that in levying the said taxes they shall observe the equation between property and polls as prescribed by the Constitution of the State.
- Proviso: constitutional equation.*
- Sale below par forbidden.* SEC. 28. Said bonds, when issued, shall be sold at public or private sale, as may appear to the best advantage; shall not be sold at less than par value, and the interest on the same shall be payable annually or semiannually, as may seem best to the highway commission.
- Corporate seal.* SEC. 29. That the highway commission of Carvers Creek Township is hereby empowered to adopt and use a 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.
- Further elections.* SEC. 30. Should a majority of the qualified voters fail to cast their votes "For Good Roads," and the election be declared against the issuance of said bonds, the same shall in no way affect the validity of this act, and one or more elections may thereafter be held hereunder as is herein provided at any time within a period of six years.
- Acts declared misdemeanors.* SEC. 31. Any person who shall obstruct or interfere with any of the agents or employees of said highway commission, or any member of the said highway commission, while laying out, establishing, or improving the roads in said township, or who shall in any way obstruct said roads, or who shall turn any considerable amount of water into or upon said roads from his lands or premises without providing an adequate drain therefor, shall be guilty of a misdemeanor, and upon conviction therefor shall be liable to a fine of fifty dollars (\$50) or thirty days imprisonment.
- Punishment.* SEC. 32. 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 Carvers Creek Township."
- Terms defined.* SEC. 33. All laws and clauses of laws in conflict with this act are hereby declared inoperative in Carvers Creek Township, Bladen County.
- SEC. 34. That this act shall be in force from and after its ratification.
- Ratified this the 1st day of March, A. D. 1913.

CHAPTER 234.

AN ACT TO PROVIDE GOOD ROADS AND A BOND ISSUE FOR WILLIAMS TOWNSHIP IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Trustees.

SECTION 1. That S. E. Hardison, S. L. Andrews, J. L. Coaltrain, are hereby constituted a board of trustees for the public roads of

- Williams Township in Martin County. That S. E. Hardison shall hold the said position of trustee for six years, S. L. Andrews for four years, and J. L. Coaltrain for two years from the date of their qualification as hereinafter provided for. All vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term by the remaining members of said board. That at the expiration of the term of any of said trustees their successors shall be elected by the qualified voters of Williams Township at the same time and place and under the same rules and regulations as prescribed for the election of officers of Martin County, North Carolina: *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.
- Sec. 2. That the said board of trustees and their successors in office shall be and they are hereby constituted a body corporate by the name and style of "The Board of Road Trustees of Williams 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 said board of trustees to take the control and management of all the roads of Williams Township; and the said trustees are hereby vested with all the rights and powers for such control and management of the same as are now vested in and exercised by the board of commissioners of Martin County.
- Sec. 4. That for the purposes of carrying out the provisions of this act the said board of trustees shall annually appoint a road superintendent and fix his salary, and may delegate to said superintendent any power conferred in this act as said board of trustees may deem wise. Said board of trustees shall annually elect a chairman and secretary from among the members of said board, who shall hold office for one year and until their successors are elected and qualified; and the said board shall elect a treasurer, whose salary shall not exceed fifty dollars per annum and to be fixed by said board, who shall have charge of all road funds of said township, and shall require a bond of said treasurer to be approved by said board in an amount sufficient to cover all funds that may come into his hands.
- Sec. 5. That the superintendent of roads as herein provided for shall be paid out of the road fund for said township, and said superintendent 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 ten days notice, 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,
- Terms of office.
Vacancies.
Election of successors.
Proviso: trustees not officers.
Incorporation.
Corporate name.
Corporate powers.
Control and management of roads.
Rights and powers of trustees.
Appointment and salary of road superintendent.
Delegation of powers.
Organization of board.
Election, salary, duty, and bond of treasurer.
Pay and term of superintendent.
Proviso: removal for cause.
Duty of superintendent.

- Weekly reports. and have charge of the construction and maintenance of all the public roads in Williams Township, and he shall submit to said board a weekly report concerning the work in progress and the moneys expended, and such other and further reports as may be required of him by said board of trustees. 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 they may see fit.
- Bond of superintendent. SEC. 6. That the said board of trustees may purchase such machinery, team, and other implements and tools as may be needed for the proper working, construction, and maintenance of the roads of said township, and may exercise such other powers and privileges as may be needed for carrying out the purposes and privileges of this act.
- Machinery, implements, and tools. SEC. 7. That the superintendent of roads of Williams 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, dirt, or stone which may be necessary to construct, improve, or repair or maintain such road, and enter upon any land 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 land 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 lands from which timber, stone, clay, sand, gravel, or dirt were taken as aforesaid shall present an account for the same to said board of trustees within thirty days after the taking thereof, it shall be the duty of the said board to pay for same at a fair price; and in case of any disagreement as to the value, the said board shall appoint one freeholder, the person claiming the damages a second, and these two a third, which said freeholders shall assess said damage and report the same to said board of trustees.
- Entry on land for material. SEC. 8. That subject to the approval of the said board of trustees, the said superintendent of roads shall have the 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 roads or part of the road is to be located, claims damages therefor, and within ten days makes petition to said board for a jury to assess the damages, the said trustees shall, within not less than thirty days after the completion of said roads, order a jury of three disinterested freeholders of Williams Township to be selected and summoned by the Sheriff of Martin County as provided
- Drains or ditches.
- Obstructing drain or ditch misdemeanor.
- Punishment.
- Claims settled by arbitration.
- Power to locate and change roads.
- Procedure for assessment of damages.

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 Martin County from the decision of said trustees.

Proviso: right of appeal.

SEC. 9. That the said board of road trustees shall be and they are hereby authorized and empowered to issue bonds of said Williams Township, to be styled "Williams Township Road Bonds," to an amount not to exceed fifteen thousand dollars, of such denominations and of such proportion as said board may deem advisable, bearing interest from the date of issue at a rate not exceeding six per cent per annum, with interest coupons attached payable annually or semiannually, as may be deemed wise, 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 the date thereof, and at such place or places, as the 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 amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bond, together with all interest that may be due thereon, shall be attached thereto and imposed upon the political division of Martin County known as Williams Township, as constituted at the time of the ratification of this act.

Bond issue authorized.

Entitlement of bonds.
Amount.
Denomination.
Interest.

Authentication.

Maturity.

Sale below par forbidden.

Obligation of bonds.

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 public roads of said township, the said board of road trustees and their successors in office shall annually on the first Monday in June, one thousand nine hundred and thirteen, and every year thereafter, levy and lay a special tax on all persons and property subject to taxation within the limits of Williams Township of not more than twenty-five (25) cents on the one hundred dollars assessed valuation of real and personal property and not more than seventy-five (75) cents on each taxable poll. The taxes so levied shall be collected by a tax collector to be appointed by said board upon such terms as may be agreed upon, and said taxes so collected shall be paid to the treasurer of said board of trustees, who may require a bond as they may deem sufficient.

Special tax.

Limit of rate.

Collection and settlement of tax.

Provisions submitted to vote.	<p>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 Williams Township at an election to be held on a day to be named by the board of county commissioners of Martin 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 the registration books of said township shall be delivered to said registrar by the Register of Deeds of Martin County. Said registrar shall revise said registration book so as to show only the names of persons entitled to vote in said township, and shall register all duly qualified voters applying for registration whose names do not appear on said book. That the chairman of the board of commissioners for Martin County shall give notice of said election by publishing a notice thereof in the <i>Enterprise</i> for thirty days immediately preceding such election, and by posting a notice thereof at three public places in Williams Township. At the close of said election 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 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 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 votes cast at said election shall be in favor of "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: <i>Provided</i>, that if a majority of the votes cast at said election shall be "Against 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.</p>
Election officers.	
Registration.	
Notice of election.	
Count and canvass of votes.	
Returns and record.	
Ballots.	
Law governing elections.	
Effect of election.	
Proviso: further elections.	
Funds to be paid to road treasurer.	<p>SEC. 12. That all funds derived from the sale of any bond by said board of trustees and all taxes collected hereunder 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, team, machinery, and implements, and the employment of such officers and labor as may be found necessary in the carrying out of this work.</p>
Appropriation.	
Labor.	<p>SEC. 13. That in the working and construction and maintenance of said roads, either convict labor or hired labor, or both, may be used, as may be ordered by the said board of trustees.</p>

SEC. 14. That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to Williams Township, are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 235.

AN ACT TO AMEND CHAPTER 392, PUBLIC LAWS OF 1901, RELATING TO THE WORKING OF THE PUBLIC ROADS OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one, chapter three hundred and ninety-two, Public Laws of one thousand nine hundred and one, by striking out the word "three" in line three and substituting in lieu thereof the word "two." Road law amended.

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

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 236.

AN ACT TO AMEND CHAPTER 275 OF THE PUBLIC LAWS OF 1905, RELATIVE TO THE SALARIES OF THE OFFICERS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the act known as the Guilford County salary bill, chapter two hundred and seventy-five, Public Laws of one thousand nine hundred and five, and acts amendatory thereof, be and the same are hereby amended so that the allowance for clerk hire in the office of the clerk of the Superior Court may be fixed at two thousand dollars (\$2,000); and the allowance for clerk hire in the office of the Register of Deeds of Guilford County may be fixed at two thousand two hundred and fifty dollars (\$2,250), if in the judgment of the board of commissioners of Guilford County said amount is necessary to be paid for the labor performed in said offices. Clerk hire for clerk of superior court. For register of deeds.

Premiums on
official bonds.

SEC. 2. That the county shall pay the premiums on the official bonds of the clerk of the Superior Court and of the register of deeds of said county.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 237.

AN ACT TO BETTER SECURE THE PROMPT PAYMENT OF TAXES IN JONES COUNTY AND DEFINE DUTIES OF SHERIFF AND TREASURER.

The General Assembly of North Carolina do enact:

Penalty after 31st
December.

SECTION 1. That all persons, firms, or corporations, whether resident or nonresident of Jones 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 polls, 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 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.

Collection by tax
execution.

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 Jones County shall issue his tax execution for the same against the property of such defaulting taxpayer, whether person, firm, or corporation.

Taxes paid by
mortgagee included
in debt.

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.

Penalties to use of
school fund.
Sheriff to certify
itemized list.

SEC. 4. That the penalties provided for shall inure, when collected, to the public school fund of Jones County; and it shall be the duty of the Sheriff of Jones County to certify to the Treasurer of Jones County an itemized list showing all the penalties collected for the nonpayment of taxes of Jones County.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 238.

AN ACT TO AMEND CHAPTER 160 OF PUBLIC LAWS OF 1911, AND TO RESTORE THE AGE LIMIT FOR WORKING THE PUBLIC ROADS IN SAMPSON COUNTY FROM 21 YEARS TO 18 YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixty of the Public Laws of nineteen hundred and eleven be and the same is hereby amended by striking out the word "Sampson" in line three of said act, so as to place Sampson County under the provisions of the general law as provided in section two thousand seven hundred and twenty-five of the Revisal of nineteen hundred and five. Sampson stricken out.

SEC. 2. That all the laws or 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 1st day of March, A. D. 1913.

CHAPTER 239.

AN ACT TO CHANGE THE LINES OF LOUISBURG TOWNSHIP IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary of Louisburg Township in Franklin County be extended so as to include a small part of each Haysville and Sandy Creek townships, as follows: Begin at a point in the Louisburg and Henderson road (in Sandy Creek Township) where the road leading to Rocky Ford leaves the same, and extend a line directly east for one mile to a stone, and thence south to the Louisburg Township line, then from the first said point on the Louisburg and Henderson Road extend a line west to Tooles Creek, and thence along Tooles Creek southerly direction to the Franklinton Township line, and thence along this line to the Louisburg Township line, and that all the territory embraced in the above lines be added to Louisburg Township, and the same be subject to all the laws now in force applicable to Louisburg Township. Boundary extended.
New lines.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 240.

AN ACT TO AMEND CHAPTER 736 OF THE PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That section fourteen (14) of chapter seven hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and eleven be stricken out, and the following substituted in lieu thereof: "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 chapter seven hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and eleven, and place same on the bank of the 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 for 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."

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 241.

AN ACT TO PROHIBIT PERSONS UNDER 18 YEARS OF AGE FROM HUNTING WITH LONG-RANGE MAGAZINE RIFLES IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons under eighteen years of age to hunt or otherwise sport with a long-range magazine rifle in Hertford County.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, in the discretion of the court.

SEC. 3. That this act shall apply only to Hertford County.

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

Ratified this the 1st day of March, A. D. 1913.

Power to remove bridges.

Cost of replacement.

Act declared unlawful.

Misdemeanor.
Punishment.

Application of act.

CHAPTER 242.

AN ACT TO ALLOW THE TREASURER OF SCOTLAND COUNTY TO APPLY THE SURPLUS OF CERTAIN FUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of Scotland County be and he is hereby authorized, empowered, and directed to pay over into the general fund of the county of Scotland any and all amounts which remain in his hands as a part of the old Richmond County debt fund after the discharge of that part of the Richmond County debt for which the county of Scotland was liable, and the said amount or amounts so paid into the said general fund shall be disbursed upon any proper warrant drawn upon the said general fund.

Transfer of surplus from Richmond county debt fund authorized.

SEC. 2. That the Treasurer of Scotland County be and he is hereby authorized, empowered, and directed to pay over into the general fund of the county of Scotland any and all amounts which remain in his hands as a part of the old fence fund after the discontinuance of the division fence between Richmond County and Scotland County, and the stock fences in Scotland County, and any amount or amounts so paid into the said general fund shall be disbursed upon any proper warrant drawn upon the said general fund.

Transfer of surplus from fence fund.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 243.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF UNION COUNTY TO TRANSFER A SURPLUS FUND FROM BONDED INDEBTEDNESS TO THE BRIDGE FUNDS OF THE COUNTY.

Whereas, in levying and collecting taxes to pay the bonds issued by Union County for funding its current indebtedness there was collected twenty-four hundred and thirty dollars and fifty-three cents more than was necessary to pay said bonded indebtedness, and that amount is now in the hands of the county treasurer; and whereas there is a deficiency in the amount necessary to build and repair the bridges of Union County: therefore,

Preamble: surplus of bond fund.

Preamble: deficiency in bridge fund.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Union County are authorized and empowered to transfer from the funds raised by taxation

Transfer authorized.

Amount.

in said county to pay the bonds issued for the current indebtedness of said county the sum of twenty-four hundred and thirty and fifty-three one hundredths dollars, a surplus after the payment of said bonds, to the funds necessary to build and repair bridges in said county or to erect a bridge over Rocky River, as provided in chapter five hundred and two of the Public-Local Laws enacted in one thousand nine hundred and eleven, and ratified third of March, one thousand nine hundred and eleven.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 244.

AN ACT TO REGULATE HUNTING IN DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Hunting without
permission of land-
owner.

SECTION 1. That it shall be unlawful for any person or persons to hunt with gun or guns upon the lands of another without the consent of the landowner or tenant in charge, during the months of October, November, February, and March.

Selling or offering
to sell game.

SEC. 2. That it shall be unlawful to sell or offer for sale any game birds killed within said Davie County, except from the first day of December until the first day of February.

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 over twenty-five dollars or be imprisoned not exceeding thirty days for each offense.

Punishment.

Application of act.

SEC. 4. That this act shall apply only to Davie County.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 245.

AN ACT TO PROTECT QUAIL IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Killing or catching
quail or partridge
for sale forbidden.

SECTION 1. That it shall be unlawful for any person or persons to kill, or catch by means of net, trap, or other contrivance whatever, any quail or partridge in the county of Sampson for the purpose of selling or marketing the same.

Selling or offering
for sale forbidden.

SEC. 2. That it shall be unlawful for any person or persons to sell or offer for sale any quail or partridge in the county of Samp-

son with the knowledge that the same is being purchased for the purpose of being resold or for the purpose of being shipped or sent out of said county.

SEC. 3. That it shall be unlawful for any person, firm, or corporation to ship, send, or carry any quail or partridge out of the county of Sampson: *Provided*, this section shall not apply to a nonresident taking out of the county quail or partridge killed upon his own land when the same are not taken for the purpose of sale or shipment.

Shipping forbidden.

Proviso: exception.

SEC. 4. That any person, firm, or corporation violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars for each offense.

Misdemeanor; punishment.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 246.

AN ACT TO PLACE THE OFFICERS OF JOHNSTON COUNTY UPON A SALARY BASIS.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff, clerk of the Superior Court, clerk of the recorder's court, register of deeds, and treasurer of Johnston County, and their several deputies and clerks, shall collect, receive, and account for all the fees to which they become liable 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 Johnston 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 settlements.

Officers responsible and chargeable for moneys.

Salary fund.

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.

Officers to collect all fees.

Compensation of officers.

Abstraction, concealment, or misappropriation of fees felony.

Punishment.

Failure or refusal to collect fee misdemeanor.

SEC. 3. Any officer of Johnston 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.

Punishment.

Fees to be collected in advance and turned over to treasurer.

Account books.

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 Johnston 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.

Books open for inspection.

Items of accounts.

Auditor to prescribe forms, rules and regulations.

Monthly statements under oath.

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, it shall be the duty of the auditor 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 com-

Auditor to check statements.

Auditor to enforce payment.

Action against officer in default.

petent jurisdiction in the county of Johnston, 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.

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.

SEC. 7. The Sheriff of Johnston County shall receive for his salary and clerk and deputy hire the sum of forty-one hundred dollars 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 the said county, monthly, a statement of 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 amount submitted is correct, 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.

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 at least one office clerk and one field deputy, and it shall be the duty of the sheriff, field deputies or field deputy to serve all legal process to be served within a radius of fifteen miles of the courthouse at Smithfield: *Provided, however,* that the sheriff may appoint one deputy sheriff in each township in Johnston County, except such as lie wholly within a radius of fifteen miles of the courthouse, and the Sheriff of Johnston County is hereby permitted to send to said deputies and have served by them any and all summons, subpoenas, notices, executions, or other legal processes whatsoever, where the persons upon whom such legal process is to be served shall reside, or be served, fifteen or more miles from the courthouse at Smithfield, 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 summons, subpoenas, and notices, and all other legal processes whatsoever: *Provided,* that under the direction of the judge presiding at any term of the Superior or recorder's courts of said county, he may direct the sheriff or his field deputy to serve anywhere in the county, or elsewhere as by law required, all instanter subpoenas, *ad testificandum*, or capiases instanter, notwithstanding any limitations in this act: *Provided,* that nothing herein shall prevent the sheriff from serving process anywhere in the county.

Failure to file statement or false or incorrect statement misdemeanor.

Punishment.

Salary and clerk hire of sheriff.

Other allowances.

Monthly statement of allowed expenses.

Payment of allowed expenses.

Office clerk and field deputy.

Duty of sheriff and field deputies.

Proviso: township deputies.

Process to township deputies.

Fees.

Proviso: instanter process.

Proviso: sheriff may serve process throughout county.

Commissions as
tax collector.

SEC. 9. The Sheriff of Johnston 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.

Appointment and
salary of jailer.

SEC. 10. The sheriff of said county shall also appoint a jailer, whose salary shall be fixed by the board of commissioners of said county, and the actual expenses of maintaining the common jail of said county as heretofore shall also be allowed 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.

Salary and
allowances of
clerk of superior
court.

SEC. 11. The Clerk of the Superior Court of Johnston County shall receive for his salary, and for deputies and other clerical assistance, the sum of twenty-eight hundred and fifty dollars per annum, and out of the allowance made said clerk in this section he shall employ and pay the compensation of at least one deputy clerk during sittings of the Superior Court, and at such other times as the public good may require, 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 Johnston County to at all times provide and pay for sufficient clerical assistance for the prompt and efficient discharge of the duties as clerk and of all duties imposed upon him by law.

Deputy clerk.

Salary as clerk of
recorder's court.

SEC. 12. The Clerk of the Superior Court of Johnston County shall also be clerk *ex officio* of the recorder's court, and for his services in this capacity, as defined by the act creating said recorder's court, he shall receive the sum of seven hundred and fifty dollars annually in lieu of all fees now allowed by law, which fees he is required to faithfully collect and turn over to the treasurer as herein provided for fees of regular county officers; the clerk of the Superior Court may serve the recorder's court by a deputy in lieu of his personal service, and such deputy shall be appointed by the clerk of the Superior Court as contemplated in section eleven of this act, which deputy shall, when not actually engaged in the performance of his duties to the recorder's court, serve as deputy clerk of the Superior Court, for which additional services he shall receive such allowance as the said clerk of the Superior Court may make to him out of the salary of twenty-eight hundred and fifty dollars allowed by this act to the Superior Court clerk:

Service by deputy.

Proviso: oath and
bond as clerk of
recorder's court.

Provided, however, notwithstanding any provisions of law to the contrary, the clerk of the Superior Court shall not be required to take and subscribe an oath of office pertaining to his or his deputy's duties as clerk of the recorder's court, nor give additional bond; but nothing herein shall exempt his official bond now required by law from any violation or breach of his or his deputy's duty as clerk of the recorder's court. The effect of this provision is to be construed as an enlargement of the duties of the clerk of the Superior Court, and not to create an additional office.

Liability on bond.

Enlargement of
duties.

SEC. 13. The Register of Deeds of Johnston County shall receive for his salary and for deputies and other clerical assistance the sum of thirty-two hundred and fifty 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 such other and further clerical assistance as the public business may require; and it shall be the duty of the said register of deeds at all times to 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.

Salary and allowances of register of deeds.
Deputies and clerical assistance.

SEC. 14. The Treasurer of Johnston County shall receive for his salary, and for such clerical assistance as he may need or the public business demand, the sum of one thousand dollars per annum; and it shall be the duty of 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.

Salary and allowances of treasurer.
Clerical assistance.

SEC. 15. That in addition to the salaries herein provided and the allowances herein set forth, the board of commissioners of Johnston County shall furnish each of said officers with all necessary supplies for conducting the business of their office, including the necessary postage for official business, and such supplies shall be paid for by the county of Johnston out of the general county funds.

Office supplies and postage.

SEC. 16. That the salaries and allowances herein provided for the several officers of Johnston 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 Johnston 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.

Salaries in full compensation.
Collection and payment of fees.

SEC. 17. If it shall appear at any time to the board of commissioners of Johnston County that the allowance made by this act to the several officers 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, then the board of commissioners shall have power, upon ascertaining such facts, to provide such other and further clerical assistance for any of said officers or for the auditor of Johnston County as may be reasonably necessary to promptly and efficiently carry on the public business; 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 the said board: *Provided*, that the increase for any one officer's salary shall not exceed three hundred dollars over the amounts

County commissioners may increase allowances.

Action spread on minutes of board.

proviso: limit of increase.

Proviso: recom-
mendation and
approval of
increase.

Payment of
salaries.

Warrants for
payment.

Separate and
distinct fund.

Annual detailed
statement of
fund.

Surplus to general
fund.

Proviso: deficit.

Bonds of officers.

Payment of
premiums.

Office of auditor
created.
Salary and bond.

herein allowed: *Provided further*, that no increase whatever shall be made except upon the recommendation and approval of the county auditor and the county attorney.

SEC. 18. All the salaries provided for in this act shall be paid by the Treasurer of Johnston County to the person or 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 of said board, and said warrants, when paid, shall be charged to the salary fund herein provided.

SEC. 19. 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. The treasurer shall open a separate account with each of the several officers of said county, which shall show the amount received from the said officer and the amount paid to each officer, and said accounts shall at all times be open to the public.

SEC. 20. On the first Monday in December 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 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 the said salary fund shall, on the first Monday in December in each year, be turned over by the treasurer, to be credited to the general county fund: *Provided*, if the salary fund created under the provisions of this act shall be insufficient to pay the salaries and allowances herein provided, any such deficit shall be paid out of the county funds and charged to the salary fund, to be reimbursed to the county funds whenever a sufficient amount of the salary fund not otherwise employed shall justify.

SEC. 21. All officers of Johnston County who are now or may hereafter be required to give bond for the faithful performance of their duties may 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.

SEC. 22. That the office of auditor is hereby instituted and created, and the auditor of said county shall receive a salary of fifteen hundred dollars per annum, and shall furnish bond in some bonding company in the sum of five thousand dollars, payable to the county of Johnston, 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 mis-

conduct in office; premiums on said bond to be paid by the said county out of the salary fund. Premium on bond.

SEC. 23. It shall be the duty of the auditor of Johnston 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 sheriff 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 inquire for all delinquent taxpayers and to require such delinquents to be placed on the tax list; 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 Johnston 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 report his findings to the board of county commissioners; and he is hereby authorized 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, which book shall be permanently kept as the records of his office and always open to public inspection; it shall likewise be his duty to audit all bills and claims presented to the board of county commissioners of said county and the board of education for payment, and no claim or bill filed with said board of commissioners or 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 the board of commissioners or board of education shall be countersigned by said auditor before they shall be honored or paid by the treasurer of said county. Copy of tax list.

SEC. 24. It is the intention of this act for the auditor of said county to assume and discharge all the duties heretofore required by law of the register of deeds with reference to making out the tax list of said county, and he shall receive no other compensation therefor except as heretofore allowed for the office of auditor. Supervision and direction of tax listing.
Annual statements.
Inquiry for delinquent taxes.
Accountant for county.
Monthly examination of accounts of officers.
Examination of dockets.
Account books.
Books open for inspection.
Audit of bills and claims.
Claims not paid before audit.
Warrants countersigned.

SEC. 25. 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 other officers of the county, for a term of two years; said term of office to begin on the first Monday in December, nineteen hundred and fourteen, and continue for two years, or until his successor shall be elected in the same manner biennially thereafter; and he shall take and subscribe an oath of office; and he shall open and keep an office to be selected and furnished by said board of commissioners of said county, in which shall be secretly kept the records of his office. Duties transferred from register of deeds.
Election of auditor.
Term of office.
Oath of office.
Office selected and furnished.

Officers to perform duties.

No other compensation or allowance.

Pains and penalties.

SEC. 26. 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, except as herein provided, and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their office.

SEC. 27. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

When act effective.

SEC. 28. That this act shall be in force and effect from and after the first Monday in December in the year one thousand nine hundred and fourteen.

Ratified this 1st day of March, A. D. 1913.

CHAPTER 247.

AN ACT TO AUTHORIZE GROVER PRECINCT, IN No. 4 TOWNSHIP, CLEVELAND COUNTY, TO ISSUE BONDS AND TO IMPROVE THE HIGHWAYS THEREIN.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Bond issue authorized.

Amount.

Denomination.

Interest.

Maturity.

Proviso: sale below par forbidden.

Authentication.

SECTION 1. That for the purpose of building, grading, laying out, macadamizing, sand-claying, topsoiling, and otherwise improving the public roads, streets, and highways of Grover Precinct in Number Four Township, Cleveland County, the board of commissioners of Cleveland County is hereby authorized, empowered, and directed to issue bonds for said Grover Precinct in Number Four Township, Cleveland County, in an amount not exceeding ten thousand dollars (\$10,000), in denominations not exceeding one thousand dollars (\$1,000), bearing interest from date thereof not exceeding six (6) per cent per annum, with interest coupons attached, payable semiannually, at such time and place as may be designated 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, and 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.

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 Cleveland 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 chairman of the board of commissioners and Treasurer of Cleveland County, or by their lithographed signatures, engraved or printed thereon.

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 Grover Precinct in Number Four Township, Cleveland County, and to whom, amount and date of sale and the issuing of each bond, and its number. Record of bonds.

SEC. 4. In order to pay the interest on said bonds, create a sinking fund for the taking up of said bonds at maturity, to compensate laborers employed on the roads and streets of Grover Precinct, Number Four Township, Cleveland County, and to establish, alter, repair, survey, lay out, grade, construct, maintain, and build the public roads and highways of Grover Precinct in Number Four Township, Cleveland County, in good condition, the board of commissioners of Cleveland County, or other authorities vested with the authority 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 Grover 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 the polls and taxes on property: *Provided*, there shall not at any time be levied in Grover Precinct, Number Four Township, Cleveland County, for the purpose of road improvement, including all expenditures made necessary by this act, a tax greater than twenty-five (25) cents upon the one hundred dollars (\$100) worth of property and seventy-five cents on each poll: *Provided further*, that no sinking fund shall be created by said levy within less 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. Special tax.

SEC. 5. That said tax, 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. Constitutional equation.
Proviso: limit of tax rate.
Proviso: sinking fund.

SEC. 6. That it shall be the duty of the board of commissioners of 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 said county commissioners, and to be agreed upon by them and the owners thereof; but in case said precinct bonds cannot be purchased at a satisfactory price, then Tax kept separate.
Specific appropriation.
Investment of sinking fund in bonds.
Alternative investment.

the said commissioners are authorized and directed to invest said sinking fund upon security approved by them, and upon terms advantageous to said Grover Precinct, and any money of said sinking fund so loaned and invested shall bear such interest as may be agreed upon, and the security taken for any such loan shall state on its face that the money borrowed belongs to said sinking fund of the said Grover Precinct, Number Four Township, Cleveland County.

Road 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 a sinking fund to pay the principal of the bonds, and such other sums as may be at the disposal of the said highway commission hereinafter created, shall be used by the said highway commission to purchase such necessary road machinery as they may deem advisable, and to pay the expenses of repairing, surveying, creating, laying out, building, constructing, improving, and maintaining the roads and streets in Grover Precinct, Number Four Township, Cleveland County, and to carry out the purposes, intent, and provisions of this act.

Election on bond issue.

SEC. 8. For the purpose of ascertaining the wishes of the voters of Grover Precinct, 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. At said election all voters in Grover Precinct, Number Four Township, Cleveland County, qualified to vote at said election may vote a written or printed ticket, or a partly written and partly 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 Grover Precinct, Number Four Township, Cleveland County, who vote at said election shall vote "For Good Roads," 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 vote canvassed, the judges and registrars paid, and the results declared in the manner and form provided for 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 of Cleveland County convening after the holding of said election, and at said meeting said county commissioners shall officially canvass, determine, and declare the result of said road election; and except further, that said election officers shall themselves be appointed by the board of commissioners of Cleveland County at the time said county commissioners call

Tickets.

Bonds issued on majority of votes cast.

Law governing elections.

Return of election.

Canvass of returns.

Appointment of election officers.

said election, and the said county commissioners shall publish in a newspaper published in Cleveland County notice of the call of said election and the names of the election officers therefor for at least thirty days prior to the holding of the same. In the event a majority of the voters voting at said election shall vote "Against Good Roads," then the provisions of this act shall be inoperative: *Provided, however,* that upon a petition of one-third of the qualified voters of Grover Precinct, Number Four Township, Cleveland County, the county commissioners may order another election in said Grover Precinct on the question of the adoption of the bond issue herein provided for said precinct as often as such petition may be offered and presented, and subsequent elections held in the same manner and with the same effect as the original election herein provided for: *Provided,* that no election shall be held closer than six months from the date of the last election.

Notice of election.

Act inoperative if majority against bonds.

Proviso: further elections by petition.

Proviso: limit of elections.

SEC. 9. In the event the bonds herein provided for are voted, no free labor shall be required of any citizen of Grover Precinct on and after January first next following the adoption of the provisions of this act, and all road laws now existing and in force in Grover Precinct in Number Four Township, Cleveland County, shall cease to be in force and effect on January first next after the provisions of this act become operative by virtue of a vote thereon.

Free labor abolished.

Road laws repealed.

SEC. 10. If a majority of the electors in Grover Precinct voting at the election shall vote "For Good Roads," then the board of commissioners of Cleveland County, at their first meeting following said election, shall elect three competent voters and taxpayers of Grover Precinct, Number Four Township, Cleveland County, who shall be known, designated, and styled the "Highway Commission of Grover 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, *Provided,* 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 dollars (\$3) per day during the time they are actually engaged in the duties assigned them by this act. They shall be allowed all necessary expenses for postage, stationery, attorneys' 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 so elected shall meet within ten days after their election, 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 same. The term of office of the first one elected by said board of county commissioners shall be six years; and the term of office of the second one elected by said county commissioners shall be four years; and the term of office of the third one

Election of highway commission.

Official title.

Incorporation.

Proviso: political affiliations.

Pay of commissioners.

Expenses.

Commissioners-elect to meet and organize.

Certificate of organization.

Terms of commissioners.

Proviso: end of first term.

Elections of successors.

elected by said county commissioners shall be two years: *Provided*, that the first two years shall expire on January the first following the next General Assembly election held after the voting of these bonds by the Grover Precinct of Number Four Township, Cleveland County, 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 shall expire on January first succeeding the second general election held after the adoption of this act by such election, 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 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 last general election preceding the expiration of these terms, at the same time and in the same manner as other officers are elected in Grover Precinct, Number Four Township, Cleveland County.

Incorporation.

Corporate powers.

Expenditure of road funds.

Commissioners to qualify and give bond.

Control of roads and highways.

Loan of machinery and implements.

Road superintendent or engineer.

SEC. 11. That the highway commission of Grover 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 sold, 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 the duties under this act each of the members of said Grover Precinct Highway Commission shall take an oath for the faithful performance of his duties and file a bond with sureties approved by the commissioners of Cleveland County, payable to the board of commissioners of said county, in the sum of one thousand dollars (\$1,000), for the faithful performance of the 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 said highway commission of Grover Precinct full and complete control of the roads and highways of Grover Precinct in Number Four Township, and the commissioners of Cleveland County shall loan the highway commission of Grover Precinct the road machinery and implements now belonging to said county for as 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 may hereafter be engaged in working their roads by taxation or by bond issues, taking receipt therefor.

SEC. 12. It shall be the duty of 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 work

of surveying, laying out the roads, and constructing and building the same; and said commission shall have the roads and streets in Grover Precinct in Number Four Township surveyed, graded, laid out, built, and constructed in the manner and in such way as to accomplish the best results with the money provided for and for the purpose herein designated. Where there shall be a change made in the location of any public road or new highway 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 cannot agree on the amount of 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 exists: *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 highway is 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 cost 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 is further authorized to let the work of grading or building said roads and repairing and maintaining them by contract of any part of said roads which they may deem advisable and for the best interest of said precinct.

SEC. 13. That the board of commissioners of Cleveland County, upon demand made by the said highway commission, shall offer said bonds for same in accordance with 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 their chairman of said highway commission and attested 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 of the sale of said bonds, and the disbursements and the date, 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 commissions for collecting said taxes herein authorized to be levied, and the bonds of said sheriff or tax collector shall be liable for the faithful

Survey, grade, and construction of roads and streets.

Entry on land for location and construction.

Procedure for assessment of damage.

Proviso: notice to landowners.

Proviso: right of appeal.

Costs on appeal.

Appeal not to delay action.

Work may be let to contract.

Sale of bonds.

Disbursement of proceeds.

Separate account book.

Treasurer liable on bond.

No compensation to officers.

Sheriff liable on bonds.

- Collection of tax. accounting of the taxes collected by him under this act, and the sheriff or tax collector of Cleveland County shall collect said taxes under the same provisions and with the same authority as is in him vested for the collecting of other taxes.
- Vacancies. SEC. 14. That in the event of a vacancy occurring by death, resignation, or otherwise, of any member of the highway commission of Grover Precinct, Number Four Township, Cleveland County, said vacancy shall be filled by the board of commissioners of Cleveland County by the selection of some citizen of Grover Precinct, who shall hold the position of highway commissioner until a successor shall be elected at the next general election. The highway commission of Grover Precinct in Number Four Township shall have all the powers, rights, authority, and privileges now granted under the general road law of the State, 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 operation and opening of roads in Grover Precinct, Number Four Township, and open to require free labor of its citizens. Wherever roads are opened, created, or surveyed, or constructed, said highway commission shall have the power to enter upon the lands of any person, firm, or corporation in said precinct and take therefrom sand, clay, topsoil, 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 lands 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 a greater distance than one hundred feet from either side of said road; and for any damages which may be sustained by the landowner, either from taking the sand, clay, gravel, topsoil, rock, or other material from his land, or from the cutting of timber, shall be determined and adjudged 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 cannot 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 right and authority to determine the width, grade, location, and the material and method of constructing all roads in said Grover Precinct, Number Four Township, Cleveland County.
- Powers under general road law. Entry on land for material. Right to cut timber. Proviso: limit of power. Assessment of damages. Proviso: timber property of landowner. Width, grade, location, and material. Cartways. SEC. 15. The general law shall obtain as to the granting of cartways in Grover Precinct, Number Four Township, and the application for cartways shall proceed in the same manner and under the same rules and regulations as if this bill had not been passed.
- SEC. 16. That this act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 248.

AN ACT TO REGULATE THE PAY OF JURORS AND WITNESSES IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first day of February, one thousand nine hundred and thirteen, the pay of regular jurors in Brunswick County shall be two dollars per day and mileage, and that all talesmen jurors shall be paid one dollar per day, and that all special veniremen summoned in the said county of Brunswick shall be paid one dollar per day.

SEC. 2. That all witnesses subpoenaed for the State to appear before the grand jury of Brunswick County shall be paid one dollar and fifty cents per day and mileage where a true bill is found: *Provided*, that not more than two witnesses shall be allowed to prove for each material fact, and that all witnesses summoned before the grand jury where the return is not a true bill shall be paid one dollar per day and mileage.

Regular jurors.

Talesmen.

Special veniremen.

Witnesses before grand jury.

Proviso: limit of witnesses.
Witnesses when bill ignored.

SEC. 3. This act shall be in force from and after its ratification
Ratified this the 1st day of March, A. D. 1913.

CHAPTER 249.

AN ACT TO FIX SALARIES FOR PUBLIC OFFICERS IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of Granville County may appoint one or more deputies in each township in the county, except in Oxford Township, which is hereinafter provided for, and may allow such deputies the fees made and collected by them in serving summons, subpoenas, notices, and process of all kinds, and all fees and commissions made and collected by them from executions: *Provided, however*, that said deputies shall not serve papers in Oxford Township except in cases of emergency.

Township deputy sheriffs.

Fees allowed deputies.

Proviso: service in Oxford township.

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.

Sheriff to collect and pay over other fees.

SEC. 3. The sheriff shall appoint a jailer, whose salary shall be six hundred dollars per annum. Said jailer, in addition to jail duties, is to serve process and papers, and shall keep a correct record of fees collected and make returns of same to the

Appointment and salary of jailer.
Service of papers.

Collection and return of fees.

- Proviso: feeding prisoners.
- Deputy for Oxford township. Salary and duties. Proviso: service outside township.
- Collection, account and payment of fees.
- Salary of sheriff.
- Clerk of superior court and register of deeds to collect and pay over fees.
- Salary of clerk.
- Salary of register of deeds.
- Proviso: pay for making tax lists.
- Salary of treasurer.
- Appointment of auditor authorized.
- Salary.
- Auditor to assist in making tax list.
- Annual statements.
- Inquiries for delinquent taxpayers.
- Records of real estate transfers. Assist tax listers and assessors. Accountant for county. Examination of books of officers.
- county treasurer in the same manner provided for other officers of said county: *Provided*, this provision shall not apply to the feeding of prisoners, which shall be paid for by the county commissioners at a reasonable rate to be fixed by them.
- SEC. 4. The said sheriff shall appoint one deputy for Oxford Township at a salary of six hundred dollars per annum. Said deputy to serve papers and processes in Oxford Township: *Provided, however*, that he may do so in any section of the county. The said deputy shall collect and keep a correct record of all fees for serving summons, subpoenas, notices and process of all kinds, and shall keep a record thereof and turn the amounts over to the county treasurer, to be disposed of as hereinafter provided.
- SEC. 5. The said sheriff shall receive a salary of two thousand dollars per annum in lieu of all other compensation whatsoever.
- SEC. 6. The clerk of the Superior Court and the register of deeds of said county shall faithfully collect 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.
- SEC. 7. The clerk of the Superior Court shall receive a salary of sixteen hundred and twenty dollars per annum in lieu of all other compensation whatsoever.
- SEC. 8. The register of deeds of said county shall receive a salary of two thousand dollars per annum in lieu of all other compensation whatsoever: *Provided*, the county commissioners may allow additional compensation for making the tax lists required by law.
- SEC. 9. The treasurer of said county shall receive a salary of nine hundred dollars per annum in lieu of all other compensation whatsoever.
- SEC. 10. That if the board of commissioners of said county shall deem it advisable to do so, they are hereby empowered to create the office of auditor for Granville County, and to appoint some qualified person to hold said office under the control and direction of said board of county commissioners; and said board is authorized to fix the compensation of said auditor.
- SEC. 11. It shall be the duty of the auditor to assist the register of deeds of said 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 the tax list; examine the records of real estate transfers, and to assist tax listers and assessors; to act as accountant for the county and assist in 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 offices of Granville County which show fees and commissions

- collected and received by them; to examine at least once 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 shall be shown the total monthly receipts of fees and commisisions of all the officers 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 record 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 county for payment, and to perform such other duties as the board of county commissioners may direct.
- SEC. 12. 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.
- SEC. 13. All the moneys coming into the hands of the treasurer of said county by virtue of this act shall be held by him as a separate and distinct fund and used for general county purposes.
- SEC. 14. 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.
- SEC. 15. The officers hereinbefore named are required to turn over to the Treasurer of Granville County moneys coming into their hands, and shall make settlement with said treasurer on the last day of each 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.
- SEC. 16. Any officer, clerk, or assistant herein mentioned who shall willfully fail or refuse to collect the full fee, commission, or emoluments of any kind belonging to his office, shall be guilty of a misdemeanor.
- SEC. 17. All laws and clauses of laws in conflict herewith are hereby repealed.
- SEC. 18. That this act shall be in force and effect on and after the first Monday in December, one thousand nine hundred and fourteen.

Examination of dockets.

Account books.

County institutions.
Books and accounts.
Audit of bills and claims.

Officers to perform duties.

Other compensation forbidden.

Pains and penalties.

Separate fund.

Payment of salaries and allowances.

Monthly settlements.

Exhibition of books and accounts.

Failure to collect fees misdemeanor.

When act effective.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 250.

AN ACT TO AMEND CHAPTER 291 OF THE PUBLIC LAWS OF 1909, AUTHORIZING AND EMPOWERING THE COMMISSIONERS OF IREDELL COUNTY TO CONTINUE TO LEVY A SPECIAL TAX AND APPLY SAME TO PAYMENT OF INDEBTEDNESS INCURRED AND TO BE INCURRED IN ERECTING A HOME FOR THE AGED AND INFIRM.

The General Assembly of North Carolina do enact:

Tax for county home.

SECTION 1. That chapter two hundred and ninety-one of the Public Laws of one thousand nine hundred and nine be amended by adding at the end of section one of said act the following words: "and Home for the Aged and Infirm."

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 ratification.

Ratified this 1st day of March, A. D. 1913.

CHAPTER 251.

AN ACT TO AMEND SECTION 4, CHAPTER 35, OF THE STOCK LAW OF 1895, AS AMENDED.

The General Assembly of North Carolina do enact:

Pitt county.

SECTION 1. That section four, chapter thirty-five, Laws of one thousand eight hundred and ninety-five, be amended by adding "Pitt" at the end of said section.

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

Ratified this 1st day of March, A. D. 1913.

CHAPTER 252.

AN ACT TO AMEND CHAPTER 423 OF THE PUBLIC LAWS OF 1909.

The General Assembly of North Carolina do enact:

Application extended to Coopers Gap township.

SECTION 1. That section forty-nine of chapter four hundred and twenty-three of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out all of said section after the word "Polk" in line one thereof.

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 the twenty-fourth day of April, one thousand nine hundred and thirteen.

Ratified this 1st day of March, A. D. 1913.

CHAPTER 253.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE PUBLIC SCHOOL TEACHERS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the salary of the public school teachers of Currituck County shall be paid monthly when due. Salaries paid monthly.

SEC. 2. That when the funds are not available, the county board of education shall provide for same, and is authorized to borrow money for the purpose to an amount not exceeding the sum set aside for the maintenance of the public schools. Power to borrow money.

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

Ratified this 1st day of March, A. D. 1913.

CHAPTER 254.

AN ACT TO ENLARGE THE PUBLIC SCHOOL SYSTEM OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of New Hanover County be and it is hereby authorized and empowered to maintain and support out of the public school funds of said county, the Wilmington High School, which shall be open to all the white children of said county under such restrictions as the said board may fix as to grades of work and other qualifications; and the school committee of the said public high school shall consist of the joint committee of districts numbers one and two for the white race of said county, in whose names the donors of the property which is now used for high school purposes have placed the title. Support of Wilmington high school authorized.
School open to white children of county.
School committee.

SEC. 2. That the board of education of said New Hanover County is authorized and empowered to maintain and support out of the public school funds of said county an industrial school for the colored race, which shall be open to all the colored children of said county, under such restrictions as the board of education may fix as to grades of work and other qualifications; and the Industrial school for colored race.
School open to colored children of county.

said board of education may elect three school committeemen as other school committeemen are elected, for the management of said school.

Apportionment of school funds.

SEC. 3. That in lieu of making the apportionments of the public school funds in January and July, as now provided by law, the board of education of New Hanover County may, as soon as the tax books are made up for each year, estimate the amount of the school fund for the current year and apportion the same among the respective schools of the county, first setting aside a sufficient amount to maintain the high school and industrial school herein created, provided in doing so the length of term of the other public schools in said county is maintained as provided by law. And at the end of each school year the said board of education may apportion or place to the credit of the respective districts any amount received in excess of the estimate of the available school funds for that year.

Reserve for high school and industrial school.

Proviso: terms of other schools maintained.

Apportionment of excess.

Superintendent of city schools.

SEC. 4. That the said board of education of New Hanover County is authorized and empowered to employ a superintendent of the schools located within the city of Wilmington, and also a superintendent of the rural schools, and to pay each of them such salary as the board may deem wise; or the said board of education may employ one superintendent, who shall supervise the entire school system of the county. The salary and expenses of such superintendent, or superintendents, shall be paid out of the contingent fund, and not charged against any of the schools, and the board of education is authorized to set aside a contingent fund sufficiently large to cover this expense and other expenses of the board of education.

Superintendent of rural schools.
Salary.

Sole superintendent.

Payment from contingent fund.

Contingent fund authorized.

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

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 1st day of March, A. D. 1913.

CHAPTER 255.

AN ACT REGULATING THE FEE OF THE REGISTER OF DEEDS OF WAKE COUNTY FOR REGISTERING LIEN BONDS.

The General Assembly of North Carolina do enact:

Lien bond or lien bond and chattel mortgage.

SECTION 1. The Register of Deeds of Wake County shall be allowed for registering lien bond, or lien bond and chattel mortgage combined, fifty cents in the county of Wake.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 1st day of March, A. D. 1913.

CHAPTER 256.

AN ACT TO PROHIBIT THE HUNTING AND KILLING OF
SQUIRRELS IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons Close season. to hunt, shoot, or kill any squirrel or squirrels in the county of Chatham from the first day of February to the first day of November in each year.

SEC. 2. That any person or persons violating the provisions of Misdemeanor. this act shall be guilty of a misdemeanor, and upon conviction Punishment. shall be fined not exceeding twenty-five dollars or imprisoned not more than ten days.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 257.

AN ACT TO CHANGE THE TIME WHEN THE SHERIFF OF
GUILFORD COUNTY SHALL MAKE HIS ROUNDS FOR THE
COLLECTION OF TAXES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the county of Guilford shall have the right, by a resolution spread upon the County commis-
sioners may
change time. minutes of the said board, to change the time or times upon which the sheriff of said county is now or hereafter may be required to attend each township in said county for the collection of the taxes levied and placed in his hands.

SEC. 2. That upon the passage of said resolution by said board, the sheriff of said county shall attend in each township at such Sheriff to attend
at time fixed. times as shall be fixed by said board for the collection of taxes thereof: *Provided*, that fifteen days notice of the time and place Proviso: notice of
time and place. shall first be given by the sheriff of said county by advertisement posted at three or more public places and published in some newspaper in said county.

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 1st day of March, A. D. 1913.

CHAPTER 258.

AN ACT TO AUTHORIZE A. B. DICKEY, TAX COLLECTOR OF
CHEROKEE COUNTY, TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

Collection of
arrears authorized.

SECTION 1. That A. B. Dickey, former sheriff and now tax collector of Cherokee County, be and he is hereby authorized and empowered to collect all arrears of taxes due him as tax collector for the years one thousand nine hundred and nine, one thousand nine hundred and ten, and one thousand nine hundred and eleven, in said county, with full power to levy, distrain, and sell for the collection thereof, or any part of same, in the same manner and to the same extent as authorized by the laws of such respective years for the collection of taxes.

Years.

Expiration of
power.

SEC. 2. That the power and authority herein granted shall expire on the thirty-first day of December, one thousand nine hundred and thirteen.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 1st day of March, A. D. 1913.

CHAPTER 259.

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF
GUILFORD COUNTY TO WORK THE MEN AND BOYS
SENTENCED TO THE HOUSE OF CORRECTION UPON THE
FARMS AND ROADS NEAR THE SAME.

The General Assembly of North Carolina do enact:

Power given.

SECTION 1. That the board of county commissioners of Guilford County shall have, and are hereby given, the right to work all men and boys who may be sentenced to the House of Correction in said county upon the farms or roads within two and one-half miles of said House of Correction, said work to be done under the supervision of the superintendent of said House of Correction, and the persons owning or cultivating said farms to pay for the labor performed by said men or boys such an amount as shall be agreed upon between the said persons owning or cultivating said farms and the said board of county commissioners.

Supervision of
work.

Payment for work.

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

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

Ratified this 1st day of March, A. D. 1913.

CHAPTER 260.

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF HOKE COUNTY RELATIVE TO THE EDUCATIONAL FACILITIES OF THE CROATANS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Hoke County is hereby directed to give the Croatans of Hoke County such school facilities as they deem best. In the discretion of the commissioners.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 261.

AN ACT PROVIDING FOR THE BETTER CONSTRUCTION, WORKING AND KEEPING IN REPAIR THE PUBLIC ROADS OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That each township in the county be constituted a road district. Each township a road district.

SEC. 2. That the county commissioners shall elect three resident freeholders in each township, to be known as township road trustees, to serve for two years or until their successors are elected. said trustees to be responsible to the county commissioners for the improvement of the public roads in their respective townships. Election and terms of road trustees. Responsibility of trustees.

SEC. 3. That the trustees shall have the entire charge of the expenditure of all moneys collected for road improvements in their respective townships, subject to the approval of the board of county commissioners. Expenditures of road funds.

SEC. 4. That said trustees be required to publish a statement of all receipts and disbursements annually. Publication of statement of accounts.

SEC. 5. That said trustees shall receive two dollars per diem for the time actually spent in the management of the roads of their respective townships. Pay of trustees.

SEC. 6. That every able-bodied male citizen from twenty to forty-five years of age shall be required to labor in the improvement of the public roads not less than six nor more than twelve days in each and every year, and that ten hours shall constitute a day's work as herein intended: *Provided*, no one shall be required to work on the public roads more than two and one-half miles from his home, unless in case of emergency. That for such labor each citizen so laboring shall be paid one dollar per diem: *Provided*, Road duty. Day's work. Proviso: location of work. Pay for labor. Proviso: commutation.

that in lieu of such labor he may pay into the township road fund three dollars for each day he shall fail to labor or provide a laborer.

Road engineer.

Construction of standard road.

Proviso: width of road.

Proviso: cross roads.

Road tax.

Collection and settlements. Separate accounts with townships.

Warning out hands.

Continuity of work.

Proviso: employment of teams and implements.

Township funds kept separate. Warrants for payment.

Guide-posts.

Mile-posts.

Application of act.

SEC. 7. That the county commissioners be required to employ a competent road engineer, who shall construct near the county-seat, upon such road or roads as the commissioners may order, one mile of road which shall be the standard for the improvements of all roads in the county: *Provided*, all through roads leading from public towns shall be twenty-five feet in width and thirty feet clear of trees and bushes, except fruit and shade trees: *Provided further*, that the trustees may agree upon a less width for cross-roads that are of less importance.

SEC. 8. That an annual tax of not less than twenty-five cents nor more than thirty-three and one-third cents on the one hundred dollars valuation of all real and personal property, and not less than seventy-five cents nor more than one dollar on each poll be levied to carry out the provisions of this act.

SEC. 9. That said tax shall be collected by the sheriff and paid into the county treasury as all other taxes, but that a separate account of all moneys collected under this act, in each township, shall be available for the construction of roads in that township only.

SEC. 10. That the trustees in ordering the hands to labor upon the public roads shall give them three days notice, and shall not require said laborers to labor on said roads continuously more than three days at one working, and fifteen days shall intervene between each working: *Provided*, that the trustees may employ team of horses, mules, wagons, plows, and carts as they may need, and the owners thereof shall receive for such teams, wagons, plows, and carts such sums as may be agreed upon by the said trustees and the owners of said team.

SEC. 11. That the county treasurer shall keep each and every township fund separate, and pay the same to the trustees of the township upon a warrant approved by the chairman of the board of county commissioners, and that he shall receive a fee of one per cent for his services in receiving and paying out said fund.

SEC. 12. That the trustees of each township shall cause to be erected at all cross-roads and forks of roads, guide-posts with arms telling the distance to the public places, also mile-posts stating the number of miles from the county-seat.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 14. This act shall apply only to Greene County.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 262.

AN ACT TO DISPOSE OF THE SURPLUS FUNDS IN HAND AFTER PAYING OFF THE CODDLE CREEK BONDS AND TO PROVIDE FOR THE SALE OF CODDLE CREEK'S STOCK IN THE NORTH CAROLINA MIDLAND RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That E. W. Brawley and C. V. Voils, trustees of the Coddle Creek bond funds, are hereby authorized and empowered to pay off the Coddle Creek bonds when the same shall become due, out of the funds now in their hands. Payment of bonds authorized.

SEC. 2. That said trustees shall be allowed the usual commissions of trustees for handling said funds, and after all the bonds above mentioned, together with their commission and the cost of settling up said bond matter, have been fully discharged, to pay the balance of said funds into the treasury of Iredell County, to be distributed to the public schools of Coddle Creek Township, Iredell County, North Carolina, per capita. Commission of trustees.
Balance to township school fund.

SEC. 3. That the said E. W. Brawley and C. V. Voils, trustees, are hereby authorized and directed to sell the stock held by Coddle Creek Township in the North Carolina Midland Railroad Company and authorize the transfer of the same to the purchaser, and pay the money therefor into the treasury of Iredell County, to be distributed per capita to the public schools of Coddle Creek Township, Iredell County, North Carolina: *Provided*, that said stock shall not under any circumstances be sold for less than fifty dollars (\$50) per share. Sale and transfer of stock.
Proceeds to township school fund.
Proviso: minimum price.

SEC. 4. That if the stock cannot be sold for fifty dollars (\$50) per share, then the said E. W. Brawley and C. V. Voils, trustees, are directed to turn said stock over to the Treasurer of Iredell County, North Carolina, and their trust shall then be closed. The treasurer shall hold the same for the use and benefit of the public schools of Coddle Creek Township and shall collect all dividends declared and paid by said railroad company, and shall distribute such dividends as are paid in the future to the public schools of Coddle Creek Township, Iredell County, North Carolina. Stock turned over to treasurer and trust closed.
Stock held to use of township school fund.

SEC. 5. That the Treasurer of Iredell County shall handle said funds without commission, and neither the treasurer nor the county of Iredell shall be allowed any commission for collecting and disbursing said funds. Treasurer nor county allowed commissions.

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

Ratified this 1st day of March, A. D. 1913.

CHAPTER 263.

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND IMPROVEMENT OF THE PUBLIC ROADS OF CARTHAGE TOWNSHIP, MOORE COUNTY.

The General Assembly of North Carolina do enact:

Road commissioners.

SECTION 1. That John L. Currie, W. M. Kivet, R. C. Barrett, I. B. Turnely, and C. G. Wadsworth be and they are hereby created a board of road commissioners for Carthage Township, Moore County, who shall qualify by taking an oath before some officer authorized to administer oaths, to faithfully and honestly discharge the duties of their office, and shall hold office until the first Monday of January, one thousand nine hundred and fifteen. Their successors shall be elected by the qualified voters of Carthage Township at the general election to be held as provided by law in the year one thousand nine hundred and fourteen, and at each biennial general election thereafter, and shall hold office for two years from the first Monday in January next after their election and until their successors shall be elected and qualified. Said board of road commissioners shall fill all vacancies occurring in their board prior to any election of a new board. The members of said board shall receive for their services not more than one dollar per day for the time actually employed in performing the duties of their office hereinbefore prescribed.

Qualification and term of commissioners.

Election and term of successors.

Vacancies.

Pay of commissioners.

Township incorporated.

Corporate name.

Corporate powers.

Corporate agents.

SEC. 2. That the said division of Moore County known as Carthage Township shall, for the purposes of this act, be and it is hereby declared a body corporate by the name and style of "Carthage Township," and is vested with the necessary power and authority 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 are declared to be the corporate agents of said township and may sue in the name of "Carthage Township" and be sued under said name, and shall have the power and authority to carry out the provisions of this act.

Control and management of roads.

Selection of roads.

SEC. 3. That it shall be the duty of said board of road commissioners of Carthage Township to take entire control and management of all the public roads in Carthage 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 under the provisions of this act.

Quarterly meetings.

Organization.

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 than once in three months. The said board of road commissioners shall annually elect one of their members 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 that purpose, and do such work as the board of road commissioners shall see fit to require of him, and the said board may allow him suitable compensation therefor.

SEC. 5. The board of road commissioners created by this act and the board to be thereafter elected under the provisions of this act shall at their first meeting elect a treasurer of said board, who shall hold office during the term of said respective boards and until his successor shall be elected and qualified. All road taxes collected by the Sheriff of Moore County for Carthage Township, and all moneys collected by said sheriff or any other officer or person on account of the public roads of said township, shall be paid to said treasurer, and upon receipt of said moneys the said treasurer shall give his receipt therefor. The said Sheriff of Moore County is hereby required to pay over to said treasurer the road funds for Carthage Township collected by him under the provisions of this act as soon as said sheriff shall collect the same, and said sheriff is hereby required to settle with said treasurer for all road funds collected by him or which ought to have been collected by him for the previous year, not later than the second Monday in May of each year; and the Treasurer of Moore County is hereby required, authorized, and directed to pay to the treasurer of the board of road commissioners of Carthage Township, as soon as his bond has been approved, all moneys held by him on account of the road fund for Carthage Township under existing law, and said Treasurer of Moore County shall not be allowed any fees or commissions on the amount in his hands belonging to said road funds so paid to the treasurer of the board of road commissioners of said township. Said treasurer of the board of road commissioners of said township shall also receive the proceeds from any bonds that may be sold under the provisions of this act and any interest that may accrue on the sinking fund herein provided for. Before entering upon the duties of his office said treasurer shall execute a bond payable to the State of North Carolina, with sufficient sureties, in a sum to be fixed by said board of road commissioners, conditioned as provided by law for the faithful discharge of his duties as treasurer as provided by this act and the general laws of the State, which bond shall be approved by the board of commissioners of Moore County and recorded in the book of official bonds of said county, and the original shall be deposited with the register of deeds of said county. Suit may be brought upon said bond or bonds in the name of the State of North Carolina upon relation of the board of road commissioners of Carthage Township. Said treasurer shall pay out said funds coming into his hands and belonging to the road fund of said township only upon written orders signed by the chairman of the

Duties of secretary.

Election and term of treasurer.

Moneys paid to treasurer.

Sheriff to pay over road funds.

Time for settlement.

County treasurer to pay over funds.

County treasurer not allowed commissions.

Proceeds of bonds.

Interest on sinking fund.
Bond of treasurer.

Suit on bond.

Orders on road funds.

- board of road commissioners, which shall be the only sufficient voucher for the disbursement of said funds. Said treasurer shall render an itemized account of the receipts and disbursements of said road funds to the board of road commissioners of said township every three months, and oftener if required by said board, 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, and said register of deeds shall be entitled for such services and for all other services required of him under the provisions of this act the fees prescribed for recording deeds, which fees the said board of road commissioners of said township are authorized to pay out of any funds in the hands of the treasurer. The said board of road commissioners shall fix the compensation to be paid to said treasurer: *Provided*, it shall not exceed one per cent of all the disbursements made by said treasurer. Said board of road commissioners of said township may require the said treasurer to execute the bond herein required with 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 funds of said township.
- 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 construction, improvement, and maintenance of all the public roads in Carthage Township. Said supervisor shall submit monthly statement to the board of road commissioners showing the cost of work on the public roads of said township, of expenditures made thereon for the month, together with all 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.
- SEC. 7.** The board of road commissioners of said township 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 sell any tools, machinery, or other property belonging to the said township and purchased from the road funds of said township which, in the judgment of the board, is not needed for the improvement of said roads; and said board may employ a surveyor to lay out the roads of said township and make any changes in said road that they may deem necessary.
- Quarterly itemized accounts.
- Record of report.
- Fee of register.
- Compensation of treasurer.
- Bond in bonding company.
- Payment of premiums.
- Election and duty of supervisor.
- Monthly statements.
- Bond of supervisor.
- Compensation of supervisor.
- Purchase or sale of equipment.
- Employment of surveyor.

SEC. 8. The said board of road commissioners shall audit the account 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 settlement of the same between said sheriff and the treasurer of said board, which settlement shall be spread upon the 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 funds for which any officer may fail to properly account, and bring suit upon relation of the State of North Carolina against said sheriff and his sureties upon his official bond for any defalcation in the payment of said road funds to said treasurer.

Settlements with sheriff.

Actions for recovery of road funds.

Suit on sheriff's bond.

SEC. 9. Any member of the board of road commissioners or any supervisor of Carthage Township, or any other person who shall make or cause to be made any fraudulent order whereby money is or may be obtained out of said township road fund, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, and upon conviction thereof shall be removed from office.

Fraudulent order misdemeanor.

Punishment.

SEC. 10. That for the purpose of building or constructing, repairing, or maintaining the public roads of said township, or for constructing ditches or drains for the construction of said public roads 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 dig and maintain any ditches, and cut down and carry away any trees or timber or remove any sand, clay, gravel, stone, or other substance 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 roads. 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 may be caused to empty shall demand compensation therefor, and present his claim to the board of road commissioners, it shall be the duty of said board of road commissioners to pass upon and consider the same and to make 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 lands any new road has been located or from which any material may be removed or on which drains shall be made shall claim damages therefor which the said board shall refuse to pay, such person claiming damages shall, within thirty days after the location of said road or removal of material or making said drain, petition 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 or work thereon to order a jury of three disinterested freeholders of Carthage Township to be

Entry on land for material.

Ditches and drains.

Payment of claim for damages.

Proviso: procedure for assessment of damages.

summoned by the Sheriff of Moore County, to be named and designated by said sheriff, qualified to serve as jurors, and the jury so selected shall give three days notice to the landowner and to the board where and when said jury shall meet to assess said damages, and in the consideration thereof it shall be the duty of said jury 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 finding in writing to the board of road commissioners for confirmation or revision: *Provided further*, that a landowner may appeal to the Superior Court of Moore County from the decision of the jury and said board of road commissioners, and upon said appeal the same shall be heard *de novo* in said court.

Proviso: right of appeal.

Issue and sale of bonds directed.

SEC. 11. That for the purpose of funding and paying off the bonds and interest coupons thereto attached of Carthage Township issued under the provisions of an act of the General Assembly of North Carolina passed at its session of one thousand nine hundred and nine and ratified on the twenty-first day of January, one thousand nine hundred and nine, entitled "An act to authorize the board of commissioners of Moore County to issue bonds to pay the indebtedness of Carthage Township for the working and maintenance of the public roads of Carthage Township," for indebtedness incurred on account of the improvement and maintenance of the public roads of said township and for the purpose of providing funds for the construction, laying out, making, repairing, grading, maintaining, and improving public roads in said Carthage Township, the board of road commissioners of Carthage Township, created by this act, is authorized and empowered and directed to issue and sell coupon bonds for said Carthage Township, payable to bearer, bearing interest from the date of said bonds at a rate not exceeding six per cent per annum to the amount of twenty thousand dollars (\$20,000), in denominations of five hundred dollars (\$500) each, the principal of said bonds to be due and payable thirty (30) years after date. The said bonds and their coupons shall be payable at the office of the Treasurer of Carthage Township, at the place named in said bonds, and shall have coupons attached representing the interest on said bonds, which interest shall be payable semiannually on the first days of January and July in each year after the date of said bonds until said bonds are fully paid. Said bonds and their coupons shall be numbered consecutively, beginning with the 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 Carthage 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

Interest.

Amount.

Denomination.

Maturity.

Authentication.

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 "Carthage Township Road Bonds." The interest coupons attached to each bond shall bear the number of the bond to which they are attached; that a record shall be kept of said bonds by the board of road commissioners of said township, showing the number 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. 12. That the bonds hereby authorized to be issued shall not be sold for less than their par value, and shall not be delivered to the purchaser thereof until the purchase money therefrom shall be paid to the treasurer of said township as herein provided, and said treasurer shall receive all such moneys paid on the purchase of said bonds in his official capacity, and he and the sureties on 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 the written order signed by said chairman. The moneys realized from the sale of said bonds or any portion thereof as provided by this act shall be used only for the purpose, first, of funding, paying off, and discharging the bonds and interest thereon due at the time of their payment, issued by said Carthage Township for the improvement and maintenance of the public roads of said township now outstanding under the provisions of chapter ten of the Public Laws of North Carolina passed at the session of the General Assembly of one thousand nine hundred and nine, aforesaid, and, second, for the purpose of laying out, constructing, making, repairing, improving, grading, and maintaining in a substantial and permanent form the public roads in said Carthage Township: *Provided*, that the purchasers of said bonds shall not be held responsible for the application of said fund.

SEC. 13. The costs of issuing and selling said bonds shall be paid by the board of road commissioners of said township from the road tax heretofore or hereafter collected in said township for road improvements.

SEC. 14. That immediately upon the receipt by the treasurer of the board of road commissioners of said township of funds from the sale of bonds authorized to be issued and sold for the purposes aforesaid under the provisions of this act sufficient for said purposes, the said board of road commissioners of said township shall cause the bonds heretofore issued by Carthage Township, under the provisions of chapter ten of the Public Laws of the

Entitlement of bonds.

Record of bonds.

Sale below par and delivery before payment forbidden.

Treasurer to receive proceeds. Treasurer liable on bond.

Orders on fund.

Specific appropriation of proceeds.

Payment of outstanding bonds.

Road fund for township.

Proviso: purchasers not responsible for application.

Cost of issue and sale of bonds.

Payment of outstanding bonds.

General Assembly of one thousand nine hundred and nine, to be paid off and discharged, as aforesaid, and the remainder of said funds in the hands of said treasurer realized from the sale of the bonds authorized by the provisions of this act shall be thereafter expended as in this act provided.

Methods of road work.

SEC. 15. That in the construction, maintenance, and repair of the public roads of said township under the provisions of this act the said board of road commissioners of Carthage Township shall, in so far as the same may be practicable, construct, maintain, and repair the same by entering into contracts with persons or corporations for that purpose at a previously stipulated and agreed price before such construction and repair shall be begun, or by contracting with parties for the furnishing of clay, gravel, or other materials as the work progresses at a stipulated and agreed price, in accordance with the amount of material so furnished, in order that the expenses of maintaining stock, machinery, and salaried officers may be reduced to a minimum and that the maximum amount of money received from the sale of the bonds provided for in this act and the amount of money raised by taxation under its provisions may be expended in the construction of permanent and substantial public roads in said township and the proper repair and maintenance of the same.

Special tax.

SEC. 16. That for the purpose of paying the interest accruing on the bonds provided by this act and to create a sinking fund to pay the principal of said bonds at maturity and to create an additional fund for the further laying out, construction, improvement, grading, and maintenance of the public roads of Carthage Township to the extent hereinafter in this section and in this act set forth, 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 Carthage Township not to exceed fifteen cents of 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 Carthage Township as in this act provided. The said taxes so levied and collected shall be applied for the first ten years after the date of the bonds issued under the provisions of this act, first, to the payment of the interest on said bonds as the same shall become due, and the balance for the purpose of laying out, constructing, improving, grading, and maintaining the public roads of said Carthage Township as in this act provided: but the said taxes so levied and collected after the first ten years from the date of said bonds issued under the provisions of this act shall be applied, first, to the payment of the interest on said bonds as the same shall become due, and the bal-

Limit of rate.

Collection and settlement.

Application of proceeds.

Sinking fund.

ance 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 for the payment of the principal of said bonds when due. 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 in the purchase of 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 the purchase added.

Investment of sinking fund.

Purchase of bonds.

SEC. 17. That the bonds issued and sold under the provisions of this act shall be and constitute obligations of Carthage Township and shall be payable when due by said township as provided in this act.

Obligation of bonds.

SEC. 18. 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 Carthage Township as is now or may be provided by law.

Bridges.

SEC. 19. 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, and for the purpose of laying out, constructing, improving, grading, and maintaining the public roads of said township as hereinbefore provided, the board of commissioners of Moore County, for the purpose of raising additional sums for the purpose of laying out, constructing, establishing, improving, repairing, grading, and maintaining the public roads of Carthage Township, shall annually, at the time of levying county and other taxes as provided by law, levy a special tax on all persons and property subject to taxation within the limits of Carthage 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 taxes 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 the same for the purposes for which it was levied and collected only in the manner hereinbefore authorized. If the board of road commissioners of Carthage Township shall for any reason fail to issue and sell the bonds in the sum of twenty thousand dollars authorized by this act, then the board of commissioners of Moore County shall be authorized and directed for the purposes 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

Additional special tax.

Tax rate.

Tax rate if bonds are not issued.

seventy-five cents on each taxable poll, instead of the levies hereinbefore first authorized in this section.

Limit of repairs on temporary roads.

SEC. 20. The board of road commissioners of Carthage Township shall not be authorized or empowered in any one year to expend or authorize the expenditure of an amount from said road fund exceeding five hundred dollars for the repair of such public roads of said township as are not made permanent roads under the provisions of this act, it being the purpose of this act to provide means and funds for the construction and maintenance of permanent roads in said township and to require that the amount of money spent for the repair of such public roads in said township as shall not be made permanent under the provisions of this act be reduced to the minimum.

Limit of debt.

SEC. 21. That it shall be unlawful for the board of road commissioners of Carthage Township, in any one year, to incur an indebtedness on behalf of said township for the construction, repair, or maintenance of the public roads of said township exceeding fifteen per cent of the funds realized from the levy and collection of taxes in said township authorized under the provisions of this act for the purpose of constructing and repairing roads in said township during any such year: *Provided*, that this section shall not be construed to prohibit said board of road commissioners of said township from contracting for the expenditure of the whole amount of the funds realized from the sale of the bonds authorized by the provisions of this act as in this act provided.

Proviso: expenditure of proceeds of bonds.

Record of road orders.

SEC. 22. 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 disbursement 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 the previous year, the total amount of the revenues received by the treasurer of said board and the sources from which it was received, by items. All disbursements on any account, the amount of 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 Carthage Township.

Annual statements.

Record and publication of statements.

Road law of township.

SEC. 23. That this act shall constitute the road law of Carthage Township from and after the ratification of the same, and shall take the place of all previous laws regulating public roads in said township.

Secretary of State to send copy of act.

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.

SEC. 25. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified this 1st day of March, A. D. 1913.

CHAPTER 264.

AN ACT TO AMEND SECTION 1884 OF THE REVISAL OF 1905, RELATIVE TO HUNTING QUAIL.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand eight hundred and eighty-four of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the word "Tyrrell" in line seventeen thereof, and by inserting the word "Tyrrell" in line twelve thereof, after the word "Cherokee." Close season.

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

Ratified this 1st day of March, A. D. 1913.

CHAPTER 265.

AN ACT TO AMEND CHAPTER 464 OF THE PUBLIC-LOCAL LAWS OF 1911, WITH REFERENCE TO SCHOOL BONDS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section six, chapter four hundred and sixty-four of the Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, be and the same is hereby repealed, and the following substituted therefor: Law amended.

"SEC. 6. The board of education is authorized to select one or more depositories for the funds accruing as the proceeds from the sale of said bonds and make such terms with said depositories as to the payment of interest or other benefits as will, in the judgment of the board, be most advantageous; but before such funds are deposited the depositories selected shall be required to give an indemnity bond to be approved by the county commissioners, as other bonds, conditioned to indemnify and save the county from loss of said fund, and for the faithful accounting for same, and the said funds may be disbursed for the purposes provided in this act upon vouchers signed by the chairman of the board of education and countersigned by the superintendent of Depository banks. Indemnity bond. Vouchers for disbursements.

public instruction, and no commission shall be paid to the county treasurer or other parties for handling same, or any part thereof."

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

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 266.

AN ACT TO AUTHORIZE NUMBER EIGHT TOWNSHIP, CLEVELAND COUNTY, TO ISSUE BONDS AND IMPROVE THE HIGHWAYS THEREIN.

The General Assembly of North Carolina do enact:

Bond issue for roads authorized.

Amount.

Denomination.

Interest.

Maturity.

Bonds issued in series.
Proviso: sale below par forbidden.

Surplus placed on interest.

Authentication.

SECTION 1. That for the purpose of building, grading, macadamizing, sand-claying, or otherwise improving the roads of Number Eight Township, Cleveland County, the board of commissioners of said county is hereby authorized, empowered, and directed to issue bonds of the said township to an amount not exceeding fifty thousand dollars (\$50,000), in denominations not exceeding one thousand dollars (\$1,000), bearing interest from date thereof at not exceeding the rate of six per cent per annum, with interest coupons attached, payable semiannually, at such time and place as may be directed by the 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 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 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. In the event the board of commissioners shall sell a greater amount of said bonds at any one time than is necessary for the ordinary operating expenses for a reasonable time, then all of the excess of the money received from the sale of said bonds, pending its use for road purposes, may be placed on interest, the said interest to be collected and applied to the principal fund for the purpose of carrying out the provisions of this act, and shall be used in the same manner as the principal fund is used.

SEC. 2. Such bonds shall be numbered, and shall be signed by the chairman of the said board of commissioners and shall be attested by the Treasurer of Cleveland County, and shall bear the corporate seal of said county, and the coupons attached to said bonds shall bear the number of the bond as well as the

coupon, and shall be executed by the signing of the chairman of the board of commissioners and the treasurer of said county, or by their lithographed signatures engraved or printed thereon.

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 township, and to whom, amount and date of sale, and the issuing of each bond and its number.

SEC. 4. In order to pay the interest on said bonds and create a sinking fund for taking up said bonds at maturity, and to compensate laborers employed, and pay the cost of establishing, altering, repairing, and maintaining the public roads and highways of Number Eight Township in Cleveland County, the board of commissioners of the county of Cleveland, 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 in said township on which said commissioners or other authorities now or hereafter may be allowed to levy taxes 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 Number Eight Township, in the county of Cleveland, for the purpose of road improvement and expenditures made necessary by this act, a tax greater than fifty (50) cents upon the hundred dollars of property and one dollar and fifty cents on each poll: *Provided further*, that no sinking fund shall be created by such levy within less 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.

SEC. 5. That said taxes, when collected, shall be kept separate from all other taxes, and shall be used only for the purpose for which they were collected, except as specified in section four of this act.

SEC. 6. That it shall be the duty of the board of commissioners of Cleveland County to annually invest any and all moneys received from the special tax herein provided for a sinking fund in the purchase of any of said bonds at a price deemed advantageous to said township by the said board of commissioners or to be agreed upon by them and the owners thereof; but in case such township bonds cannot 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 township; and any money of said township so loaned and all interest collected thereon when loaned shall state on the face of the note or security taken therefor that the money loaned belongs to the said sinking fund.

Record of bonds.

Special tax.

Constitutional equation.

Proviso: limit of tax rate.

Proviso: sinking fund.

Taxes kept separate. Specific appropriation.

Investment of sinking fund in bonds.

Alternative investment.

Road 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 the 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 repair, survey, lay out, grade, macadam, topsoil, sand-clay, or otherwise improve and maintain the public roads in Number Eight Township, Cleveland County, either by contract or employing laborers, and for the purpose of carrying out the provisions of this act.

Election to be ordered.

SEC. 8. For the purpose of ascertaining the wishes of the voters in Number Eight Township, Cleveland County, upon the question

Ballots.

of issuing said bonds and improving the roads of said township, as provided for in this act, an election shall be held in said township at a time to be designated by the board of commissioners of Cleveland County, and at said election all voters in Number Eight Township, qualified to vote at said election, may vote a written or printed ballot. Those who favor the purpose of this act shall vote a ticket with the words "For Good Roads" written or printed or partly written and partly printed thereon, and those who oppose the purpose of this act shall vote a ticket with the words "Against

Bonds issued on majority of vote cast.

Good Roads" written or printed thereon; and if a majority of the voters of Number Eight Township, Cleveland County, who vote at said election, shall vote "For Good Roads," then the bonds provided for in this act shall be issued and sold according to the provisions herein contained. That at the time of fixing the date of

Election officers.

said election, the county commissioners of Cleveland County shall appoint one registrar and two judges for each voting precinct in said township, to hold said election, and that 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 the

Law governing elections.

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 county commissioners of Cleveland County at the first meeting of said board of commissioners

Returns.

convening after the holding of said election, and at said meeting the board of county commissioners of Cleveland County shall officially canvass, determine, and declare the result of said bond election.

Canvass of returns.

In the event the majority of the voters voting at said election fail to vote "For Good Roads," then the provisions of this act shall be inoperative. In the event the majority of the electors voting at said election shall vote "For Good Roads," then no free labor shall be required of any of the citizens of Number Eight Township on and after January first following the adoption of the provisions of this act.

Act inoperative if majority against "good roads."

Free labor abolished.

Election of highway commission.

SEC. 9. If a majority of the electors in Number Eight Township voting at said election shall vote "For Good Roads," then the

county commissioners of Cleveland County shall at their first meeting following said election elect three voters and taxpayers of Number Eight Township, Cleveland County, which three persons when so elected shall be styled, known, and designated as "The Highway Commission of Number Eight 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 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 dollars (\$3) 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, attorneys' fees, and such other additional expenses as may be incurred by them in the discharge of their duties as herein provided. The three men so elected shall meet within ten days thereafter and elect one of their number chairman and another secretary of said commission, and the chairman and secretary shall certify to the board of commissioners of Cleveland County the name of the chairman and the name of the secretary of said highway commission so elected. The term of office of the "Highway Commission of Number Eight Township, Cleveland County," thus elected by the commissioners of said county, shall expire on the first day of January following the next General Assembly election held after the voting of said bonds by Number Eight Township, Cleveland County, and their successors shall be elected at said general election in the same manner as other township officers are elected for Number Eight Township, Cleveland County, and shall be voted for on the same ticket with the justices of the peace and other township officers of said township. The highway commissioners of Number Eight Township within ten days after being elected by the commissioners of Cleveland County, and their successors before entering upon the duties of their office, shall file with the board of commissioners of Cleveland County a bond in the sum of three thousand dollars for the faithful performance of their duties as prescribed by this act, and at the same time said bond is filed they shall take and subscribe an oath for the faithful performance of their duties. The commissioners of Cleveland County shall fill any vacancy that may occur in the membership of the highway commission of Number Eight Township, Cleveland County, by death, resignation, or otherwise, by electing some qualified voter of said township to fill out said unexpired term.

SEC. 10. The highway commission of Number Eight Township herein created shall be a body corporate with the power to sue and be sued, contract and be contracted with, and shall have all the rights and powers vested in corporations duly created by law, and shall have entire charge of the expenditure of the proceeds of the bonds herein authorized to be issued, and the expenditure

Official title.

Political affiliation.

Pay of commissioners.

Allowance for expenses.

Organization.

Certificate of organization.

Term of first commission.

Election of successors.

Bond of commissioners.

Commissioners to qualify.

Vacancies.

Incorporation.

Corporate powers.

Expenditure of road funds.

of the funds arising from the tax 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; and the board of commissioners of Cleveland County shall turn over to the said highway commission of Number Eight Township full and complete control of the roads and highways of Number Eight Township; and said commissioners shall loan the highway commission of Number Eight Township the road machinery and road implements now belonging to the 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; and 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 work of surveying, laying out the roads, and constructing and building the same; and said commission shall have the roads of Number Eight 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 a new highway opened, or old roads widened or straightened and new lands taken for the same, the highway commission, through its agents or employees, is 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 cannot agree as 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 highway is to be located upon such land under the authority of this act: and *Provided, also*, that either party may appeal to the Superior Court from the assessment of damages and benefits, where the matter shall be heard by a jury *de novo*, but no cost shall be awarded against said highway commission upon 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 is 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 the township, or may do said work by hired labor or otherwise, as to them may seem best.

Control of roads and highways.

Loan of machinery and equipment.

Road superintendent or engineer.

Road work.

Entry on land for location and construction of roads.

Procedure for assessment of damage.

Proviso: notice to landowner.

Proviso: right of appeal.

Appeal not to delay work.

Work may be let to contract.

SEC. 11. That the said 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 dates 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 bonds of said sheriff or tax collector shall be liable for the faithful accounting of taxes collected by him under this act, and the sheriff or tax collector shall collect said taxes under the same laws and provisions as the collections of other taxes are made.

Sale of bonds.

Orders for disbursement.

Separate accounts.

Treasurer liable on bond.

No compensation to officers.

Officers liable on bond.

SEC. 12. The board of commissioners of Cleveland County, upon the demand of the highway commission of Number Eight Township, may issue and sell the bonds herein provided for in sections, blocks, or series, and provide for the maturity of the respective series at any time from twenty to fifty years from the date of issue.

Sale of bonds in series.

SEC. 13. The highway commission of Number Eight Township shall have all the powers, rights, authority, 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 Number Eight Township, except to require free labor of its citizens and to regulate the opening of cartways. Wherever roads are opened, created, surveyed, or constructed, the said highway commission shall have the power to enter upon the lands in said township and take therefrom sand, clay, gravel, topsoil, rocks, or any other substance needed in making said roads, and where the roads have been created or constructed, they shall have the right to enter upon the lands on either side of said road and cut the timber therefrom for 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

Power, authority, and rights of commission.

Entry on land for material.

Right to cut timber.

Proviso: limit of right.

Assessment of damages.

- from taking the sand, clay, gravel, topsoil, rock, or other material from said land, or from cutting of timber, shall be determined and adjudged in the same manner as provided in this act for damages in opening new roads, in the event the said highway commission and the landowner cannot 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 township. The said highway commission is authorized, where the public roads cross a branch, creek, or river, to erect and construct thereover, or have erected and constructed thereover, such bridges as in their judgment may be necessary: *Provided*, that the cost of same shall be paid by the board of county commissioners out of such funds as may be collected by them in said township for bridge purposes.
- Proviso: ownership of timber.
- Width, grade, and location of roads.
- Bridges.
- Proviso: payment for bridges.
- Cartways.
- County commissioners to order election.
- Notice of election.
- Purpose of act.
- Act inoperative.
- Proviso: further election.
- Proviso: limitation.
- SEC. 14. That the general law shall obtain as to the granting of cartways in Number Eight Township, and the applicant for a cartway shall proceed in the same manner and under the same rules and regulations as if this act had not been passed.
- SEC. 15. That the board of commissioners of Cleveland County, at the first meeting following the passage of this act, shall appoint the registrars and judges for the election precincts in Number Eight Township and cause a notice to be published in a newspaper published in Cleveland County once a week for four successive weeks, giving the names of the registrars and judges of election for the precincts in said township, and giving the date of election and the purpose for which said election is to be held.
- SEC. 16. In the event that this act shall be adopted and the bonds voted at the election herein provided for them, the purpose of this act is to give the exclusive management and control of the public roads of Number Eight Township to the highway commission of Number Eight Township and invest it with full power to do all things necessary to be done in the furtherance of this act.
- SEC. 17. In the event that the election is held as herein provided, and a majority of the electors voting at said election shall vote "Against Good Roads," then this act shall become inoperative: *Provided, however*, that the board of commissioners of Cleveland County may order another election under the provisions of this act at such a time or times as they may deem wise, upon the petition of at least thirty per cent of the voters of Number Eight Township: and *Provided further*, that no election shall be held oftener than once in any calendar year.
- SEC. 18. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 267.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF MOUNT AIRY TOWNSHIP, SURRY COUNTY, AND TO AUTHORIZE THE ISSUANCE OF BONDS TO PAY THE EXPENSE THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That A. E. Smith, R. F. Saunders, J. A. Hadley, Vestal Taylor, Thomas Fawcett, and G. M. Sparger, and their successors in office, are hereby incorporated under the name of the "Highway Commission of Mount Airy Township," and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act.

SEC. 2. That the 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, A. E. Smith, R. F. Saunders, and J. A. Hadley shall hold office for four years; Vestal Taylor, Thomas Fawcett, and G. M. Sparger shall hold office for two years. Should a vacancy occur by death, resignation, or removal, or otherwise, the same shall be filled by the said commission by choosing some one of the same political belief as was the member whose place became vacant, and such successor so chosen shall hold until his successor shall be chosen by the Legislature, and shall qualify.

SEC. 3. That the said commission shall have the same supervision, power, and right in respect to all the public roads in Mount Airy Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County, except as such laws are modified herein. The said commission shall have full power and authority to order the laying out of public roads, where necessary, in their judgment; to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Said commission 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 for in the general law, except as such laws are modified herein: *Provided*, that no public road shall be less than twenty or more than thirty feet in width.

SEC. 4. That said commission shall meet in the town of Mount Airy within ten days after the adoption of this bill at an election herein provided for, and shall organize by electing one of their number president, who shall preside at all of the meetings of the said commission; said commission 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; said commission shall also elect a suitable person as treasurer of said 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 coming into his hands in any current year, which bond, upon approval by the said commission, shall be recorded by the Register of Deeds of Surry County in the book of official bonds and filed in his office. That the amount of said bond shall be subject to increase, or may be diminished at any time, by order of said commission: *Provided*, that any bank in the township of Mount Airy may act as such treasurer, except that only such bank or banks that will pay interest on time deposits shall be designated as such treasurer. If said commission should appoint an individual as treasurer, said commission shall have the right to require such treasurer to keep all the funds in his hands on deposit in one or more banks in the township of Mount Airy.
- Bond of treasurer.**
- Proviso: bank may act as treasurer.**
- Deposit of funds.**
- Orders for payments.**
- Collection of taxes.**
- Fees of sheriff.**
- Sheriff liable on bond.**
- Additional bond.**
- Moneys to be paid to road treasurer.**
- Diversion of funds forbidden.**
- Time for final settlement.**
- SEC. 5. That the treasurer of said commission shall make payments out of the road funds belonging to the said township only upon the written order of the said commission, signed by the president and secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued.
- SEC. 6. That the said commission shall authorize the Sheriff of Surry County, or tax collector of said county, to collect all the taxes levied under this act, and he shall be entitled to the same fees as are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act, and the said commission may require the sheriff or tax collector to give an additional bond.
- SEC. 7. That 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 tax collector of said county, shall be paid over to the treasurer of the said commission, who shall give a receipt therefor; and all moneys arising from sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in Mount Airy Township separate, and shall 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 twenty-fifth of each year, and shall pay over sooner, if same shall be in his hands.

SEC. 8. That the said commission may at their first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said 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 any such employment shall be during the pleasure of the said commission. As a guarantee for the faithful and honest discharge of the duties of the office of superintendent, the said commission may require the said superintendent to give such a bond as may be deemed advisable.

Superintendent.

Term of office and compensation.

Employment, compensation, and duties of road engineers.

Bond of superintendent.

SEC. 9. That the said commission shall also have the power to employ such other persons as may be deemed necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and constructing of the said roads, and to take over all such implements and machinery and tools and other things that may have been purchased or otherwise acquired by the "Highway Commissioners of Mount Airy Township" by virtue of the authority contained in an act passed by the Legislature of one thousand nine hundred and eleven, chapter two hundred and ninety-four of the Public Laws of one thousand nine hundred and eleven.

Other employees.

Machinery and equipment.

SEC. 10. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any lands in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads; and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize or improve the said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drains or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental trees shall be destroyed.

Entry on land for location and material.

Drains and ditches.

Proviso: ornamental trees.

SEC. 11. That if the owner of any lands upon which said road or roads, or any part thereof, shall be constructed, altered, or changed, or the owner of any land from which timber, stone, clay, gravel, or sand were, as aforesaid, shall claim damages therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they

Assessment of damages by arbitration.

shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken, as aforesaid, the said arbitrators shall take into consideration the special benefit that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or change in the said road. The said damage, both for the lands taken and for the timber and materials as aforesaid, shall be paid out of the general road fund of the township, and any of 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*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials, as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The quantum of the damages is the only question contemplated in this section.

SEC. 12. That any person who shall obstruct the said commission, its agents or employees, in making a survey, or changing any road, or the opening of a new public road or highway, or the taking of necessary timber or other materials, as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 13. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water into the public roads of 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 exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 14. That all railroads or other incorporated companies shall keep up at their own expense, upon a specification furnished by the said 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 said commission or its agent, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, and shall pay ten dollars additional for every day said work remains unperformed: and any written notice left with the agent of said companies shall be sufficient to give notice in law under this act.

SEC. 15. That it shall be the duty of the engineer or engineers employed by the said commission to prepare a full and complete specification covering the construction of all roads to be built or repaired or renewed, when called upon to do so by the said commission.

Payment of damages.

Right of appeal.

Proviso: time for appeal.
Appeal not to delay action.

Appeal as to amount only.

Obstructing officers misdemeanor.

Punishment.

Turning water on roads forbidden.

Misdemeanor.

Punishment.

Bridges and crossings maintained by railroads.

Misdemeanor.

Punishment.
Additional penalty.

Notice.

Specifications for road work.

SEC. 16. That after the approval of the said specification the said commission may, in their discretion, advertise for bids to do the work, or any part thereof, 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 in any way in the discretion of said commission.

Work may be let to contract.

SEC. 17. The said commission shall have power and authority to fix the rate of compensation to be paid to all employees, and all expenses to be paid out of the road fund.

Compensation of employees. Expenses.

SEC. 18. For their services as commissioners each member shall receive such salary and per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund.

Pay of commissioners.

SEC. 19. The necessary expenses of the said commissioners on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the fund provided by this act.

Expenses.

SEC. 20. That the said commission may purchase such machinery, materials, implements, teams, wagons, camping outfits, quarters, or stockades for the use of and safe keeping of convict forces as may be necessary for the proper carrying out of the work, and for the employment of all additional labor necessary to do the said work: *Provided*, that the county jail, at Dobson, Surry County, may be used as a place of safe keeping for the convict forces at such times as the said commission may deem necessary, first obtaining the consent of the county commissioners of Surry County: *Provided further*, that the calaboose or city prison at Mount Airy, North Carolina, may be used as a place of safe keeping for said convict forces of said district at such times as the said commission may deem necessary.

Purchase of equipment, material, and quarters.

Employment of labor.

Proviso: use of county jail.

Proviso: use of calaboose.

SEC. 21. That the said commission shall have power to employ or discharge such guards as may be needed to take charge of such convict forces, 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 said commission may have full power and authority to employ and discharge laborers, and to employ and discharge guards that may be needed to take charge of said convict forces.

Guards and other laborers.

SEC. 22. That upon the application of the said 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 of 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 main-

Convicts sentenced to road work.

Care and maintenance of convicts.

- Proviso: return of prisoners. taining such convicts as may be sent to said township may be paid for by said commission: *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 said 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 said commission shall not be permitted to keep disabled prisoners.
- Proviso: medical care. SEC. 23. That all prisoners confined in the jail of Surry County under final judgment of any court having jurisdiction for crime or imprisonment for nonpayment 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 nonpayment of costs, and all persons who may be sentenced in said county to the State's Prison for a term of not more than three years, may be worked on the public roads of Mount Airy Township: *Provided*, that they are asked for by said commission of Mount Airy Township.
- Prisoners subject to road work. SEC. 24. That the said commission 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 to do so; and the cost of maintaining said convicts and prisoners shall be paid out of said road fund.
- Proviso: application for convicts. SEC. 25. 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 attend the convicts for any cause, the county commissioners are hereby authorized to contract with a physician to attend the convicts.
- Convicts from other counties. SEC. 26. That the board of commissioners of Surry County be and it is hereby empowered and instructed to submit to the voters of Mount Airy Township, Surry County, on Thursday, the seventeenth day of April, one thousand nine hundred and thirteen, the question whether the said township of Mount Airy shall issue bonds in the sum of eighty thousand dollars (\$80,000), with interest coupons attached, the proceeds of which to be used for the improvement of public roads of Mount Airy Township outside the corporate limits of the town of Mount Airy, as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Mount Airy Township: *Provided*, that if a majority of the voters of the said township shall not vote to issue bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of six months upon the petition of one-fifth of the registered voters under the regulations hereinafter set out; and
- Maintenance of convicts. Superintendent of health to attend convicts. Contract for medical attendance. Election to be called. Date for election. Question to be voted on. Notice of election. Proviso: further election.

Provided further, that if a majority of the voters of the said township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fifth of the registered voters of the said township shall by petition request it.

Proviso: further election.

SEC. 27. 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:

Law governing election.

Provided, however, that the election board of Surry County shall appoint the registrars of election, the judges, and any other election officers,

Proviso: election officers.

and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly; and that the board of commissioners of Surry County shall order a new registration for any or all elections held under this act.

New registration.

The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election, and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of the said election shall be necessary.

Count and return of vote.

Canvass and record of returns.

SEC. 28. That at said election or elections the ballots tendered or cast by the voters shall have written or printed upon them "For Good Roads Bond Issue," or "Against Good Roads Bond Issue," and at such election those who favor the issuing of the said bonds shall vote "For Good Roads Bond Issue" and those opposed to the issuing of bonds shall vote "Against Good Roads Bond Issue."

Ballots.

SEC. 29. In the event that a majority of the voters registered 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 Surry County shall have bonds prepared of the denomination of one thousand dollars, five hundred dollars, or one hundred dollars, as they may deem best, the total amount being eighty thousand dollars (\$80,000). The said bonds shall bear a rate of interest of five per centum (5%) per annum, with interest coupons attached payable semiannually during the time the bonds shall run, the principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States, at such bank as the purchaser of said bonds may designate. Both bonds and coupons shall be numbered consecutively, beginning with number one, and both shall be signed by the chairman of the said board of county commissioners and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Mount Airy Township Highway Improvement Bonds."

County commissioners to prepare bonds.

Denomination.

Amount.

Interest.

Maturity.

Authentication.

Entitlement of bonds.

- Bonds turned over unsealed. SEC. 30. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the president of the said commission of Mount Airy Township all of the said bonds, without the seal of the county being affixed to any of them. The president of the said commission of Mount Airy Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Mount Airy Township, the expenses for such advertising and selling said bonds, and other expenses necessary in regard thereto, to be paid out of the funds arising from the sale of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the president of the said commission of Mount Airy Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County 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 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 the fund. The bonds and coupons shall state on their face when due and where payable, and the said bonds shall show by what authority they are issued. The said commission shall record all proceedings in respect to the 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.
- Sale of bonds.
- Seal affixed on delivery.
- Sale below par forbidden.
- Proviso: purchaser not liable for application.
- Record of bonds.
- Special road tax. SEC. 31. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, the first Monday in June, a special road tax for the township of Mount Airy on the one hundred dollars worth of property of not less than five cents and not more than twenty cents, and on the poll not less than fifteen cents and not more than sixty cents, as recommended by the said commission of Mount Airy Township, 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 for the township of Mount Airy. The taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund, for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund shall be held by the said commission of Mount Airy Township in special trust for the payment of the bonds issued under the provisions
- Limit of tax rate.
- Collection and application of tax.
- Sinking fund.

of this act, and neither the principal thereof nor the interest thereon shall be used for any other purpose. The said commission of Mount Airy Township shall manage and invest the fund at the discretion of said commission, until paid out for the redemption of the said bonds sold under authority of this act at their maturity: *Provided*, that said moneys shall only be loaned on securities of first mortgages on real estate at fifty per cent of its assessed valuation, or deposit in a responsible bank of Surry County at six per cent interest.

Diversion forbidden.
Investment of sinking fund.

Proviso: approved investments.

SEC. 32. If the majority of the voters of Mount Airy Township shall vote for the good roads bond issue, then and in that event all laws and clauses of laws allowing compulsory labor upon the public roads of the said county, except after conviction for crime, are hereby repealed.

Road duty abolished.

SEC. 33. That chapter two hundred and ninety-four of the Public Laws of the session of the General Assembly of one thousand nine hundred and eleven, entitled "An act to provide for the improvement of the public roads of Mount Airy Township, Surry County, and for other purposes," is repealed, when and if this act shall have been approved by the voters of Mount Airy Township at an election held under the provisions of this act.

Law repealed.

SEC. 34. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 268.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PERSON COUNTY TO SUBMIT TO THE VOTERS OF THE COUNTY THE QUESTION OF ISSUING BONDS TO BUILD AND IMPROVE THE PUBLIC ROADS OF SAID COUNTY.

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 Person County, the board of commissioners of said county is hereby authorized, empowered, and directed to submit to the voters of Person County, as soon after the ratification of this act as practicable, the question of issuing bonds to an amount not exceeding one hundred and fifty thousand dollars, said bonds to be of the denomination of five hundred dollars or one thousand dollars, as the board of commissioners may deem best, and bearing interest at a rate not exceeding five per cent per annum, with interest coupons attached, payable semiannually during the time the bonds shall run, with the principal payable forty-one years

Question to be submitted to voters.

Amount.

Denomination.

Interest.

Maturity.

Payable in stand- ard currency.	from the date of issue. That said bonds and coupons shall be payable in standard currency of the United States at the office of the Treasurer of Person County, in Roxboro, North Carolina. The bonds shall be numbered consecutively, beginning with number one, and the coupons to each bond shall bear the number of the bond to which it is attached as well as the number of the coupon, and both bonds and coupons shall be signed by the chairman of the board of county commissioners and countersigned by its clerk, and each bond shall be authenticated by the seal of the county, and they shall be entitled "Person County Highway Improvement Bonds."
Authentication.	
Entitlement.	
Date for election.	SEC. 2. That the board of county commissioners shall fix the date for the holding of the election for the purpose of voting on said bond issue, and shall name the registrars and judges of election for the various townships of the county, and give notice of said election for at least thirty days prior to the date of said election, in some newspaper published in Person County, and that said election shall be conducted in all respects as is now or may hereafter be prescribed by law for holding elections for the General Assembly; and said county 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 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 said board of county commissioners, and no other recording and declaring of the result shall be necessary.
Election officers.	
Notice of election.	
Count and return of vote.	
Canvass and declaration and record of result.	
Ballots.	SEC. 3. That at said election or elections as herein provided for, the ballots tendered and cast by the voters shall have written or printed thereon "For Road Improvement Bonds" or "Against Road Improvement Bonds," and all electors who favor the issuing of said bonds shall vote a ballot "For Road Improvement Bonds," and those opposed to issuing said bonds shall vote a ballot "Against Road Improvement Bonds." That if a majority of the votes cast in said election shall be against said bond issue, said board of county commissioners may submit said question to the said voters at any other time or times, as set out in section two of this act.
Further election.	
Bonds to issue on majority of vote cast.	SEC. 4. That in the event that the majority of the votes cast at any election herein provided for shall be in favor of said bond issue, after the result has been declared and recorded as aforesaid, the board of county commissioners shall have the bonds prepared in accordance with the provisions of section one hereof, and at once proceed to advertise and make sale of said bonds: <i>Provided, however,</i> that none of said bonds shall be sold, exchanged, hypothecated, or otherwise disposed of for a less price than their face value, nor shall the proceeds from the sale of same be used for any other purpose than that declared by this act: <i>Provided further,</i> that the purchaser or purchasers of said bonds shall not
Advertisement and sale.	
Proviso: sale below par forbidden.	
Specific appropri- ation. Proviso: pur- chaser not liable for appropriation.	

be required to see to the application of the fund. That all necessary costs and expenses incurred in having said bonds prepared and the sale of same shall be paid out of the fund arising from the sale thereof.

SEC. 5. The board of county commissioners is hereby authorized, empowered, and directed to either loan to or deposit in banks, trust companies, corporations or other financial institutions of good financial standing, at the best rate of interest obtainable, so much of the money derived from the sale of said bonds, as above set out, as is not necessary for immediate use under this act, with the express understanding that said money may be withdrawn at any time upon thirty days notice, and said sum and the interest thereon, when so withdrawn, shall be paid over to the Treasurer of Person County, and said sums and all other funds received by him by reason of this act shall be kept by him separate and distinct from all other funds and accounts, and he shall pay same out only upon orders drawn on him by the said board of county commissioners against said fund. That said treasurer shall give bond payable to Person County for an amount sufficient to cover at all times all amounts that shall come into his hands by virtue of this act, and said bond shall be approved in all respects by said board of county commissioners. That said treasurer shall receive as compensation for said services an amount to be fixed by the board of county commissioners, not to exceed three hundred dollars per annum, to be paid out of said fund, and said annual compensation shall not extend beyond the time when the whole of the money received from the sale of said bonds has been paid out, and he shall receive no other compensation than his regular fixed salary for receiving and disbursing the money from the taxes levied and collected for the purpose of paying the interest on said bonds, maintaining and keeping the roads in repair, and creating a sinking fund.

SEC. 6. That the county treasurer shall on the first Monday of each and every month post at the courthouse door of said county an itemized statement showing in full an account of his receipts and disbursements for the previous month, and said board of county commissioners shall require him to account to it quarterly in each year for the said highway fund.

SEC. 7. 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 said board of commissioners for the county of Person shall annually compute and levy, at the time of levying other taxes, a sufficient special tax on all polls, all real estate and personal property, and other subjects of taxation which the said commissioners may now or hereafter may be allowed to levy taxes upon for any purpose whatever, always observing the constitutional equation

Expense of issue and sale.

Investment of funds pending use.

Moneys received by county treasurer.

Funds and accounts kept separate.

Orders on funds.

Bond of treasurer.

Compensation.

Itemized statements posted monthly.

Quarterly accounts.

Special tax.

Constitutional equation.

- Proviso: limits of tax rate. between the taxes on property and the taxes on polls: *Provided*, said levy shall not be less than twenty cents on the one hundred dollars worth of property, and sixty cents on the poll and shall not exceed thirty-five cents on the one hundred dollars worth of property and one dollar and five cents on the poll; and said taxes so levied shall be collected as other taxes and paid over to the county treasurer and held by him as a separate fund, to be paid out for the purposes mentioned in this section.
- Collection and settlement. SEC. 8. 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 sinking fund at its discretion until paid out for the redemption of bonds in the manner set out in this act: *Provided, however*, the said board may in its 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: and *Provided further*, it shall be the duty of said commissioners to set apart annually to the sinking fund at least one per cent of the total bond issue of one hundred and fifty thousand dollars.
- Specific appropriation of sinking fund. SEC. 9. In the event that a majority of the votes cast at any election held under this act shall be in favor of said bond issue as provided herein, a highway commission is hereby created, same to be composed of three freeholders and voters of said county, only two of whom shall belong to the same political party; and
- Management and investment. A. M. Burns, R. B. Holeman, and G. D. Neal are hereby constituted such commissioners, and they shall hold office until January first, one thousand nine hundred and fifteen; and said highway commission shall meet as soon after said election at which said bonds are voted as practicable, and after being duly sworn, by some person authorized to administer oaths, to faithfully and honestly perform the duties required and prescribed by this act, shall proceed to organize by electing one of their number chairman and another secretary. In case of vacancy in said commission prior to January first, nineteen hundred and fifteen, any two members of said commission are hereby empowered to fill said vacancy. That it shall be the duty of the board of county commissioners, at its first regular meeting in January, nineteen hundred and fifteen, and every two years thereafter, to elect a highway commission and fill all vacancies occurring therein. That said commission shall meet not oftener than twice in each month, and each member thereof shall receive two dollars per day and mileage for each and every day that such member attends; and said sum shall be paid by the county commissioners out of the road fund of said county.
- Proviso: purchase of bonds. SEC. 10. That said highway commission is hereby vested with authority and power to construct and improve the public high-
- Proviso: annual appropriation to sinking fund.
- Highway commission created.
- Political affiliations.
- Commissioners named.
Term of office.
Meeting for qualification and organization.
- Vacancies.
- Election of successors.
- Meetings and pay of commissioners.
- Authority and power of highway commission.

ways in said county and shall purchase and hold or contract for the use of such tools, machinery, implements, and stock, and elect a superintendent, and employ overseers, foreman, and laborers as they may deem necessary for said purpose, and fix the compensation for all such employees; and said highway commission shall take over the tools, machinery, stock, and any and all equipment now owned and used by said county in the working of public roads.

Equipment, superintendent, overseer, foreman, and laborers.

Compensation.

Present equipment.

SEC. 11. And said superintendent shall take and subscribe an oath for the faithful performance of his duties as such 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 such officer. Said superintendent shall hold his office for two years and until his successor qualifies, except that the highway commission may for good cause remove him from said office and elect his successor for the unexpired term. He 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.

Oath and bond of superintendent.

Term of office.

Removal for cause.

Work directed by highway commission.

SEC. 12. That the judges holding the Superior Courts of Person County, justices of the peace, and mayor of any incorporated town in said county may sentence to the common jail of Person County any and all persons convicted in their respective courts to be assigned by the board of county commissioners to be worked on the public roads of Person County, and said highway commission shall receive any and all such persons and provide any and all things necessary for caring for, maintaining, and working said convicts on said roads: *Provided further*, that no citizen of Person County except those above designated shall be subject to road duty or be required to work on the roads of said county.

Courts may sentence convicts to road work.

Proviso: road duty abolished.

SEC. 13. 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 designated by said highway commission, but their location shall be made only after the submission of plans, specifications, profiles, and estimates by a competent and expert road engineer. In designating said highways, said highway commission 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. To the end that this may be properly done, said highway 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 fund raised under this act, to advise it in the preliminaries, to make plans and specifications for the work and to have general oversight of the work. That in designating the roads to be constructed and built in the various

Selection of roads for work.

Location.

Considerations governing selection.

Employment and compensation of road engineer.

Proportional expenditures in townships.

- townships of the county, said highway commission is authorized and directed to expend for road building in each township approximately such part of the total fund received from the sale of said bonds as is in proportion to the amount of taxes paid by each township for road purposes under this act; and it shall be the duty of the county commissioners to furnish to said highway commission a statement of the total amount of road tax levied and paid by each township under this act.
- Statement of road tax by townships.
- Width of roads. SEC. 14. The highways in said county, constructed or improved under this act, shall have a right of way of not less than thirty feet, which shall be free from logs, stumps, and all other obstructions, and said roads shall be worked and improved in such manner as said highway commission shall deem best.
- Entry on land for location and material. SEC. 15. That in opening new highways, widening and straightening old roads, building and repairing the same, the highway commission, through its servants, agents, and employees, is hereby authorized to enter upon any lands and locate and build such highways, and to enter upon any lands near to or adjoining such roads, cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade, and to dig or cause to be dug and carried away any gravel, sand, clay, soil, or stone which may be necessary to construct, improve, or repair said roads, and to enter on any lands adjoining or lying near the roads to make such drains or ditches through the same as it may deem necessary for the betterment of the roads, doing as little injury to said lands and the timber and improvements thereon as the nature of the case and the public good will permit; and it is further authorized to enter upon any lands adjoining said roads and cut and remove any growth and trees on either side of same which shade said roads to such an extent as to impair and prevent the drying of same, except trees or groves on improved lands planted or left for ornament or shade: *Provided, however,* that before entering upon lands as authorized by this section, it shall be the duty of the highway commission to serve written notice upon the owner of said lands by mail or otherwise, notifying said party that the highway is to be located on said lands, or that necessary gravel, sand, clay, soil, or stone is to be dug and removed therefrom, or that the shade obstructions are to be removed as above provided.
- Drains or ditches.
- Right to cut timber.
- Proviso; notice to landowners.
- Obstructing drains or ditches misdemeanor.
- Punishment. SEC. 16. And said drains and ditches shall not be obstructed by the owner or occupant of such lands, or any other person or persons, and any person so offending shall be guilty of a misdemeanor and fined not less than five dollars nor more than ten dollars, or imprisoned for not less than five nor more than ten days, to be worked on the public roads of said county.
- Claims for damages. SEC. 17. That all persons claiming damages or compensation for the taking of any land for the construction of a highway thereon, or for digging and carrying away any gravel, sand, clay, soil,

stone, or timber, or for cutting and removing the shade obstructions as authorized herein shall, within sixty days after said highway is completed or the cause complained of shall have been committed, file with the highway commission an itemized statement of said claim for any and all such compensation or damages. Said highway commission is authorized and empowered to allow such sums or amounts as to it seems just, fair, and reasonable, taking into consideration any benefits and enhancement of value of property of claimant by reason of such road improvements, and should any claimant be dissatisfied with the amount allowed by said highway commission, such claimant may appeal from its decision to the next term of the Superior Court of Person County, where said claim shall be heard *de novo*, but he shall give a good and sufficient bond to cover the cost as in like cases of appeal.

Allowance of claims.

Right of appeal.

SEC. 18. That all accounts, claims, and expenses arising by operation of this act shall first be presented to the said highway commission in regular meeting for its approval, and upon same being approved and indorsed by the chairman and secretary of said highway commission, same shall then be presented to the board of county commissioners and an order given for same on the Treasurer of Person County, to be paid out of the fund created by this act. That said board of county commissioners shall keep a special order book for the payment of said account, said orders to be numbered and the stub of each order to bear a corresponding number, and state for what purpose said order is given. That the said highway commission shall keep a book of all accounts approved by it, giving the amount of each and the item for which said account was made.

Approval and payment of accounts.

Order book.

Book of accounts.

SEC. 19. 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 the sheriff, the 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 the same; and said county commissioners shall furnish to the highway commission a statement of the amount received from the sale of said bonds, and shall annually, immediately after the levy here provided for is made, render a statement of said levy so made, together with a certified abstract of the total valuation of all property and polls subject to taxation in said county; and it shall further render to said highway commission, quarterly, during each and every year, the amount of taxes collected for the purposes herein mentioned and paid over to the county treasurer for each previous quarter, and further certify to said commission annually how much of said annual taxes is set apart by said county commissioners to the sinking fund; and the said highway commission shall keep a record of

Audit and settlement of sheriff's accounts.

Statements of receipts furnished highway commission.

Records of highway commission.

all funds so reported to it by said board of county commissioners, together with the amount annually set apart to the sinking fund.

Acceptance of aid
from State.

SEC. 20. 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 loans, then the board of county commissioners of Person County is hereby authorized and empowered to avail itself of the privileges and benefits of any such act.

SEC. 21. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 269.

AN ACT TO PROVIDE GOOD ROADS IN SYLVA, DILLSBORO, AND CULLOWHEE TOWNSHIPS, IN JACKSON COUNTY, AND TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Trustees for Sylva
township.

SECTION 1. That B. C. Grindstaff, John B. Ensley, B. H. Cathey, A. S. Nichols, J. H. Wilson, S. C. Cogdill, A. J. Dills, D. L. Bryson, and W. J. Fisher are hereby appointed a board of road trustees for the public roads of Sylva Township, in Jackson County, which trustees shall hold office for six years from the ratification hereof, and at the expiration of their term of office their successors shall be elected for six years by the board of commissioners of Jackson County, but not more than five shall be chosen from any one political party. All vacancies caused by death, resignation, or removal from 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.

Terms of office.

Election of suc-
cessors.

Political affiliation.

Vacancies.

Proviso: trustees
not officers.

Incorporation.

Corporate name.

Corporate powers.

SEC. 2. That the said board of trustees and their successors shall be and are hereby constituted a body corporate in the name and style of "The Board of Road Trustees of Sylva Township," and by that name may sue and be sued, plead and be impleaded, make contracts, acquire real and personal property by gift, purchase, or donation; hold, exchange, and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations and the purposes of this act.

Law repealed.

SEC. 3. That chapter forty-seven of the Private Laws of the session of one thousand nine hundred and five be and the same is hereby repealed.

SEC. 4. That Lee Hooper, E. H. Stillwell, Thomas A. Cox, A. S. Nichols, W. D. Wike, J. A. Long, and Frank H. Brown are hereby appointed a board of road trustees for the public roads of Cullowhee Township, Jackson County, for the term of six years, and at the expiration of said term their successors shall be appointed for six years by the county board of commissioners of Jackson County, but not more than four of said trustees shall be chosen from any one political party. All vacancies caused by death, resignation, or removal from 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; that the said board of road 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 Cullowhee Township," and by that name may sue and be sued, plead and be impleaded, 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.

Trustees for Cullowhee township.
Term of office.
Election of successors.
Political affiliation.
Vacancies.
Proviso: trustees not officers.
Incorporation.
Corporate name.
Corporate powers.

SEC. 5. That Robert Harris, T. H. Hastings, H. R. Snider, S. W. Enloe, R. F. Jarrett, J. J. Mason, and Holmes Bryson are hereby appointed a board of road trustees for the public roads of Dillsboro Township in Jackson County for a term of six years, and at the expiration of said term their successors shall be elected for six years by the board of commissioners of Jackson County, but not more than four of said road trustees shall be chosen from any one political party. 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. That the board of trustees mentioned in this section and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Road Trustees of Dillsboro Township," and by that name may sue and be sued, plead and be impleaded, may contract and be contracted with, 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 and as may be incident to the purposes of this act.

Trustees for Dillsboro township.
Term of office.
Election of successors.
Political affiliation.
Vacancies.
Proviso: trustees not officers.
Incorporation.
Corporate name.
Corporate powers.

SEC. 6. That the board of trustees for each of said respective townships shall be and are hereby authorized and empowered to issue bonds of their said respective townships—those of Sylva Township to be styled "Sylva Township Road Bonds," those of Cullowhee Township to be styled "Cullowhee Township Road Bonds," and those of Dillsboro Township to be styled "Dillsboro

Bond issues authorized.
Entitlement of bonds.

<p>Amounts. Sylva township. Cullowhee town- ship.</p> <p>Dillsboro town- ship. Denomination.</p> <p>Interest.</p> <p>Authentication.</p> <p>Maturity.</p> <p>Sale below par forbidden. Issue of bonds.</p> <p>Proportion of tax issue to tax value.</p> <p>Obligation of bonds.</p> <p>Special tax.</p> <p>Limits of rate.</p> <p>Collection and payment.</p> <p>Trustees to furnish statement of amount.</p>	<p>Township Road Bonds"—to an amount in Sylva Township not to exceed fifty thousand dollars, to an amount in Cullowhee Town- ship not to exceed thirty thousand dollars, and to an amount in Dillsboro Township not to exceed thirty thousand dollars, of such denomination and of such proportion as the board of trustees of said several townships may deem advisable for their respective townships, bearing interest from the date of issue thereof at a rate not to exceed six per cent per annum, with interest coupons attached, payable annually, at such time or times and at such place or places as may be deemed advisable by said respective boards of trustees for their said respective townships; said bonds to be signed by the chairman and secretary of the board of trust- tees for the township for which they are issued and to be of such form and tenor, and transferable in such way, and the prin- cipal thereof payable or redeemable at such time or times, not exceeding forty years from the date thereof, at such place or places as the board of trustees for the township issuing the bonds may determine; that 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 by the board of trustees for the township for which the bonds are issued, to meet the expenditures pro- vided for in this act, but neither of said townships shall issue such bonds in an amount aggregating more than fifteen per cent of the total assessment of real and personal properties for taxa- tion at the last listing preceding the date of the issue for such township. 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 the township issuing the same as constituted at the time of the ratification of this act.</p> <p>SEC. 7. That for the purpose of providing for the payment of the annual interest on the said bonds issued in either of said re- spective townships and for the construction, improvement, and maintenance of the roads of such township, and for providing a sinking fund for the payment of such bonds, the board of com- missioners of Jackson County shall annually, and at the time of levying the county taxes, levy and lay a special tax on all per- sons and property subject to taxation within the limits of said respective townships which may have issued or ordered to be is- sued such bonds, of not less than fifteen cents nor more than fifty cents on the hundred dollars assessed valuation of property and not less than forty-five cents and more than one dollar and fifty cents on each taxable poll, observing the constitutional equation, which taxes so levied shall be collected as State and other county taxes are collected, and paid directly by the tax collector to the treasurer of the board of road trustees for the township for which the same may have been levied and so collected. That it shall be the duty of the board of road trustees for any township which</p>
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may have issued, or ordered issued, such bonds, to furnish in writing to the board of commissioners of said county of Jackson, on or before the date of levying county taxes in each and every year, a statement as to the amount of taxes which they desire the board of commissioners to levy in their township under this act and for the purpose hereof; and it shall be the duty of the board of commissioners of said county to observe the said request in making such levy, provided the same be within the limitations above prescribed, and out of the proceeds of each such levy it shall be the duty of the board of road trustees to pay the annual interest or the coupons maturing for that year on the bonds issued and sold; the balance of any such taxes may be applied, in the discretion of said board of road trustees, either to construction, repair, or maintenance of roads in their township, or to a sinking fund for the redemption of said bonds, as in their judgment they may deem best for the interests of the township.

Appropriation
of tax.

SEC. 8. That all funds derived from the sale of bonds by the board of road trustees for either of said townships shall be paid over directly to the treasurer of the board of road trustees of the township for which the same is issued and sold, and shall be used for the purpose of constructing and improving the public roads and highways in the township upon which the same are issued, the purchase of such material, machinery, and improvements, and the employment of such officers and labor and for such other purposes as may in the judgment of said board of road trustees be found necessary in carrying out the purposes of this act.

Proceeds of bonds
paid to treasurer of
road trustees.

Appropriation.

SEC. 9. That all funds in the hands of the county treasurer of Jackson County or in the hands of the treasurer of any board of road trustees or other officer, or which may thereafter come into the hands of any such officer for the benefit of the road fund of either of said townships, shall be turned over to the treasurer of the board of road trustees hereinafter provided for, for such township as such funds may belong, as soon as such treasurer shall have been appointed and shall have made bond as hereinafter provided.

Funds turned over
to road treasurer.

SEC. 10. That it shall be the duty of the board of road trustees for said respective townships, after the ratification of this act, to take control and management of the public roads and ways of their respective townships, and said trustees are hereby vested with all the rights and powers for such control and management as are vested in and exercised by the board of commissioners of Jackson County under any statute in respect to the public roads and ways of said township; and the said trustees herein created are hereby vested with all the rights and powers for the control and management of the public roads and ways of their respective townships which are now vested in and exercised for their respective townships by the road trustees provided for in chapter ninety-seven of the Public Laws of one thousand nine hundred and three, being "An act to provide a better system for working and main-

Control and
management of
roads and ways.

Rights and powers
of trustees.

taining the public roads in Jackson County," in so far as the same is consistent herewith, and the machinery and provisions of the said Jackson County road law shall be applicable hereto in so far as the same is consistent herewith and unless herein otherwise enacted.

Organization of trustees.
 Duty and bond of treasurer.
 Executive committee.
 Meetings and organization.
 Vouchers.
 Delegation of powers.

SEC. 11. That the board of road trustees for each of said respective townships shall annually elect for their township from their number a chairman, secretary, and treasurer. The treasurer shall have charge of all road funds of the township, and shall be required to give bond in an amount sufficient to cover all funds which may come into his hands. The board of road 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 improvements, which said vouchers shall be signed by the chairman and secretary of said committee and a record thereof kept; and the board of road trustees may delegate to said executive committee any and all of its powers except that of issuing bonds.

Election, term, and compensation of road superintendent.
 Proviso: removal for cause.
 Monthly reports.
 Bond of superintendent.
 Qualities governing selection.
 Cooperation by townships.

SEC. 12. That the board of trustees shall annually, or as often as to them they may deem necessary, select a superintendent of public roads and ways for their respective townships, who shall be paid such compensation out of the road fund of the township for which he is selected as may be fixed by said trustees, and who shall hold office for such time as the said trustees may designate: *Provided*, that such superintendent may at any time be removed by the board of trustees, after five days notice, when in the opinion of a majority of said board there exists good and sufficient cause for such removal; that the board of road trustees shall prescribe the duties of said superintendent, and he shall submit to the executive committee a monthly report concerning the details of all the work which has been done and which is in progress, and such other reports and oftener and at such times as may be requested of him either by the board of road trustees or by the executive committee. As a guarantee of the faithful and honest discharge of the duties of his office, the board of road trustees may require of such superintendent such bond as they may deem advisable, and he may be required to give bond as to his skill and proficiency; that such superintendent need not be a voter or resident of the township for which he is selected, or of the county of Jackson, but should be selected because of his knowledge, experience, and proficiency in modern and improved road construction and building; that the board of trustees of any two or all of said townships may, if in their judgment they deem proper, employ the same superintendent, agreeing on the total price which shall be paid to him and upon the part thereof which shall

be paid by each of the respective townships for any given period of time, having regard for the division of work in the respective townships during such time. That until the grading, construction, and building of public roads hereunder shall begin, and pending the grading, construction, and building public roads hereunder, the board of road trustees aforesaid for their respective townships may appoint an assistant superintendent of roads for their township to do such work as they may allot to him, particularly in keeping in repair and good traveling condition the old roads until new or graded roads are made and constructed hereunder to take their place, and said assistant superintendent of roads shall have charge of the road labor provided for in section nine of chapter ninety-seven of the Public Laws of one thousand nine hundred and three, and acts amendatory thereof, for the purposes aforesaid, until otherwise ordered by the board of road trustees for the township.

Assistant superintendent.

Charge of road labor.

SEC. 13. That for the purposes of laying off, locating, building, constructing, grading, maintaining, or discontinuing public roads, the trustees of the said respective townships shall have all the powers granted and contained in chapter ninety-seven of the Public Laws of one thousand nine hundred and three, known as the Jackson County road law: *Provided*, that in grading the public roads, making excavations, cuts, and fills, the width of the road, as provided in said Jackson County road law as made applicable to the above townships, is hereby extended to such width as may be necessary in their judgment to do the work in a modern and up-to-date method, provided the same does not exceed fifty feet in width.

Powers in construction and alteration of roads.

Width of roads.

SEC. 14. That the said board of trustees may purchase for their respective townships such machinery and implements as may be needed for the proper grading, working, constructing, and maintaining of said public 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 intentions of the provisions of this act: *Provided*, that nothing herein shall prevent the trustees of any two or all of said townships which may issue bonds hereunder from purchasing together for the benefit of their respective townships the heavier and more costly implements and machinery, and the employment of an engineer jointly, or in any wise coöperating with each other upon such terms as they may mutually agree.

Purchase of equipment.

Engineer or surveyor.

Proviso: coöperation by townships.

SEC. 15. That the board of road trustees or their superintendent or assistant superintendent or any of the employees of either, in either of said townships, are hereby authorized to enter upon any uncultivated lands near to or adjoining any public road or wherever may be convenient in either of said townships, 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

Entry on land for material.

Drains and ditches.

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 may be deemed necessary for the betterment of the public roads; 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 drain or ditch shall be guilty of a misdemeanor and fined not exceeding fifty dollars and 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 or assistant superintendent to said executive committee within thirty days after the taking thereof, it shall be the duty of said committee to pay for the same at a fair price; and in case of any disagreement as to the value, the executive committee shall appoint one freeholder and the person claiming the damage a second, and these two a third, who shall not be related to the owner, which said freeholder shall assess said damages and report the same in writing to the executive committee.

SEC. 16. That the board of road trustees herein for their respective townships shall have full and complete control of the public roads in their respective townships and shall have full and complete authority to change, alter, amend, lay out, locate, establish, build, make, construct, repair, and maintain all such public roads therein as in their judgment they may deem best for public travel and public good; and if the owner of any land upon or over which a public road is located, altered, or changed claims that he has been damaged thereby, he shall, within sixty days after such location, change, or amendment upon his lands, notify, in writing, the board of road trustees within the township in which the lands are situate that he will claim damages; that no appeal shall lie from the laying off, locating, changing, or amending any road, but the only appeal permissible hereunder shall be from the amount of damages assessed as herein provided, and no appeal shall be construed or taken to hinder or delay the construction or completion of any road thus located, laid off, changed, or amended; that no damages shall be assessed until such road shall have been completed and received by the board of road trustees within the township in which the same is situate, and in all cases in assessing damages by the board of road trustees or by the jury or court, there shall be taken into consideration the benefits of such new, amended, or changed road to the lands upon which damages are claimed and to the owner or occupant of the same; that within sixty days after the final completion and receiving of such road by the board of road trustees for the township, the said trustees shall fix a date for assessing the damages and give the owner of such lands five days notice of the time and place where they will

Obstructing drains or ditches misdemeanor.

Punishment.

Presentation and payment of accounts.

Arbitration of claims.

Establishment and alteration of roads.

Procedure for assessment of damages.

Appeal as to amount only.

Appeal not to delay work.

Assessment after completion of work.

meet, and after hearing the said owner and any evidence which he may offer and any evidence which they may desire to have upon the subject, either of injuries to the land or of benefits inuring to the land or to the owner from the construction of the road, the board of road trustees for the township in which the road is situate shall proceed to assess the damages, and if the owner of said lands be dissatisfied with the assessment, he may within ten days appeal therefrom directly to the Superior Court of Jackson County and have his damages assessed by trial by a jury: *Provided*, that within said ten days such owner give notice in writing to the chairman of said board of road trustees of such appeal, and shall file with said chairman a justified appeal bond with sufficient surety in the sum of not less than two hundred dollars nor more than three hundred dollars, conditioned to pay all the costs of the appeal if he shall not recover a greater sum than that assessed and allowed to him as damages by the board of road trustees for such township; and sections three and four of chapter ninety-seven of the Public Laws of one thousand nine hundred and three are in their application to Sylva, Dillsboro, and Cullowhee townships modified and amended to conform herewith; and the said board of road trustees shall be the sole judges of the necessity for laying out, changing, establishing, amending, improving, or discontinuing public roads in their respective townships.

Right of appeal.

Bond on appeal.

Trustees sole judges of necessity.

SEC. 17. That upon the ratification of this act the trustees for said townships provided for under chapter ninety-seven of the Public Laws of one thousand nine hundred and three, or under chapter forty-seven of the Private Laws of one thousand nine hundred and five, and all persons holding office under either, are hereby discontinued.

Trustees and officers under former law superseded.

SEC. 18. That the authority to levy a road tax under said chapter ninety-seven of the Public Laws of one thousand nine hundred and three, as to the above named townships, is not repealed by this act, but no tax shall be levied thereunder by the commissioners of Jackson County except as the same may be asked in writing by the board of road trustees for the said respective townships, which writing shall designate the amount which they desire to be levied for their respective townships, and it shall be the duty of the board of commissioners of said county to levy a tax accordingly, providing, of course, that the limitations and constitutional equations therein provided are observed.

Tax under former law.

Request for levy.

SEC. 19. That in working, making, or constructing roads for the said above named townships either convict or hired labor, or both, may be used, as may be ordered by said board of road trustees, and the board of road trustees for said townships, or either of them, may jointly for any two or more of said townships, or for their own township, provide for convict camps and make such necessary provisions and arrangements as may be necessary to

Labor.

Convict work.

work convicts, and may take, receive, and work convicts from Jackson County or from any other county in the State, or from the State's Prison, upon such terms as the said road trustees may arrange, and where upon the conviction of any crime the defendant or defendants may be sentenced to work upon public roads, it shall be lawful for the Superior Court of any county to sentence such defendant or defendants to work upon the public roads of Sylva, Dillsboro, or Cullowhee townships, or all of said townships in Jackson County, and the said board of road trustees may, upon such terms as they deem proper, negotiate with the State authorities for convicts to work upon any of said roads in any of said townships, and may employ such guards and keepers in and about the premises as may be necessary.

Extension to other townships by petition.

SEC. 20. That the provisions of this act shall apply in all their force and effect to any township in Jackson County not specially named herein, upon petition signed by a majority of the qualified voters of such township, and the board of county commissioners of Jackson County shall upon receiving such petition appoint a board of road trustees for such township aforesaid of not less than five members (not more than four shall be chosen from any one political party), who shall organize and proceed to carry out the provisions of this act as is provided for the townships named herein: *Provided*, that the bond issue for any further township coming under the provisions of this act shall not exceed the sum of thirty thousand dollars.

Proviso: limit of bond issue.

SEC. 21. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 270.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ROCKINGHAM COUNTY TO BUILD A SUITABLE HOME FOR THE POOR, AGED, AND INFIRM, AND PROVIDE FOR THE PAYMENT OF SAME.

The General Assembly of North Carolina do enact:

Negotiation of loan authorized.

Amount.

Use of loan.

SECTION 1. That the commissioners of Rockingham County are hereby authorized and empowered to negotiate a loan or loans to an amount not exceeding twenty thousand dollars, at the lowest rate of interest and on the best terms obtainable, and to pledge the credit of the county for the payment of the indebtedness, and use said sum so obtained, together with any other funds available for this purpose, for the erection of a suitable building or build-

ings, together with such heating, sewerage, and other equipment as may seem proper and advisable for the proper care of the poor, aged, and infirm of said county.

SEC. 2. That the board of commissioners of Rockingham County are authorized and empowered to levy a special tax, from year to year, so long as it may be necessary, for the purpose of building and equipping said home for the aged and infirm and for the payment of the interest and principal on the amount borrowed, under the provisions of section one of this act; the said special tax levies shall not exceed in any one year seven cents on the one hundred dollars valuation of property listed in said county.

SEC. 3. That the said special tax, when levied, shall be collected and accounted for as other 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, A. D. 1913.

CHAPTER 271.

AN ACT PROVIDING FOR THE BETTER CONSTRUCTION, MAINTAINING, AND REPAIRING THE PUBLIC ROADS AND BRIDGES IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Pamlico County shall have control of building, constructing, and maintaining, repairing and keeping in repair the public roads and bridges of Pamlico County, and shall have authority to use all funds and property belonging to the road fund of said county for building and repairing the public roads and bridges of said county.

SEC. 2. That on the first Monday in April, one thousand nine hundred and thirteen, and annually thereafter, the county commissioners shall lay off the public roads of Pamlico County into sections, or if they deem advisable may continue the sections of the public roads as already laid off, and shall appoint one overseer on each section, who shall serve for one year, unless relieved by said board of county commissioners.

SEC. 3. That all able-bodied males between the ages of twenty-one and forty-five years shall work on the section of the road on which he resides two days each year, or shall cause such work done, under the direction and supervision of such overseer, which two days work shall be done between the tenth day of April and the fifteenth day of July of each and every year.

SEC. 4. That the overseers on their respective sections shall give all such able-bodied men three days notice of the day they shall appear to work the road on the section they reside, and before

Tasks assigned by lot.	such day the said overseer shall lay off in said section as many tasks as there are male persons between the ages of twenty-one and forty-five years, and such tasks shall be such as will require an ordinary day's work of an able-bodied man to accomplish, and in laying off such tasks due regard shall be had for the different grade of work to be done and difficulty in accomplishing same, and said road hands shall attend on said days they are so notified at some place on said section designated in the notice and shall draw lots for such tasks, and the task of work so drawn by each and every road hand shall be his task for such day's work, and such work or tasks shall be done in manner prescribed and required by the road overseer, who shall, in every instance, advise with and obey the directions of the general road supervisor hereinafter provided for as to manner of working said roads; and on such day the tasks of work are so drawn the said overseer, after giving instructions how each and every task of work shall be done, shall give to each and every man having such work to perform ten days in which to perform or have performed and completed his respective task or work; and that said overseer shall give such notice either orally or in writing, and if any person liable to work under this act cannot be seen, then a written notice shall be left at his place of abode, and any person failing to attend pursuant to such notice or failing to perform or cause to be performed the task allotted to him in the time and manner directed shall be guilty of a misdemeanor, and fined not less than five dollars nor more than ten dollars or imprisoned not less than ten nor more than twenty days, in the discretion of the court, such fine or penalty to be applied to the road fund of Pamlico County. That said overseer shall receive pay for two days work at one and one-half dollars (\$1.50) per day each year, to be paid out of the road fund, after the second day's work on each section has been accomplished as provided in sections three and four of this act.
Advice and direction of road supervisor.	
Time for performance of task.	
Service of warning.	
Failing to attend and perform task misdemeanor.	
Punishment.	
Pay of overseer.	
Road and bridge tax.	<p>SEC. 5. For the purpose of keeping the roads in good repair, making and constructing the same, and for making and constructing and repairing and keeping in repair the public bridges in the county, and for the purpose of this act there shall be levied, at the same time other county and State taxes are levied in the year one thousand nine hundred and thirteen, and annually thereafter, in addition to the other taxes levied by the board of county commissioners of Pamlico County, the following tax, which shall be designated "Road and Bridge Tax," to wit: On all real estate, personal and mixed property subject to taxation for State and county purposes, not exceeding twenty cents on each one hundred dollars valuation thereof and not to exceed proportionately as provided by the Constitution of the State, sixty cents on each poll, in the discretion of the county commissioners of said county. That the county commissioners of Pamlico County, at the option of the town authorities of any town in Pamlico County, shall pay to said</p>
Limit of rate.	
Apportionment to towns.	

town twenty-five per cent of the taxes provided for in this section levied and collected from the property and poll within the corporate limits of such town: *Provided*, that such town shall keep up all roads and bridges in said town, and the said county commissioners of Pamlico County be relieved of all liability and account of keeping up and repairing such roads and bridges.

Proviso: town to keep up roads and bridges.

SEC. 6. That the tax receipt provided for for the sheriff or tax collector of the county shall have printed thereon, in addition to other items, the words "For Road Tax."

Tax receipt.

SEC. 7. The taxes provided for in this act shall be collected by the sheriff or tax collector in the same manner and form as other State and county taxes and under the same penalties and forfeitures for failure to collect and account for the same, which tax shall be kept separate and accounted for separately from other taxes.

Collection of tax.

Fund and accounts kept separate.

SEC. 8. The sheriff or tax collector and county treasurer shall each give an additional bond annually in an amount equal to the total amount of said road tax, the current year, which bond shall be of like tenor as other tax bonds, except they shall read "For Road Taxes," and the sheriff and treasurer shall be allowed the same commissions for collecting and disbursing as they are respectively allowed for collecting and disbursing the school tax.

Bonds and commissions of tax collector and treasurer.

SEC. 9. That the county commissioners of Pamlico County are authorized and directed to employ a road commissioner or road superintendent, whose duty shall be to have general supervision of all road or bridge work; that he shall be competent for such duties and shall be employed by the month, and may be discharged at any time. His work shall be and he shall act under the direction of said county commissioners, and the chairman of said county commissioners shall direct his work when board is not in session. That said road supervisor shall employ labor to build, construct, or repair the roads or bridges, when necessary, in addition to convict labor. The said county commissioners may procure or obtain and as hereinafter provided, and the said general road supervisor shall, on every first Monday of each month following any work he may have done, file with the board of county commissioners an itemized statement of all work performed, the price paid for such work, to whom it was paid and for what, showing the number of hours any person worked and also the hour or hours of the day such work was done. That the said general road supervisor may draw warrant on the county treasurer against the road fund to pay for any such work done on or supplies provided in aid of road work, which warrants shall state thereon in detail what it is drawn for, and shall be approved by the chairman of the board of county commissioners and countersigned by the clerk of the board of county commissioners, who shall keep a record of the same, and the said general supervisor shall make a general report of progress of road work, and in detail show the condition

Employment and duty of road superintendent.

Direction of work.

Employment of labor.

Itemized statements.

Warrants on road funds.

Approval and record of warrants.

- of the road and how much since last report had been improved or made. All statements and reports required under this section by said road supervisor shall be duly verified and sworn to by said supervisor.
- Statements and report verified.
- Road work. SEC. 10. That said road supervisor, under the direction of the county commissioners and in concert with the chairman of the board of commissioners, shall widen and straighten the public roads when possible to do so without unusual expense, and if the said supervisor cannot procure by donation lands sufficient to widen or straighten the roads when necessary, and the said road supervisor, when material is necessary to repair, build, or rebuild, shall have authority to enter upon any uncultivated lands near to or adjoining the public road, to cut and carry away any timber except shade or ornamental trees, to dig and carry away any earth, gravel, or sand which may be necessary to build, improve, or repair said roads, and to enter upon any land adjoining or being near the road, to make such drains or ditches to 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 they shall be fined not less than ten dollars nor more than twenty-five dollars or imprisoned not to exceed thirty days, in the discretion of the court, which fine, when imposed and collected, shall be placed to credit of the road fund of Pamlico County.
- Entry on land for material.
- Drains and ditches.
- Obstructing drains or ditches misdemeanor.
- Punishment.
- Fine to credit of road fund.
- Presentation and payment of claims for damages. SEC. 11. Any person considering himself damaged by the removal of any earth or the cutting of timber as provided for in preceding sections, or any person on whose land any new road may be located or whose land may be taken in widening or straightening a road, may prefer his claim before the board of commissioners of Pamlico County, 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: *Provided*, such claim for damages shall be made within sixty days after the completion of said road; and may petition the said board of commissioners 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 three days 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 the benefits accrued to said landowner by reason of improvement of road drainage or otherwise may be considered by the jury, and any landowner or the board may appeal to the Superior Court from the finding of the jury.
- Proviso: time for filing claims.
- Procedure for assessment of damages.
- Establishment or discontinuation of roads. SEC. 12. The board of county 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 road at discretion.

SEC. 13. That all male persons confined in the county jail of Pamlico County under final sentence of the court for crime or imprisonment for nonpayment of costs and fines or under final judgment in cases of bastardy or under the vagrant act; all male insolvents who shall be imprisoned by any court in said county for nonpayment of costs, and all persons sentenced in said county to the State's Prison for a term of less than two years may be sentenced to work on the public roads of the county. Judges of the Superior Court or judge of the criminal court, the justices of the peace and the principal officer of any municipal court may assign such person 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.

Prisoners to be worked on roads.

Officers to assign convicts to road work.

Care and maintenance of convicts. *Proviso*: convicts under physical disability.

SEC. 14. Upon application of the chairman of the board of county commissioners of Pamlico County to the judges of the Superior Court presiding in the adjoining counties or any other counties in the same or adjoining judicial districts, the said judges may sentence such able-bodied male persons 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 cost of transporting, guarding and maintaining such prisoners as may be sent to Pamlico County shall be paid by the commissioners of Pamlico County out of the road fund of said 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 Pamlico County road fund.

Convicts from other counties.

Transportation, care, and maintenance.

Return of convicts.

SEC. 15. It shall be the duty of the board to purchase supplies, provisions, at best price obtainable, as they may be needed from time to time, and shall purchase necessary tents, camps, machinery, tools, team, and arms needed for the provisions of this act; and they may advertise for bids, for supplies for support of the convicts, and all necessaries of every kind during the year. Said bids shall be sealed and filed with the clerk of the board. But said commissioners shall have the right to reject any and all bids.

Purchase of supplies and equipment.

Advertisement for bids.

Right to reject bids.

SEC. 16. The board of 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 of board.

SEC. 17. That in order to more effectually and immediately improve, build, and construct good roads and bridges in Pamlico County, the county commissioners of Pamlico County, upon the petition of one hundred freeholders who are qualified voters of Pamlico County, are hereby authorized and empowered and in their discretion may call an election to be held in Pamlico

Petition for election.

Power to call election.

Notice of election. County, after thirty days notice in some newspaper published in Pamlico County, to decide the question whether or not the said board of county commissioners shall issue bonds of said county of thirty years duration to an amount not exceeding fifty thousand dollars, the proceeds of which to be used for the purpose of repairing, improving, and building the public roads and bridges of Pamlico County; that such elections shall be held in the various election precincts of said county under the same rules and laws governing the election of members of the General Assembly, and all in favor of the issue of said bonds shall vote a written or printed ballot containing the words "For Good Roads," and all against the issue of said bonds shall vote a written or printed ballot containing the words "Against Good Roads." That said registrars and poll-holders holding such election shall make returns of said election to the county commissioners of said county, who shall cause the same to be duly recorded; and if a majority of the qualified voters of said county shall vote "For Good Roads," the said commissioners of Pamlico County shall issue the bonds of said county for the amount, in due form and lawful manner, with interest not exceeding six per cent, payable semiannually, evidenced by coupons attached, and the said commissioners may sell said bonds either at public or private sale at a price not less than par; and the said commissioners of Pamlico County shall levy annually a tax in addition to all other taxes levied on all real, personal, and mixed property, and a poll tax on all taxable polls of said county, observing the constitutional ratio, necessary and in adequate amounts to pay the interest on and to create a sinking fund for said bonds. That in holding the said election the said commissioners shall appoint a registrar and two poll-holders in each election precinct in said county, and the same registration and poll books used in holding the last general election shall be used in holding the election provided in this section of this act. That no new registration shall be required, but all persons entitled to vote under the general election laws who have become of the age of twenty-one years since the last general election and who may become of the age of twenty-one years before any election held under this act may register in an additional and supplemental registration book to be provided by said commissioners, and be entitled to vote at said election.

Question to be decided.

Law governing elections.

Ballots.

Returns and record of returns.

Bonds issued by majority of qualified voters.

Interest.

Tax for interest and sinking fund.

Constitutional ratio.

Election officers.

Registration and poll books.

Registration.

Roads to be first constructed.

Other highways and belt roads.

SEC. 18. That said commissioners of Pamlico County are authorized to repair, build, and construct a good and up-to-date highway with the first moneys for road purposes that may become available from taxes or bonds or from any other source for road purposes, from Lowlands to Bayboro, and from Pamlico by the Neuse River Road to the county line at upper Broad Creek, and from Florence to Gibbton Station on the Norfolk Southern Railroad in Pamlico County; and after such roads are well builded or repaired, they may build such other highways or belt roads in said county

as they may think best and to the best interest of the county and convenience of the traveling public, and erect and build all necessary bridges over or upon all such roads or highways or to connect any such roads or highways.

SEC. 19. That the county commissioners of Pamlico County shall be exempt from work on the public roads of said county.

County commissioners exempt from road duty.

SEC. 20. That in the event that the said commissioners shall submit the question "For Good Roads" and "Against Good Roads" at an election duly held and a majority of the qualified voters of said county shall vote "For Good Roads" as provided in section seventeen of this act, and a bond issue exceeding thirty-five thousand dollars is issued and sold under and by authority of said section, on the first day of April in the year following such issue and sale, sections three and four of this act shall become inoperative.

Road duty abolished on issue of bonds.

SEC. 21. That chapter eight hundred and fifty-three of the Public Laws of one thousand nine hundred and seven, chapter two hundred and thirty-seven, Public Laws of one thousand nine hundred and five, and chapter three hundred and twenty-four, Public-Local Laws of one thousand nine hundred and nine, are hereby repealed.

Laws specifically repealed.

SEC. 22. That 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 3d day of March, A. D. 1913.

CHAPTER 272.

AN ACT TO MAINTAIN AND PERPETUATE A TOLLGATE ON THE MULBERRY GAP ROAD.

The General Assembly of North Carolina do enact:

SECTION 1. That the public road or highway crossing the Blue Ridge Mountain at the Mulberry (or Rose) Gap be worked, improved, and kept in repair as hereinafter provided for. That the road that shall be embraced in this act shall be from McGrady Postoffice in Wilkes County to the ford of the creek in Meadow Fork Creek, near Wyatt & Miller's mill, in the Ashe and Alleghany County line, and also from the top of the Blue Ridge Mountain to the first branch west of Talton Woody's home. That portion of the road from McGrady Postoffice in Wilkes County to John A. Taylor's, near the foot of the mountain, shall be reviewed and regraded and put where the road will be on the best possible land for the maintenance of a public highway of the importance of this one. The road supervisors for the Mulberry Gap Road shall make the survey or regrade on this special part of the road and appoint overseers to construct and build the same, and the said overseers shall have

Public road to be worked.

Road embraced.

Road to be reviewed and regraded.

Overseers and road hands.

- all hands of road age within a radius of three miles of said road to aid in its construction. The said review shall be made at the earliest possible date, but not later than December first, one thousand nine hundred and thirteen, and all road hands shall be subject to the ordinary process of law that applies to road hands in the working and construction of roads in Wilkes County.
- Time limit for making review.
- Board of supervisors. SEC. 2. That William F. Thompson, W. N. G. Weelborn, and J. M. Handy, of the counties of Alleghany, Ashe, and Wilkes, respectively, are hereby appointed a board of supervisors to take charge of and manage the road and its tolls as herein provided for. The said supervisors shall maintain a toll system on the road for the purpose of raising revenue to keep in repair and make needed improvements from time to time, and also meet other necessary expenses. The supervisors shall have full power to contract with responsible parties to keep and maintain a tollgate on the road at some convenient and suitable place, and all tolls so collected shall be paid over to the said supervisors when demanded by them. The said supervisors shall have the right to place any tollgate keeper under bond for the faithful performance of his duties toward them and the public. The rate of toll charged for travel over the "Mulberry Gap" Road shall in no case exceed twenty-five cents for a two-horse wagon or vehicle of any kind for a round trip, and fifteen cents for a one-horse wagon or vehicle for a round trip. These fees shall be reduced from time to time, when such reduction will meet the just and legitimate demands that are required to keep the road in good and satisfactory condition to the traveling public. The supervisors shall sell as a whole or in lots all of the road embraced in this act to the lowest bidder or bidders, who shall be required to work and keep in good repair and also make such improvements on the road as the said supervisors shall lay out or designate, and for such labor the supervisors shall pay out of the road funds the contract price, provided the labor performed is satisfactory to the said supervisors.
- Toll system.
- Gate-keepers.
- Bond of gate-keepers.
- Rate of toll.
- Road work let to contract.
- Quarterly meetings. SEC. 3. The supervisors shall meet once every three months for the purpose of transacting such business as may properly come before them, and review the road and lay out such work as they may deem necessary to make general improvements on the same. The date of such quarterly meetings shall be the first Saturday in April, July, October, and January, or as near that time as possible.
- Organization. The said supervisors shall meet and organize by electing one of their number chairman, whose duty shall be to preside at all meetings and have such powers as properly belong to chairmen of committees. The said chairman shall sign all receipts and disbursements for moneys that may come into the hands of the said supervisors from tolls received from the road or otherwise. In case of death or resignation of any member of the board of supervisors of the said Mulberry Gap Road, such vacancy shall be filled by the remaining members of said board, who shall give notice
- Vacancies.

of such vacancy thirty days previous to the date of such appointment, and such vacancy may be filled upon recommendation, by petition of a number of responsible citizens of the county from which such vacancy may have occurred. The said supervisors shall hold their position so long as their services are satisfactory to the general public who travel and are otherwise interested in said road. In case any one or all of said supervisors should fail to discharge his or their duty in a way that the general public should have cause to ask for their removal, then the public shall petition the clerk of the court in the county in which such objectionable supervisor resides, and if fifty or more substantial citizens and freeholders, who are known to be interested in the said road and its welfare, shall ask for the removal of such objectionable supervisor, then the said clerk of the court shall appoint a successor to the said disqualified supervisor; the appointee shall also be recommended and indorsed by not less than fifty good and substantial citizens, who are also freeholders in the county in which such appointment shall be made.

SEC. 4. The supervisors shall receive as a compensation for their services one dollar and fifty cents per day, not to exceed four days in any one calendar year, except for the time actually employed in surveying and regrading that portion of road from McGrady Postoffice to John A. Taylor's, and for this service they shall be paid one dollar per day. The said supervisors shall at the close of each calendar year have printed and posted at three or more public places in the counties of Ashe, Alleghany, and Wilkes, a statement of all money received and an itemized account of its expenditure. The statement so rendered shall be signed and sworn to by each supervisor.

SEC. 5. Any person or persons who may travel over the road embraced in this act and refuse the payment of toll shall be guilty of a misdemeanor, and shall be fined not less than five dollars for each and every such offense. All fines shall go to the general receipts of the tollgate. The United States mail shall be allowed to pass over this road free from all tolls.

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 full force and effect from April first, one thousand nine hundred and thirteen.

Ratified this the 3d day of March, A. D. 1913.

Term of supervisors.

Petition for removal.

Pay of supervisors.

Statements to be posted.

Refusal to pay tolls misdemeanor.

Punishment.

Fines to road fund.

Mail exempt from tolls.

CHAPTER 273.

AN ACT PROVIDING FOR A BOND ISSUE FOR POLK COUNTY FOR THE PURPOSE OF IMPROVING THE ROADS AND BRIDGES OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Petition for bond issue.	SECTION 1. That the board of county commissioners of Polk County, upon a petition asking for same, signed by at least thirty-three per cent of the qualified voters of said county, are hereby authorized, empowered, and directed to issue bonds, in the manner hereinafter provided, the proceeds of which shall be used for the purpose of making, widening, grading, and improving the public roads of said county, and for the purpose of constructing and repairing bridges. No greater amount of bonds shall be issued than is asked for in the petition, but any subsequent petition or petitions may be presented, signed by the requisite number of qualified voters as set forth above, asking for additional issues, and bonds for such amounts shall be issued, as hereinafter provided, upon any and all such petitions: <i>Provided</i> , the total bond issue under this act shall not exceed one hundred thousand dollars. That upon the presentation of such petition or petitions and the ascertainment by the board of county commissioners that the same have been signed by the requisite number of qualified voters, the said petition or petitions shall be filed and copied by the clerk of said board in the minute-book, and such copy or copies shall be conclusive evidence in any court of the contents of the original petition or petitions.
Bond issue directed.	
Use of proceeds.	
Amount of issue.	
Additional issues.	
Proviso: limit of total issue.	
Record of petitions.	
Bonds issued on requisition of highway commission.	
Denomination.	
Interest.	
Maturity.	SEC. 2. That after the filing of the petition or petitions, as provided for in section one of this act, the board of county commissioners of said county shall issue bonds for the amounts therein specified from time to time as requested so to do by the "Highway Commission of Polk County," hereinafter created. The said bonds shall be in denominations of one thousand dollars or five hundred dollars, shall bear interest at a rate not exceeding six per centum per annum, which shall be evidenced by interest coupons attached, payable semiannually during the time said bonds shall run, and the principal thereof shall be payable thirty years from the date of their issue; the principal and interest to be paid at the place provided for in said bonds, to be determined by the said board of county commissioners. The said bonds and coupons shall be numbered consecutively, beginning with the number "one," the said coupons to bear the number of the bond to which they are attached; and both the bonds and coupons shall be signed by the chairman of the board of county commissioners and countersigned by the
Authentication.	

clerk, and shall have impressed upon them the official seal of said clerk, and shall be styled the "Polk County Highway Improvement Bonds."

SEC. 3. The said bonds, as they are prepared and executed by the said board of county commissioners, shall be turned over to the chairman of the highway commission of Polk County, and the said highway commission shall have power to advertise and sell any and all of said bonds at such time or times as they shall deem best, for the purpose of raising a fund with which to make, widen, grade, and improve the public roads of said county and to repair and construct bridges; and 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 the bonds and their denominations, to whom sold, and the number of coupons attached, must be recorded in said minutes; and the said highway commission shall from time to time, as any bonds are sold, certify a copy of all their proceedings to the county commissioners of Polk County, which shall be duly filed in the office of said board and copied by the clerk of said board in a book to be kept for that purpose: *Provided*, that none of said bonds shall be disposed of by the said highway commission by sale, exchange, or otherwise, for less than their face value, nor shall the said bonds or the proceeds thereof be used for any other purpose or purposes than those declared by this act: *Provided further*, that the purchasers of said bonds shall not be required to see to the application of said funds.

Bonds delivered to highway commission.

Sale of bonds.

Record of proceedings.

Certificate to county commissioners.

Proviso: sale below par forbidden.

Specific appropriation.

Proviso: purchasers not responsible for application.

SEC. 4. The funds derived from the sale of said bonds shall be turned over to the treasurer of the said highway commission and paid out by him on the order of said highway commission, signed by its chairman and attested by its secretary. The said treasurer, upon the receipt of such funds, shall deposit them in the banks of Polk County as now organized, in proportion to the surplus and capital stock of said banks, provided said banks pay as high rate of interest as other State banks; and said funds so deposited shall be drawn out of said banks by said treasurer only in the payment of orders of said highway commission, signed and attested as herein provided. But, before any funds provided for in this act shall be paid over to the said treasurer, he shall execute an official bond for the faithful performance of his duty as treasurer, payable to the State of North Carolina, to be executed in such sum and with such security as said highway commission shall deem proper, and shall be renewed at least once in every year, and, if necessary, shall oftener be renewed and increased to protect any additional funds that may come into his hands. The said banks in which said funds are deposited, before receiving such funds for deposit, shall also execute bonds for the faithful discharge of their duty as depositories, in such sums and with such security as may be required by the said highway commis-

Proceeds to treasurer of highway commission.

Orders on road funds.

Deposit of road funds.

Bond of treasurer.

Indemnifying bonds for deposits.

Bonds filed and recorded.
Action on bonds.

Proviso: premiums on bonds.

Proviso: deposits outside county.

Highway commission.

Official title.

Terms of office.

Election of successors.

Commissioner from each township.

Vacancies.

Term of commission.

Pay of commissioners.

Commission to meet and organize.

Organization.

Commissioners to qualify.

sion, payable to the State of North Carolina; shall be renewed at least once in every year, and oftener if necessary to properly protect the deposits. The bonds required by this section shall be filed and recorded in the office of the board of commissioners, and the said county commissioners shall prosecute an action or actions in the Superior Court of Polk County on the bonds of the said treasurer and the said banks, whenever they have knowledge or a reasonable belief of any breach of said bonds: *Provided*, that the cost of the bond or bonds of the treasurer shall be paid by the said highway commission out of the funds derived from the sale of said bonds, and the cost of the bonds of the said banks shall be paid by the banks: *Provided further*, that if the banks herein mentioned shall refuse to accept said deposits and execute said bonds, the said treasurer shall deposit the said funds in any bank or banks in the State of North Carolina that shall execute bonds therefor as herein provided.

SEC. 5. That should any bonds be issued under this act, the persons hereinafter named and their successors in office shall be and constitute a highway commission to be known as the "Highway Commission of Polk County," which commission shall consist of six members, and shall hold office for the term of three years from the date of their organization; and in the event that the road improvement authorized by this act is not completed and turned over to the authorities as hereinafter provided, during their term of office, their successors shall be elected by the county commissioners of said county for a term of three years, at the meeting of said board of commissioners next preceding the expiration of the term of office of the members appointed by this act. The said commissioners in the election of members of said commission shall select one from each township in the county. Any vacancy occurring in said highway commission by death, resignation, failure to qualify, or otherwise, shall be filled by the said board of county commissioners, and the person elected to fill said vacancy shall be a resident of the same township as the person causing the vacancy. The said highway commission shall continue in office until the public roads and bridges in said county shall have been improved as herein set forth, or until the proceeds derived from the sale of said bonds shall have been used, and shall each receive as compensation for their services the sum of two dollars per day and all necessary expenses for the time actually employed by them in attending to the duties imposed upon them by this act. That as soon as practicable after the filing of a petition for the issuance of bonds provided for in this act, the members of said highway commission shall meet and organize by electing one of their number chairman, another secretary, and another (or some other suitable person) treasurer, and, before entering upon the duties of their office, shall take oath before some person authorized to administer oaths, to perform said duties well and truly, according

to the best of their knowledge and ability. The chairman of said commission shall not vote except in case of a tie, and a majority of said commission shall constitute a quorum: *Provided*, that three members shall constitute a quorum at any meeting where at least three days notice in writing has been given by the chairman or secretary by mailing notice to each member of the commission. Subject to these provisions, the said commission shall pass such rules and regulations for their government as they shall deem best.

Vote of chairman.
Quorum.
Proviso: quorum at called meetings.

Rules and regulations.

SEC. 6. That after the filing of the petition or petitions provided for in section one of this act, and after the organization of the said highway commission, the said commission shall apply to the said board of county commissioners to issue bonds in the sum asked for in said petition or petitions at such time or times as the said commission shall designate; and as said bonds are sold, as herein provided for, the proceeds derived therefrom shall be applied to the purposes herein declared, and shall be expended by said commission in the various townships of said county in the discretion of said commission.

Application for issuance of bonds.

Application of proceeds.

SEC. 7. The said highway commission shall have full and complete control of the making, locating, widening, grading, and improving of the public roads of the county and the constructing and repairing of all necessary bridges on all such roads as are built or improved by them. They shall have the power to employ competent surveyors or civil engineers to lay off said roads, to superintend the building and repairing of same, and to pay them such compensation for their services as may be determined by said commission. The right of way of all public roads shall be and remain as now defined by the general road law of said county, but the width of the grade of any and all roads built or repaired under this act and the per cent of same shall be determined by the said highway commission. That any road or roads built or repaired hereunder, as the same are built or repaired, shall thereafter be kept up and maintained by the general road authorities of the township in which said road or roads are situated, under the general road law of said county; and any bridges built or repaired by said commission shall thereafter be kept up and maintained as provided for in said general road law: *Provided*, that nothing in this act shall be construed to abridge the powers and duties of the road and bridge authorities of said county under its present road law, over all roads and bridges that are not in actual construction or repair by the said highway commission.

Control of construction and repair of roads and bridges.

Surveyors or engineers.

Width and grade of roads.

Maintenance of roads.

Maintenance of bridges.

Proviso: powers of present authorities.

SEC. 8. The said highway commission shall provide proper specifications for the building and repairing of all such roads as are built or repaired by them, and shall, after due advertisement for bids, let contracts for the building of the same to the lowest responsible bidder or bidders, requiring, in every instance, from the contractor or contractors, a bond with good and sufficient security

Specifications for work.

Work let to contract.

Bonds of contractors.

that the work contracted for shall be done according to the specifications and to the satisfaction of said highway commission, and providing for the payment of all damages that may be caused by any such contractor or contractors to public or private property. Said highway commission shall, however, be permitted to reject any and all bids so submitted for said work or any part of it, and in the event they are unable to have the work done by contract at satisfactory prices, said commission shall have the power of doing the same itself, and for that purpose is authorized to hire all necessary labor, purchase all necessary machinery, tools, and implements, 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.

Right to reject bids.

Right to do work.

Entry on land for material.

Power to condemn land.

Obstructing survey or work misdemeanor.

Punishment.

Proviso: procedure for assessment of damages.

SEC. 9. That in relocating, widening, and improving roads now in use, or in opening and constructing new roads, the said highway commission, their agents or contractors, are hereby authorized to enter on any lands necessary to effectuate said purposes, and may take all necessary timber, stone, sand, clay, and other material therefrom, and for the purpose of getting stone shall have the right to operate quarries, and to place all necessary machinery thereon for the purpose of crushing and removing said stone; and that in relocating and constructing roads, the said highway commission shall cause a surveyor or civil engineer to make a survey of the proposed change of an old road, or new road to be opened, and if they adopt said survey they shall give notice thereof to the owner or owners of the land that the same is condemned for a public road; and any person or persons who shall obstruct the said surveyor or civil engineer in making said survey, or shall obstruct the said highway commission, or their agents or contractors, from opening said road, shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the court: *Provided*, that if any person be aggrieved he may within three months after said change of road or new road has been opened and completed, or within three months after the taking of any material from his land not on the right of way of said road (provided that he and the said highway commission cannot agree upon the damages such person has sustained), apply to the clerk of the Superior Court of said county, who shall appoint a jury of three freeholders of said county to assess the damages, none of whom shall be related by blood or marriage to the said applicant. The said clerk shall issue a summons to the sheriff of said county commanding him to summons said jury to meet upon the premises at a time specified in said summons to assess said damages, and the clerk shall also issue a notice to the said highway commission of the time and place of said meeting, which notice shall be served upon either the chairman or secretary of said commission. 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: *Provided*, that said jury shall not find benefits in excess of damages. The said jury shall report their findings to the clerk of said court within five days from the date of their meeting, which report shall be placed by him upon the judgment docket of the county and shall have the force and effect of a judgment: *Provided*, that if the parties, or either of them, desire to appeal from the findings of said jury, they shall cause the clerk of said court to issue a notice to the opposite party of their intention to do so within ten days from the filing of the report of the jury, and the said clerk shall place the cause upon the civil-issue docket of the county, and the same shall stand for trial *de novo* at the next term of said court which convenes more than twenty days from the issuance of said notice of appeal: *Provided further*, that the party appealing shall give bond in at least the sum of one hundred dollars, with sufficient surety, to be approved by the clerk of said Superior Court, to secure the cost of said appeal. The jury summoned as above provided to assess said damages shall be entitled to one dollar each for their services, and the cost of said proceeding shall be paid by the losing party; and if against the said highway commission, the costs and damages so awarded shall be paid out of the funds arising from the sale of said bonds: *Provided*, that if the party bringing said proceeding shall not recover damages for a greater sum than the amount offered by the said highway commission, prior to the commencement of said proceeding, judgment shall be rendered against him for the cost thereof.

Proviso: benefits not in excess of damage.

Proviso: right of appeal.

Proviso: bond on appeal.

Pay of jurors.

Proviso: cost on appeal.

SEC. 10. That so long as any funds arising from the sale of bonds issued under this act shall remain in its hands, the said highway commission shall make annual reports to the board of county commissioners, the first of which shall be made one year from the date of its organization, of all moneys received by it from the sale of bonds, the roads and bridges built, repaired, or improved by it, and the cost thereof, the amount expended in each township and all expenditures made by the said commission for their own compensation or other incidental purposes, which reports shall be filed in the office of the board of county commissioners and recorded by the clerk of said board; and if the said commission shall fail to make any of the reports as provided for in this section, the board of county commissioners shall notify the said highway commission of such failure, and if they fail or refuse to make said report within thirty days after receiving said notice, they shall be guilty of a misdemeanor.

Annual reports.

Reports filed and recorded.

Failure to report after notice misdemeanor.

SEC. 11. That all justices of the peace and mayors of any incorporated town in the county of Polk, before whom any male person may be tried and convicted of any crime within said county, in cases and for offenses within the jurisdiction of said justices and mayors, when the judgment shall impose punishment by im-

Prisoners sentenced to road work.

prisonment on any such offender, may and they are hereby empowered to sentence said convicted person to work on the public roads of said county that are being built or repaired under this act; and that any judge of the Superior Court holding court in the county of Polk may sentence all male persons convicted of crime, for which said persons may be sentenced to road work under the general law of the State, to work on the roads of said county that are being built and improved under this act; and any judge of the Superior Court holding court in any other county, in which there is no provision of law for working convicts on the public roads of said county, may sentence convicted persons to work on the roads of Polk County that are being built or improved as provided for in this act: *Provided, however,* that the said highway commission shall first make application to the judges of said courts to sentence said persons to work on said roads. The said highway commission shall have the custody and control of any and all convicts sentenced to work on the said roads, and the said commission is hereby authorized to enact and enforce all needful rules and regulations for the successful working of said convicts, and shall have power to employ a suitable person or persons to guard them, and the said guard shall have the power to use such discipline as allowed by law to the authorities of the penitentiary in controlling and preventing the escape of convicts committed to the State's Prison. Said highway commission shall have the power to erect necessary temporary stockades or places of inclosure wherein said convicts may be placed and kept while engaged in the work herein provided for.

Convicts from other counties.

Proviso: application to judges.

Custody and control of convicts.

Discipline.

Stockades.

Roads in towns.

SEC. 12. All leading thoroughfares into any of the incorporated towns of Polk County are hereby declared to be public roads within the meaning of this act, and the said highway commission is hereby authorized and directed to use the funds arising from the sale of any bonds issued hereunder in the building and improvement of said roads within the corporate limits of said towns, as well as without the same: *Provided,* that such portions of said roads as are situated within the corporate limits of any such town shall thereafter be kept up and maintained by the said town.

Proviso: maintenance of roads in towns.

Special tax.

SEC. 13. That should any bonds for said county be issued under the provisions of this act, the board of county commissioners shall compute and levy annually thereafter, at the time prescribed by law for the levy of general State and county taxes, a sufficient special tax upon all polls and property in said county with which to regularly and promptly pay the interest on said bonds; said taxes to be collected in the same manner and at the same time as other taxes, and to be paid over by the sheriff or tax collector to the treasurer of said county.

Collection and settlement.

Special tax for sinking fund.

SEC. 14. For the purpose of raising a sinking fund with which to pay the principal of the bonds, it shall be the duty of the board of county commissioners of said county, at and after the expira-

tion of fifteen years from the date of said bonds, to annually levy a special tax upon all polls and property in said county subject to taxation, which taxes, with the accrued interest thereon, shall be sufficient to pay off and discharge said bonds when due, and shall be collected in the same manner as the taxes provided for in the preceding section. It shall be the duty of the board of county commissioners to annually invest any and all moneys arising from the special tax collected under this section in the purchase of any of said bonds at a price deemed advantageous to the county by the said board of county commissioners; but in case the said bonds cannot be purchased, the said board of county commissioners may lend said sinking fund on real estate or good personal security. The notes and other evidences of debt given for any loan under this section shall be executed to and in the name of the said board of county commissioners. In the event said board of county commissioners shall not be able to invest any and all of said money annually as directed above, it shall be the duty of said board to cause such parts as they may be unable to invest to be deposited with some bank or banks, trust or safe-deposit company or companies of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investments, as above directed, shall be reinvested in the manner as above provided until said bonds are paid off and discharged.

Sec. 15. That any highway commissioner or other person whomsoever making or causing to be made any fraudulent order whereby money is to be paid out of said fund herein provided for, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court, and, if an officer, shall be removed from office; and any highway commissioner or other officer failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor: *Provided*, that the said board of county commissioners may, for good and sufficient cause, remove any one or more of the said highway commissioners, and fill the vacancy or vacancies caused thereby as herein provided.

Sec. 16. That all expenses incurred in preparing, issuing, and selling the bonds issued under the provisions of this act shall be paid by the said highway commission out of the funds arising from the sale of said bonds.

Sec. 17. That the following are hereby appointed the members of said highway commission, viz.: F. M. Burgess of Columbus Township; Elias Cantrell of Greens Creek Township; J. Terrell Green of White Oak Township; N. Lynch Whiteside of Coopers Gap Township; W. C. Robertson of Saluda Township; and B. L. Ballenger of Tryon Township. Any members of said commission appointed by the board of county commissioners may reside either in or out of incorporated towns.

Collection.

Investment of sinking fund in bonds.

Alternative investments.

Deposit.

Fraudulent orders misdemeanor.

Punishment.

Failure of duty a misdemeanor.

Proviso: highway commissioner removable for cause.

Expense of issue and sale of bonds.

Highway commissions.

Residence of commissioners.

Petition for bond issue by townships.

SEC. 18. That should no petition be filed, as provided for in section one, asking for a bond issue for the county within three months from the passage of this act, at any time thereafter any township of said county may present a petition to the board of county commissioners of said county, signed by at least thirty-three per cent of its qualified voters, asking for a bond issue for such township for the purpose of making, widening, grading, and improving the public roads of such township, and upon the ascertainment by the said board of county commissioners that the same has been signed by the requisite number of qualified voters, the petition shall be filed and copied as herein provided for county petition; and the said board of county commissioners shall issue bonds for said township in the amount asked for in the petitions: *Provided*, that the bonds shall not be issued for a greater amount than ten per cent of the tax valuation of said township, as shown by the tax assessment next preceding the issuing of said bonds.

County commissioners to issue bonds.

Issue of township bonds.

Entitlement.

Township highway commission.

Official designation.

Term, compensation, rights, and duties of commission.

Taxes.

Provisions and machinery of act applicable to townships.

Proviso: issue of county bonds as affected by township bond issues.

SEC. 19. That if said board of county commissioners shall issue any township bonds under the provisions of the preceding section, the said bonds shall be issued in the same manner and in the same denominations, shall run for the same time, bear the same rate of interest as is provided for in this act for county bonds. They shall be styled the "..... Township Highway Improvement Bonds," and, when issued, shall be turned over to a highway commission to be composed of five members, residents of the township for which said bonds are issued, which commission and their successors in office shall be appointed by the said board of county commissioners and shall be known as the "Highway Commission of Township." The said commission shall be appointed for the same time, shall receive the same compensation, and shall be clothed with the same powers, rights, privileges, and duties with respect to said bonds, the use of the funds derived therefrom, and the building, repairing, and improving of the public roads and bridges of their respective townships, as is provided in this act for the Polk County Highway Commission. The board of county commissioners of said county shall levy taxes on the property and polls of all such townships for which township bonds are issued for the purpose of paying the interest on said bonds and for raising sinking funds as is herein provided for county bonds; and it is the intent and purpose of this act that all of its provisions and machinery as applicable to the county under a bond issue for the same shall be applicable to any township for which bonds are issued: *Provided*, that county bonds may be issued, in the manner hereinbefore provided, any time after the passage of this act before any township bonds are sold, but shall not be issued after the sale of any such bonds; and if any township bonds have been issued, but not sold prior to the filing of a petition for county bonds, the said township bonds shall be returned to the said board of county commissioners and shall be canceled by said board.

SEC. 20. 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 Polk County. Secretary of State to send copy of act.

SEC. 21. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 274.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF EDGECOMBE COUNTY TO SUBMIT TO THE VOTERS OF SAID COUNTY, EXCEPTING THAT PART EMBRACED WITHIN THE BOUNDARIES OF THE ROCKY MOUNT ROAD DISTRICT AND THE No. 6 TOWNSHIP, OR WHITAKER'S ROAD DISTRICT, THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF IMPROVING THE PUBLIC ROADS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Edgecombe County be and it is hereby authorized, empowered, and directed to submit to the qualified voters of Edgecombe County, except that part embraced within the boundaries of the Rocky Mount Road District as defined by chapter eight hundred and fourteen of the Public Laws of one thousand nine hundred and seven and acts amendatory thereof, and the Number Six Township or Whitakers Road District as established by chapter six hundred forty-one of the Public-Local Laws of one thousand nine hundred and eleven, at an election to be held in said portion of said 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 said Edgecombe County, excepting that part embraced in the boundaries of the Rocky Mount Road District and the Number Six Township, or Whitakers Road District, shall issue and sell bonds in sums not to exceed one 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 to be used for the purpose of providing funds for repairing, grading, making, improving, and macadamizing the public roads of said county, excepting that part embraced within the boundaries of the said Rocky Mount Road District and the Number Six Township or Whitakers Road District. The said board of county commissioners shall, for at least thirty days preceding the election, give public notice of such election, together with the Question submitted to voters. Territory excepted. Notice of election.

- Proviso: further election.
- Law governing elections.
- Proviso: election officers.
- Proviso: new registration.
- Proviso: precinct partly covered by exception.
- Polling places.
- Registration and challenges.
- Count and return of votes.
- Canvass of returns.
- Record of result.
- Proviso: election at time of other elections.
- Ballots.
- Bond issue if favored by majority of vote cast.
- purposes thereof, by publication in one or more newspapers published in said county: *Provided*, that if the majority of voters in said election 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.
- 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; and *Further provided*, that if at time of said election any election precinct should be partly embraced in any special road district, a registrar and judges of election shall be appointed for that part of the same not embraced in any such district, which part of the precinct shall be an election precinct for the electors thereof and the election, and the polling place shall be the place fixed by the county board of elections for the electors of said election precinct. 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 the members of the General Assembly. The votes 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 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; and *Further provided*, the election held under the provisions of this act may be held at the time of any other election in said county, and the same registrars and judges of election may be appointed for both elections, and, except in those precincts partly embraced in any special road district in said county, the registrars may register the electors in one registration book.
- 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 as 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."
- SEC. 4. That in the event a majority of such votes cast in any such election held under the provisions of this chapter shall be cast "For Good Roads," the result shall be declared and recorded

as aforesaid, and the board of commissioners of Edgecombe County shall thereupon be authorized, empowered, and directed to issue and sell coupon bonds excepting that part embraced within the boundaries of the said Rocky Mount Road District and the Number Six Township, or Whitakers Road District, payable to bearer, to the amount of one hundred thousand dollars, in denomi- Amount.
 nations of not less than one hundred dollars nor more than one Denomination.
 thousand dollars, and of the principal of said bonds, two thousand Maturity.
 dollars thereof shall be due and payable on the first day of January in the fifth year next after the first issue of any part of said bonds shall be issued under the provisions of this act, and a like sum of two thousand dollars on each recurring first day of January thereafter until the principal of said bonds shall be paid; the Interest.
 said bonds shall bear interest from their date at a rate of five per cent per annum, payable on the first day of January and July of each year until said bonds are paid, and to be of such form and tenor, and transferable in such way, and payable at such place or places as the board of county commissioners may determine: *Provided*, the said bonds may be issued at such time or times and *Provided*: bonds issued as needed.
 in such amount or amounts as may be deemed best to meet the Authentication.
 expenditures provided for in this act. Said bonds shall be numbered consecutively and 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 attested by the official seal of said county: *Provided further*, the said bonds shall express *Provided*: obligation of bonds.
 upon their face that they are payable out of the taxes to be levied on the taxable property and polls of said county, excepting that part embraced within the boundaries of the Rocky Mount Road District and Number Six Township, or Whitakers Road District, as herein set out.

SEC. 5. The said board of commissioners shall make sale of said Sale of bonds.
 bonds in such way and after such advertisement as the said commissioners shall deem best: *Provided*, no bonds issued under the *Provided*: sale below par forbidden.
 provisions of this act shall be sold or otherwise disposed of for less than par and the accrued interest thereon.

SEC. 6. The said clerk of the board of commissioners shall keep Record of bonds.
 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. The county treasurer of said county shall receive all County treasurer to receive proceeds.
 proceeds for the sale of said bonds and disburse the same upon order of said board of commissioners as is now provided by law in case of other bonds coming into his hands by virtue of his

Bond of treasurer.	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.
Compensation.	
Special tax.	SEC. 8. That in case any election held under the provisions of this act shall be in favor of issuing the said bonds, the board of commissioners of said county shall levy and cause to be collected, annually, as other taxes are levied and collected, a tax on all real and personal property, rights and credits, now or thereafter subject to taxation for general purposes in said county, excepting that part embraced within the boundaries of the Rocky Mount Road District and the Number Six Township, or Whitakers Road District, not exceeding fifteen cents on each one hundred dollars worth of property and forty-five cents on each taxable poll in said county, excepting that part embraced within the boundaries of the Rocky Mount Road District and the Number Six Township, or Whitakers Road District, observing the constitutional equation in the levy thereof for the purpose of paying the principal and interest on said bonds.
Limit of rate.	
Constitutional equation.	
Taxes kept separate.	SEC. 9. All moneys collected from the taxes herein authorized to be levied shall be a separate and distinct fund to be appropriated to the payment, and to no other purpose.
Specific appropriation.	SEC. 10. That this act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1913.

CHAPTER 275.

AN ACT TO ESTABLISH AND CONSTRUCT NEW ROADS IN NANTAHALA TOWNSHIP IN SWAIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Application of act.	SECTION 1. That this act shall apply to the new roads in Nantahala Township, Swain County.
Road tax.	SEC. 2. That the county commissioners of Swain County are hereby authorized and empowered and it shall be their duty to levy a tax of ten cents on the one hundred dollars worth of real and personal property within said township, to be used for the constructing new roads within said township, and that said tax shall be collected in the usual way and shall be kept a separate item on the tax lists and receipts. The said county commissioners may use the money already collected for use on the roads in this township for building the new roads in this township.
Rate.	
Money already collected.	

SEC. 3. That Martin Tabor, John Cunningham, and Vance DeHart be and the same are hereby appointed and constituted a board to be known as a board of new roads commissioners of Nantahala Township, whose term of office shall extend for two years. These road commissioners shall always consist of men of opposite political faith, not more than two being of the same political party. They shall hold office until their successors shall be duly appointed by the board of county commissioners of Swain County.

New road commissioners.

Term of office.

Political faith.

Appointment of successors.

SEC. 4. That the board of new roads commissioners shall serve without compensation, except an allowance of one dollar per day for each day they actually attend the sittings of the commission and each day necessarily spent in laying out new roads; and the commission may appoint one or more road overseers to superintend the construction of the new roads. Said overseers may be paid one dollar per day for each day they serve.

Allowance to commissioners.

Overseers.

Pay of overseers.

SEC. 5. That where individuals donate money to be spent in making a new road, it shall be the duty of the county commissioners to furnish two-thirds more money than that donated by the individual.

Appropriation supplementing donations.

SEC. 6. That where the individuals donate labor, it shall be the duty of the county commissioners to furnish two-thirds more labor than that which the individuals donate; and where the individuals donate team labor, it shall be the duty of the county commissioners to donate two-thirds more team labor than that donated by the individuals. The road commissioners shall set the price for team labor, and it shall be sufficient to obtain good team labor.

Labor and teams supplementing donation of labor and team.

Price for team labor.

All labor shall be reckoned by the hour and for the time actually employed at work. All time shall be reported under oath of the overseer.

Labor reckoned by hour.
Fine reported under oath.

SEC. 7. That no overseer who is obtaining pay shall work with less than five men per day.

Minimum squads.

SEC. 8. That the county commissioners shall furnish any and all ammunition needed and all steel necessary. That said steel and ammunition shall be furnished to some one under bond for the purpose of seeing that it is used on said roads or returned to the county commissioners.

Material.

Bond for material.

SEC. 9. That a new road may mean a road that is laid off to take the place of an old road, but it must be more than one-eighth of a mile in length.

Definition of new road.

SEC. 10. That nothing in this act shall be construed so as to prevent any new road from receiving the tax or labor otherwise due it.

Tax and labor.

SEC. 11. The laying out of and discontinuing of roads, paying of damages, and appeals shall be the same as in sections three and four of the Public Laws of Swain County, Acts one thousand nine hundred and eleven.

Matters subject to county road law.

SEC. 12. Should this law be repealed, and there be any money in the county treasury which was collected by this act, it shall be turned into the Nantahala Township school fund.

Balance to school fund.

Meetings of commission.

SEC. 13. The new roads commission shall meet three times per year at the times and places named by their chairman and advertised by him at each schoolhouse in the township thirty days.

SEC. 14. All laws and parts of law in conflict with this act are hereby declared inoperative in Nantahala Township in Swain County.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 276.

AN ACT TO ESTABLISH A SPECIAL COURT IN THE TOWNSHIP OF LEXINGTON, TO BE CALLED THE RECORDER'S COURT OF LEXINGTON, AND TO PRESCRIBE ITS JURISDICTION.

The General Assembly of North Carolina do enact:

Court established.

SECTION 1. That an inferior court, with civil and criminal jurisdiction as hereinafter prescribed, is hereby established to be known and designated as Recorder's Court of Lexington.

Official designation.

Criminal jurisdiction.

SEC. 2. Said court shall have jurisdiction in criminal actions and proceedings as follows:

Matters cognizable before mayor.

(1) Exclusive original jurisdiction of all offenses and misdemeanors consisting of the violation of any ordinance of the town of Lexington, and all criminal actions, matters, and proceedings now cognizable before the mayor of Lexington.

Offenses below grade of felony.

(2) Exclusive original jurisdiction of all other criminal offenses committed within the township of Lexington, in Davidson County, below the grade of felony as now defined by law; and all such offenses committed within Lexington Township are hereby declared to be petty misdemeanors: *Provided*, that if the said recorder's court hereby established shall not take cognizance of any offenses described in this subsection within twelve months after the commission of said offenses, then the Superior Court of Davidson County shall have jurisdiction concurrent with said recorder's court of such offenses.

Petty misdemeanors.

Proviso: jurisdiction of superior court.

Jurisdiction of specified offenses declared petty misdemeanors.

(3) That said court shall have exclusive jurisdiction over the following named offenses committed in Lexington Township, whether such offenses be covered by the preceding sections of this act, or not, to wit: larceny, or receiving stolen goods knowing them to have been stolen, wherein the value of the goods does not exceed twenty dollars, except larceny from the person or from 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) That said court shall have concurrent jurisdiction with the justices of the peace of Davidson County to hear and bind over to the proper court all persons charged with committing any crime above the jurisdiction of a justice of the peace in all the county of Davidson outside of Thomasville Township, with the power to exercise the same jurisdiction in regard thereto as is now given to justices of the peace.

Jurisdiction in preliminary inquiries.

SEC. 3. That the said court shall have jurisdiction to try all actions for the recovery of any forfeited bonds made returnable to said court, and for the recovery of any penalty imposed by law on account of any matters and actions within the jurisdiction of said court, with the power to dispose of the same as now provided by law.

Jurisdiction on forfeited bonds and for penalties.

SEC. 4. Said court shall have jurisdiction in civil matters and proceedings as follows:

(1) Concurrent jurisdiction with justices of the peace in all actions, matters, and proceedings which are now or may hereafter be given to justices of the peace, and arising in Davidson County.

Matters within jurisdiction.

(2) Concurrent jurisdiction with the Superior Court of Davidson County in all civil actions, matters, and proceedings founded on contract wherein the sum demanded shall not exceed five hundred dollars and wherein the title to real estate shall not be in controversy.

In actions on contract.

(3) Concurrent jurisdiction with the Superior Court of Davidson 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.

In actions on torts.

SEC. 5. All warrants in criminal actions and matters shall be issued only upon sworn complaint, and shall be made returnable forthwith. Summons and other civil processes shall be made returnable on the day named therein, and not less than ten days nor more than thirty days from the issuance thereof; and if any of the defendants be a nonresident of Davidson County, the summons shall be returnable in not less than fifteen days from the issuance thereof. The precepts, processes, summons, and warrants may be issued to the sheriff or other lawful officer of Davidson County, to any constable of Lexington Township, or to any police officer of the town of Lexington, in such cases as they are now authorized by law to serve processes; and when given under the seal of said court, the precepts and processes may be issued and directed to the sheriff or other lawful officer of any county in the State of North Carolina, and be executed anywhere within the State. Such officers shall serve the processes and precepts as now required by law. Service by publication of summons or other processes may be made under the rules now provided for service by publication of processes in the Superior Courts or courts

Warrants in criminal matters.

Civil process.

Officers to whom process may issue.

Jurisdiction of process.

Service of process. Service by publication.

of justices of the peace, as may be, and the said court shall have full authority in all cases to which jurisdiction is given it under this act to issue the usual proceedings of attachment, arrest and bail, and claim and delivery, as now provided by the law for the issuance thereof.

Procedure in criminal matters.

SEC. 6. The procedure in all criminal matters in the said court shall follow the rules and principles laid down in the chapter on Criminal Procedure in the Revisal of one thousand nine hundred and five, and amendments thereto, in so far as the same may be allowed by this court as established by this act.

Procedure in civil matters.

SEC. 7. The rules of procedure and practice for the courts of justices of the peace and Superior Courts, as set forth in the Revisal of one thousand nine hundred and five, and amendments thereto, shall be followed by said court in the trial of actions within the jurisdiction of the justices of the peace and the Superior Court, respectively, except in so far as the said rules are changed by this act, and shall not be necessary for the procedure of the said court.

Pleadings.

SEC. 8. The pleadings in civil actions before the court that are now within the jurisdiction of a justice of the peace may be oral or written, but the judge of the court may at his discretion require written pleadings in all cases; and in all cases within the jurisdiction of said court that are now within the jurisdiction of Superior Court all pleadings shall be written and the complaint shall be filed at least five days before the return day of the summons and the answer shall be filed on the day set for trial; however, the judge may grant further time to file pleadings.

Time for filing complaint and answer.

Sessions of court.

SEC. 9. The recorder's court of Lexington shall be open at all times for the dispatch of business; and the judge, if the business requires it, shall hold daily sessions at the courthouse or other public place in the town of Lexington, North Carolina.

Enforcement of judgments. Docketing judgments.

SEC. 10. Judgments of said court may be enforced by execution therefrom, and transcript of the same may be docketed in the Superior Court of Davidson County, and shall then become judgments of the Superior Court as now provided by law for executions and transcripts of judgments in the courts of justices of the peace.

Power to bind over.

SEC. 11. In all cases heard by said court, of which the court is without final jurisdiction and in which the court shall find probable cause of guilt, such person or persons, defendants, shall be bound in suitable bond with sufficient surety to appear before the Superior Court of Davidson County for trial, and the said recorder's court of Lexington shall have power to grant continuance and take bonds in such cases of defendants to appear before him as now provided by law, and in default of any such bond, defendants shall be committed to the Davidson County jail until trial.

Committal in default of bond.

Punishments.

SEC. 12. Any person convicted in the said court of any offense shall pay all costs of prosecution and be fined or imprisoned, or

both, according to law: *Provided*, that the said court shall not have jurisdiction to impose a sentence of imprisonment for a longer term than two years; and in all cases when a sentence of imprisonment is imposed, said court shall sentence the defendant to imprisonment in the common jail of Davidson County, to be worked on the public roads of Lexington Township until such sentence is served; and any defendant sentenced to pay fine and costs in default of the payment of same may likewise be sentenced to the common jail of Davidson County, to be worked on the public roads of Lexington Township, as now provided by law.

Proviso: limit of imprisonment.

Sentence to road work.

SEC. 13. In all cases there shall be right of appeal from the judgment of said court by the defendant in criminal actions, and by either plaintiff or defendant in civil actions. Each appeal in criminal actions must be taken at once, and in civil actions within ten days from the entry of judgment. Such appeals shall be to the Superior Court in Davidson 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 with the procedure now obtaining in courts of justices of peace, as far as practicable.

Right of appeal.

Time for appeals.

Trial on appeal.

Proceedings on appeal.

SEC. 14. A fee for issuing any warrant or other processes returnable to said recorder's court for trial shall be fifty cents. Witnesses attending said court shall be entitled to fifty cents per day and mileage at five cents per mile each way, but only such witnesses shall be allowed to prove attendance and receive pay as are now allowed to prove in the Superior Court. In each action, civil or criminal, now within the jurisdiction of the 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 the clerk of this court, for payment of the judge, as hereinafter provided; and there shall also be taxed in each criminal action now within the jurisdiction of a justice of the peace the sum of one dollar, and for other offenses the sum of two dollars for each person convicted, to be paid to the prosecuting attorney provided for in this act. Except as above provided, the respective officers shall be entitled to the same fees as now provided by law in similar cases. The jail fees of any prisoner held in custody shall be taxed as part of the costs and paid to the Treasurer of Davidson County. Costs in all actions, civil and criminal, in said court shall be payable and collectible as now provided by law, and the judge of said court shall have full power as to taxing bills of cost and the respective items thereof, under the practice now obtaining in the Superior Court in respect to such matters.

Fees.

Witnesses.

Fee for trial and judgment.

Fee of prosecuting attorney.

Other fees.

Jail fees.

Collection of costs.

SEC. 15. In all criminal actions which are not 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, and

Half costs paid by county.

from whom no costs are collected, the county shall pay one-half the costs as now provided by law; however, in no case to include the fee provided for prosecuting attorney.

Monthly settle-
ment of fines. SEC. 16. All fines collected in said court shall be paid to the Treasurer of Davidson County, and monthly, and the clerk of said court shall keep a record of same.

Court of record. SEC. 17. That the recorder's court of Lexington shall be a court
Seal of court. of record, and shall have its seal, having on it the words "The
Dockets, files, and Recorder's Court of Lexington, N. C.," and there shall be kept
records. by said court dockets, files, and records of all proceedings in said
court, conforming as nearly as possible to the records of the pro-
ceedings in the Superior Court; and the Clerk of the Superior
Clerk of court. Court of Davidson County shall *ex officio* perform the duties and
receive the emoluments in recorder's court of Lexington, similar
to the duties performed and the fees received in the Superior
Court, except that in trial of civil actions within the jurisdiction
of a justice of the peace only fees provided by law to be taxed by
justices of the peace are to be paid, except as otherwise provided
in this act.

Judge named. SEC. 18. That P. V. Critcher of Lexington be and is hereby
Term of office. named as judge of the recorder's court of Lexington for the term
beginning on the fifteenth day of March, one thousand nine hun-
dred and thirteen, and ending the first Monday in December, one
thousand nine hundred and fourteen; and that J. F. Spruill of
Prosecuting attorney. Lexington, North Carolina, shall be prosecuting attorney for said
court from the fifteenth day of March, one thousand nine hundred
and thirteen, until the first Monday of December, one thousand
Term of office. nine hundred and fourteen.

Qualifications for SEC. 19. The judge of said court shall be an elector in Lexing-
judge. ton Township in Davidson County and shall be a man of good
moral character and learned in the law, and shall be elected by
Election. the people of Lexington Township at the election to be held for
the election of members of the Legislature in said township in
November, one thousand nine hundred and fourteen, and shall
Term of office. hold office for two years and until his successor is elected and
qualified, his first full term to begin on the first Monday of De-
cember, one thousand nine hundred and fourteen; and the prose-
cutor attorney for said court shall be a practicing attorney and
Qualifications for a qualified elector, residing in Lexington Township, and shall be
prosecuting attorney. elected at the time provided for the election of the judge of said
court, and his term of office shall be the same as that of the judge.

Election and term
of office. In case of vacancy in either the office of judge or prosecuting
attorney of the said court, the same shall be filled by the board
of commissioners of Lexington and the justices of the peace of
Lexington Township in joint session. At such meeting the mayor
of Lexington shall preside, and a meeting shall be called by the
Mayor of Lexington
to call meeting and
preside. mayor of Lexington whenever necessary. Whenever the said
Temporary trial
justice. judge shall be unable, on account of sickness or a temporary

absence or other temporary cause, to preside over said court, he shall in writing appoint some other person learned in the law to act as temporary trial justice, with all the powers and duties of the trial justice, and who is to be paid by the trial justice. Whenever for any reason the prosecuting attorney is temporarily absent, the judge of the court shall appoint some other practicing attorney residing in Lexington to act as prosecuting attorney. The prosecuting attorney shall represent the State in all criminal actions tried in said court.

Temporary prosecuting attorney.

SEC. 20. The prosecuting attorney shall receive for his services the fees provided by this act.

Fees of prosecuting attorney.

SEC. 21. The clerk of this court shall keep a record of all sums received as costs, including the amount taxed as provided in this act for trial fees, and shall monthly, on the fifteenth day of every month, pay out of the same, not otherwise appropriated, to the judge of said court the sum of forty dollars per month, and should there be a surplus remaining, the same shall be paid one-half to the treasurer of the town of Lexington for the purposes of the town and the other half to the Treasurer of Davidson County for county purposes; and should the said sums collected as aforesaid be insufficient to pay the said judge the sum mentioned, then the deficiency shall be paid, one-half by the board of commissioners of Lexington and the other half by the board of commissioners of Davidson County. Should the fees received as provided for in this act exceed the salary of the judge provided for, then the board of commissioners of Lexington and the board of commissioners of Davidson County, in joint session, may increase the compensation of the said judge, however, not to exceed sixty dollars per month; and for the said purpose are authorized to meet in joint session, to be presided over by the mayor of Lexington.

Clerk to keep record of costs.

Salary of judge from costs.

Division of surplus.

Deficiency.

Increase of salary.

SEC. 22. That the judge of said court shall not, by reason of his office, be prohibited from practicing the profession of attorney at law in the other courts of this State, except as to matters connected with or growing out of said recorder's court of Lexington; and the said judge and prosecuting attorney, before entering upon their duties, shall take and file the usual official oaths.

Judge may practice law.

Judge and prosecuting attorney to qualify.

SEC. 23. The first session of said court shall be held on Saturday, the fifteenth day of March, one thousand nine hundred and thirteen.

First session of court.

SEC. 24. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1913.

CHAPTER 277.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COURT
STENOGRAPHERS FOR WAYNE COUNTY.

The General Assembly of North Carolina do enact:

County commis-
sioners to employ
stenographers and
fix compensation.

Stenographer to
qualify.

Matters to be
taken by stenog-
raphers.

Judge not
required to take
votes.
Notes read to jury.

Copies in cases
appealed.

Case on appeal.

Charge for case on
appeal.

Tax fee to use of
county.

SECTION 1. That it shall be the duty of the board of commissioners of Wayne County to employ a stenographer or stenographers for Wayne County Superior Court to attend all the regular and special terms of said court for the trial of civil cases, and said board shall fix the compensation therefor, to be paid out of the county treasury; and such stenographer shall take and subscribe an oath faithfully, correctly, honestly, and conscientiously to discharge the duties of the office of court stenographer as prescribed by this act.

SEC. 2. Such stenographer shall take full stenographic notes in every civil case tried or heard during any term of said Superior Court 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 exceptions 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 shall take notes of all documentary evidence introduced by either party, and of all other proceedings such as the court may direct. The judge shall not be required to take any notes of the evidence in such cases; and whenever required by the judge, the stenographer shall read the notes to the jury.

SEC. 3. In all cases on appeal to the Supreme Court, and in all other cases when ordered by the judge presiding, said stenographer shall, as soon as practicable, furnish to the judge presiding and counsel for each party one typewritten copy of the entire record as reported by him. 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 five cents per copy-sheet shall be made by the 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. 4. To reimburse the county for the expenditure required by this act, there shall be taxed by the clerk of the court and paid to the county treasurer a fee of three dollars as a part of the costs in all civil actions tried or disposed of by said court; and in all civil cases tried or disposed of by said court in which there shall be an appeal to the Supreme Court there shall be, in addition to the said fee of three dollars herein provided to be taxed, a fee of five cents per copy-sheet for one copy of the entire record as reported by said stenographer, which shall be taxed as a part of the costs in such cases.

SEC. 5. Whenever it shall become necessary in any court in the State to prove the testimony of a witness at the trial of any former civil case in Wayne County, the certified typewritten 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.

Use of certified copy as evidence.

SEC. 6. This act shall be in force from and after its ratification. Ratified this 3d day of March, A. D. 1913.

CHAPTER 278.

AN ACT TO RATIFY THE ACTS OF THE BOARD OF COMMISSIONERS OF NASH COUNTY IN CALLING ELECTIONS FOR THE ISSUE OF BONDS FOR THE BUILDING AND IMPROVEMENT OF THE PUBLIC ROADS OF RED OAK AND COOPERS TOWNSHIP, IN NASH COUNTY, AND FOR OTHER PURPOSES.

Whereas, by section eighteen of chapter four hundred and fifty-one, Public-Local Laws of North Carolina, enacted at the General Assembly of one thousand nine hundred and eleven, the board of commissioners of Nash County are authorized and directed to issue bonds for certain different townships in Nash County, among them being the following, in amounts as follows, to wit: for Coopers Township, fifteen thousand dollars (\$15,000); for Red Oak Township, ten thousand dollars (\$10,000), the said bond issue for the purpose of grading, building, and improving the public roads of said townships, but the bonds to be issued only provided a majority of the qualified voters of such townships shall authorize the same in elections to be held as provided in said act; and whereas, in publishing the notice of the election for Coopers Township, which notice was given by order of the board of commissioners of Nash County at its regular meeting on the first Monday in February, one thousand nine hundred and twelve, the qualified voters of Coopers Township were by the error of the printer of the paper in which the notice appeared required to take notice of election for the issue of ten thousand dollars (\$10,000) of bonds for the purposes of building, repairing, and improving the public roads of Coopers Township, instead of fifteen thousand dollars (\$15,000) of bonds as authorized by section eighteen of said act; and whereas, by section twenty-one of said act, the county commissioners of Nash County are directed to call the elections provided for in said chapter not later than the fifteenth day of May, one thousand nine hundred and eleven, with the further provision authorizing, empowering, and directing them, in their discretion, and in the event of the failure of the first election, "to resubmit

Preamble: bond issues heretofore authorized.

Preamble: error in notice of election.

Preamble: limitation of time for elections.

Preamble: election ordered for later date.

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 provisions of this act relating to the first elections" authorized in said chapter, with and upon the express condition, however, that said other elections shall not be called later than the second Tuesday in February of any year; and whereas, because of the failure of the majority of the qualified voters of Red Oak and Coopers townships in said county at the first elections to vote favorably upon said bond issue, the board of commissioners of Nash County did, in their discretion and in accordance with the provisions of said act, resubmit the question of issuing bonds in Red Oak and Coopers townships in said county to the qualified voters of said townships in elections called under the same provisions of the act that related to the first elections in said act provided for, except that in calling said elections and resubmitting the question of issuing bonds in said townships as aforesaid the elections were ordered to be held on April twentieth, one thousand nine hundred and twelve, but the order of the said board of commissioners directing said election was made on the first Monday of February, one thousand nine hundred and twelve; and whereas a majority of the qualified voters of both Red Oak and Coopers townships, in and at the elections held in accordance with the said notice and call resubmitting the question, voted for the issue of ten thousand dollars (\$10,000) of bonds in each and both townships for road improvements: Now, therefore,

Preamble: majority of qualified vote for bond issue.

The General Assembly of North Carolina do enact:

Action of commissioners and elections ratified and confirmed.

SECTION 1. That the said action of the board of commissioners of Nash County in resubmitting the question and in calling the elections on the first Monday of February, one thousand nine hundred and twelve, to be held on the twentieth day of April, one thousand nine hundred and twelve, and the holding of said elections and the issue of ten thousand dollars (\$10,000) of bonds for both Coopers and Red Oak townships for road improvement in said townships, as in the above preamble set forth, be and the same is hereby in all respects ratified and confirmed, and is declared to be valid and in accordance with the law, and the bonds when issued and sold thereunder shall be and are binding, valid, and subsisting obligations of the said townships in the proportion of ten thousand dollars (\$10,000) to Coopers Township and ten thousand dollars (\$10,000) to Red Oak Township in said county.

Bonds to be valid.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 279.

AN ACT TO INCREASE THE PAY OF THE COUNTY COMMISSIONERS OF SAMPSON COUNTY.

Whereas the duties of the county commissioners of Sampson County have greatly increased in recent years, owing to the growth of the county and the increase of the county business; and whereas the pay now allowed by law to said commissioners is inadequate: Now, therefore,

Preamble: increase of duties.

Preamble: pay inadequate.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Sampson shall receive the sum of three dollars per day, with mileage at the rate of five cents per mile, as compensation for attending all regular or special meetings of the board and for the actual number of days employed as committee by authority of the board: *Provided*, that mileage shall not be charged except for one day while in attendance at one meeting of the board.

Pay of commissioners.

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 and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 280.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF NASH COUNTY TO ALLOW THE OFFICERS OF SAID COUNTY GIVING BOND AN AMOUNT SUFFICIENT TO PAY THE PREMIUM THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the county of Nash, in the exercise of their discretion, be and they are hereby allowed to pay over and above the compensation and salary allowed to the various officers of said county by chapter three hundred and forty-four of the Public-Local Laws of one thousand nine hundred and eleven, an amount sufficient to pay the premium or premiums to the bonding or surety company or companies on the full amount of such official bonds as may be required of them by law or the board of commissioners of said county.

Allowance authorized.

Amount.

SEC. 2. That if the board of commissioners of Nash County shall decide to make allowance for the payment of such premiums on the official bonds required to be given as aforesaid, then in such

Officers to render statement of premiums.

case it shall be the duty of such officer or officers required to give bond or bonds, and to whom allowance is made for the payment of the premiums aforesaid, to render to such board of commissioners a statement of all premiums paid by him or them in order to secure the official bonds as aforesaid, such statement to be rendered each and every year or as often as the bond is required of said officer or officers by law or the said board of commissioners.

Voucher for amount of allowance.

SEC. 3. That the board of commissioners of Nash County, if they decide to allow the payments of such premium or premiums over and above the salary now allowed by law, then in such case it shall become the duty of said board of commissioners to issue a voucher, warrant, or order on the treasurer of said county, payable to the said officer, to cover the amount of said premium as above stated, and the said voucher, warrant, or order shall be paid by the Treasurer of Nash County from the general county fund. Said board of commissioners are authorized to allow the payment of the premium aforesaid on such official bonds for each and every year from and after the first Monday in December, one thousand nine hundred and twelve.

Payment of voucher.
Allowance annual.

SEC. 4. That the board of commissioners of the said county of Nash may, in the exercise of their discretion as aforesaid, allow the payment of premiums on the official bond of one, more, or all of the said county officers, as they may think best, and may also allow only a part and not all of the payment of said premium or premiums from said general county fund.

Full discretion granted commissioners.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1913.

CHAPTER 281.

AN ACT TO AMEND CHAPTER 620 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO PRIMARY ELECTIONS IN WAKE COUNTY AND THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

SECTION 1. That sections one and two of chapter six hundred and twenty of the Public-Local Laws of one thousand nine hundred and eleven be stricken out, and that there be inserted in lieu thereof the following:

Nominations of candidates.

“SECTION 1. The nomination of all candidates of political parties as hereinafter defined in Wake County and the city of Raleigh for the election of county, city (including police justice), and township officers, and the election of party precinct committeemen and delegates to the respective county conventions of the respective political parties shall be made in the manner provided in this act.

"SEC. 2. All nominations for members of the General Assembly and all elections of delegates to county conventions and of 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 primary election.

SEC. 2. That said chapter six hundred and twenty of the Public-Local Laws of one thousand nine hundred and eleven be further amended by inserting between sections four and five thereof the following:

"SEC. 2½. The nominations for State offices, Member of Congress, judicial offices, and solicitor, and of all other offices than those herein mentioned, shall be made according to the plan of organization and rules provided by the proper authorities of the different political parties." Nominations for other offices.

SEC. 3. By inserting after the word "act" and before the word "shall," in line one of section twenty-nine, the following words: "except candidates for delegate to the county convention." Return of expenditures.

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 3d day of March, A. D. 1913.

CHAPTER 282.

AN ACT TO ANNUALLY EXCUSE OR EXEMPT ALL PERSONS IN ANSON COUNTY, REQUIRED TO WORK THE PUBLIC ROADS IN SAID COUNTY BY SECTION 2725 OF THE REVISAL OF 1905, WHO SHALL ON OR BY THE FIRST DAY OF APRIL OF EACH YEAR PAY TO THE OVERSEER OF THE SECTION OF ROAD TO WHICH THEY SHALL BE ASSIGNED TO WORK THE SUM OF \$4, AND TO PROVIDE THAT THE OVERSEERS BE PAID \$2 PER DAY FOR THE TIME THEY ARE ENGAGED IN SUPERVISING THE WORKING OF THE ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons in Anson County, required to work the public roads by section two thousand seven hundred and twenty-five of the Revisal of one thousand nine hundred and five, who shall on or before the first day of April of each year pay the sum of four dollars to the overseer of the section of road to which they were assigned to work, shall annually be excused or exempt from working the public roads of Anson County as required by section two thousand seven hundred and twenty-five of the Revisal of one thousand nine hundred and five, and those persons failing to pay the said sum of four dollars as above set out Commutation.

Time for payment.	shall be required to work said roads as now provided by law for every year that they shall fail to pay said sum on or by the first day of April of each year.
Report and pay of supervisors.	SEC. 2. That the overseers shall, at the August meeting of the board of supervisors of the township, report all moneys collected by them under the preceding section, and shall each be paid or allowed out of the moneys collected by him the sum of two dollars per day for the time actually engaged in supervising the working of the roads. The balance of the moneys collected under the preceding section shall be expended by the overseer collecting the same to the best advantage on the section of road to which he was assigned, and he shall report to the board of supervisors at their next meeting after expending said moneys or any part thereof, with a statement as to how the same was expended.
Expenditure of balance.	
Report of expenditures.	SEC. 3. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1913.

CHAPTER 283.

AN ACT RELATIVE TO CERTAIN CONVICTS IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Convicts to Rocky Mount district.	SECTION 1. That all persons convicted of crime and given a road sentence for a crime committed within the territory now or hereafter embraced within the Rocky Mount Road District shall be sentenced to the roads of said district.
Convicts to other roads.	SEC. 2. That all other persons convicted of crime committed in said county of Edgecombe and given a road sentence shall be sentenced to the other public roads of Edgecombe County.
	SEC. 3. That this act shall be in force from and after its ratification.
	Ratified this 3d day of March, A. D. 1913.

CHAPTER 284.

AN ACT TO TAX DOGS IN ALAMANCE COUNTY AND MAKE THEM SUBJECTS OF LARCENY.

The General Assembly of North Carolina do enact:

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

SEC. 3. That said tax shall be paid to the Sheriff of Alamance County as provided for the payment of other taxes. Payment of tax.

SEC. 4. *Provided*, that the proceeds raised from the collection of said taxes shall be turned over to the Treasurer of Alamance County, and that the commissioners of said county shall, upon evidence of damage to sheep satisfactory to them, order paid out of said tax such damage; and the balance of said tax shall be placed to the use of the public schools of said county. Proviso: proceeds of tax.

SEC. 5. That any person failing to list any dog as required by this act, or keeping a dog not so listed, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars or imprisoned not more than thirty days. Keeping unlisted dog misdemeanor. Punishment.

SEC. 6. That it shall be unlawful for any owner or any 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, except said dog be under the absolute and immediate control of its master; and any person permitting a dog to run at large in violation of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars or imprisoned not more than thirty days. Dogs running at large forbidden. Misdemeanor of owner. Punishment.

SEC. 7. That this act shall apply to Alamance County only. Application of act.

SEC. 8. That all laws or sections of laws in conflict herewith are hereby repealed.

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

Ratified this 3d day of March, A. D. 1913.

CHAPTER 285.

AN ACT TO APPOINT WILLIAM H. LEWIS A JUSTICE OF THE PEACE, AND PERMIT HIM TO PRACTICE LAW WHILE HOLDING SUCH OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. That William H. Lewis be and he is hereby appointed a justice of the peace for Gastonia Township, in the county of Gaston, for a term of six years. His term of office to begin upon the passage of this act and upon his qualification by taking the oath of office. Appointment. Term of office.

SEC. 2. That the appointment of the said William H. Lewis and his acceptance and qualification as a justice of the peace in and for said township and county shall in no wise affect his right to practice as an attorney at law in the various courts of Gaston Right to practice law.

Proviso: limitation
of jurisdiction.

County, and the courts of the State, as he is now permitted to do, except in such cases as have been appealed from the court of the justice of the peace over which he presided or took part: *Provided*, that he shall not be permitted to preside as a justice of the peace in any case in which he has been retained or consulted as an attorney at law.

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

Ratified this 3d day of March, A. D. 1913.

CHAPTER 286.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF EDGECOMBE COUNTY TO SUBMIT TO THE VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF BUILDING BRIDGES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Call of election
directed.

Bond issue to be
voted on.
Amount.

Special tax.

Notice of election.

Proviso: further
elections.

Law governing
elections.

Proviso: election
officers.

Proviso: new regis-
tration.

SECTION 1. That the board of commissioners of Edgecombe County be and it is hereby authorized, empowered, and directed to submit to the qualified voters of Edgecombe County at an election to be held in said 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 Edgecombe shall issue and sell bonds in sums not to exceed one 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 to be used for the purpose of providing funds for the construction of steel, iron, or other durable bridges on public roads over Tar River and other streams in 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 purposes thereof, by publication in one or more newspapers published in said county: *Provided*, that if the majority of voters in said election 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.

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 the 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.

Registration and challenges of voters.

Count and return of vote.

Canvass and record of returns.

SEC. 3. That at said election the ballots tendered and cast by the qualified voters shall have written or printed upon them "For Bridge Bonds" or "Against Bridge Bonds," and all qualified electors who favor the issuing of said bonds for the purpose aforesaid, and the levy of said tax, shall vote "For Bridge Bonds," and all qualified electors opposing the issuing of said bonds and the levy of said tax as herein provided shall vote "Against Bridge Bonds."

Ballots.

SEC. 4. That in the event that the majority of votes cast in any such election held under the provisions of this chapter shall be cast "For Bridge Bonds," the result shall be declared and recorded as aforesaid, and the board of county commissioners of Edgecombe 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; and of the principal of said bonds, two thousand dollars thereof shall be due and payable on the first day of January in the fifth year next after the first issue of any bonds issued under the provisions of this act, and a like sum of two thousand dollars on each recurring first day of January thereafter until the principal of said bonds shall be paid; the said bonds shall bear interest from their date at a rate of five per cent per annum, payable on the first day of January and July of each year until said bonds are paid, and to be of such form and tenor, and transferable in such way, and payable at such place or places as the board of county commissioners may determine: *Provided*, 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. Said bonds shall be numbered consecutively and 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 attested by the official seal of said county.

Issue of bonds if authorized.

Amount.

Denomination.

Maturity.

Interest.

Proviso: bonds issued as required.

Authentication.

SEC. 5. That said board of commissioners shall make sale of said bonds in such way and after such advertisement as the said commissioners shall deem best: *Provided*, no bonds issued under the provisions of this act shall be sold or otherwise disposed of for less than par and the accrued interest thereon.

Sale of bonds.

Proviso: sale below par forbidden.

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 therein provided for may be seen and easily ascertained. Said book shall, at all reasonable times, be open to any taxpayer in the county.

Books open for inspection.

Receipt and disbursement of proceeds.

SEC. 7. The county treasurer of said county shall receive all proceeds for the sale of said bonds and disburse the same upon order of said board of commissioners as is now provided by law in case of other bonds 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.

Bond and compensation of treasurer.

Special tax.

SEC. 8. That in case any election held under the provisions of this act shall be in favor of issuing said bonds, the board of commissioners of said county shall levy and cause to be collected, annually, as other taxes are levied and collected, a tax on all real and personal property, rights and credits now or hereafter subject to taxation for general purposes, not exceeding ten cents on each one hundred dollars worth of property, and thirty cents on each taxable poll, observing the constitutional equation in the levy thereof, for the purpose of paying the principal and interest on said bonds.

Limit of rate.

Constitutional equation.

Fund kept separate.

SEC. 9. All moneys collected from the taxes herein authorized to be levied shall be a separate and distinct fund to be appropriated to the payment, and to no other purpose.

Specific appropriation.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 287.

AN ACT FIXING SALARIES FOR THE PUBLIC OFFICERS OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Township deputies.

Fees and commissions.

SECTION 1. The Sheriff of Halifax County may appoint one or more deputies 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: *Provided*, nothing herein shall excuse the sheriff from serving executions and accounting for all fees and commissions thereon. Provido: executions served by sheriff.

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; and the sheriff shall receive and account for five per cent commissions on all taxes collected by him as heretofore, regardless of any other provisions of the general law reducing sheriffs' commissions. Fees and commissions to be collected and turned over. Commission on tax collections.

SEC. 3. The sheriff shall appoint a jailer, whose salary shall be fixed by the board of county commissioners: *Provided*, that such salary shall not be more than sixty dollars per month. Appointment and salary of jailer.

SEC. 4. The said sheriff shall receive a salary of fifteen hundred dollars per annum, in lieu of all other compensation whatsoever, and may appoint one deputy at a salary to be fixed by the board of county commissioners: *Provided*, that said salary shall not be less than six hundred dollars per annum: and *Provided further*, that the bond of the sheriff shall be paid for out of the fund hereinafter created. Salary of sheriff. Appointment and salary of deputy. Bond of sheriff.

SEC. 5. 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 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. Officers to collect and turn over fees.

SEC. 6. The clerk of the Superior Court shall receive a salary of two thousand two hundred and fifty dollars per annum in lieu of all other compensation whatsoever, and shall be allowed a sum of six hundred dollars per annum for clerk hire and assistants: *Provided*, he shall be paid only such part thereof as shall actually be expended for clerk hire and assistants. Salary of clerk of superior court. Allowance for assistants.

SEC. 7. The register of deeds shall receive a salary of two thousand two hundred and fifty dollars per annum in lieu of all other compensation whatever, and shall be allowed the sum of fifteen hundred dollars per annum for clerk hire and assistants: *Provided*, he shall be paid only such part thereof as shall be actually expended for clerk hire and assistants. Salary of register of deeds. Allowance for assistants.

SEC. 8. The treasurer of said county shall receive a salary of fifteen hundred dollars per annum in lieu of all other compensation whatsoever. Salary of treasurer.

SEC. 9. The superintendent of public instruction of said county shall receive a salary of fifteen hundred dollars per annum in lieu of all other compensation whatsoever. Salary of superintendent of public instruction.

Officers to perform duties.	<p>SEC. 10. 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 services rendered to the county or State or other governmental agencies, and they shall be liable to all the pains and penalties now or hereinafter provided for failure to perform the duties of their several offices.</p>
Other compensation or allowance forbidden.	
Liability of officers.	
Fund kept separate.	<p>SEC. 11. All the moneys coming into the hands of the Treasurer of Halifax 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 semiannually be paid to the treasurer, to be turned into the general fund for county expenses, except such amount as may come from the school taxes; the part of said fund coming from said school taxes shall be credited to the school fund of the county.</p>
Appropriation of balance.	
Monthly payments.	<p>SEC. 12. The salaries and allowances herein provided for shall be paid by the treasurer of said county, upon order allowed as required by law, to the officers and assistants in monthly installments: <i>Provided</i>, that the allowances may be paid in warrants of irregular amounts according to the needs of the officers for clerk hire and assistants, but shall never exceed for the year the amounts herein provided.</p>
Proviso: payment of allowances.	
Monthly settlements.	<p>SEC. 13. The officers hereinbefore required to turn over to the Treasurer of Halifax County moneys coming into their hands 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 the books and accounts showing all moneys received and turned over to the treasurer under the provisions of this act; and the said board of county commissioners shall appoint some member of their said board, or some other suitable person, to audit and approve monthly the reports of said fees, commissions, profits, and emoluments made by the said county officers to said treasurer, which person shall have the right and power, and it shall be his duty, to examine the papers and books of every kind and description kept by and in the possession of said officers, and to require a full and complete itemized statement to be filed with him for the use of said board of all fees, profits, commissions, and emoluments received, or which should have been received by them, which said report shall be recorded by him, monthly, in a book to be kept by the board for that purpose, and the said officers herein mentioned are hereby directed to keep an itemized statement of all fees, profits, commissions, and emoluments received, or which should have been received by them, in the event that they were paid by such fees, profits, commissions, and emoluments instead of the salaries provided herein. The said board of county commissioners are authorized to pay out of the moneys received by the treasurer</p>
Exhibit of books and accounts.	
Audit of accounts.	
Itemized reports.	
Record of reports.	
Accounts to be kept by officers.	
Payment for audit.	

by virtue of this act such compensation not to exceed twenty-five dollars per month, to the person auditing said accounts, as in their judgment shall be right and proper.

SEC. 14. Any officer, clerk, or assistant hereinbefore 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; and the said board of commissioners are authorized, in the event that any officer shall give bond or undertaking required by law for the faithful performance of the duties of his said office and otherwise conditioned, as required by law, in a bonding or surety company, to pay the charges or premiums for the same out of the fund hereinbefore created.

Failure to collect fees misdemeanor.

Premiums on officers' bonds.

SEC. 15. That if the fund herein created shall not be sufficient to pay the salaries provided in this act, the deficiency shall be paid out of the county fund, except the salary of the superintendent of public instruction, which shall be paid out of the school fund of the county.

Payment of deficit.

SEC. 16. That all laws and clauses of laws in conflict herewith are hereby repealed.

Repealing clause.

SEC. 17. That this act shall be in full force and effect on and after the first Monday in December, one thousand nine hundred and fourteen.

When act effective.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 288.

AN ACT TO FIX SALARIES FOR THE PUBLIC OFFICERS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All fees, commissions, profits, and emoluments of all kinds now belonging or pertaining to or hereafter by any law belonging or appertaining to the Sheriff of Pender 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 turn over fees and emoluments.

SEC. 2. That said sheriff shall receive a salary of fifteen hundred dollars per year in lieu of all other compensation whatsoever, and may appoint one or more deputies at a salary not to exceed one hundred dollars for all deputies that may be appointed.

Salary of sheriff. Deputies.

SEC. 3. The clerk of the Superior Court and the 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.

Clerk of superior court and register of deeds to collect and turn over fees and emoluments.

Salary of clerk of superior court.	SEC. 4. The clerk of the Superior Court shall receive a salary of fifteen hundred dollars per year in lieu of all other compensation whatsoever, and shall be allowed a sum of five hundred dollars (\$500) for clerk hire and his assistance, if in his opinion so much shall be needed.
Clerk hire.	
Salary of register of deeds.	SEC. 5. The register of deeds shall receive a salary of fifteen hundred dollars per annum in lieu of all other compensation whatsoever, and shall be allowed the sum of five hundred dollars for clerk hire and other assistance.
Clerk hire.	
Salary of treasurer.	SEC. 6. The Treasurer of Pender County shall receive a salary of five hundred dollars.
Officers to perform duties.	SEC. 7. The officers hereinafter mentioned shall faithfully perform all the duties of their several offices imposed upon them by law, and shall receive no other compensation or allowances 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.
Other compensation or allowances forbidden.	
Liability of officers.	
Salary fund.	SEC. 8. All the moneys coming into the hands of the Treasurer of Pender County shall be held by him as a separate and distinct fund for the benefit of the county of Pender, to be used by the said county commissioners as other county funds.
Salaries paid monthly.	SEC. 9. The salaries and allowances as 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: <i>Provided</i> , that the allowances may be paid in the warrants of irregular size according to the needs of the various offices, but shall never exceed the amount herein provided.
Proviso: payment of allowances.	
Monthly settlements.	SEC. 10. The officers hereinbefore required to turn over to the Treasurer of Pender County moneys coming into their hands shall make settlement with said treasurer on the first day 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 fees misdemeanor.	SEC. 11. Any officer or clerk or assistant herein mentioned who shall willfully fail or refuse to collect the full fees, commissions, or emoluments of any kind belonging to his office shall be guilty of a misdemeanor.
Repealing clause.	SEC. 12. All laws and parts of laws in conflict herewith are hereby repealed.
Act to be approved by voters.	SEC. 13. None of the provisions of this act shall become operative until the same has been approved by a majority of the electors of Pender County in the following manner: At the general election in one thousand nine hundred and fourteen the election officers shall provide a separate box for the purpose of this act, and each elector who shall be in favor of the provisions of this act shall be allowed to cast a ballot upon which shall be written or printed
Ballot box.	
Ballots.	

the words "For Salary Bill," and the electors who shall oppose the provisions hereof shall be permitted to cast a similar ballot with the words "Against Salary Bill" written or printed thereon. If a majority of the ballots cast shall be for "Salary Bill," then the provisions of this act shall become operative upon the first Monday in December, one thousand nine hundred and fourteen, and all of the officers elected at said election shall be bound by the provisions hereof. If a majority of said ballots be "Against Salary Bill," then this bill shall thereby become utterly void and inoperative. When act effective.

SEC. 14. The size of the ballots in said election shall be regulated by the law for the election of members of the General Assembly, and the result thereof shall be canvassed and declared in the same manner as the election of members of the General Assembly. Law governing ballots and election.

SEC. 15. This bill shall be in force and effect from and after its ratification as to the election herein provided for; but as to all other matters, it shall become operative from and after the first Monday in December, one thousand nine hundred and fourteen. When act effective.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 289.

AN ACT TO AUTHORIZE, EMPOWER, AND REQUIRE THE COMMISSIONERS OF MADISON COUNTY TO KEEP THE COUNTY'S PUBLIC BUILDINGS INSURED.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Madison County are hereby authorized and empowered, and it shall be their duty, to keep at all times the county courthouse, county jail, and the county home for the aged and infirm insured against loss by fire in an amount not less than one-half of the value of said building or buildings. Insurance of buildings directed.
Amount.

SEC. 2. The said board may pay the premiums on such fire policies out of any money they may have on hand not otherwise especially appropriated. Payment of premiums.

SEC. 3. That a violation of the provisions of this act by the board of county commissioners shall be a misdemeanor, and upon conviction shall be punished in the discretion of the court. Violation of act misdemeanor.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 290.

AN ACT TO AMEND SECTION 297 OF THE REVISAL OF 1905.
SO AS TO PERMIT THE COUNTY COMMISSIONERS OF
WAKE COUNTY TO FIX THE AMOUNT OF THE TREASURER'S BOND.

The General Assembly of North Carolina do enact:

Proviso: minimum amount.

SECTION 1. That section two hundred and ninety-seven of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding the following: "*Provided*, the board of commissioners may fix the bond of the Treasurer of Wake County at such sum as they may deem best, not less than thirty thousand dollars, and may increase it at any time."

SEC. 2. This act shall be in force from and after its ratification. Ratified this 3d day of March, A. D. 1913.

CHAPTER 291.

AN ACT TO PROVIDE POLICE PROTECTION FOR ANSONVILLE IN THE COUNTY OF ANSON.

The General Assembly of North Carolina do enact:

Duty and authority of sheriff and deputies.

SECTION 1. That it shall be the duty of the sheriff or deputy sheriff of the county of Anson residing in the village of Ansonville, in the county of Anson, or those appointed by the sheriff for Ansonville Township, who shall reside in said village of Ansonville, and the constable of said township, and he or they or either shall have the power and authority to suppress all disturbances of the peace and good order of the village of Ansonville and the contiguous territory within one-half mile of said village, and to arrest with warrant all offenders against the same; but if such offense be committed in the presence of any officer above named, then such officer may arrest without warrant; and to prevent injury to property in said village or contiguous territory as above set out, the said officers above named, or either of them, shall have authority and power, if necessary in the discharge of their duty, to summon a sufficient number of men to aid in the enforcement of the law, and if any person so summoned shall refuse to assist said officer, said person so offending shall be guilty of a misdemeanor, and be punished as the law directs. Any person arrested under this act shall, as soon as may be practicable, be taken before some justice of the peace in the county of Anson, to the end that he or she may be dealt with as the law directs, and in the meantime and until the case is disposed of, such person

Arrests with warrant.
Arrest without warrant.

Authority to summon posse.

Refusal to assist officer misdemeanor.
Trials.

Detention pending trial.

or persons so arrested may be confined and detained in the guardhouse or calaboose provided for such purpose, unless bail be given according to law; and if there be no guardhouse or calaboose in said village, the citizens may provide one, or a place for the detention of persons so arrested.

SEC. 2. That such officers above named shall have the power and authority in said village of Ansonville and the contiguous territory, within one-half mile of the said village, as policemen in cities and incorporated towns of this State have and exercise.

SEC. 3. That any special officer appointed as hereinafter provided shall, while on duty as such, keep and wear in plain view a metallic badge on which shall be the word "Policeman," except when doing detective work.

SEC. 4. That any person found drunk or staggering from the effects of liquor or drugs, or in an intoxicated condition on the streets or roads or in any public place, cursing or swearing in such a manner as to disturb the peace, or using loud, boisterous, or indecent language in the presence of two or more persons on the public roads or in some public place within the said village or contiguous territory within one-half mile of said village of Ansonville, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned in the county jail not exceeding thirty days.

SEC. 5. That it shall be the duty of the Sheriff of Anson County to appoint some competent person residing in said village of Ansonville a deputy, whose duty it shall be to enforce the provisions of this act.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 292.

AN ACT TO REGULATE HUNTING, KILLING, AND SELLING GAME IN DURHAM, PERSON, AND ORANGE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to kill or hunt quail or partridges or wild turkeys between the fifteenth day of January and the fifteenth day of November of each year.

SEC. 2. That it shall be unlawful for any person to sell quail or partridges: *Provided*, a landowner may sell quail or partridges killed by himself upon his own land; but in case of arrest, proof that he has sold quail or partridges shall be *prima facie* evidence of the violation of the provisions of this act.

Close season for rabbits.

SEC. 3. That it shall be unlawful to hunt or kill rabbits with a gun or other firearms between the fifteenth day of January and the fifteenth day of November of any year.

Violation of law misdemeanor. Punishment.

SEC. 4. That any one 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.

Application of act.

SEC. 5. That this act shall apply to the counties of Durham, Person, and Orange.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 293.

AN ACT TO FIX THE COMPENSATION OF THE COMMISSIONERS OF NEW HANOVER COUNTY AND TO REFUND AND REMIT CERTAIN SUMS AND PAYMENTS RECEIVED BY CERTAIN FORMER AND PRESENT COMMISSIONERS OF SAID COUNTY WHILE ENGAGED IN COMMITTEE WORK AND FOR ATTENDING SPECIAL MEETINGS.

Preamble: payments erroneously drawn.

Whereas certain former and present members of the board of commissioners of New Hanover County have erroneously and unknowingly drawn and received payment, per diem, for adjourned and special meetings of said board, and when engaged in special committee work for said county, as members of the board of commissioners of said county; and whereas the sums so received by such commissioners represent a small payment and inadequate remuneration for the services actually rendered by county commissioners: Now, therefore,

Preamble: remuneration inadequate for service.

The General Assembly of North Carolina do enact:

Payments canceled and remitted.

SECTION 1. That all sums and remuneration received by any of the former or present commissioners of New Hanover County for adjourned or special meetings of the board of commissioners of said county, or for services when engaged in special committee work of said board, be and the same are hereby in all respects canceled and remitted; and in the event any commissioner has repaid to said county any sum or sums so drawn and received by him, the present chairman of the board of commissioners of said county is hereby duly authorized and directed to draw a warrant upon the treasurer of said county, payable to such commissioner or commissioners, for any such amounts so repaid by him or them respectively; the persons who have so overdrawn, and the amounts thereof, being as follows: H. L. Vollers, ninety dollars; M. W. Divine, two hundred and six dollars; J. P. Montgomery,

Payments to be refunded.

Itemized statements.

one hundred and one dollars and fifty cents; W. F. Robertson, seventy-two dollars; J. Van B. Metts, one hundred and thirty-two dollars; and J. T. Kerr, forty-five dollars and twenty cents.

SEC. 2. That on and after March the first, one thousand nine hundred and thirteen, the members of the board of commissioners of New Hanover County shall be paid the sum of three dollars for attending each meeting of the board, whether regular, special, or called, including mileage of five cents per mile for the distance necessarily traveled in going and coming, and any member of said board 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 as is herein allowed said members for attending the meetings of the board, the same to be approved and allowed by said board: *Provided*, that no member shall in any one month receive for all services rendered the county more than twenty-one dollars, exclusive of mileage: and *Provided further*, that this act shall not be construed to interfere in any way with the salary of the chairman of said board as fixed by said board in accordance with law.

Pay of commissioners.

Pay for committee work.

Proviso: limit of per diem.

Proviso: salary of chairman.

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

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 294.

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

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying the indebtedness of Watauga County, incurred for necessary expenses for said county, otherwise than that covered by outstanding bonds, the board of commissioners for the county of Watauga are hereby authorized and empowered to levy a special tax in the years one thousand nine hundred and thirteen and one thousand nine hundred fourteen, not to exceed ten cents on the one hundred dollars worth of taxable property in said county and thirty cents on the poll, the constitutional equation to be observed in said levies.

Special tax authorized.

Limit of rate.

Constitutional equation.

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.

Levy and collection.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 295.

AN ACT TO REGULATE FISHING IN WHITE LAKE, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Fishing except with hook and line forbidden.

SECTION 1. That it shall be unlawful to catch, kill, or destroy fish in White Lake in Bladen County by means of nets, traps, by giggering, by shooting or by any other means or methods, except by hook and line: *Provided*, that set hooks, bobs, and trolls shall be construed as being hooks and lines.

Violation of act, misdemeanor. Punishment.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 296.

AN ACT TO AMEND CHAPTER 433 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF 1911, IN REFERENCE TO THE WORKING OF THE ROADS OF RICH SQUARE TOWNSHIP IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Proviso: entry on land for location and construction.

SECTION 1. That section sixteen of chapter four hundred and thirty-three of the Public-Local Laws of North Carolina of one thousand nine hundred and eleven be amended by adding the following words at the end of said section, to wit: "*Provided, however*, that in opening new highways, widening and straightening old roads and repairing the same, the said board of road commissioners, through its agents, are hereby authorized to enter upon any land in said township and locate and build such highways or roads. If the said board of road commissioners and the owner or owners of said land cannot agree as to the damages, if any, the said board of road commissioners shall, after sixty days after the said highway or road is completed, cause to be summoned five indifferent freeholders of said county, who shall go upon said land and assess damages and benefits under the general road law as it now exists: *Provided further*, that no damages shall be assessed against said board of road commissioners or township in any amount greater than double the amount of the tax valuation of the land used for said purposes: *Provided further*, that before entering upon lands as authorized by this sec-

Procedure for assessment of damages.

Proviso: limit of assessment.

Proviso: notice to landowners.

tion it shall be the duty of the said board of road commissioners to serve notice upon the owner or owners of said land, notifying them that the highway or road is to be located upon said land under authority of this act.

SEC. 2. That all laws and clauses 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, A. D. 1913.

CHAPTER 297.

AN ACT PRESCRIBING CERTAIN DUTIES TO BE PERFORMED BY THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OF RICHMOND COUNTY AND FIXING HIS COMPENSATION AS CHAIRMAN OF SAID BOARD.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the duties now imposed by law on county commissioners, the chairman of the board of commissioners of Richmond County shall have and exercise, during such time as said board is not in session, a general oversight of the affairs of said county not in conflict with the orders and directions of the board and within the jurisdiction and authority at present conferred by law on county commissioners.

SEC. 2. He shall familiarize himself with the income and expenditures of said county, so as to be able to furnish from time to time such information on these subjects as in his judgment will aid the board in handling all public funds in the most businesslike manner.

SEC. 3. It shall be his duty, during such time as the board is not in session, to act in matters requiring immediate attention relating to the admission, proper care, and discharge of inmates of the County Home, as well as such of the indigent poor as should receive the aid of the county; the repair of the roads and bridges; the preservation of all county property; and all other matters requiring immediate decision and action.

SEC. 4. He shall at all times endeavor to keep himself informed as to the condition of the public roads and the best way of using and expending the means in hand for repairing and working the same. To this end he shall go over and inspect the roads as often and at such times as in his judgment may be practicable and necessary, and shall observe the manner in which the road superintendent and all others employed to work said roads are performing their duties to the public. Section four of chapter four hundred and fifty-six of the Public-Local Laws of one thousand

General oversight of affairs.

Information as to income and expenditures.

Duties when board is not in session.

Information as to public roads.

Office for superintendent of road.

nine hundred and eleven, being "An act to revise and consolidate the road law" of said county, is hereby amended by striking out in said section all after the word "townships," in line seven, down to the word "the," in line thirteen.

Office days.

SEC. 5. The chairman of said board may designate certain days when he will attend at the office of the board in Rockingham, North Carolina, and may be seen by all persons having business about the roads or other affairs of said county.

Purchases for county.

SEC. 6. He shall superintend the purchasing of supplies for said county, and no goods, merchandise, or other supplies shall be bought or contracted for except by him or under his direction.

Reports to board.

SEC. 7. It shall be his duty to report to each meeting of the board all action taken by him since its last meeting in carrying out the provisions of this act, and the board shall make such orders relating thereto as it may deem proper and in accordance with law.

Orders of board.

Disbursements.

SEC. 8. That this act shall not be construed to authorize the treasurer to pay out or disburse any of the funds of said county otherwise than is now provided by law.

Salary.

SEC. 9. That in lieu of the compensation now allowed him as a county commissioner, the chairman of the board of commissioners of Richmond County shall receive a salary of three hundred dollars per annum, beginning January first, one thousand nine hundred and thirteen, and his necessary traveling expenses while going over the public roads.

Expenses.

SEC. 10. 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 3d day of March, A. D. 1913.

CHAPTER 298.

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF PENDER COUNTY TO LEVY A SPECIAL TAX FOR BUILDING BRIDGES AND CAUSEWAYS IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the board of commissioners of Pender County, at the same time and in the same manner as they levy and assess the public taxes of each year, are hereby authorized and empowered to levy annually a special tax in Pender County, not exceeding ten cents on each one hundred dollars of taxable property and thirty cents on each taxable poll for the period of four years, to

Limit of rate.

create a fund for the purposes provided for in this act; and the funds derived from said tax shall be a special fund to be used for this purpose and none other.

Specific appropriation.

SEC. 2. That the board of county commissioners of Pender County be and they are hereby authorized and empowered to appropriate moneys out of the funds derived from section one of this act for the purpose of building bridges and causeways across Black River, North East River, and the smaller streams in Pender County.

Appropriations of funds.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 299.

AN ACT TO CREATE A BOARD OF HEALTH FOR THE COUNTY AND CITY OF DURHAM AND TO PROVIDE FOR ITS ELECTION, AND TO PROVIDE FOR THE ELECTION OF A SUPERINTENDENT OF HEALTH OF SAID COUNTY OF DURHAM AND CITY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham shall, at a joint meeting to be held by them in the courthouse in the county of Durham on the first Monday of April, one thousand nine hundred and thirteen, at twelve o'clock of the day, elect a board of health for the county and city of Durham, which said board shall be composed of seven citizens of said county, at least two of whom shall be practicing physicians located in the city of Durham or Durham County. Three of said seven members shall be elected for a term of two years and so designated at said election, and four of said seven members shall be elected for a term of three years and so designated at said election. At the expiration of the term of the said three members so elected, their successors shall be elected at a joint meeting of the said board of commissioners of the county of Durham and board of aldermen or other governing authorities of the city of Durham for a term of two years. At the expiration of the term of the said four members elected for the term of three years, their successors shall be elected at a joint meeting of the said board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham for a term of two years. The said joint meetings of the board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham for the election of the said members of the board of health shall be held at the courthouse in the city of Durham on the first Monday of April,

Joint meeting.

Date.

Election of board of health.
Composition of board.

Terms of office.

Election of successors.

Dates for meetings.

Clerk of joint sessions. Notice to commissioners and aldermen.	at twelve o'clock of the day. The clerk of the board of commissioners shall be clerk of said joint sessions, and it shall be his duty to notify the board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham of the time and place of holding said joint session at least three days before the time prescribed for said joint session, and it shall be his further duty to immediately notify in writing the persons elected at said joint meeting the terms for which they are elected, and to certify their names to the clerk of the board of aldermen or other governing authorities of said city.
Notice to persons elected.	
Official title of board.	SEC. 2. The board elected as prescribed in section one of this act shall be known and called the board of health of the county and city of Durham, and the members thereof shall hold their offices for the terms prescribed in section one of this act and until their successors are elected; and if any member of said board shall die, resign, remove from said county, or become incompetent to discharge the duties of said office, his successor shall be elected for the unexpired term by the board of health of said county and city.
Vacancies.	
Election of superintendent of health and health officers.	SEC. 3. The said board of health of said county and city of Durham created by this act shall elect the superintendent of health of the county of Durham and the health officer of the city of Durham at the time hereinafter prescribed, and the said officer when elected shall be known as the superintendent of health of the county of Durham and the city of Durham, and shall perform all the duties and have all the powers now prescribed by law, whether by the Public Laws of the State or the Public-Local Laws for the city and county of Durham now imposed upon the superintendent of health of the county of Durham and the health officer of the city of Durham; and he shall likewise be required to enforce all the rules and regulations now prescribed by the board of health of the county of Durham or which may hereafter be prescribed by the board of health of the county of Durham and city of Durham by this act created.
Official title.	
Duties and powers.	
Enforcement of rules and regulations.	
Time of meeting for qualification.	SEC. 4. On the second Tuesday of April, at twelve o'clock of the day following their election, the said board of health shall meet in the courthouse in the county of Durham and elect its chairman and secretary and the superintendent of health of said county and city and fix the compensation of said superintendent of health.
Organization.	
Certificate to county commissioners and aldermen.	It shall be the duty of the said secretary to certify to the board, of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham the names of the persons so elected chairman, secretary, and superintendent of health, and the compensation of the said superintendent.
Duties and powers of board of health.	SEC. 5. The board of health of said county and city created by this act shall be charged with the performance of all the duties and shall be invested with all the powers now prescribed or im-

posed by law for and upon the sanitary committee of said county and the board of health of said city of Durham, or which may hereafter by law be prescribed or imposed.

SEC. 6. The said board of health shall on the first Monday of June of each year submit in writing to the board of commissioners of said county and to the board of aldermen or other governing authorities of said city of Durham, in joint meeting held at the courthouse in the county of Durham at ten o'clock of said day, an estimate of the cost and expense of discharging the duties imposed upon them by law, and enforcing and carrying out the rules, regulations, and ordinances prescribed or enacted for the protection and preservation of the public health, and the payment of the salary of the superintendent of health and of such other employees as it now or may be authorized by law to employ; and it shall be the duty of the board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham, respectively, to appropriate for the use of said board of health such amount of money as may by said board be deemed necessary to pay the salaries, costs, and other expenses authorized by this act. Fifty per cent of the money so appropriated shall be paid by the city of Durham and fifty per cent by the board of commissioners of Durham County, upon such warrant as is hereinafter prescribed, by the respective treasurers of the city of Durham and the county of Durham. The money so appropriated by the said commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham shall be paid by the treasurer of the county of Durham and the treasurer of the city of Durham upon warrants drawn thereupon by the secretary of the board of health, approved or countersigned by the chairman of the said board of health and the superintendent of health; and an itemized statement of such expenses, duly verified by the said secretary, shall be published at the end of each quarter of the year and a copy thereof delivered to the clerk of the board of county commissioners and the clerk of the board of aldermen or other governing authorities of the city of Durham.

SEC. 7. It shall be the duty of the superintendent of health to give his entire time to the duties of his office, and he shall visit at least once during each session or term each public school in the county and city of Durham and instruct them as to the preservation of health. He shall be removable by the board of health, upon notice to him and after hearing, for incompetency or neglect of duty.

SEC. 8. If the chairman of said board, or the secretary thereof, or the superintendent of health, shall misapply or misappropriate any of the money appropriated for the use of the board of health

Date for submitting estimate.

Appropriation.

Payment equally apportioned.

Warrants for payment.

Itemized statements published quarterly.

Exclusive employment of superintendent.
Visit to schools.

Removal for cause.

Misappropriation of money misdemeanor.

by the board of commissioners of the county of Durham or the board of aldermen or other governing authorities of the city of Durham, he shall be guilty of a misdemeanor.

Regular sessions of board.

Special meetings.

Notice of special meetings.

Pay of board.

Extraordinary expense.

Surplus.

Expenses of sanitation.

SEC. 9. The board of health shall meet in regular session at the courthouse in the county of Durham on the first Mondays of May, July, September, November, January, and March of each year, and special meetings of said board may be called by the chairman of said board at such other times as he may designate, and notice of said special meeting shall be mailed to each member of said board by the secretary thereof at least two days before the time appointed for said special meeting. The chairman and secretary of said board shall be paid four dollars a day for each regular meeting they shall attend, and the other members of the said board shall each be paid the sum of three dollars a day for each regular meeting they shall attend, but no per diem shall be allowed for special meeting, which said sum shall be paid out of the moneys appropriated for the expenses of the said board of health. In the event that there shall be an epidemic of disease in the said county or city of Durham which shall create an expense upon the board of health in excess of the amount appropriated by the board of commissioners of the county of Durham and the board of aldermen or other governing authorities of the city of Durham, then it shall be the duty of the chairman of said board of health to report the fact to the said board of county commissioners and the said board of aldermen or other governing authorities of the city of Durham, and request a joint meeting of said boards to appropriate a sufficient amount of money to cover such extraordinary expenses; and in the event of any surplus of appropriation for the expenses of said board of health remaining unexpended at the end of any fiscal year, the same shall be credited upon the appropriations for the next succeeding year.

SEC. 10. Nothing in this act is intended to require or shall be construed as requiring the board of commissioners of the county of Durham to defray any part of the expense of the sanitary department of the city of Durham, or the governing authorities of the city of Durham to defray any expense for sanitation in that part of Durham County beyond the corporate limits of the city of Durham, but such expense of sanitation shall be borne respectively for the city by the governing authorities thereof and for the county outside the city limits by the board of commissioners of the county.

SEC. 11. All laws and parts of laws inconsistent with or in conflict with the provisions of this act are hereby repealed.

SEC. 12. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1913.

CHAPTER 300.

AN ACT TO PAY SPECIAL VENIREMEN WHO DO NOT
SERVE IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all special veniremen in Pender County who at- Per diem.
tend and do not serve shall receive the sum of one dollar per day
and mileage at the rate of five cents per mile. Mileage.

SEC. 2. That in all cases of removal of an action or cause from Payment in causes
an adjoining county, the special veniremen who do not serve shall from other
receive the same pay as prescribed by section one of this act. counties.

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 ratifica-
tion.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 301.

AN ACT TO ESTABLISH A CHAIN-GANG AND FACILITATE
THE WORKING OF THE PUBLIC ROADS OF RUTHERFORD
COUNTY, AND TO REPEAL CHAPTER 417 OF THE PUBLIC-
LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Rutherford County commis-
County shall at their next regular meeting for the purpose of sioners to levy tax.
levying taxes for county purposes, and annually thereafter, levy
a tax of not more than thirty cents on the one hundred dollars Limit of rate.
valuation of all the property subject to taxation in Rutherford
County and not exceeding ninety cents on the poll, the constitu- Constitutional
tional equation to be observed at all times, which said taxes shall equation.
be collected in the same manner as the other taxes are collected Collection.
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 relocation, Specific appropri-
construction, improvement, and maintenance of the public roads ation.
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 convict force.

SEC. 2. That there shall be elected by said board of commis- Election of road
sioners at their first regular meeting in April, one thousand nine superintendent.
hundred and thirteen, or as soon thereafter as convenient, and

annually thereafter at their regular meeting in January, 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; and said superintendent of roads may at any time be 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 said 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 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 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 intrusted 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.

SEC. 3. That it shall be the duty of said superintendent of roads to give his entire time to relocating, 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 file plans and specifications for their improvement, which said semiannual 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 road machinery and other necessary machinery to build and maintain good roads for each township in said county; and if the superintendent of roads, with the approval of the board of commissioners of said county, shall let

Compensation.
Removal for cause.
Vacancy.
Bond of superintendent.
Duty of superintendent.
Supervision and direction of road work.
Monthly reports.
Semiannual reports.
Direct charge and control of road work.
Labor.
Road machinery.
Machinery for contract work.

by contract any or all of the public roads of the townships, he or they may 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 of the public roads, and make their contracts accordingly.

SEC. 4. The board of county commissioners shall provide for the superintendent of the roads an office where he shall file copies of all correspondence, letters, contracts, proposals, plats, blue-prints 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 for superintendent.

Record of accounts and contracts.

Office days.

Field work.

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.

Appointment and pay of guards and employees.

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 and county commissioners, to let by 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

Appointment of township supervisors.

Division of roads into sections.

Plats of sections.

Work let to contract.

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, with the approval of the superintendent of roads and county commissioners, to let 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 Rutherford County to build, maintain, and keep in good repair, free from holes, ruts, and dangerous places, and also well drained, 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 Rutherford 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 Rutherford 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 Rutherford County, and the said contracts shall be binding upon the said county when approved by said board of commissioners. The supervisor and county superintendent of roads shall, from time to time, 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, retaining, however, at all times as much as ten per cent in favor of the county until the work has been completed and accepted; and if the superintendent of roads shall, upon examination of said order and said work, find the same correct and due for work already completed under the contract so made, he shall indorse 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 two dollars per day. Said accounts shall be itemized, signed, and certified as correct by said supervisor and be examined and indorsed by the superintendent of roads before payment.

Contracts to be written.

Specifications of contracts.

Bond of contractors.

Recovery on bonds.

Approval of contracts.

View of and payment for work.

Final payment.

Pay of supervisors.

Approval of 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 work 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 Rutherford 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 Rutherford 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 two dollars per day. The said supervisors shall not employ their own teams or teams of any member of their family for working the public roads or purchase any material for road building from themselves or their families, 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, in 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 paid per day for each, and also a statement of all material purchased and the price paid for same, which statement shall be duly signed and sworn to 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

Work by hired labor.

Specifications of work of supervisors.

Superintendent to visit, direct, and control work.

Price for labor and teams.

Bond of supervisor.

Recovery on bond.

Compensation of supervisors.

Employment of teams.

Failure of duty a misdemeanor.

Punishment.

Record of contracts and accounts. Sworn itemized statements.

Approval of statements.

Payment of accounts.

furnished for the building and maintaining the various roads in said county, find the same correct and no overcharges made thereon, they shall order payment thereof and keep a separate account of same.

Contracts for construction and maintenance.

Specifications of contract.

Contracts to be written.

Bond of contractors.

Recovery on bonds.

Payments on contracts.

Capitation tax in lieu of road work.

Prisoners subject to work on roads.

Care and maintenance of convicts.

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 or 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 Rutherford 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 such sum as the board of commissioners may require, payable to the commissioners of Rutherford County, to faithfully carry out his contract and discharge the duties as imposed upon him by law as contractor for building roads in Rutherford 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 the penalty of said bond in any of the courts of Rutherford County. Such payments upon said contract shall be made by the board of commissioners of said county as the work progresses, and final payment shall not be made until the work upon the roads so contracted for shall be actually done and certified to by the superintendent of roads.

SEC. 10. That all able-bodied male persons of Rutherford County between the ages of eighteen and forty-five shall pay to the road superintendent or the township supervisor or to the county treasurer of Rutherford County the sum of two dollars per annum, to be paid as other taxes, and to be kept in the general road fund of the county, to be expended in the improvement of the road in the township from which it was paid.

SEC. 11. That all persons confined in the county jail under a final sentence of court for crimes or imprisoned for nonpayment of costs or fines, or under a final judgment in case of bastardy or under the vagrant act, all insolvents who shall be imprisoned for nonpayment of costs, all persons who shall be sentenced to the State's Prison for a term of not more than ten years, may be worked on the public roads of the county, as provided in chapter five hundred and eighty-one, Public Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, which acts are hereby made a part of this act and shall apply with full force of law to Rutherford County, and all such convicts shall be fed, clothed, and

otherwise cared for at the expense of said "road fund": *Provided*, Proviso: physical disability. that in case of serious physical disability certified by the county physician, persons convicted in any court may be sentenced to the State's Prison or county jail.

SEC. 12. 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." Convicts from other counties.
Cost of transportation and maintenance.

SEC. 13. 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 Rutherford 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 Rutherford County. Hire of convicts to other counties or to towns.

SEC. 14. That for the purpose of carrying out the provisions of this act, the said superintendent of roads and supervisors, after first consulting the owner or agent of the land from which said material for repairing roads may be 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 fifty dollars or imprisoned or worked on the public roads of the county for not less than ten nor exceeding thirty 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.
Construction of drains or ditches.
Penalty for obstruction.
Collection of penalties: to use of road fund.

SEC. 15. That if any owner of any lands or the agent or agents of such owner having in charge lands from 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 Accounts for material.

Payment of accounts. Right of appeal.	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.
Establishment and change of roads.	SEC. 16. 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 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.
Discontinuation.	
Petition for establishment or change.	
Notice to land-owners.	
Hearing and order on petition.	SEC. 17. 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 Rutherford County for a trial <i>de novo</i> 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
Order a condemnation of land.	
Order for discontinuation.	
Right of appeal.	
Bond on appeal.	

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 is reversed by the trial in the Superior Court.

SEC. 18. Any person who shall obstruct the county superintendent, 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 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 person be aggrieved, and if he and the superintendent of roads, with the approval of the board of commissioners of said county, cannot agree and fix the amount of said 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 three 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. 19. 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. 20. 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

Obstruction of officers misdemeanor.

Punishment.

Obstructing opening of road misdemeanor.

Punishment.

Duty of solicitor.

Procedure for assessment of damages.

Proviso: right of appeal.

Roads dividing townships.

Orders on road funds.

Approval of orders.

Apportionment of road fund.

- Approval of false accounts misdemeanor. 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 inducement 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 shall be of 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.
- Punishment. SEC. 21. 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 without pay, in the courthouse, at the hour of ten o'clock a. m., in the town of Rutherfordton, 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.
- Inducement for use of wide tires. Road funds on hand. SEC. 22. That all money in the hands of the county treasurer on the first Monday in the month of April, one thousand nine hundred and thirteen, to the credit of the road fund of the several townships of the county shall remain to the credit of the 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 the expenses, and all debts contracted by the several townships prior to April first, one thousand nine hundred and thirteen, shall be and remain a separate charge against said townships.
- Width of roads. Debts heretofore contracted. Power to borrow and repay money. SEC. 23. The board of commissioners of Rutherford 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 supervisors for instructions and discussion. Meetings and pay of county commissioners. SEC. 24. The board of commissioners of Rutherford 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.
- Penalty for absence. Road work for nonpayment of road poll tax. SEC. 25. 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 town-

ship 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 fail or refuse to attend 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.

Lists of delinquents.

Warning to delinquents.

Failure to attend and work misdemeanor.

Punishment.

SEC. 26. That immediately upon the passage of this act the Secretary of State shall send a certified copy of this act to the chairman of the board of county commissioners of Rutherford County.

Certified copy of act.

SEC. 27. That chapter four hundred and seventeen of the Public-Local Laws of one thousand nine hundred and eleven is hereby repealed, and all laws and clauses of laws in conflict with this act are also expressly repealed.

Repealing clause.

SEC. 28. That this act shall be in force from and after the first day of April, one thousand nine hundred and thirteen.

When act effective.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 302.

AN ACT TO AMEND CHAPTER 913 OF THE PUBLIC LAWS OF 1909, BEING AN ACT TO FIX THE SALARY OF SHERIFF AND PROVIDE FOR COMPUTING TAX LIST IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter nine hundred and thirteen of the Public Laws of one thousand nine hundred and nine be amended as follows: By striking out the words "three thousand seven hundred" in said section six, after the word "of" and before the word "dollars" in line two of said section, and by inserting the words "four thousand three hundred" in lieu thereof.

Salary and allowance to sheriff.

SEC. 2. Amend section twelve of said act by striking out the words "except the receiving of the original tax sheets and computing the same, which shall be done by the register of deeds as heretofore provided by law as a part of the duties of the register of deeds," after the word "books" in line nine and before the word "that" in line twelve thereof.

Completing taxes.

SEC. 3. And further amend said section by striking out the words beginning in line three of said section after the word "out," down to and including the word "deeds," at the end of line five thereof.

Computing tax lists.

SEC. 4. And amend by adding at the end of said section the following: "and all of said duties relating to the computing and copying of said tax lists shall perform under the supervision of the board of county commissioners in the auditing department of the county."

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 its ratification, as to the auditor, and after its adoption by the board of commissioners of Craven County as to the increase of the sheriff's salary.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 303.

AN ACT TO CREATE A SUPERINTENDENT OF AGRICULTURE FOR THE COUNTY OF EDGECOMBE.

The General Assembly of North Carolina do enact:

Discretionary power of commissioners.

SECTION 1. That the board of commissioners of Edgecombe County are hereby empowered, if they shall deem it for the best interests of Edgecombe County, to employ some person educated and skilled in agriculture to assist in building up the agricultural interests of the county.

Compensation and term.

SEC. 2. That said board of commissioners shall fix his compensation and the time for which he shall be employed.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 304.

AN ACT TO AMEND CHAPTER 647, PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO THE RECORDER'S COURT OF THE TOWN OF THOMASVILLE.

The General Assembly of North Carolina do enact:

Election of solicitor.

SECTION 1. That chapter six hundred and forty-seven of the Public-Local Laws of the year one thousand nine hundred and eleven be and the same is hereby amended as follows: By adding to section three of the said act the words: "and the board of aldermen of the said town may elect a solicitor for the said court,

whose duty it shall be to prosecute all cases in the name of the State, and the said solicitor shall be allowed a fee of one dollar Fees. for all convictions in said court where the offense charged is within the jurisdiction of a justice of the peace, and two dollars in all other cases, such fee to be taxed as costs in the case: *Provided*, that the board of aldermen may place the said solicitor on a salary not exceeding twenty-five dollars per month, in which event the fees allowed such solicitor shall be paid to the town of Thomasville to reimburse said town for the salaries so paid out." Proviso: salary of solicitor.

SEC. 2. Amend by striking out the word "two," in line three of section sixteen, and inserting in lieu thereof the words "two and one-half." Tax fee.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 305.

AN ACT TO PROVIDE FOR THE DIVISION OF FUNDS FOR ROAD IMPROVEMENT IN CHARLOTTE TOWNSHIP, MECKLENBURG COUNTY, AND PROVIDING HOW THE WORK OF THE TRUSTEES OF SAID TOWNSHIP SHALL BE DONE.

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of Charlotte Township, Mecklenburg County, North Carolina, shall spend on the public highways within the corporate limits of the city of Charlotte, North Carolina, two-thirds of the funds available for road improvement in said township. Apportionment of funds.

SEC. 2. That the work to be done by said trustees within said corporate limits of the city of Charlotte shall include grading and the laying of water-bound macadam, to be treated thereafter with such binder as the board of aldermen or other governing body of the city of Charlotte shall approve, and shall also include the repairing and resurfacing of macadam roads and binder already laid. Work in city of Charlotte.

SEC. 3. That highways to be so improved and repaired by said trustees shall be designated by the board of aldermen or other governing body of the city of Charlotte. Selection of highways.

SEC. 4. That section two of chapter six hundred and ninety-one of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed. Specific repeal.

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

SEC. 6. That this act shall be in force from and after the first day of July, A. D. one thousand nine hundred and thirteen. When act effective.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 306.

AN ACT TO AMEND CHAPTER 452 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO SALARIES FOR THE COUNTY OFFICERS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Pay of deputy sheriffs.

SECTION 1. That section one of chapter four hundred and fifty-two of the Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, be amended by striking out the word "shall," in line six, and inserting in lieu thereof the following: "may, in the discretion of the board of county commissioners"; and by adding after the word "commissioners," in lines eight and nine of said section, the following: "*Provided*, that the board of commissioners for said county of Wake may allow said deputies, instead of two and one-half per cent, or other per cent, upon such taxes as they may be authorized to collect and do collect, such compensation therefor for each receipt given by a deputy to a taxpayer for taxes collected by him as said board of commissioners may deem reasonable and just, said compensation to be paid out of taxes so collected, upon approval of the board of county commissioners for said county."

Jailer and office deputy.

SEC. 2. That section three of said chapter four hundred and fifty-two of the Public-Local Laws, session one thousand nine hundred and eleven, be amended by striking out the word "seventy-five," in line two, and inserting in lieu thereof the words "eighty-three and one-third."

Deputy clerk of superior court.

SEC. 3. That section five of said chapter four hundred and fifty-two of the Public-Local Laws of one thousand nine hundred and eleven be amended by striking out the word "seventy-five," in line eight, and inserting in lieu thereof the words "eighty-three and one-third."

Auditor.

SEC. 4. That section thirteen of said chapter four hundred and fifty-two is hereby amended by striking out of line three the words "one thousand seven hundred and fifty dollars per annum," and inserting in lieu thereof the following: "two thousand dollars a year, payable monthly."

Duties of auditor in regard to tax lists.

SEC. 5. That section fourteen of chapter four hundred and fifty-two of the Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, is hereby amended by striking out all of said section down to and including the word "taxes," in line six of said section, and inserting in lieu thereof the following: "It shall be the duty of the auditor of Wake County to do and perform all duties required by law of the register of deeds of said county of Wake relative to making out tax lists, computing taxes, copying tax lists, making abstracts and returns; and he shall supervise and direct the listing of all taxes levied in said county; and shall perform all the duties required by the laws of

the register of deeds of said county relating to tax listing and taxes; and shall do and perform all the duties that are or may be required by law of a county assessor of taxes for said county of Wake."

SEC. 6. That the board of county commissioners for Wake County may, in its discretion, allow to deputy sheriffs and constables such per diem as they may deem just, not to exceed two dollars per day, for conveying prisoners to and from the county jail or place of punishment; or compensation for necessary expenses of guard and other expenses of keeping and conveying prisoners to or from jail or place of punishment; and in all criminal cases there shall be taxed as a part of the costs a charge of two dollars for conveying a prisoner to the county jail, and the same shall be taxed and payable as other costs are now or may be taxed in criminal cases.

Allowance for conveying prisoners.

Tax fee for conveyance of prisoners.

SEC. 6a. That no fees, salary, or compensation or other charges, other than are provided for in and fixed by said chapter four hundred and fifty-two, shall be audited or paid out of the general county fund or road fund of Wake County by the treasurer of said county, except by and with the authority, consent, and approval of the board of commissioners for Wake County.

Payments of fees, salary, or compensation to be approved by county commissioners.

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

SEC. 8. This act shall be in force from and after the first day of March, nineteen hundred and thirteen.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 307.

AN ACT TO CREATE AND ESTABLISH AN AUDITOR'S OFFICE IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of auditor for Forsyth County is hereby instituted and created; and the auditor of said county shall receive a salary of eighteen hundred dollars (\$1,800) per annum, payable monthly. He shall furnish bond in some bonding company in the sum of five thousand dollars, payable to the county of Forsyth, 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.

Office created.
Salary.
Bond.

SEC. 2. It shall be the duty of the auditor of Forsyth County to make out one copy of the tax list of each township as a perma-

Copies of tax lists.

- ment copy, and to deliver the original copy to the sheriff or tax collector of said county, and to perform all duties now or hereafter required by law in regard to making out the tax lists of Forsyth County. He shall make out and prepare for publication all annual statements required by law of the different officers of the county, to investigate and inquire into all delinquent taxpayers, and 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, and to instruct tax listers and assessors.
- Annual statements.
- Investigation of delinquents.
- Record of real estate transfers. Instruction of tax listers.
- Accountant for county.
- Monthly examination of records and accounts.
- Claims to be filed with auditor.
- Approval of claims.
- Accounts to be kept by auditor.
- Specifications of accounts.
- Examination of justices' dockets.
- Books open for inspection.
- Assistant purchasing agent.
- Election.
- Term of office.
- Vacancy.
- SEC. 3. That it shall be the duty of the auditor to act as accountant for the county in 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 county officers. Said auditor shall also examine the books and accounts of the county commissioners, the highway commission, county board of education, keeper of the county home, keeper of the reformatory, and keeper of the common jail, and every other institution and department to which the county contributes funds.
- SEC. 4. That all persons or parties holding claims against the county, the highway commission, board of education, or any other institution in the county to which the tax money of the citizens is appropriated or paid shall file their claims with the auditor at least ten days before the payment shall be made, and payment shall not be ordered until said claim is marked "allowed by the auditor," and said auditor is hereby authorized to administer oaths on the verification of all claims, if he shall deem it necessary.
- SEC. 5. That said auditor shall open a set of books which shall be kept in an accurate and intelligent manner, with an account for each county officer, the highway commission, board of education, the county home, the county reformatory and common jail. The accounts with county officers shall show the monthly receipts of fees, fines, commissions and forfeitures, and the disbursements of the respective officers. The accounts of the highway commission, board of education, county home, and county reformatory and common jail shall show receipts and disbursements. Said auditor shall also at least twice each year examine the dockets of the justices of the peace. The books of the auditor shall always be open to public inspection.
- SEC. 6. That it shall be the duty of the auditor to familiarize himself with the market prices and assist the county and highway commission in buying supplies.
- SEC. 7. That the auditor for the county of Forsyth shall be elected by the General Assembly at its biennial sessions, and shall hold office for the term of two years, and in case of a vacancy by resignation or death, or failure to qualify, the same shall be filled by appointment by the Governor to fill out the unexpired term.

SEC. 8. That the county commissioners shall provide an office for the auditor and shall furnish said auditor with such furniture, stationery, and books as shall be necessary to conduct his office in accordance with the provisions of this act. Office and office supplies.

SEC. 9. That the board of county commissioners shall provide and pay for such legal advice and counsel as the auditor may need and require to aid him in carrying out the provisions of this act: *Provided*, all contracts for legal services shall first be submitted to and approved by the board of county commissioners. Legal advice and counsel.
Provido: approval of accounts.

SEC. 10. That Leon Cash be and is hereby elected auditor for the county of Forsyth for the term of two years, whose term of office shall begin April the first, one thousand nine hundred and thirteen, and continue for two years or until his successor shall be appointed or elected and qualified. Auditor named.
Term of office.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 308.

AN ACT TO DECLARE THAT CHAPTER 172 OF THE PUBLIC LAWS OF 1881, ENTITLED "AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE IN THE COUNTIES OF DAVIE AND ANSON," WAS RENDERED EFFECTIVE AND OPERATIVE IN THE COUNTY OF ANSON BY FILING THE PETITIONS SIGNED BY A MAJORITY OF THE QUALIFIED VOTERS OF SAID COUNTY WITH THE BOARD OF COMMISSIONERS, AND THE MAKING OF THE PROPER ENTRIES BY THE SAID COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-two of the Public Laws of one thousand eight hundred and eighty-one, entitled "An act to prevent live stock from running at large in the counties of Davie and Anson," was rendered operative and effective in Anson County and in Davie County by filing with the board of commissioners petitions signed by a majority of the qualified voters of Anson County, and by said board of commissioners making the proper entry required by said act, and said act is hereby declared to be in full force and effect in Anson County and Davie County. Law rendered operative.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 309.

AN ACT TO PERMIT JUSTICES OF THE PEACE OF NEW HANOVER COUNTY TO MAKE WARRANTS ISSUED BY THEM RETURNABLE BEFORE THE RECORDER IN SAID COUNTY FOR TRIAL.

The General Assembly of North Carolina do enact:

Warrants
returnable to
recorder's court.

SECTION 1. That in all criminal offenses over which the recorder of the recorder's court of New Hanover County shall have final jurisdiction, the justice of the peace issuing the warrant under which the arrest is made may make the same returnable to the recorder for trial.

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 3d day of March, A. D. 1913.

CHAPTER 310.

AN ACT TO CONFER POLICE POWERS ON SHERIFFS, DEPUTY SHERIFFS, AND CONSTABLES AT HOPEDALE MILLS, FAUCETTE TOWNSHIP, ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Duty and powers
of sheriff, deputies,
and constables.

SECTION 1. That it shall be the duty of the sheriff, deputy sheriffs, or constables of Alamance County, living and residing at Hopedale Mills, Faucette Township, 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 Hopedale Mills, and on the premises of the Hopedale Cotton Mills in said county, and to arrest all offenders against the same, and to prevent, as far as possible, all injury to the property in said village and on the above mentioned premises. Said sheriff, deputy sheriffs, or 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 sheriff, 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 sheriff, or deputy sheriffs or constable shall have power to enter the inclosures 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

Power to summon
posse.

Reports of refusals
to assist officers.

Power of entrance
on premises.

crime has been or is about to be committed, for the apprehension of any person so offending. Any person arrested by said sheriff, 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 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 person so under arrest may be detained and confined in a guardhouse or calaboose provided for that purpose, by any of said officers, unless bail is given as provided by law.

Persons arrested brought to trial.

Detention pending trial.

SEC. 2. Such sheriff, deputy sheriffs, or constable shall have the same power and authority in the said village of Hopedale Mills and on said premises of said Hopedale Cotton Mills as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

Powers as policemen.

SEC. 3. Such sheriff, deputy sheriffs, or constable, when on duty, shall severally wear a metallic shield with the word "Policeman" inscribed thereon, and the said shield shall be always worn in plain view.

Badge.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1913.

CHAPTER 311.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE OFFICIAL POSTAGE OF THE REGISTER OF DEEDS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Register of Deeds of Nash County be and he is hereby allowed sufficient funds over and above the compensation allowed him in chapter three hundred and forty-four of the Local Public Laws of one thousand nine hundred and eleven to pay the postage on all official business necessary to be mailed from the register of deeds' office of Nash County.

Allowance for postage.

SEC. 2. That the said register of deeds of said county shall render to the board of county commissioners of the county of Nash an itemized statement of all postage paid out and for what the same is paid, on the first Monday of each and every month, and the said board of county commissioners of the county of Nash are hereby directed to issue a voucher on the Treasurer of Nash County, payable to the said register of deeds, to cover the amount expended as above stated, monthly; the said voucher is to be paid by the said treasurer from the general county funds.

Itemized statements.

Vouchers.

SEC. 3. This act shall be in force from the date of its ratification. Ratified this the 3d day of March, A. D. 1913.

CHAPTER 312.

AN ACT TO AMEND CHAPTER 833, PUBLIC LAWS OF 1909.
CREATING THE NASHVILLE TOWNSHIP ROAD DISTRICT.*The General Assembly of North Carolina do enact:*Bridges paid for
by county.

SECTION 1. That section six, chapter eight hundred and thirty-three, Public Laws of one thousand nine hundred and nine, be amended by striking out in line thirteen of said section, after the word "than" and before the word "dollars," the word "ten," and inserting in lieu thereof the word "fifty."

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 313.

AN ACT TO PROMOTE THE TEACHING OF AGRICULTURE
AND DOMESTIC SCIENCE IN THE PUBLIC HIGH SCHOOLS
OF JOHNSTON COUNTY.*The General Assembly of North Carolina do enact:*Departments to be
maintained.

SECTION 1. That there shall be maintained in one or more of the public high schools of Johnston County complying with the provisions of this act, as hereinafter set forth, a department of agriculture 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.

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.

Advertisement for
bids.Designation of
place.Considerations
governing selec-
tions.Proviso: limit on
choice of location.

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 Johnston 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 Johnston County are hereby authorized and empowered to provide annually out of any funds under their control, not exceeding twenty-five hundred dollars. Any school applying for the benefit to be derived under this act shall first provide a building with recitation rooms and such laboratories and equipments as may be necessary for efficient instruction in such branches of agriculture and domestic science as advised by the county board of education, and such dormitory buildings as the county board of education of said county may require, and a farm of not less than three acres of good arable land, said land to be situated not more than one mile from the school buildings; said land acquired for use may be leased for a term of not less than five years, purchased or donated: *Provided, however,* that before the county board of education of Johnston 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.

Appropriation from county school fund.

Buildings and equipment to be provided.

Proviso: equipment approved by 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 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.

Purposes of school.

Additional training.

Course of study.

SEC. 6. That the teacher of agriculture and the teacher of domestic science employed by one or more high schools may give divided service, as required by the county board of education. They shall cooperate with the teachers in said schools, and with them constitute the faculty of each school, who shall arrange the weekly schedule of work and submit such weekly schedule to the county superintendent of education of Johnston County for his approval.

Teachers of agriculture and of domestic science.

Coöperation with other teachers. Weekly schedule of work.

SEC. 7. That upon its being made to appear to the State Board of Education that Johnston 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 said county, it shall appropriate and pay to the county board of education of Johnston County for such purposes out of the funds appropriated under chapter eighty-four, Public Laws of one thousand nine hundred and eleven of North Carolina, for farm-life schools, an amount equal to that appropriated and furnished by the county of Johnston for said work: *Provided, however,* that said appropriation by the State Board of Education shall not

Appropriation by State.

Proviso: limit of amount.

Further apportionment from State.

exceed the sum of twenty-five hundred dollars 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 Johnston County absolutely, or upon a contingency or contingencies, then and in that event such appropriation which would go to Johnston County shall be turned over to the county board of education of Johnston County to aid in the carrying out the provisions of this act. That compliance with the provisions of this act by the authorities of Johnston County shall be sufficient to entitle the county of Johnston 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 proportioned to Johnston 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 Johnston 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.

Requisition and warrant for payment of money.

Proviso: exclusive use of money.

Power and authority of principal.

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.

Qualifications of teachers.

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 Johnston 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.

Teacher's certificate.

Students from other counties.

SEC. 10. That the board of trustees of the school 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 Johnston 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.

Students from Johnston county.

Proviso: charges for 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 any rural school or schools which shall provide equipment to teach agriculture or domestic science: *Provided*, the teacher of that rural school is properly qualified by certificate of competency from the county high school and the county superintendent of education of Johnston County. He shall also cooperate 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 Johnston County from time to time for farmers and farmers' wives; to cooperate with the county superintendent of education of said county and with the commissioner of agriculture, if such officer exist, in stimulating, directing, and supervising practical farm-life work in the public 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 instruction is given for public school teachers of the said county.

Farm-life and extension work in rural schools.

Coöperation with State and National institutions.

Township and district meetings.

Coöperation with county authorities.

SEC. 12. That this act shall apply only to Johnston County.

Application of act.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 314.

AN ACT TO AMEND THE PUBLIC ROAD LAWS OF THE COUNTY OF NASH AS CONTAINED IN CHAPTER 451 OF THE PUBLIC-LOCAL LAWS OF 1911.

Whereas, by chapter four hundred and fifty-one of the Public-Local Laws of the General Assembly of North Carolina, of the session of one thousand nine hundred and eleven, there was created in the county of Nash ten road districts, each one of which was in its boundaries and area coextensive with the boundaries and area of the township in said county out of which it was carved and created; and whereas, under said act and the provisions of the general law, convicts of certain class and convicted of certain offenses are required and directed to be sentenced by the courts so trying and convicting them, to work on the public roads of said county; and whereas some of the townships or road districts in said county are not furnished, provided, and equipped with convict camps and stockades, or with the means, appliances, and conveniences for caring for the convicts assignable to such road districts under the law: Now, therefore,

Preamble: creation of road districts.

Preamble: convicts sentenced to road work.

Preamble: districts not equipped for working convicts.

The General Assembly of North Carolina do enact:

Assignment of
convicts.

SECTION 1. That it shall be and is hereby declared to be the duty of any and all presiding officers or judges of the Superior, criminal, or recorders' courts of and for the county of Nash, or whose jurisdiction extends over and to any offenses committed within any part of the territory embraced in the Rocky Mount Road District, in sentencing offenders against the criminal law who shall have been duly convicted in any one of such courts, to assign such convicts to the public roads of that township or road district in which the offenses for which such convicts are tried and convicted were committed.

Hire of convicts
to other districts.

SEC. 2. That if any township or road district in Nash County, to the public roads of which any convicts are hereunder sentenced, shall not at the time of pronouncing such sentence have a convict camp or stockade or other sufficient and necessary equipment, guards, and appliances as by law required for properly caring for and working such convicts, then and in that event the road commissioners of such township or road district shall be and they are hereby authorized, empowered, and directed to negotiate with some other township or road district in said county that is equipped with convict camp, stockade, and other sufficient and necessary equipment, guard, and appliances as by law required for properly caring for and working convicts on its public roads, or with the Rocky Mount Road District, and are hereby further authorized, empowered, and directed to hire such convict or convicts to that township or road district in said county, properly equipped as aforesaid, or to the Rocky Mount Road District, that will bid and pay for the time and labor of such convict or convicts the largest sum of money. The money so derived from the hire and sale of the time and labor of any such convict or convicts shall be covered into the treasury of the county of Nash for the use and benefit of that township or road district to whose public roads the said convict or convicts were originally sentenced and assigned by the court, to be withdrawn, used, and expended in the improvement of the public roads of such township or road district in like manner and under like conditions as are the other funds of said township or road district.

Application of
proceeds.

Convicts subject
to road sentences.

SEC. 3. That the length of time for which convicts duly convicted and sentenced in any of the courts of said county may be sentenced to the public roads is extended in the county of Nash from three years to ten years; that is to say, any convict duly convicted and sentenced by the Superior Court of the county of Nash, whose legal term of imprisonment shall not exceed ten years, shall be sentenced and assigned by the court to work on the public roads of said county, subject to the provisions and conditions hereinbefore set forth, instead of to the State's Prison.

SEC. 4. Amend section twenty-one of chapter four hundred and fifty-one of the Public-Local Laws of one thousand nine hundred

and eleven by striking out all of said section after the words "provided for," in line nine of said section, and inserting in lieu thereof the following, namely: "*Provided*, said other elections shall not be called by the board of commissioners later than the second Tuesday in February, and shall not be held later than the first Monday in May of any year." Limit on time of elections.

SEC. 5. Amend section twenty-four of said act by adding at the end of said section the following, to wit: "*Provided, however*, that the board of commissioners, in calling any election hereunder, shall in its discretion, if it sees fit so to do, order a new registration of the voters of any township in which the election is called and directed." Proviso: power to order new registration.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 315.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A PUBLIC BRIDGE NEAR ELKVILLE IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Wilkes County are hereby authorized, empowered, and directed to have constructed an iron or steel bridge across the Yadkin River at the most practicable point at or within three hundred yards of Barlow's Ford, east of Elkville, in Wilkes County, North Carolina, the exact location to be selected by said board of commissioners, or a competent, disinterested committee appointed by them, said bridge and approaches to cost not exceeding twenty-five hundred dollars, said bridge to be completed within six months from the first day of March, one thousand nine hundred and thirteen; and said board of commissioners are hereby authorized to pledge the credit of the county in payment for the construction of said bridge and approaches, until the taxes hereinafter authorized for the payment of the same shall be levied and collected: *Provided*, that prior to the erection of said bridge a first-class public road shall be constructed from said bridge on the north side of the Yadkin River to Elkville, Wilkes County, North Carolina, without cost to the county, said road to be laid out and surveyed by the county supervisor of roads and constructed along the line of said survey. Construction of bridge authorized.
Location.
Limit of cost.
Time for completion.
Pledge of credit of county authorized.

SEC. 2. That in order to provide a fund for the construction of said bridge and approaches, the board of commissioners of Wilkes County are hereby directed to levy a special tax at their regular meeting in June, one thousand nine hundred and thirteen, or at such time as they shall levy the other taxes for said county for Proviso: road to be constructed.
Special tax.

Limit of rate.

the year one thousand nine hundred and thirteen, of not more than eight cents on the one hundred dollars valuation of property, to be placed on the tax list and collected with the current tax for said year.

Time for letting contract.

SEC. 3. That the contract for the construction of said bridge and approaches shall be let by the board of commissioners of Wilkes County, upon such terms as they may deem expedient, to the lowest responsible bidder, at a date not later than four months from the ratification of this act.

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

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 316.

AN ACT TO CONSOLIDATE THE HEALTH DEPARTMENTS OF THE CITY OF WILMINGTON AND THE COUNTY OF NEW HANOVER.

The General Assembly of North Carolina do enact:

Duty and responsibility of county board of health.

SECTION 1. That the board of health of New Hanover County, as constituted and elected under and by virtue of chapter sixty-two of the Public Laws of one thousand nine hundred and eleven, be and they are hereby empowered to control, and are invested with the immediate care and responsibility of, the health and sanitary interests and conditions of said county, including the city of Wilmington and the town of Wrightsville Beach, and the due enforcement of all laws with reference thereto.

Election of board.

SEC. 2. That the said county board of health shall be elected and constituted as prescribed by section nine of chapter sixty-two of the Public Laws of one thousand nine hundred and eleven, and all duties and powers imposed by law upon the council of the city of Wilmington, with reference to the health and sanitary conditions of said city, are hereby transferred to and invested in said county board of health.

Duties and powers transferred.

Election and control of officers and employees.

SEC. 3. That the said county board of health shall, as herein-after set forth, elect a superintendent of health and such assistants, officers, and servants as they shall deem necessary for the enforcement of all health and sanitary laws within said county, including the city of Wilmington and the town of Wrightsville Beach, and to prescribe the duties of such officers, servants, and helpers so appointed and elected, fix their salaries and compensation, and pass all necessary rules, regulations, and acts with reference thereto.

SEC. 4. That all salaries, fees, and expenses necessary and required to carry out the provisions of this act shall be contributed and paid by the city of Wilmington and the county of New Hanover in the proportions following, that is to say: four-fifths part thereof by the city of Wilmington and one-fifth part thereof by the county of New Hanover.

Apportionment of salaries and expenses.

SEC. 5. That it shall be the duty of said county board of health to furnish to the council of the city of Wilmington and the board of commissioners of New Hanover County, on the first Monday in June of each year, a statement in detail of all disbursements made by it pursuant to the provisions of this act, for the twelve months preceding, and at the same time to furnish to said bodies a statement in detail, showing all estimated expenses and requirements for the ensuing twelve months, necessary to carry out the requirements and provisions of this act; and it shall be the duty of the said council of the city of Wilmington and the said board of commissioners of New Hanover County to thereafter, at the time designated by law for levying taxes, to make a levy on all real and personal property sufficient to raise the revenue required to meet and pay its share respectively of said amount so required, and in the event such levy cannot be made by reason of any constitutional or legal limitation, then said bodies are hereby duly authorized and empowered to levy a special tax to meet such requirement or any deficiency of the same: *Provided, however,* that the council of the city of Wilmington or the board of commissioners of New Hanover County may reduce the amount asked for if, in the judgment of the council or the board, the amount is excessive or that the public needs do not require the expenditure of such an amount.

Statements made to city and county.

Estimate of expense.

Levy of tax.

Special tax.

Proviso: reduction of estimates.

SEC. 6. That the board of commissioners of New Hanover County and the council of the city of Wilmington shall on the first day of each month from and after this act shall become operative deposit or cause to be deposited in some banking institution in the city of Wilmington, to be designated by the said board of health of New Hanover County, one-twelfth each of the respective amounts to be annually paid by each body respectively, as designated in the estimate so furnished as set out in article five of this act, which said amounts shall be expended and withdrawn from said banking institution by checks or warrants duly approved by the superintendent of health and signed by the clerk of said county board of health and countersigned by its chairman: *Provided, however,* that in the event the amount so furnished under and by virtue of the estimate as set out in article five of this act shall be insufficient to meet the requirements of said board of health, then and in that event it shall be the duty of the said county board of health to certify to the board of commissioners of New Hanover County and the council of the city of Wilmington any such deficiency required, and the purposes

Deposits by county and city.

Authentication of checks or warrants.

Proviso: certificate of deficiency.

Appropriation for
deficiency.

for which the same is to be used, and if the same shall appear to said commissioners of New Hanover County and the council of the city of Wilmington to be a necessary expense and requirement, these said bodies shall appropriate such amount in the same proportions as hereinbefore set forth, which said proportions shall be deposited in such banking institution to the credit of said county board of health when the same is required by said board of health, and such funds so deposited shall be withdrawn from such banking institution in the manner hereinbefore set forth.

Election of officers,
assistants, and
helpers.

SEC. 7. The said board of health of New Hanover County shall on the first Wednesday in May, one thousand nine hundred and thirteen, elect and appoint all officers, assistants, and helpers necessary to carry out the provisions of this act, who shall, subject to the provisions as to removal, hold office until the second Monday in January, one thousand nine hundred and fifteen; and said board at such meeting to be held on said first Wednesday in May, one thousand nine hundred and thirteen, shall prescribe the duties of all such officers, assistants, and helpers, and fix their salaries and compensation. On the second Monday in January, one thousand nine hundred and fifteen, and thereafter on the second Monday of January in the odd years of the calendar, the said board of health of New Hanover County shall elect a superintendent of health, and shall elect and appoint all other officers, assistants, and helpers required and contemplated by the provisions of this act, all of whom shall hold office for the term of two years, unless removed as hereinafter set forth: *Provided, however,* said board of health shall be and are hereby empowered at any time or times to appoint and elect any additional officers and helpers as it may deem necessary to carry out the provisions of this act, and prescribe their duties, fix their compensation, and define their term of office and employment: and *Provided further,* that in the event any officer or officers, assistant or assistants, helper or helpers, shall be removed by said board of health, as hereinafter provided, such vacancy or vacancies so caused by any such removal shall be forthwith filled by said board, and any person or persons so appointed shall hold office subject to all the conditions herein set forth.

Terms of office.

Duties and
salaries.

Election of
successors.

Terms of office.

Proviso: addi-
tional officers and
helpers.

Vacancies.

Ordinances and
health regulations
retained.

Powers of board of
health not cur-
tailed.

Removal for
cause.

SEC. 8. All ordinances of the city of Wilmington and rules and regulations of the county board of health with reference to the health and sanitary conditions of said city and county not in conflict with any of the provisions of this act shall remain in full force and effect, unless amended or repealed by the county board of health, and nothing herein shall be construed to repeal or curtail any of the powers, authority, and duty of the board of health of New Hanover County as provided by law, save and except as the same may be modified and amended by this act.

SEC. 9. That the superintendent of health and all other officers and employees elected and appointed by the said county board of health may be removed by said board for cause at any time.

SEC. 10. That any person, firm, or corporation violating any of the ordinances of the city of Wilmington and rules and regulations of the county board of health now in force and effect, and any ordinance, rule or regulation created and made by the county board of health, shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Violation of health ordinances or regulations misdemeanor.

Punishment.

SEC. 11. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 12. That this act shall be in force and effect from and after May seventh, one thousand nine hundred and thirteen.

When act effective.

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 317.

AN ACT TO CREATE A ROAD COMMISSION FOR EDGE-COMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to perform all the duties heretofore performed and to exercise all the powers heretofore exercised by the board of commissioners of Edgecombe County in relation to the public roads and such bridges not costing to exceed fifty dollars, in said county, and certain other duties as provided in this act, there shall be and there is hereby created a body to be named and designated as the "Road Commission of Edgecombe County," hereafter 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 of this act, and may purchase and hold all property which may be necessary for the exercise of the powers herein conferred upon it.

Road commission created.

Official designation.

Incorporation.

Corporate powers.

SEC. 2. That said road commission shall be composed of five members, to be elected from that portion of said county not embraced within any special road district by the board of commissioners of said county, and shall hold office as follows: two for the term of two years, two for the term of three years, and one for the term of four years, and until their successors are elected and qualified, the said terms to begin from the first day of the month after the date on which the said board of commissioners may elect said road commission: and the said terms shall end two, three, and four years thereafter respectively: in case any vacancy occurs in said road commission the same shall be filled by the said board of commissioners of said county.

Number and election of commissioners.

Terms of office.

Beginning of terms.

Vacancies.

SEC. 3. That the members of said road commission shall meet as soon as practicable after their said election and elect one of their members chairman of said commission, and some suitable

Meeting and organization.

<p>Regular meetings. Rules and regulations. Commissioners to serve without compensation. Proviso: member serving as secretary.</p>	<p>citizen of that portion of said county not embraced in any special road district, secretary; the said road commission shall hold regular meetings at the courthouse in Tarboro at such times and shall pass such rules and regulations for their government as they may deem best; the members of said road commission shall serve without compensation: <i>Provided</i>, that if one of the members of said road commission should be elected secretary, he shall receive such compensation as the said road commission may fix.</p>
<p>Duties and powers of commission.</p>	<p>SEC. 4. The said road commission shall perform all the duties heretofore performed and exercise all the powers heretofore exercised by the board of commissioners of said county now acting under authority of existing law in relation to the public roads, and such bridges, not costing to exceed fifty dollars, of said county, whether under general law or by special statutes; and the management and control of the public roads and said bridges within said county shall be vested absolutely and entirely in the said road commission. The said road commission shall have full supervision and control of the convict force sentenced to work on the public roads of said county, and shall have the supervision of all public roads in said county. It shall be the duty of the said road commission to look after the care and comfort of the convict force, have the convicts properly guarded, clothed, and fed, and generally to provide for the efficiency of the convict force in working the public roads in said county. The said road commission shall have full power and authority to hire such labor and to purchase such tools, materials, stock, machinery, or other appliances or things necessary for the convict force, or hired labor, which shall be paid for out of the funds raised for working the public roads of said county.</p>
<p>Management and control of roads and bridges.</p>	<p></p>
<p>Supervision and control of convict force and roads.</p>	<p></p>
<p>Care and maintenance of convict force.</p>	<p></p>
<p>Labor.</p>	<p></p>
<p>Material and equipment.</p>	<p></p>
<p>Employment and duty of superintendent.</p>	<p>SEC. 5. That the said road commission may employ a superintendent who shall have the immediate and personal supervision of the hired and convict force and of their employment, see that they are cared for properly and that the work directed by the road commission is performed by the hired and convict force in accordance with its direction, and generally to have charge of the camp, tools, machinery, and other property pertaining to the force. The said superintendent shall report directly to the road commission any and all irregularities, failures to work by the convicts, and the health of the convicts, and he may be discharged at any time by the road commission; and there may also be elected, if the said road commission deem necessary, a skilled civil engineer, who shall assist the superintendent of roads in the discharge of his duties.</p>
<p>Reports of superintendent.</p>	<p></p>
<p>Subject to discharge. Civil engineer.</p>	<p></p>
<p>Employment of guards and laborers.</p>	<p>SEC. 6. That the superintendent of roads, with the approval of said road commission, shall have power to employ and discharge such guards as may be needed to take charge of the convict force and such other laborers as may be employed. He shall have the power to employ one or more persons in each township to be</p>

known as township supervisors, who, acting under the supervision of the said road superintendent and said road commission, shall supervise the road work in the township for which he is appointed.

SEC. 7. That all prisoners confined in the county jail under final judgment of any court having jurisdiction, for crime or imprisonment for the nonpayment of costs or fines, or under final judgment in the case of bastardy, or under vagrant acts, and all insolvents who may be imprisoned by any court of competent jurisdiction in Edgecombe County for the nonpayment of costs, and all persons who may be sentenced in said county to the State's Prison for a term less than five years, may be worked on the public roads in said county: *Provided*, that said road commission may arrange with the commissioners of neighboring counties for such an exchange of prisoners during alternate months or years as will enable them to increase the number of prisoners at work on its public roads at any time, and that upon application of the chairman of said road commission to the judge of the Superior Court, the justice of the peace or said principal officers of any municipality or other inferior courts, it shall be the duty of the said judge, justice of the peace, or said principal officers to sentence such person convicted in such 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, to be paid out of the general county fund or the road fund, in the discretion of the said road commission.

Prisoners subject to road work.

Proviso: exchange with adjoining counties.

Assignment of convicts to road work.

SEC. 8. That when the said road commission shall have made provision for the expense of supporting and guarding while at work on public roads of said county a larger number of prisoners than can be supplied from the courts of said county, then, upon application of the said commission to the judges holding courts in adjoining counties in the same or adjoining judicial districts which do not work their own convicts on their own public roads, such judges may sentence such able-bodied male prisoners as described in section seven of this act from such adjoining counties to work on the public roads of said county, and the cost of transferring, guarding, and maintaining such prisoners as may be sent to said county shall be paid by said road commission: *Provided*, that any and all such prisoners from any other county may be at any time returned to the keeper of the jail of such other county at the expense of said county.

Convicts from other counties.

Cost of transportation and maintenance.

Proviso: return of convicts.

SEC. 9. That no road laid out and constructed under this act shall be less than twenty feet wide nor more than forty feet wide, in the discretion of the superintendent of roads or the said road commission, the same to be laid out or surveyed by or under the direction of the county road superintendent or township road superintendent.

Width of roads.

SEC. 10. That for the purpose of carrying out the provisions of this act the said county or township superintendent is hereby authorized to enter upon any land near to or adjoining any road,

Entry on land for material.

Drains and
ditches.

Presentation and
payment of
accounts.

Proviso: right of
appeal.

Location and
change of road.

Proceedings for
assessment of
damages.

Proviso: notice to
nonresidents.

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 carry away any gravel, sand, clay, or stone which may be necessary to construct, improve, or repair said road, and to enter upon any land adjoining or lying near said road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said land and timber and improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, water-course, or waste place, and shall be kept open by the road superintendent, and shall not be obstructed by the owner or occupant of said land or other person. When the owner of land or the agent of such owner having in charge any land from which timber or other material shall have been taken for road purposes shall present an account through the road superintendent at any regular meeting of the road commission, to pay for the same a fair price, to be determined by a jury of three freeholders, one to be selected by such landowner or his agent, one to be selected by the road superintendent, the third to be chosen by those two; said jury to be appointed by the said road commission when selected in the manner aforesaid, which jury shall report in writing their decision to the road commission for revision or confirmation: *Provided*, that said landowner or his agent shall have the right of appeal as provided by this act.

SEC. 11. That, subject to the approval of said road commission, the county superintendent of roads is empowered, with the aid of a competent engineer or surveyor, to locate, relocate, or change any part of any public road in said county when in his judgment the same will prove advantageous to public travel; 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 said commission asking for a jury to assess such damages, the said commission, within not less than twenty days nor more than sixty days after the completion of said road, shall order the jury of three disinterested freeholders to be summoned by the sheriff or constable 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 said jury, being duly sworn, in considering the question of damages, shall also take into consideration the benefits to the owner of said land, and if such benefit 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 road commission for revision or confirmation: *Provided*, that if said landowner be a nonresident of the county and has no local representative, it shall be deemed a sufficient service of such notice of the purpose, time, and place of such meeting of said

jury to the last known postoffice address of such landowner seven days in advance of such meeting, and also to post a notice for seven days at the courthouse in the town of Tarboro.

SEC. 12. That in case the landowner or his legal representatives shall be dissatisfied with the finding of the jury and the decision of the said road commission as aforesaid, he may appeal from their decision to the Superior Court of the county, all such appeals being governed by the law regulating appeals from justice of the peace, and the same shall be heard *de novo*; but the judge, in his discretion, may require the landowner to give bond when the case is taken by appeal to the Supreme Court.

Right of appeal.

Bond on appeal.

SEC. 13. That no landowner or tenant shall turn water upon the county roads without the consent of the superintendent of roads, and any landowner who has heretofore, by ditches or drains constructed by him, turned the water from his field upon the public road, shall, within ten days after notice to do so given by the said superintendent in writing, change the course of his ditches or drains so that the water shall not flow into or over said road.

Turning water on roads forbidden.

Ditches and drains changed.

SEC. 14. That it shall be unlawful for any one to take and carry away sand, clay, soil, or gravel from a public road in said county or from the ditches along the sides of the public roads, without the written consent of the superintendent in charge of such roads.

Removal of material from road.

SEC. 15. That no landowner or tenant shall cut a ditch across a public road in said county without the written consent of the superintendent of roads of said county or township; and any one cutting a ditch across the public roads of said county shall, with the consent of the superintendent or supervisor of roads, file the same with pipes of the size designated by the superintendent or supervisor.

Ditches across roads.

SEC. 16. That it shall be unlawful for any person to plow, to cut up, or otherwise unlawfully injure any public road in said county.

Injuries to road forbidden.

SEC. 17. That any person violating any of the provisions of this act or failing to perform or discharge any duty imposed by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not to exceed thirty days or shall be fined a sum not exceeding fifty dollars.

Violation of act or failure of duty misdemeanor.

Punishment.

SEC. 18. That any officer appointed by this act shall be required by the said road commission to execute a bond, with sufficient security, in such sum as the said road commission may deem just and proper, conditioned for the faithful performance of his duties.

Bonds of officers.

SEC. 19. That this act shall not apply to that portion or portions of said county embraced in the Rocky Mount Road District, or Whitakers Road District, or any other special district of which there is a road commission.

Territory excepted.

SEC. 20. That the board of commissioners of Edgecombe County, in order to provide for the construction, improvement, and maintenance of the public roads and bridges of said county, shall con-

Levy and collection of road tax to be continued.

tinue as now authorized and directed by section one of chapter six hundred and forty-eight of Public Laws of one thousand nine hundred and five, as amended by section one of chapter six hundred and fifty-nine of Public Laws of one thousand nine hundred and seven, to levy and cause to be collected annually, as other taxes are levied and collected, a special tax on all property subject to taxation under the law in said county of not less than ten cents nor more than forty cents on the one hundred dollars worth of property and not less than thirty cents nor more than one dollar and twenty cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all taxes are, to be kept separate on the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement, and maintenance of the public roads and such bridges in said county not costing to exceed fifty dollars, the purchase of such material, implements, teams, wagons, camp outfits, quarters or stockade for the use of and the safe keeping of the convict force as may be necessary: *Provided, however*, that the money raised under this section shall as far as possible be used for permanent improvement of the roads.

SEC. 21. That the moneys collected from the taxes levied under the provisions of this act or any other act for the construction, improvement, and maintenance of the public roads and such bridges, not costing to exceed fifty dollars, of said county, and for bonds sold for the purpose of repairing, grading, making, and macadamizing the public roads of said county, shall be paid into the hands of the county treasurer and paid out upon the warrant of the said road commission; and on the first Monday in June and December of each and every year the said board shall make a written report, giving a statement of the disbursements and receipts of the several road funds during the preceding six months, which reports, or the substance thereof, the said board shall cause to be published at least once in one of the newspapers published in the town of Tarboro.

SEC. 22. That this act shall not be effective until the same shall have been approved by the board of commissioners of Edgecombe County; that in the event the board of commissioners of Edgecombe County shall approve this act, it shall be the duty of the board of commissioners of Edgecombe County to deliver to the said road commissioners the convict force and camp, tools, machinery, and other property pertaining to the said force, and all material, implements, teams, wagons, and all property of every kind and description now used by them in building and maintaining the public roads of Edgecombe County.

SEC. 23. That this act shall be in force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1913.

Limits of rate.

Constitutional equation. Taxes kept separate.

Special road fund.

Use of fund.

Proviso: permanent improvements.

Funds kept by county treasurer.

Semiannual statements.

Publication of statements.

Act not effective until approved by county commissioners. Delivery of convict force and road equipment.

CHAPTER 318.

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 thirteen and one thousand nine hundred and fourteen, 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 said year, observing the equation prescribed in the Constitution.

Special tax authorized.

Years.

Limit of amount.

One-half each year.

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.

Purpose of tax.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 319.

AN ACT TO LIMIT THE SPEED OF AUTOMOBILES AND
MOTORCYCLES THROUGH THE VILLAGE OF DELGADO,
NEW HANOVER COUNTY, AND TO PERMIT THE COUNTY
COMMISSIONERS TO REGULATE THE SPEED OF SAME
ALONG THE ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to operate or drive any automobile or other motor vehicle at a rate of speed greater than twelve miles an hour along the public road leading from the city of Wilmington to Wrightsville, formerly the Wilmington and Coast Turnpike, from a point where said road intersects Seventeenth Street in the city of Wilmington to a point on said road east of Delgado village where the old road leading to the baseball grounds enters said public road.

Limit of speed.

Locality affected.

SEC. 2. That power and authority be and the same is hereby given to the commissioners of New Hanover County to regulate the speed of automobiles and other motor vehicles over and along

County commissioners to make speed ordinances.

the public roads of said county, and make such ordinances as they may deem necessary governing the same: *Provided, however,* said commissioners shall not be authorized or empowered to pass any regulation which will increase the speed of automobiles or other motor vehicles over that portion of the public road described and referred to in section one hereof.

Proviso: speed at point specified.

Penalty for exceeding speed limits.

SEC. 3. That any person violating the provisions of section one hereof, or any regulation prescribed by the board of commissioners of New Hanover County passed in pursuance of the power herein given, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 4. 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 5th day of March, A. D. 1913.

CHAPTER 320.

AN ACT TO ENABLE THE PEOPLE OF JOHNSTON AND SAMPSON COUNTIES TO PROVIDE FOR TOWNSHIP MEETING-HOUSES.

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the board of county commissioners of Johnston and Sampson counties be and the same are hereby authorized and empowered to levy and collect a special tax of not more than one thousand dollars on the property and polls in any township in said county, availing itself of the provisions of this act, 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.

Amount.

Purpose of erecting building.
Use of building.

Limit of rate.

SEC. 2. The said special tax shall not exceed in any one year the sum of ten cents on the one hundred dollars valuation of property and thirty cents on the poll, and shall be levied and collected as other public taxes are levied and collected, and in making the said levy the constitutional equation between property and polls shall be observed.

Levy and collection.
Constitutional equation.

Question of tax levy submitted to and ratified by voters.

SEC. 3. That the taxes authorized above shall not be levied or 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

General or special election.

Law governing election.

Assembly: *Provided*, that the election provided for in this section shall be dispensed with and the levy and collection of said taxes shall be made without such election if a majority of the qualified voters in any township desiring to avail itself of the provisions of section one of this act shall in writing petition the board of county commissioners to levy and collect said tax within the limitations prescribed in section two hereof; and such levy shall be as binding and valid as if actually authorized by popular vote.

SEC. 4. The expenditure of the funds resulting from such levy of taxes shall be under the supervision of the board of county commissioners, who may let such work on contract on an economical and judicious basis, and a correct, itemized statement of all expenditures hereunder shall be permanently filed for public inspection.

SEC. 5. Any and all excess of money remaining after the erection and completion of any township meeting-house shall be turned over to the treasurer of the county to the credit of such township as a "repair fund."

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 321.

AN ACT TO INCREASE THE POWERS AND PAY OF THE COUNTY COMMISSIONERS OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That when bridges shall be deemed necessary over any stream which divides Yadkin County from any other county, the board of commissioners of Yadkin County, in their discretion, may join in an agreement with the board of commissioners of any other county for building, keeping, and repairing the same; said bridges to be constructed and maintained by such counties in proportion that the taxable polls of each county shall bear to each other, or upon such other terms as may be agreed upon between said boards, and pay for same out of any available county funds. Or, if the board of commissioners of Yadkin County deem it necessary for building, repairing, or keeping in order the bridges of Yadkin County, or bridge or bridges over any stream which divides Yadkin from any other county, they may levy a special tax for not to exceed ten cents on the one hundred dollars worth of property, nor thirty cents on the polls, to be collected and used for bridge purposes; and in the levying of the tax under this section the constitutional equation between property and polls be observed.

Proviso: tax levied on petition of majority of qualified voters.

Expenditure of funds.

Work let to contract. Itemized statement for public inspection.

Repair fund.

Agreement for construction and maintenance of bridges.

Proportionate expense.

Special tax for bridges.

Limit of rate.

Constitutional equation.

Regular meetings. SEC. 2. That the board of commissioners of Yadkin County shall hold a regular meeting at the courthouse 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.

Assignment to special duty.

Per diem allowed.

SEC. 3. That said board of commissioners of Yadkin County 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 or members shall each be allowed a sum not to exceed two dollars and fifty cents per day for his services.

Pay for attending meetings.

SEC. 4. That each county commissioner of Yadkin County shall receive for his services and expenses in attending the meetings of the board the sum of two dollars and fifty cents per day, and mileage as now provided by law.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 322.

AN ACT TO CREATE STOCK LAW IN PLEASANT GROVE TOWNSHIP IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Unlawful for live stock to run at large.
Territory affected.
Time law effective.
Extension to contiguous land.

SECTION 1. That it shall be unlawful for any live stock to run at large within the bounds of Pleasant Grove Township, Johnston County, on and after the first day of January, one thousand nine hundred and fourteen. That any person owning land on the outside of said township mentioned above, and contiguous thereto, shall have the privilege of bringing his, her, or its lands within the provisions of this act by building or extending the fence so as to exclude 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 of said township above mentioned; 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 and constructed shall be under the general provisions of this act.

Outward line of fence boundary.

Act not in force until fence erected.

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 of said township between such other townships as may not be under the stock law, with gates on all public roads passing into or through said township, and proper cattle-guards at all streams intersecting said lines.

Gates and cattle-guards.

Condemnation of land for fenceway.

SEC. 3. That if the owner 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 their best discretion.

Erection of fences, gates, and cattle-guards.
Appointment of keepers, commissioners, and repairers.

SEC. 4. That for the purpose of the next preceding section it shall be lawful for the county commissioners to assess and collect a special tax for the building and repairing of said fence on all real property within the bounds of said fence, as provided in section one thousand six hundred and eighty-five of the Revisal of one thousand nine hundred and five.

Special fence tax on real property.

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 upon conviction may be fined not exceeding fifty dollars (\$50), or imprisoned not exceeding thirty (30) days.

Permitting live stock to run at large 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 inclosure 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 may be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Injuring fences or inclosures misdemeanor.

Punishment.

SEC. 7. That the word "stock" in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, geese, and all neat cattle and swine.

Stock construed.

SEC. 8. That this act shall be in force from and after January first, one thousand nine hundred and fourteen, and all laws in conflict herewith are hereby repealed.

When act effective.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 323.

AN ACT TO AUTHORIZE THE ROAD COMMISSIONERS OF UNION COUNTY TO BORROW MONEY TO PAY THE EXPENSES OF THE CHAIN-GANG IN MONROE TOWNSHIP AND TO PROVIDE FOR SUFFICIENT TAXES TO BE LEVIED TO PAY FOR THE MAINTENANCE OF THE CHAIN-GANG.

The General Assembly of North Carolina do enact:

SECTION 1. That the road commissioners of Union County are authorized to borrow such sum or sums of money, in anticipation of the taxes levied for road purposes in Monroe Township, as shall be necessary to pay the expenses of the chain-gang, not ex-

Power to borrow money.

Limit of amount.

Execution of note or bond.

ceeding the amount of taxes levied for such purposes, and may execute any note or bond or other evidences of indebtedness for the sums so borrowed.

County commissioners to levy tax on recommendation of road commissioners.

SEC. 2. That upon the recommendation of the road commissioners of Union County, specifying the amount of money needed to pay the necessary expenses of the chain-gang and the proper working of the public roads of Monroe Township of Union County, under the statutes now in force with reference to the working of the public roads of Monroe Township, it shall be the duty of the county commissioners of Union County to levy and provide for the collection of a tax sufficient to pay the said expenses, not exceeding the rate of taxation provided in the acts of the General Assembly creating a road commission and levying a tax for road purposes and providing for the expenses of maintaining the chain-gang, which said taxes shall be levied and collected in Monroe Township alone.

Limit of rate.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 324.

AN ACT TO IMPROVE THE PUBLIC ROADS OF SHEFFIELDS AND RITTERS TOWNSHIPS IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Act to be law on adoption by county commissioners.

SECTION 1. This act shall become the road law of Sheffields Township and Ritters Township in the county of Moore, respectively, when adopted as such by the board of commissioners of Moore County at any regular meeting, after being requested to do so by petition signed by one-third of the qualified voters respectively in either of said townships, and when so adopted for either of said townships it shall be the road law of such township, and all other laws in conflict with this act as applied to such township shall be thereupon repealed. The finding of fact by the said board of commissioners that any such petition is signed by one-third of the qualified voters of either one of said townships shall be conclusive. Upon the adoption of this act by the board of commissioners of said county as the road law for said townships, one or both, the said boards shall thereupon appoint three discreet freeholders of such township as a board of road commissioners of such township, who shall qualify by taking an oath of office before some officer authorized to administer oaths to faithfully and honestly discharge the duties of their office, and shall hold office until the first Monday in January after the general election following their appointment, and until their successors are elected and qualified. That their successors shall be appointed by the board of

Petition for adoption of act.

Finding of fact conclusive.

Appointment of road commissioners.

Road commissioners to qualify.

Term of office.

Appointment of successors.

commissioners of Moore County on the first Monday in January, when their term of office shall expire, and biennially thereafter, and the term of office of said board shall be two years, and until their successors are appointed and qualified. Said board of road commissioners shall fill all vacancies occurring in their board prior to any election of a new 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 offices hereinafter prescribed.

SEC. 2. That the said division known as Sheffields and Ritters townships, respectively, shall for the purposes of this act be and is hereby declared a body corporate by the name and style of Sheffields and Ritters townships, respectively, and is vested with all the necessary power and authority 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 are declared to be the corporate agents of said township and may sue in the name of Sheffields and Ritters townships, respectively, and be sued under said name, and shall have the power and authority to carry out the provisions of this act.

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 townships respectively, 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.

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 than once in three months. The said board of road commissioners shall 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 that purpose, and do such work as the board of road commissioners shall see fit to require of him, and the said board may allow him suitable compensation therefor.

SEC. 5. The board of road commissioners created by this act and the parties to be thereafter elected under the provisions of this act shall at their first meeting elect a treasurer of said board, who shall hold office during the term of said respective boards. All road taxes collected by the Sheriff of Moore County for said townships respectively, 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. 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

Term of office.

Vacancies.

Pay of commissioners.

Townships incorporated.

Corporate names.

Corporate powers.

Corporate agents.

Control and management of roads.

Quarterly meetings.

Organization.

Election and term of treasurer.

Moneys to be paid to treasurer.

Settlements with sheriff and county treasurer.

is hereby authorized and directed to pay to the treasurer of the board of road commissioners of said townships respectively, as soon as his bond has been approved, all moneys held by him on account of the road fund for said township under existing law.

Proceeds of bonds and interest on sinking fund.

Bond of treasurer.

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 on the sinking fund herein provided for. Before entering upon the duties of his office the said treasurer shall execute a bond payable to the State of North Carolina 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, as provided by this act and the general laws of the State, which bond shall be approved by the board of commissioners of Moore County and recorded in the book of official bonds of said county, and the original shall be deposited with the register of deeds of said county. Suit may be brought upon said bond in the name of the State of North Carolina upon relation of the board of road commissioners of said respective townships. Said treasurer shall pay out said funds coming into his hands and belonging to the road fund of said township only upon written order signed by the chairman of the board of road commissioners, which shall be the only sufficient voucher for the disbursement of said funds. Said treasurer shall render an itemized account of the receipts and disbursements of said road funds to the board of road commissioners of said township every three months, and oftener if required by said board, 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; said register of deeds shall be entitled for such services the fees prescribed for recording deeds, which fees the said board of road commissioners are authorized to pay out of any road funds in the hands of the treasurer.

Approval and record of bond.

Suit on bond.

Orders on road fund.

Itemized accounts.

Record of accounts.

Fees of register.

Compensation of treasurer.
Proviso: limit.

Premium on bond.

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 funds of said township.

Election of supervisor.
Duty.

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 said township. Said supervisor shall submit monthly statements to the board of road commissioners, showing the costs of work on the public roads of said township,

Monthly statements.

of expenditures made thereon for the month, together with all other improvements that 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 by said supervisor for his services.

SEC. 7. The board of road commissioners shall have full power and authority to purchase for said township 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 road that they may deem necessary: *Provided*, that when at any time during the building and maintenance of said road a petition shall be filed before said board or its secretary signed by a majority of the qualified voters in said township objecting to any specific action of said board or act contemplated by said board, the said board shall, upon the filing of said petition, refrain from further prosecuting said work or intended action until a meeting shall be held by said board giving opportunity to the citizens of said township to be heard in relation to said act of the board. The time and place of said meeting of said board shall be fixed by the board by notice thereof posted in at least three public places in said township, setting forth the time and place of said meeting, which notice shall be posted at least three days before the time of said meeting. At said meeting the board shall give a reasonable hearing to said citizens, and thereafter prosecute said action or intended action or refrain therefrom as in the discretion of the board may seem meet and proper.

SEC. 8. Said board of road commissioners shall audit the account 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 settlement of the same between said sheriff and treasurer of said board, which settlement shall be spread upon the 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 funds for which any officer may fail to properly account, and may bring suit upon relation of the State of North Carolina against said sheriff and his sureties upon his official bond for any defalcation in the payment of said road funds to said treasurer.

SEC. 9. Any member of the board of road commissioners or supervisor of said township who shall make or cause to be made any fraudulent order whereby money is to be obtained out of said township road fund shall be guilty of a misdemeanor, and upon

Bond of supervisor.

Compensation.

Purchase of equipment.

Surveyor.

Proviso: petition of protest.

Meeting for consideration of objection.

Notice of meeting.

Hearing on objection.

Audit and settlement of accounts of sheriff.

Record of settlements.

Actions on sheriff's bond.

Fraudulent orders misdemeanor.

Punishment.

a conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, and upon conviction thereof shall be removed from office.

Entry on land for construction and drainage.

Entry for material.

Claims for compensation.

Proviso: procedure for assessment of damages.

Proviso: right of appeal.

Election on bond issue and tax.

SEC. 10. That for the purpose of building or constructing, repairing or maintaining the public roads of said township, or for constructing ditches or drains for the construction of said public roads 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 dig and maintain any ditches and cut down and carry away any trees or timber or remove any sand, clay, gravel, stone, or other substance 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 roads. If the owner of the land over which any road is constructed or over which any material is removed or on which any drains or ditches may be caused to empty shall demand compensation therefor, and present his claim to the board of road commissioners, it shall be the duty of said board of road commissioners 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 lands any new road has been located or from which any material may be removed or on which drains shall be made, shall claim damages therefor, which the said board shall refuse to pay, such person claiming damages shall within thirty days after the location of said road or removal of material or making said drains, petition 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 or work thereon, to order a jury of three disinterested freeholders of said township to be summoned by the Sheriff of Moore County, to be named and designated by said sheriff, qualified to serve as jurors, and the jury so selected shall give three days notice to the landowner and to the board where and when said jury shall meet to assess said damages, and in the consideration thereof it shall be the duty of said jury 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 finding in writing to the board of road commissioners for confirmation or revision: *Provided further*, that a landowner may appeal to the Superior Court of Moore County from the decision of the jury and said board of road commissioners, and upon said appeal the same shall be heard *de novo* in said court.

SEC. 11. That at the first regular meeting of the board of commissioners of the county of Moore after the ratification of this act

and the adoption thereof as the road law of either of said townships, the said board of commissioners is hereby authorized and empowered and directed to submit to the qualified voters of such township at an election to be held therein for that purpose, after giving thirty days notice of said election in some newspaper published in Moore County and at the courthouse door in the town of Carthage, Moore County, the question whether the said township shall issue coupon bonds in a sum not exceeding ten thousand dollars as hereinafter prescribed, and whether the tax shall be levied on the taxable property of 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 taxes, the said board of commissioners of Moore County shall at any time thereafter again submit said question to the qualified voters in said township as herein provided 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 herein prescribed after such petition may be filed.

Limit of amount of bonds.

Use of proceeds of bonds.

proviso: further election.

SEC. 12. The election or elections ordered to be held upon the questions 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 be hereafter 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 election. For the purpose of holding said election or elections under the provisions of this act, an entire new registration of voters shall be had in said township under the rules and laws prescribed for the election of members of the General Assembly, except as modified by the provisions of this act. At the close of said election 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 said 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 the said board of commissioners of Moore County held after said report has been made the said board of commissioners of Moore County shall canvass and declare the result of said election or elections 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.

Polling places.

Election officers.

New registration.

Law governing elections.

Count and return of votes.

Canvass of returns.

Declaration and 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 said bonds as hereinafter prescribed and the levy of the special tax as hereinafter prescribed, shall vote a ballot upon 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, "Against Good Roads." In all other respects said election or elections shall be held and conducted in the manner prescribed by law for the election of members of the General Assembly.

Effect of election.	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
Issue of bonds.	provided, and the board of road commissioners of said township are thereupon authorized and empowered to issue and sell coupon
Amount.	bonds for said township, payable to bearer, not to exceed in amount the sum of ten thousand dollars, or any amount less as the said
Denominations.	board of road commissioners of said township may in their discretion determine upon, and in denominations of not less than one
Interest.	hundred dollars and not more than one thousand dollars, bearing interest from date of said bonds at a rate not to exceed six per
Maturity.	cent per annum and payable semiannually on the first days of January and July in each year until said bonds are fully paid.
Proviso: bonds classified.	That the said bonds shall be made payable at a time to be fixed by said board of road commissioners of said township and named therein, not to be more than thirty nor less than ten years after
Issue of bonds in series.	date, both bonds and coupons to be made payable at the office of the treasurer of said board at a place to be designated by said board: <i>Provided, however,</i> that the said board of road commissioners of said township may divide said bonds into classes, as said board may determine, and have them mature at different
Authentication.	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: <i>Provided,</i> 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 the number one. The bonds shall be signed by the chairman of the board of commissioners of Moore County, North Carolina, and countersigned by the chairman of the board of road commissioners of said township, and shall have affixed thereto the seal of the office of the register of deeds of said Moore County, and the coupons attached to said bonds shall be signed by the chairman of the board of commissioners of the said Moore County or shall have his lithographed
Record of bonds.	signature thereon; that a record shall be kept of said bonds by the board of road commissioners of said township showing the

number 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 their 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 such moneys paid in the purchase of said bonds in his official capacity, and he and the sureties on his official bond shall be liable therefor, and he 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 moneys realized from the sale of said bonds or any portion thereof as provided by this act shall be used only for the purpose of establishing, laying out, improving, grading, and maintaining the public roads of said township: *Provided*, that the purchasers of said bonds shall not be held responsible for the application of said fund.

Sale below par and delivery before purchase forbidden.

Treasurer liable on bond.

Orders for disbursements.

Specific appropriation of proceeds.

Proviso: purchasers not liable for application.

SEC. 16. That the cost of issuing and selling said bonds shall be paid by the board of road commissioners of said township from the road tax heretofore or hereafter collected in said township for road improvement.

Cost of issue and sale of bonds.

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, North Carolina, 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 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 said 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 the 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 for the payment of said bonds. The board of road commissioners of said township are authorized and empowered, at any time said bonds

Special tax.

Limit of rate.

Collection and settlement of tax.

Application of taxes.

Investment of sinking fund.

Interest part of road fund.

Purchase of bonds.

may become due, to use any part of said sinking fund in the purchase of said bonds or any part thereof, if agreement can be made 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 the purchase added.

Proviso: limit of price.

Obligation of bonds.

SEC. 18. That the bonds issued under the provisions of this act shall be and constitute obligations of said 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 said township as provided by law.

Special tax for roads.

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 said 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 said 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 the same for the purpose for which it was levied and collected only in the manner hereinbefore authorized. If a majority of the qualified voters of said 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 purposes 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 levy hereinbefore first authorized in this section.

Rate.

Collection and settlement.

Tax if bonds are not issued.

Record of road orders.

Annual reports.

SEC. 21. That the board of road commissioners of said township shall keep a record of all orders made upon the treasurer of the said board for the payment and disbursement 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 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; all disbursements on any account, all property

and assets of said township, together with the permanent debts 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 township. For all services required to be done under the provisions of this act by the Register of Deeds of Moore County, he shall receive the same fees allowed him by law for the recording of deeds.

Reports to be recorded and published.

Fees of register.

SEC. 22. 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 of act.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 325.

AN ACT TO TAX DOGS IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be levied and collected a license or privilege tax on every dog, whether male or female, in the county of Warren as follows: On each and every dog, the sum of one dollar, and on each female of the species, the sum of two dollars; that the said tax shall be a license tax for the privilege of owning and keeping said animals, and the said license or privilege tax shall be paid to the sheriff or tax collector of said county by the owner, and every person who refuses or fails to pay said license tax within sixty days after the same is due and payable shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days; that the receipt of the tax collector shall be a sufficient license under this act; that said tax shall be due and payable as other license tax under the revenue act of the State, and shall be levied by the county commissioners of Warren County at the same time other license taxes are levied under the same act.

License tax to be levied and collected.

Males.

Females.

Payment of tax.

Nonpayment misdemeanor.

Punishment.

Receipt for tax sufficient license.

SEC. 2. That all taxes collected under this act shall be placed by the tax collector in the hands or to the credit of five commissioners hereafter named, and shall be used by them for the purpose of draining, cleaning, and making sanitary Haw Tree and Big Fishing Creek first, and then in like manner all other streams of Warren County at as early a day as the same can be practically reached and as the demand for sanitary attention may arise; that

Use of tax as drainage fund.

Commissioners may declare drainage laws.

such of said streams in the county of Warren as the said commissioners may deem proper, they may declare subject to all the drainage laws of the State, in which event all streams in said county so placed under the drainage laws shall be in all respects subject to the said drainage law.

Commissioners appointed.

SEC. 3. That Walter G. Rogers, Page R. Perkinson, John King of Arcola, W. Y. Finch, and Kinch King be and they are hereby appointed commissioners, for the term of two years, whose duty it shall be as public officers to carry the interest of this act in each and every particular; if in the meantime vacancies should occur, it shall be the duty of the remaining members of said commissioners to fill such vacancies; that said commissioners shall be appointed by the Legislature of each session.

Vacancies.

Appointment of successors.

SEC. 4. That for their services the said commissioners shall each receive the same compensation as the county commissioners, paid monthly on the first Monday in each month.

Compensation.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 326.

AN ACT TO ALLOW CERTAIN CITIZENS OF LONG ACRE TOWNSHIP, BEAUFORT COUNTY, TO VOTE UPON A STOCK-LAW TERRITORY.

The General Assembly of North Carolina do enact:

Petition for election.
Boundary.

SECTION 1. That upon petition of one-third of the qualified voters residing within the following territory, to wit, beginning at a point on the north side of Pamlico River, being in the division line between the lands of W. W. McIlhenny and wife and Henry and Albert Mish; thence running northwardly with said division to the Military Road; thence across the Military Road and with the division line between T. E. Smaw and said Mish to a marked line cedar in the line of said Smaw, said cedar being located on the south side of a cart road; thence a straight line to the division line between Redding L. Woolard and Lewis Alligood; thence with said division line to the line of the land of Enoch Alligood; thence across the Enoch Alligood land to the southeast corner of the fence around another cultivated field of Redding L. Woolard; thence northeastwardly with said fence to a straight line continued to the line of Absalom B. Alligood; thence around and northwardly with the back or eastern fence of said Alligood, and thence northwardly with the back fence of Benjamin Harding to the line of the land of John Ed. Brown; thence northwardly with the division line between the lands of John Ed. Brown and Benjamin Harding

to the right of way of the Norfolk and Southern Railway Company; thence across said right of way of said railroad company northwardly to the eastern fence of the land of Dr. Joshua Taylor; thence with his eastern line to the main Washington and Bath Road; thence westwardly with this road to Lowenton's Run at the bridge; thence eastwardly with the edge of said road and Runyon's Creek to the old dam at Runyon's Creek mill at the present bridge; thence with the eastern edge of Runyon's Creek, a lawful fence, to the mouth of said creek, where it empties into Pamlico River; thence eastwardly with the north side of Pamlico River to the point of beginning; it is hereby made the duty of the board of commissioners of Beaufort County to call an election in said territory, after giving thirty days full and ample notice thereof before the first day of June, one thousand nine hundred and thirteen, at which election the said qualified voters shall vote upon the question whether the stock law heretofore established for said territory shall be continued or discontinued.

County commissioners to call election.

SEC. 2. That upon the call of said election the Clerk of the Superior Court of Beaufort County shall prepare sufficient ballots at the expense of the county, on which shall be written "For Stock Law" and "Against Stock Law," and appoint necessary poll-holders, and fix and establish a place for holding said election.

Ballots.

SEC. 3. That if a majority of the voters voting at said election shall vote a ticket "Against Stock Law," the said stock-law territory shall be abolished on and after December first, one thousand nine hundred and thirteen.

Date of abolition of stock law.

SEC. 4. That the poll-holders of said election shall certify the number of votes cast to the clerk of the Superior Court, and the said clerk shall notify the board of commissioners of Beaufort County before the tax list for Beaufort County shall be made up; and if a majority of the votes shall be against stock-law territory, no tax shall be levied for support and maintenance of same.

Returns to clerk of superior court. Notice to county commissioners.

No tax, if majority against stock law.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 327.

AN ACT TO PROVIDE TOWNSHIP BOND ISSUES FOR GOOD ROADS IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That C. Dewey, G. A. Norwood, G. C. Royall, J. C. Bardin, F. K. Borden, J. Rosenthal, and J. M. Grantham are hereby constituted a board of trustees for the public roads of Goldsboro Township in Wayne County; the first three to hold office for six years, the next two to hold office for four years, and the last to hold office for two years. At the expiration of the

Road trustees for Goldsboro township.

Terms of office.

Election of successors.

Vacancies.	terms of any, their successors shall be elected for six years by the county board of commissioners of Wayne 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: <i>Provided</i> , that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of North Carolina.
Proviso: trustee not officer.	
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 Goldsboro 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.	
Control and management of roads.	SEC. 3. That it shall be the duty of the said board of trustees to take control and management of the roads of said township, and
Rights and powers.	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 Wayne County.
Organization.	SEC. 4. The board of trustees shall annually elect a chairman and 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.
Treasurer to have charge of road funds and give bond.	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 and organization of executive committee.	
Vouchers.	
Delegation of powers.	SEC. 5. The said board of trustees may annually elect a superintendent of roads for Goldsboro 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 Goldsboro 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
Election and compensation of superintendent of roads.	
Term of office.	
Proviso: removal for cause.	
Duty of superintendent.	
Monthly reports.	

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. 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.

SEC. 7. That the superintendent of roads of Goldsboro 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 land 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 are taken, as aforesaid, shall present an account for the same through said superintendent to said board or executive committee within thirty days after 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: *Provided*, either party to said assessment, if dissatisfied as to the amount thereof, may appeal to the Superior Court.

SEC. 8. That 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 Goldsboro Township, to be selected and summoned by the Sheriff of Wayne 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; the said

Bond.

Machinery and implements.

Engineer.

Other powers and privileges.

Entry on land for material.

Drains or ditches.

Obstructing drain or ditch misdemeanor.

Punishment.

Presentation and payment of account.

Arbitration for assessment of damages.

Right of appeal.

Location and change of road.

Procedure for assessment of damages.

<p>Proviso: right of appeal.</p> <p>Bond issue authorized.</p> <p>Official entitlement.</p> <p>Amount.</p> <p>Denomination.</p> <p>Interest.</p> <p>Authentication.</p> <p>Maturity.</p> <p>Sale below par forbidden.</p> <p>Bonds issued as funds are needed.</p> <p>Obligation of bonds.</p> <p>Special tax.</p> <p>Limit of tax rate.</p> <p>Collection and settlement.</p> <p>Questions to be submitted to voters.</p> <p>Request for election.</p> <p>Election officers.</p>	<p>jury, in connection with 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: <i>Provided</i>, that such owner may appeal to the Superior Court of Wayne County from the decision of said trustees.</p> <p>SEC. 9. That the said board of road trustees shall be and are hereby authorized and empowered to issue bonds of said Goldsboro Township, to be styled "Goldsboro Township Road Bonds," to an amount not to exceed one hundred 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 coupons attached, payable annually or semiannually, 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 expenditure 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 Wayne County known as Goldsboro Township as constituted at the time of the ratification of this act.</p> <p>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 Goldsboro Township, of not less than ten cents and not more than thirty cents on the one hundred dollars assessed valuation of property and not less than thirty or 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.</p> <p>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 Goldsboro Township at an election to be held on a day designated by the board of county commissioners of Wayne County, upon the written request of a majority of said trustees, in which shall be stated the amounts of the bonds proposed to be issued. For the holding of said election said county commissioners shall appoint registrars and poll-holders and any other</p>
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officers necessary to said election, and shall order a new registration. At the close of said election said registrars 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 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, and elections may thereafter be held from time to time as previously provided on the question of issuing bonds for the purpose of this act, providing all of said bonds shall not exceed in the aggregate one hundred thousand dollars: *Provided*, that if a majority of said qualified voters shall fail to vote for good roads at any election held under this act, 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, when requested to do so by said board of trustees or a majority thereof.

SEC. 12. That all funds derived from the sale of any bonds by the 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.

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 Wayne County or any township therein shall exist and apply to the use of convicts on the roads of Goldsboro Township.

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

SEC. 15. That upon an election being held under section eleven of this act, and the result being declared "For Good Roads," all laws and clauses of laws authorizing the levy and collection of any tax for public roads in Goldsboro Township, except such as

Count and return of vote.

Report and record of canvass.

Ballots.

Law governing election.

Effect of election.

Limit of bond issue.
Proviso: further elections.

Proceeds of bonds paid to road treasurer.

Specific appropriation.

Labor.

Convict work.

Money not expended on streets.

Vote for bond issue to determine other laws and taxes.

are provided for in this act, shall cease and determine as to said township, and no tax or assessment for public roads shall be collected in said township except as herein provided.

Adoption of law by other townships.

Petition for election.

Limit of bond issue.

Limit of tax rate.

County commissioners to order election.

Election of trustees.

Powers and duties.

Act applicable to township.

Election on tax only.

Levy and collection of tax.

Act applicable except as to bonds.

Coöperation of townships.

Coöperation with county authorities.

SEC. 16. That any other township in Wayne County is empowered to adopt by vote the provisions of this act and to provide for the construction and maintenance of good roads therein by issuing bonds or by direct taxation; and upon petition of fifty of the qualified voters of any such township asking that an election be held in such township and stating in such petition the amount of bonds proposed to be issued, if the election is desired upon the question of issuing bonds, not to exceed the sum of one hundred thousand dollars, or stating the amount of taxes to be levied in the event it is desired to have an election upon the question of levying taxes, not to exceed thirty cents on the property and ninety cents on the poll, it shall be the duty of the board of commissioners of Wayne County to order an election as requested, which shall be held and conducted and the result declared as provided in section eleven of this act; and in the event the result of such election shall be for good roads, the board of county commissioners of Wayne County shall elect five trustees for such township, who shall have all the powers and perform the duties imposed upon the trustees of Goldsboro Township; and if said petition and the election approving the same shall authorize the issuing of bonds, this act shall be applicable to such township as if its name was written herein instead of the name of Goldsboro Township, including the provisions as to levy, collection, payments, and disbursements of taxes; and if such petition shall ask for an election upon the question of levying taxes instead of issuing bonds, and the same shall be approved at said election, the provisions of this act in reference to issuing bonds shall not be applicable thereto, and the board of county commissioners shall annually and at the time of levying the county taxes, levy the special tax named in said petition, and the taxes so levied shall be collected as other taxes, and shall be held and disbursed as provided herein for the proceeds of bonds, and all other provisions of this act except those in reference to issuing bonds shall be applicable and in force in such townships.

SEC. 17. That in the event one or more townships outside of Goldsboro Township shall adopt the provisions of this act as provided in the preceding section, the trustees of one or more of such townships, including Goldsboro Township, to which this act is or may be applicable, are authorized and empowered to unite for the construction and maintenance of public road or roads running into or through two or more townships upon such terms as may be agreed on by them, and to use a part of the funds raised by this act for that purpose.

SEC. 18. That the trustees of one or more of such townships to which this act is applicable are authorized to unite with the county

commissioners of Wayne County upon such terms as may be agreed on for the construction and maintenance of a public road or roads running into or through such townships to which this act is not applicable, and to use a part of the funds raised by this act for that purpose.

SEC. 19. That all laws or clauses of 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 5th day of March, A. D. 1913.

CHAPTER 328.

AN ACT TO AMEND CHAPTER 540 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO LEVYING A SPECIAL TAX IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and forty of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by inserting after the word "twelve" and before the word "not," in line five of section one, the following words: "one thousand nine hundred and thirteen and one thousand nine hundred and fourteen." Tax extended.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 329.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PASQUOTANK COUNTY TO ISSUE BONDS FOR THE PURPOSE OF MACADAMIZING THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of macadamizing and otherwise improving the public roads of Pasquotank County the board of commissioners of said county are hereby authorized, empowered, and directed to submit to the vote of the qualified voters of Pasquotank County, on such day as may be fixed by them, after thirty days notice, the question of issuing two hundred thousand dollars in bonds. Election on bond issue authorized.
Amount to be voted on.

SEC. 2. That the said election shall be advertised for thirty days immediately preceding the day of election in some newspaper or Advertisement of election.

- Law governing elections. newspapers published in Pasquotank County, and the election shall be held under the rules and regulations provided for election of State and county officers.
- Tickets. 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.
- Declaration and record of result. SEC. 4. If a majority of qualified voters for 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 two 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 semiannually, at such place as said commissioners shall name, on the first day of January and July of each year.
- Issue of bonds. SEC. 5. That said bonds shall be made payable thirty 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 Pasquotank.
- Limit of amount. Denominations. Interest. SEC. 6. A record shall be kept by said board, in a book separate for that purpose, of all bonds sold, to whom sold, the amount and date of sale, the maturity of each bond, and its number; also, in the same book, a like record of bonds redeemed; and bonds shall be destroyed when redeemed.
- Maturity. 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 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.
- Authentication. SEC. 8. 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 purposes shall be guilty of a misdemeanor: *Provided*, that if the tax collected in any one year shall exceed the sum required to pay interest, the same may be used in purchasing any of said bonds.
- Record of bonds. 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
- Destruction of redeemed bonds.
- Special tax.
- Constitutional equation.
- Tax kept separate.
- Specific appropriation.
- Proviso: use of surplus of tax.
- Tax for sinking fund.

addition to the interest 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.

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 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 until actually needed for issue. The bonds provided for in this section shall be deposited in some safe bank, 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.

Investment of sinking fund in bonds.

Deposits on interest.

Deposit and issue of bonds.

SEC. 11. That said bonds shall not be sold for less than par.

Sale below par forbidden.

SEC. 12. That for the purpose of receiving and paying out the money received for said bonds, the board of commissioners of said county shall elect a suitable person or bank for a trustee, to receive and pay out said money upon the order of the chairman of said board of commissioners, countersigned by the register of deeds; said trustee shall execute a bond of sufficient amount, the same to be fixed by the board of commissioners, for the faithful performance of his or its duties, and shall receive as total compensation for his services one per cent on the money coming into his care.

Election and bond of trustee.

Compensation.

SEC. 13. For the purpose of carrying this act into effect, the board of commissioners shall have power to lay out, change the location of, grade, macadamize, and otherwise improve the public roads of the county. They may buy and hold any kind of property necessary for the permanent improvement or macadamizing of the roads. They may appoint or employ all necessary engineers, agents, and laborers, skilled or unskilled, to hire out or use the county convicts, 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 permanent roads.

Powers of commissioners as to roads.

Property necessary for permanent improvements. Engineers, agents, and laborers.

Work may be let to contract.

SEC. 14. If in prosecuting the work any person claim damage on account of the laying out or constructing of any road, the same shall be adjudged and determined by arbitrators, one to be chosen by the commissioners and one by the claimant; if these cannot agree, they are to choose a third person. Either party may appeal to the Superior Court.

Arbitration for settlement of claims.

Right of appeal.

SEC. 15. If a majority of the qualified voters of the county vote to issue bonds under and by authority of this act, then all laws and clauses of law in conflict with this act are hereby repealed.

Acts repealed if bonds are issued.

SEC. 16. That if at the election hereinabove provided for the majority of the qualified vote be not cast in favor of issuing

Further election.

bonds, the said board of commissioners are hereby authorized, empowered, and directed to resubmit the question of issuing bonds, as provided for in this act, to the qualified voters of the county at another election, to be called by them under the same provisions of this act relating to the first election hereinabove provided for: *Provided*, said second election shall not be called later than February first, one thousand nine hundred and fifteen.

Proviso: limit of time.

SEC. 17. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 330.

AN ACT TO AMEND CHAPTER 535 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF 1911, RELATIVE TO THE ERECTION OF A HOME FOR THE CARE OF THE POOR, AGED, AND INFIRM OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Interest rate on bonds.

SECTION 1. That section one of chapter five hundred and thirty-five of the Public-Local Laws of North Carolina of one thousand nine hundred and eleven be amended by striking out the word "five" at the end of line eleven, and inserting in lieu thereof the word "six," and by striking out the words "in the city of New York" in lines eight and nine.

Place of payment.

Exemption from tax rescinded.

SEC. 2. That section one be further amended by striking out the words "and shall be nontaxable for county purposes." in line twenty, and by adding a period at end of word "bonds" in said line.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 331.

AN ACT FOR THE BETTER SYSTEM OF WORKING AND KEEPING IN REPAIR THE ROADS OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Township road tax levied on petition.

SECTION 1. That for the purpose of working and maintaining in good order the public roads of Yadkin County, the board of county commissioners of said county shall have power, and it shall be their duty, upon the presentation to them of a petition signed by a majority of the qualified voters in any township in said county, to levy and assess, each year, at the time county taxes are levied,

- upon all the taxable property, both real and personal, and upon all polls in the township from which the petition above referred to may come, a tax not to exceed forty cents on each one hundred dollars worth of property and one dollar and twenty cents on the poll, at all times observing the constitutional equation, which tax shall be collected by the sheriff and accounted for as other taxes, but he shall receive only two per cent on said special tax. The rate of tax may be different in different townships, if the commissioners so elect.
- SEC. 2. The county treasurer shall keep the taxes from each township as a distinct fund, to be known as the road tax fund of the township, and shall be expended only upon the order of the commissioners in the township from which collected, and shall receive one and one-half per cent for paying out said road funds.
- SEC. 3. That the county commissioners shall appoint in each township in which a special road tax has been ordered under the provisions of this act, a competent and suitable person, who shall be known as road superintendent of his township, who shall hold his office for a term of two years from the time of his appointment. He shall, before entering upon the duties of his office, be required to give a good and sufficient bond, payable to the State of North Carolina, in the sum of five hundred dollars, for the faithful performance of his duties, and after giving bond, as above stated, take an oath before the chairman of the board of county commissioners to faithfully perform the duties as such road trustee. The said board of county commissioners shall fix and regulate, from time to time, the compensation he shall receive. He shall have the supervision of all public roads of his township, subject to the orders and control of the county commissioners, and may at any time be removed by them for inefficiency, misconduct, or other good and valid reasons, and a successor shall be appointed by the said board of county commissioners, and said board of commissioners shall fill all vacancies that might occur at any time as such road trustees.
- SEC. 4. That the said road trustee shall make or cause to be made a complete map of all the public roads of his township, and shall lay them off in sections, two miles each, or as nearly as possible, and let to contract for twelve months to the lowest responsible bidder. Specifications as to how the roads are to be worked and kept up, time and manner in which the contracts are to be let, shall be fixed by the board of county commissioners: *Provided*, no bid shall be accepted until the bidder shall have filed with the commissioners a good and sufficient bond, the amount to be fixed by said board of commissioners, conditioned for the faithful performance of his duties.
- SEC. 5. That said road trustee shall, every quarter, from the time of letting the contracts, go over and examine carefully and closely every section of his road, and if found in good condition

Limit of rate.

Constitutional equation.
Collection and settlement of tax.
Commission of sheriff.

Rate different in different townships.

Road tax fund kept separate.

Expenditures.

Commission for paying out funds.

Township road superintendents.

Term of office.

Bond

Oath of office.

Compensation.
Supervision of roads.

Removal for cause.

Vacancies.

Map and sections of roads.

Roads let to contract.

Specifications for roads.

Proviso: bidders to give bonds.

Quarterly examinations by road trustees.

- Certificate to contractor. and in accordance with the specifications, as prescribed by the board of county commissioners, then the said road trustee shall furnish the contractor with a certificate certifying that his section or sections is in good condition and in accordance with specifications, and upon presentation of the certificate to the board of
- Order for payment. county commissioners, they shall draw an order on the county treasurer for one-fourth the contract price, to be paid out of the special road tax due such township. But in no case shall the said road trustee deliver certificate to any contractor until he shall have put his section or sections in good condition and in accordance with the terms set out in said specifications.
- Road to be in good condition. SEC. 6. That all road hands from any township that adopts this act shall be exempt from working the public roads after contracts are let so long as this act remains in force.
- Road duty rescinded. SEC. 7. That this act does not repeal any general or special road law that applies to Yadkin County, except where it is in conflict with this act.
- Repealing clause. SEC. 8. That this act shall be in force from and after its ratification.
- Ratified this the 5th day of March, A. D. 1913.

CHAPTER 332.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CARTERET COUNTY TO ISSUE BONDS OF ANY TOWNSHIP OR TOWNSHIPS OF CARTERET COUNTY AND LEVY A TAX FOR GOOD ROADS UPON A PETITION OF A MAJORITY OF THE QUALIFIED VOTERS OF ANY TOWNSHIP OR TOWNSHIPS OF CARTERET COUNTY, AND TO PROVIDE FOR WORKING CONVICTS ON THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

- Township bond issues on petition of majority of qualified voters. SECTION 1. For the purpose of constructing and maintaining a system of improved public roads in Carteret County, the board of commissioners of said county, upon the petition of a majority of the qualified voters of any township or townships in said county, are hereby authorized and directed to issue bonds of said township or townships to an amount not exceeding twenty-five thousand dollars in the bonds of any one township. Said bonds shall be issued in such denominations and form, executed and transferable in such manner, payable in such time and places not exceeding fifty years from date of issue, and at such place or places as the purchasers of said bonds may designate, bearing interest not exceeding six per centum per annum, payable semiannually.
- Limit of amount. SEC. 2. The payment of the principal and interest of any bonds issued by any township or townships of Carteret County as pro-
- Denominations.
- Maturity.
- Interest.
- Guarantee of payment.

vided in this act shall be guaranteed by the county as fully as though said bonds were issued by Carteret County.

SEC. 3. None of the bonds authorized by this act shall be sold or hypothecated for less than their face value, nor shall they or their proceeds be used for any purpose other than that provided for herein.

SEC. 4. To provide for the interest on the bonds issued and for the principal, and further to provide for the maintenance of the public roads of any township issuing bonds under authority of this act, the board of county commissioners shall annually, at the time of levying other taxes, levy a special tax on all persons and subjects of taxation within said township or townships in an amount as recommended by the highway commissions, hereinafter provided for, sufficient to raise a fund to pay the interest on said bonds and to provide a sinking fund to pay the principal when due and to maintain the roads of any township or townships issuing bonds in accordance with the provisions of this act. Said bonds when issued shall be exempt from State, county, and municipal taxation. Said tax shall not be less than ten cents nor more than thirty cents on the one hundred dollars worth of property, and not less than thirty cents nor more than ninety cents on each poll, the constitutional equation to be observed at all times. Said taxes shall be collected as are other taxes.

SEC. 5. The proceeds of any bonds of any township or townships issued under authority of this act shall be paid into the hands of the treasurer of the highway commission of the respective townships issuing bonds hereinafter provided for, and shall be disbursed only by order of the chairman of the highway commission of the respective townships for the purpose of building improved public roads in said township or townships.

SEC. 6. When a majority of the qualified voters of one or more townships of said county shall petition the board of commissioners of said county in writing for the issuance of said bonds, then the said board of commissioners shall be authorized and directed to issue in manner and form above set out the bonds of the township or townships so petitioning to an amount not exceeding twenty-five thousand dollars for each of said townships. The board of commissioners of said county, at the same time, shall appoint three electors of said respective townships to constitute a highway commission for said township, to serve for the term of two years, four years, and six years, respectively, or until their successors qualify, or unless removed by the board of said commissioners for good cause shown.

SEC. 7. The highway commissions provided for in section six shall have supervision of all road work in their respective townships, and before proceeding with the road work they shall elect a competent highway superintendent for their township and fix

Sale below par forbidden.

Specific appropriation.

Special tax.

Tax recommended by highway commission.

Exemption from taxation.

Limit of tax rate.

Constitutional equation. Collection.

Proceeds of bonds to highway treasurer.

Disbursements.

Use.

Issuance of bonds authorized.

Limit of amount.

Appointment and terms of highway commission.

Supervision of road work.

Highway superintendent.

Authority and duties. his compensation. Said superintendent shall hold his office at the will of the highway commission of his township. He shall enter upon his duties 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 commission.

Election of successors. SEC. 8. Upon expiration of the term of office of any member of the highway commission of any township as provided for in section six, their successors shall be elected at the next general election of township officers: *Provided*, that if any member of a township highway commission shall die before his term of office expires, or for any reason fails to serve, his successor shall be elected by the two remaining members of the highway commission of his township to fill the unexpired term: *Provided further*, that the board of county commissioners may remove any member of the various township highway commissions provided for in this act upon good cause. In case of such removal the successor of the commissioner so removed shall be selected as in case of the death of one of the commissioners.

Proviso: vacancies. Election of chairman of highway commission. Election and salary of treasurer. SEC. 9. Before beginning the road work of any township the highway commission of the township shall meet and elect one of their number chairman. They shall at the same time elect a treasurer of the highway commission of their township, at a salary not to exceed fifty dollars (\$50) per year, who shall hold his office at the will of the commission. Such treasurer shall furnish bond for the faithful performance of his duties, in an amount to be determined by the highway commission electing him.

Proviso: removal for cause. Bond of treasurer. Expenses of meetings. SEC. 10. All the 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 improved road fund provided for in this act; such expenses not to exceed one hundred dollars for any one township highway commissioners for any one year.

Limit of amount. Fraudulent orders felony. SEC. 11. Any persons making or causing to be made any fraudulent order whereby money is to be paid out of said improved road fund of any township, or any treasurer knowingly paying such 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. Statements posted semiannually. SEC. 12. The treasurers of the respective township highway commissions shall on the first Monday of June and December of each year post on the courthouse door of Carteret County an itemized statement showing in full an account of his receipts and disbursements for the previous six months. Such treasurer shall account to the highway commissions of their respective townships quarterly for the improved road funds coming into his hands.

Quarterly accounts. Moneys constituting improved road fund. SEC. 13. Any moneys that are raised by special tax or a bond issue or in any manner whatsoever by the county officials of

Carteret County for the construction, improvement, or repair or maintenance of the public roads of said county shall become a part of what is herewith designated improved road fund, and any money raised in accordance with this section shall be paid into the hands of the treasurer of the highway commission of the respective townships of Carteret County, each township to receive the money collected from it by tax or any issue of bonds or in any other manner whatsoever.

SEC. 14. The respective township highway commissions are hereby authorized to use the improved road fund for their township to construct and improve, repair, and maintain the public highways for their respective townships, and shall purchase for such work the necessary tools, machinery, implements, and stock. The respective township highway commissions are also authorized to employ overseers, supervisors, foremen, and laborers as it may be necessary for carrying out the purposes of this act, and to pay for the hiring of such out of the improved road fund. The respective township highway commissions are also authorized to let out any of the road work on contract when in their opinion this is more economical for their townships.

Use of improved road fund.

Purchase of equipment.

Employment of overseers, supervisors, foremen, and laborers.

Work may be let to contract.

SEC. 15. In opening new highways, widening and straightening old roads, and repairing the same, the respective highway commissions through their agents are hereby authorized to enter upon any land and locate and build such highways; and said commissioners are further empowered to enter into and upon any lands for the purpose of procuring timber or other road-building material. If the highway commission of the township in which the land is located and the owner or the owners of the land cannot agree as to damages, if any, the said highway commission shall within sixty days after said highway is completed cause to be summoned five indifferent freeholders of said township, who shall go upon the land and assess damages and benefits under the general road law as it now exists: *Provided*, that before entering upon the lands as authorized by this section it shall be the duty of the highway commission for the township in which the land is located to serve notice upon the owner of the said land, notifying them that the highway is to be located upon said land under authority of this act.

Entry on land for construction and material.

Proceedings for assessment of damages.

Proviso: notice to landowner.

SEC. 16. The highways in Carteret County constructed or improved under this act shall have a right of way not less than forty feet, except where the highway commission of the township in which the road is located deem it impracticable to require such width, and in such the width shall be at least twenty-five feet, of which at least twenty feet shall be free from logs, stumps, rocks, and drains, except where ledges of rock are encountered or the width is considered impracticable by the highway commission of the township in which the road is located.

Width of right of way.

Highway commissioners subject to county commissioners.

Reports.

Approval of highway vouchers.

Convicts sentenced to roads.

Assignment of convicts.

Employment of convicts.

Expense of care and maintenance.

Highway defined.

SEC. 16½. That the highway commissioners appointed by virtue of this act shall at all times be subject to the rules, orders, and regulations of the board of county commissioners of Carteret County, and they are hereby expressly required to file such report, from time to time, as may be required by said board of county commissioners, and all vouchers issued by such highway commissioners shall be approved by at least one member of the board of county commissioners, such member to be designated and authorized to approve vouchers so issued by the board of commissioners of said county.

SEC. 17. Judges of the Superior Court, justices of the peace, and mayors holding court in Carteret County and judges of the Superior Court of adjacent counties that do not work their roads with convicts are hereby authorized to sentence to work on the roads of Carteret County persons convicted in their county. Persons thus sentenced shall be assigned by the board of county commissioners to the custody and control of the highway commissioners of the townships of Carteret County having such commissioners. Such convicts while in the custody and under the control of said highway commissioners shall be employed in the construction or repair or maintenance of the highways of their township or townships, and the expense of maintaining and guarding such convicts while so employed shall be paid out of the improved road fund of the township in which such convicts are employed.

SEC. 18. The term highway shall be understood to mean all public roads where the county owns or controls the right of way.

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 5th day of March, A. D. 1913.

CHAPTER 333.

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, PERMANENTLY CONSTRUCTING, AND MAINTAINING THE PUBLIC ROADS OF SAID COUNTY, WHEN SUCH ELECTION MAY BE DESIRED BY THE PEOPLE.

The General Assembly of North Carolina do enact:

Election authorized.

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

Question to be voted on.

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, improving, permanently constructing, and maintaining 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*, no election shall be called under this act within six months prior to any general election nor between the first day of May and the fifteenth day of July of any year: *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 ballots cast of the qualified voters of said county shall not be in favor of the issuance of 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 the 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 the members of the General Assembly of North Carolina.

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

Proviso: limitation on time of election.

Proviso: validity of bonds not affected.

Notice of election.

Proviso: resubmission of question.

Law governing elections.

Proviso: one election officer to be opposed to bond issue.

Registration and challenge of voters.

Special registration.

Return of registration and poll books.

Count and return of votes.

Canvass of returns and declaration of result.

Ballots.

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."

Declaration and record of result.

SEC. 4. In the event that a majority of the ballots cast in any election held under this act shall be voted "For Good Roads Bond Issue" at said election, the result shall be recorded and declared

Election of highway commissioners.

as aforesaid, and the board of commissioners of Rockingham County shall elect twenty-two 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 members 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 township executive committees respectively of the two parties above referred to: *Provided, however,* that if any

Residence of commissioners.
Political affiliations.

Recommendations for appointment.

of said township 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 eleven members of said commission shall be elected for two years, eleven members for four years; and each quarter of the county shall have at least two long-term and two short-term commissioners:

Proviso: appointments on failure of recommendation.

Terms of office.

Provided, 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: *Provided further,* 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 four years. The twenty-two

Proviso: vacancies.

Proviso: election of successors.

Limitation on meetings.
Highway commissioners to meet and qualify.

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. At the first meeting, and after the organization of the highway commis-

Organization.

Compensation of treasurer.

Working committee.

sion, they shall elect a working committee, composed of the chair-

man 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.

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 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. 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 twenty per cent of whatever funds may be expended under the provisions of this act shall be expended in each quarter of said county as made by the lines drawn through as aforesaid. 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 the approval and agreement with the constituted authorities of such corporations or municipalities, but no more of the funds provided for under this act shall be expended per mile within the corporate limits of any town than are expended per mile upon said thoroughfares outside of said town.

SEC. 6. In the event that a majority of the ballots cast in any election held under this act shall be voted "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 denominations 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 semiannually during the time said bonds shall run, and the principal thereof shall be pay-

Immediate charge of work.

Supervision of highway commission.

Highways determined and designated by commission.

Considerations governing determination.

Division of county.

Apportionment of funds.

Highway improvements continuous.

Proviso: roads within towns.

Expenditures per mile.

Result of election declared and recorded.

Issue of bonds.

Denominations.

Amount.

Interest.

Maturity.

Payable in standard currency.	able 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
Authentication.	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."
Entitlement.	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; 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 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: <i>Provided</i> , 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 sold, and no bond shall be of any value until said seal is so affixed and attested.
Bonds turned over to highway commission.	
Advertisement and sale of bonds.	
Expenses of sale.	
Proviso: seal affixed to bonds.	
Sale below par forbidden.	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 or proceeds be used for any other purpose or purposes than those declared by this act: <i>Provided, however</i> , 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 denominations, to whom sold, and the number of coupons
Specific appropriation.	
Proviso: purchasers not liable for application.	
Record of bonds.	

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.

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.

Proceeds paid to highway treasurer.

Funds and accounts kept separate.

Bond of treasurer.

Highway orders.

SEC. 10. If said election shall be in favor of issuing bonds as aforesaid, the board of commissioners of Rockingham County shall levy annually, at the time of levying other taxes each year, a separate road tax for said county of not exceeding thirty cents on the one hundred dollars property value, 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 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 in 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 dis-

Separate road tax.

Limit of rate.

Separate fund. Application.

Funds paid to treasurer of highway commission.

Sinking fund.

Specific appropriation.

Management and investment of fund.

Proviso: purchase of bonds.

cretion, 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.

Expeditious use of proceeds 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.

Work preferably done by contract.

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 working utilities now 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 road 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, repair, and (or) upkeep of highways under the provisions of this act, and 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 from the provisions of this act.

Work under supervision of roadway superintendent.

Road equipment turned over to highway commission.

Use or sale of equipment.

Proviso: employment of convicts and live stock.

Care and maintenance of convicts and live stock.

Laws rescinded if election favor bonds and taxes.

Road duty and taxes rescinded.

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 ballots cast by the qualified electors of said county, it shall be so recorded and declared as hereinbefore provided for; such recordation and declaration shall 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. After this law goes into effect, no services or other road duties shall be required of any person and no tax what-

ever for road purposes shall be levied or collected in Rockingham County, except as provided in this act, and sections number four, five, six, and seven of chapter one hundred and twenty of the Public Laws of North Carolina of the year one thousand eight hundred and ninety-seven, together with all amendments thereto, are hereby repealed; and sections number one, four, five, six, seven, and eighteen and nineteen of chapter five hundred and eighty-one of the Public Laws of North Carolina of the year one thousand eight hundred and ninety-nine, together with all amendments thereto, in so far as the same affect Rockingham County, are hereby repealed. Also chapter four hundred and eighty-six of the Public-Local Laws of North Carolina of the year one thousand nine hundred and eleven and chapter six hundred and thirty-one of the Public-Local Laws of North Carolina of the year one thousand nine hundred and eleven are hereby repealed; 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 direction, 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), 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 bonds 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

Laws repealed.

Laws to remain effective.

Powers and duties transferred.

Rules and regulations for discharge of duties.

Width of highways.

Election and compensation of highway superintendent.
Record of election.

Oath of office and bond.

Premiums on bonds.

- both be paid by said commission as part of the expenses of said road building. Said highway superintendent shall hold his office for two years and until his successor shall be elected and qualified, except and provided that said highway commission may, for any good cause or whenever in their judgment the public interest intrusted 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."
- Term of superintendent.**
- Removal for cause.**
- To begin work.**
- Authority and duties.**
- Highway treasurer to account semi-annually.**
- Reports from officers and employees. Proviso: annual audits.**
- Publication of audit.**
- Entry on land for construction.**
- Assessment of damages. Proviso: notice to landowners.**
- Employment of physician. Care and keeping of convicts.**
- SEC. 14. That said highway commission shall require the treasurer of said commission to account to them semiannually 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 a part of the annual county exhibit required by law to be published.
- 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 cannot 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.
- 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.

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 highway 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 intrusted 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.

Pay of highway commissioners.

Stated meetings.

Date and duration of meetings.

Proviso: special meetings of working committee.

Notice to members.

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.

Settlements with sheriff.

Actions for recovery of road taxes.

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 for other causes, observing at all times the constitutional equation in filling said vacancies.

Fraudulent orders misdemeanor.

Punishment.

Failure of duty misdemeanor.

Punishment.

Officers not allowed commissions from proceeds of bonds.

Proviso: highway commissioners removable for cause. 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.

Expenses of meetings.

Commissioners to expedite construction of highways.

Commission to study road building.

Expense of securing information.

Consulting engineers.

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.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this 5th day of March, A. D. 1913.

CHAPTER 334.

AN ACT TO PROVIDE FOR GOOD ROADS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Commissioners named and incorporated.

Corporate name.

Corporate powers.

Political affiliations.

Election.

Terms of first commissioners. Proviso: commissioners not officers.

Vacancies.

SECTION 1. That L. L. Marion, M. F. Butner, B. E. Moser, Paton Owens, and their successors in office are hereby incorporated under the name of the highway commission of Shoals Township, and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act.

SEC. 2. That the 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, L. L. Marion, B. E. Moser shall hold office for four years; M. F. Butner, Paton Owens shall hold office for two years: *Provided*, that the position of member of the said highway commission shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina. Should a vacancy occur by death, resignation, or removal, or otherwise, the same shall be filled by the said commission by choosing some one of the same political belief as was the member whose place became vacant, and such successor so chosen shall hold office until his successor shall be chosen by the Legislature, and shall qualify.

SEC. 3. That said commission shall have the same supervision, power, and right in respect to all the public roads in Shoals Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County.

Powers and rights.

SEC. 4. The said highway commission shall have full power and authority to order the laying out of public roads where necessary, in their judgment, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Said commission shall also have power and authority to lay out cartways, church and mill roads, and to order or discontinue the same in the way and manner provided for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width.

Laying out, discontinuing, and altering roads.

Cartways, church and mill roads.

Proviso: width of roads.

SEC. 5. That said commission shall meet in the within ten days after the adoption of this bill, at an election herein provided for, and shall organize by electing one of their number, chairman, and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission. Said

Meeting for organization.

Organization.

commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said commission, and he shall enter into a bond in such sum as said commission may decide, which bond, upon approval by the said commission, shall be recorded by the Register of Deeds of Surry County in the book of official bonds, and filed in his office. That the treasurer of

Election and bond of treasurer.

said commission shall make payments out of the road funds belonging to the said township only upon the written order of the said commission, signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued.

Orders on road funds.

SEC. 6. That said commission shall authorize the Sheriff of Surry County, or tax collector of said county, to collect all the taxes levied under this act, and he shall be entitled to the same fees as are allowed, sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act, and the said commission may require the sheriff or tax collector to give an additional bond.

Collection of taxes.

Fees for collection.

Sheriff liable on bond.

Additional bond.

SEC. 7. That all road taxes for Shoals Township which hereafter may be collected by the Sheriff of Surry County or tax collector of said county shall be paid over to the treasurer of the said commission, who shall give a receipt therefor, and all moneys derived from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may

Settlement of road taxes.

Proceeds of bonds.

Road taxes to be settled promptly.

Division of funds forbidden.

Road taxes kept separate.

Final settlement.

Election of superintendent of roads.

Term of office.

Compensation.

Employment, compensation, and duties of road engineers.
Term of employment.
Employment of other persons.

Machinery and implements.

Entry on land for location and change of roads and for material.

Entry for drains or ditches.

Proviso: ornamental or fruit trees.
Claims for damages.

Arbitration for assessment of damages.

come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in Shoals Township separate, and shall 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 twenty-fifth of each year, and shall pay over sooner if same shall be in his hands.

SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said 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 such employment shall be during the pleasure of said commission. That the said commission shall also have the power to employ such other persons as may be deemed necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads.

SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any land in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads; and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize, sand-clay, topsoil, and gravel or improve the said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drains or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed.

SEC. 10. That if the owner of any lands upon which said road or roads or any part thereof shall be constructed, altered, or changed, or the owner of any land from which timber, stone, clay, gravel, or sand were taken as aforesaid, shall claim damages therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages;

and in making out the damages for the land taken, and for the timber and materials so taken as aforesaid, the said arbitrators shall take into consideration the special benefits that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the change in the said road. The said damage, both for the land taken and for the timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court, after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The amount of the damages is the only question contemplated in this section.

Damages paid from general fund.

Right of appeal.

Proviso: appeal prayed within ten days.

Appeal not to delay work.

SEC. 11. That any person who shall obstruct the said commission, its agents or employees, in making survey, of changing any road, or the opening of a new public road or highway, or the taking of necessary timber or other materials as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Obstructing officers misdemeanor.

Punishment.

SEC. 12. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water in the public roads of Shoals Township, except where 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 upon conviction fined not exceeding fifty dollars and imprisoned not exceeding thirty days.

Turning water on roads forbidden.

Misdemeanor.

Punishment.

SEC. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees and all expenses to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The necessary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the funds provided by this act.

Compensation of employees.

Pay of commissions.

Office expenses.

SEC. 14. That the board of commissioners of Surry County, when a petition of one-fifth of the voters in Shoals Township is filed, is hereby empowered and instructed to submit to the voters of Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the question whether the said township (Shoals) shall issue bonds in a sum

Election on petition of one-fifth of voters.

Question on bond issue.

- Limit of amount. not exceeding thirty thousand dollars, with interest coupons attached, the proceeds of which to be used for the improvement of the public roads of Shoals Township as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Shoals Township: *Provided*, that if a majority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of four months from time of first election under the regulations hereinafter set out; and *Provided further*, that if a majority of the voters of said township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fourth of the voters of said township shall by petition request it.
- Notice of election.
- Proviso: further election.
- Proviso: further election on petition of one-fourth of voters.
- Law governing election.
- Proviso: election officers.
- Registration and challenges.
- Count and return of vote.
- Declaration and record of results.
- Ballots.
- Issue of bonds.
- Denominations.
- Limit of amount.
- SEC. 15. 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 election board of Surry County shall appoint the registrars of the election, the judges, and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly, and that the board of commissioners of Surry County may or may not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election; and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.
- SEC. 16. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue"; and at such election those who favor the issuing of the 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. 17. In the event that a 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 Surry 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 not

to exceed thirty thousand dollars. The said bonds shall bear a rate of interest of not exceeding six per centum per annum, with interest coupons attached payable semiannually during the time the bonds shall run, the principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Shoals Township, Surry County, provided for in this act, or at any bank or banks which the said highway commission may designate, to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Shoals Township Highway Improvement Bonds."

Sec. 18. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the chairman of the said commission of Township all of said bonds without the seal of the county being affixed to any of them. The chairman of the said commission of Shoals Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Shoals Township; the expenses for such advertising and selling said bonds, and other expenses necessary in regard thereto, to be paid out of the fund arising from the sale of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Shoals Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County to the bonds as 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 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 funds. The bonds and coupons shall state on their face when due and where payable, and the said bonds shall show by what authority they are issued. The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and, whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached.

Interest.

Maturity.

Payable in standard currency.

Authentication.

Entitlement.

Bonds turned over to highway commission.

Advertisement and sale of bonds.

Payment of expenses.

Seal affixed to bonds as sold.

Sale below par forbidden. Specific appropriation of proceeds.

Proviso: purchaser not liable for application.

Record of bonds.

SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, the first Monday in June, a special road tax

Special tax.

Limit of rate. for the township of Shoals, on the hundred dollars worth of property for not less than five per cent and not more than twenty-five cents, poll tax not less than fifteen cents nor more than seventy-five cents, observing constitutional equation, as recommended by the said commission of Shoals Township, 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, for the township of Shoals. The taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund shall be held by the said commission of Shoals Township in 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 commission of Shoals Township shall manage and invest the funds at the discretion of said commission, until paid out for the redemption of the said bonds sold under authority of this act at their maturity.

Constitutional equation.

Collection and application.

Sinking fund.

Management and investment of funds.

Road duty abrogated. SEC. 20. If the majority of the voters of Shoals Township 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 the said county, except after conviction for crime, are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 335.

AN ACT TO AUTHORIZE MONROE TOWNSHIP OF UNION COUNTY TO ISSUE BONDS FOR PUBLIC ROAD AND STREET IMPROVEMENT.

The General Assembly of North Carolina do enact:

Bond issue authorized. SECTION 1. That the county commissioners of Union County, acting for Monroe Township, are authorized and empowered to issue bonds of Monroe Township to the amount of one hundred thousand dollars, bearing interest at the rate of five per cent per annum, of such denomination as the road commissioners herein-after created shall determine, not to be greater than one thousand dollars nor less than one hundred dollars, to each and every of which bonds shall be attached the coupons representing the interest payable thereon, which shall be due and payable annually until the bonds shall mature, which shall be forty years from their

Amount.

Interest.

Denomination.

Maturity.

date of issue, and the bonds so issued as a charge on Monroe Township shall be consecutively numbered and the coupons shall bear the number of the bond to which they are attached, and shall declare the amount of interest which they represent and when due, and shall be receivable in payment of taxes assessed for the payment of the interest on said bonds which shall become due for that purpose by any holder of the said bonds.

Obligation of bonds.

Coupons receivable for taxes.

SEC. 2. That the said bonds shall be issued over the signature of the chairman of the board of county commissioners, witnessed by the clerk of the said board and attested by the official seal of the Register of Deeds of Union County, North Carolina, and shall be sold by the road commissioners herein provided for at a sum not less than their par value.

Authentication.

Sale.

Sale below par forbidden.

SEC. 3. That for the purpose of paying the interest on said bonds as it becomes due, and of providing a fund for the payment of said bonds at maturity, and for keeping the roads and streets in said township, it shall be the duty of the county commissioners of Union County to levy and cause to be collected annually, as other taxes are levied and collected, a tax upon all taxable property in Monroe Township subject to taxation, not exceeding thirty cents on the one hundred dollars worth of property and ninety cents on the poll, but sufficient to pay the interest on the bonds and provide a sinking fund of twenty-five hundred dollars per annum, and one thousand dollars per annum to keep the roads in repair; after the sum realized from the sale of the bonds has been exhausted, and the interest accruing from the money set apart as a sinking fund shall be used for the necessary repairs of the roads and keeping them in good condition, after the expenditure of the principal sum in putting the roads in said Monroe Township in good condition, or the same may be used in working and making good such roads as the principal sum realized from the sale of the bonds has been insufficient to do.

Special tax.

Limit of rate.

Amount.

Interest on sinking fund.

SEC. 4. That the road commissioners shall cause their clerk to keep a record, in which shall be entered the name 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 purchase or redemption, and all bonds redeemed and recorded shall be destroyed by fire in the presence of the road commissioners by their clerk or one of their number.

Record of bonds.

Destruction of bonds when paid.

SEC. 5. That the money realized from the sale of the bonds herein directed to be issued and sold shall be paid to the county treasurer and held by him for the sole use and purpose of road and street improvement in Monroe Township of Union County, North Carolina, and shall be paid out by him only upon the order of the chairman of the board of road commissioners, attested by the clerk of said board, and no order for the payment of money for the improvement of the roads of Monroe Township shall be issued

Proceeds paid to county treasurer.

Orders on fund.

- except upon the direction of the board of road commissioners made in a meeting of the board by a majority of its members. That before the money arising from the sale of the bonds shall be paid to the county treasurer, he shall be required to enter into a bond, either personal or in a surety company, the expense of which shall be paid out of any taxes levied under this act, sufficient in amount and solvency of the sureties to safely keep any and all moneys placed in his hands under the provisions of this act and to account for the same in the manner in which county taxes are accounted for and settled, which said bond shall be passed upon and approved, if sufficient in amount and solvency of sureties, by the road commissioners, and when approved shall be recorded as other bonds given by the county treasurer, and shall be filed with the chairman of the board of road commissioners; that the said bond shall be renewed as other bonds of the county treasurer are required to be renewed, and shall cover any and all funds raised under this act, whether of principal money, interest on the sinking fund taxes levied and collected, the sinking fund, or otherwise; that the treasurer shall be allowed such commissions as the board of road commissioners shall allow him, not exceeding one-tenth of one per cent on receipts and one-tenth of one per cent on disbursements.
- SEC. 6. That it shall be the duty of the road commissioners to lend the money provided as a sinking fund at a rate of interest not less than six per cent, payable annually; and after the one hundred thousand dollars has been expended on the roads, the said road commissioners shall be allowed to use the interest on said sinking fund for the purpose of keeping the roads in repair, building and repairing bridges, and such other necessities as are required to keep the highways of said township in good condition, as also to use any excess of amounts collected annually from taxes which shall remain after setting aside the amount of twenty-five hundred dollars as a sinking fund each year; the sinking fund loaned shall be loaned only on approved security, real estate mortgages or high-grade collaterals, sufficient in value and amount to assure the repayment of the money when it shall be needed or demanded, and any loan shall be well considered before made, so as to secure to the taxpayers of Monroe Township the benefit resulting from the payment of taxes for road improvement.
- SEC. 7. That it shall be the duty of the road commissioners to cause the public roads of Monroe Township to be put in good condition, so as to make their improvement permanent and lasting as possible; and in order that good roads may be secured, they may lay out, alter, change, grade, work, construct, and macadamize or make of sand-clay or other suitable material any and all public roads in Monroe Township; and for the purpose of securing such roads as economically as possible, the road commissioners are authorized to make contracts with persons, companies, firms,
- Treasurer to give bond.
- Premium on bond.
- Approval of bond.
- Commissions allowed treasurer.
- Investment of sinking fund.
- Use of interest.
- Use of surplus of tax.
- Security for loan of sinking fund.
- Roads to be put in good condition.
- Location, construction, and material.
- Work let to contract.

or corporations to construct or improve the roads in the township or sections or parts of such roads, or they may work such parts of the said roads with the "chain-gang" or convict force under their supervision, as they may see proper, or they may contract with any person for the hire of the convict force to work on any part or section of road, but said convict force shall always be under the charge and management of the road commissioners, their agents and employees, who shall be responsible for their proper treatment and care.

SEC. 8. That for the purpose of laying out, establishing, grading, working, or constructing any public road in Monroe Township, the road commissioners or any one acting by their authority shall have the right to enter upon the lands of any person over which the road may pass and may proceed to open the road and to use stone, earth, timber, or other necessary material, with as little damage to the premises as possible, for the opening, construction, and repairing of such road, and shall have authority to agree with the owner of the land for the damages suffered by reason of such appropriation of land and material, and the amount agreed on shall be certified to the board of road commissioners, who shall order the same paid out of the road fund; but in the event of the failure of the parties to agree on the damages, then each of the parties shall select an arbitrator, and these arbitrators shall select a third arbitrator or umpire, and the three shall assess the damages; and if either party shall be dissatisfied with the award so made, he or they shall have the right of appeal to the Superior Court, where the matter shall be heard and determined.

SEC. 9. That said road commissioners, in constructing and working the public roads of said township, shall make the roadbed not less than twenty-four feet and not more than forty feet wide, one-half of which shall be macadamized or built of sand-clay or other material of a permanent nature as soon as the roadbed is in condition for that purpose, and such bridges as are necessary shall be built by the road commissioners, and the actual cost of such bridges shall be paid by the county commissioners of Union County in the same way as bridges are paid for when erected under the direction of the county commissioners.

SEC. 10. That it shall be the duty of the road commissioners in expending the moneys realized under this act to see that the public roads most needing construction and improvement shall be first placed in good condition, and they shall take into consideration the public highways and streets in the city of Monroe and other corporate towns in the township, and give to them a fair and just part of the moneys realized from the taxation of the property and polls within the corporate limits of the city of Monroe and other corporate towns aforesaid, and the liability of such property and polls for the payment of the bonds issued for road improvement.

Work by convict force.

Hire of convict force.

Entry on land for construction or material.

Agreement and payment of damages.

Settlement by arbitration.

Right of appeal.

Width of roads.

Permanent construction.

Bridges paid for by county commissioners.

Considerations governing selection of roads.

Streets in municipalities.

Apportionment of funds.

- Road duty abrogated. SEC. 11. That after the receipt of the money arising from said bond sale no person shall be required to work on the roads of said township, but all roads shall be kept in good condition by convict labor or such labor as may be hired to do the necessary work for that purpose.
- Road labor.
- Taxes abrogated. SEC. 12. That all taxes heretofore levied to pay for work on the public roads of Monroe Township shall cease to be levied for such work, and the money realized from the sale of bonds and the taxes levied under this act shall supply the funds heretofore used for road purposes in said township.
- Employment of agents and assistants.
- Employment of engineers.
- SEC. 12a. That the road commissioners may employ such agents or assistants as shall be necessary to secure the best results in road-making in said Monroe Township; and in order to secure the proper location and grading of the road-bed and to ascertain what amount of dirt, rock, or other material has been removed or displaced or filled in by any contractor, and such other information as shall be necessary to enable them to perform their duties with intelligent knowledge from experts, may employ one or more civil engineers, as may be needed, who shall perform such duties as may be required of him; and they may also employ a superintendent of the convict force, who shall have the immediate and personal oversight and supervision of the convict force and of their employment, and shall look to their proper care and treatment, and such superintendent shall have charge of the property used in road-making, tools, machinery, and other property, as well as oversight of the camp and place of their detention. The superintendent shall report to the road commissioners any irregularities, any failure to work on the part of convicts, the sickness or injury of any convicts, escapes or attempts to escape by convicts. The superintendent may be discharged at any time by the road commissioners.
- Superintendent of convict force.
- Superintendent to have charge of road equipment.
- Reports of superintendent.
- SEC. 13. That the road commissioners shall use the machinery and other equipment for road work now employed by the "chain-gang" force in Monroe Township for the purpose of working and building the roads of the township, and shall have power and authority to purchase other machinery, mules, wagons, and tools or other needed appliances for the prosecution of the working and improving the public roads, as they may deem necessary.
- Superintendent subject to discharge.
- SEC. 14. That the road commissioners of Union County, elected at the last general election by the voters of Monroe Township, shall be the road commissioners provided for under this act, and shall hereafter be known and designated as the "Road Commissioners of Monroe Township," and they shall perform all the duties devolving upon road commissioners by reason of this act.
- Use of machinery and equipment.
- Purchase of equipment.
- Road commissioners.
- Official designation.
- Duties.
- Convicts to be sentenced to road work.
- SEC. 15. That it shall be the duty of any judge of the Superior Court holding court in the county of Union, and of the recorder, to sentence all convicts not punished by fine to work on the public roads of Monroe Township, whenever such person may be sen-

tenced to work on the roads under the laws of North Carolina, and Convicts from other counties. such convicts may be sentenced from other counties whenever the road commissioners shall make application for them to be sentenced to the public roads of Monroe Township.

SEC. 16. That the board of county commissioners of Union County shall not issue the bonds of Monroe Township hereinbefore provided for, nor shall any part of this act be in force except so much thereof as provides for an election by the voters of Monroe Township, until a majority of the qualified voters of Monroe Township, at an election to be held for that purpose, shall have voted in favor of the issuing of said bonds; and it shall be the duty of the county commissioners of Union County to submit the question of the issue of said bonds to the qualified voters of Monroe Township at an election to be held at such time as the road commissioners may determine as best for ascertaining the will of the voters of said township; and at said election those voting for the issue of the bonds shall cast a ballot on which shall be printed or written "For Good Roads," and those voting against the issue of the bonds shall vote a ballot on which shall be written or printed "Against Good Roads"; and if a majority of the qualified voters of Monroe Township vote "For Good Roads," then the bonds herein provided for shall be issued as hereinbefore directed, and this act as to all its parts and provisions shall be in full force and effect; that the county commissioners of Union County shall order a new registration for said election, so as to ascertain with certainty the wishes of the voters, which election shall be held under the general laws relating to the election of members of the General Assembly. Act not effective until ratified by voters. County commissioners to submit question. Ballots. Effect of election. New registration. Law governing elections.

SEC. 17. That until the money realized from the sale of the bonds hereinbefore provided for shall be expended for road and street purposes, the road commissioners shall be paid out of said fund one hundred dollars each per annum, in full for their services under this act. Pay of road commissioners.

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 force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 336.

AN ACT TO PROVIDE FOR GOOD ROADS IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That upon a petition signed by twenty-five free-holders of any township of Pender County, presented to the board of commissioners, it shall be the duty of the county commissioners Election to be ordered on petition.

of said county to order and provide for holding an election in said township to ascertain the will of the people therein, whether such township shall have good roads, and whether said good roads shall be provided for by a bond issue of not exceeding twenty-five thousand dollars or by a special annual tax of not exceeding thirty cents on each one hundred dollars worth of property and ninety cents on each poll. Such election shall be advertised for thirty days preceding the day of election, by posting notices at the courthouse door and at three public places in such township. The county commissioners shall appoint a registrar and two pollholders, and may in their discretion order a new registration, and the election shall be held under the laws governing general elections, as nearly as may be. At such election those who favor good roads shall vote a ballot on which shall be printed or written "For Good Roads and Bonds," or a ballot on which shall be printed or written "For Good Roads and Tax," as their purpose may be; and those opposed to good roads shall vote a ballot on which shall be printed or written "Against Good Roads."

SEC. 2. If a majority of the votes cast at said election shall be for good roads and bonds, the said board of commissioners shall issue and sell the bonds of said township, in an amount not exceeding twenty-five thousand dollars, or so much thereof as they shall deem necessary in order to provide funds sufficient for said purpose.

SEC. 3. That if a majority of the votes cast in such election in any township shall be "For Good Roads and Tax," the board of county commissioners shall annually, in the manner and at the time of levying the county taxes, levy a special tax on all persons and property within such township subject to taxation, of not less than ten cents nor more than thirty cents on the one hundred dollars worth of property and not less than thirty nor more than ninety cents on the poll. The taxes so levied shall be collected as other taxes and paid to the county treasurer, and be held by him as the road fund of Township.

SEC. 4. That if at said election the combined vote for good roads and bonds and for good roads and tax shall constitute a majority of the votes cast, but not a majority for either bonds or for tax, then the commissioners shall in that event call another election to be held in said township, under the same rules and regulations as is provided in section one of this act, to ascertain the will of the people therein as to whether bonds shall be issued or the tax levied, and those favoring the issuance of bonds shall vote a ballot on which shall be printed or written the words "For Bonds," and those in favor of the levy of a direct tax shall vote a ballot on which shall be written or printed the words "For Tax"; and if at said election a majority of the votes cast shall be for bonds, then the commissioners shall issue and sell the bonds as provided for in this act; but if a majority of the votes cast at said election

Questions of bond issue or special tax.

Advertisement of election.

Election officers.

Law governing election.

Ballots.

Bond issue if ordered by vote.

Amount.

Special tax if ordered by vote.

Limit of rate.

Collection and settlement of tax.

Subsequent election.

Ballots.

Bonds or tax as decided by election.

shall be "For Tax," then the commissioners shall levy the tax as provided for in this act. At all the elections herein provided for the registrar and poll-holders shall canvass and count the votes cast, and shall report such canvass to the board of county commissioners, which report shall be recorded in the minutes of said board of county commissioners, and no other canvass, report, or recording shall be necessary.

Count and canvass of votes.

Report and record of canvass.

SEC. 5. That the moneys raised under the provisions of this act shall be expended under the supervision and control and upon the orders of the board of county commissioners, for the making and maintenance of the public roads in such township; and after the collection of such tax or the sales of such bonds, as the case may be, no person in such township shall be liable to or required to do road duty.

Expenditure of road fund.

Road duty abrogated.

SEC. 6. That the board of county commissioners are hereby given all such powers as may be needed in the providing of good roads for such township or townships. They may purchase such machinery and implements as may be needed, and may employ a competent engineer or surveyor to lay off the roads. They may elect a superintendent of roads for one township, or one superintendent of roads for two or more townships, and pay him such salary as they may deem best out of the road fund of such township: *Provided*, that the said superintendent of roads may at any time be removed by the board of county commissioners, after having been given ten days notice and a hearing, when in the opinion of 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 than may be necessary in order to give him a hearing. It shall be the duty of said superintendent of roads, subject to the approval of the board of county commissioners, to supervise, direct, and have charge of the maintenance and building of all public roads in such township, and he shall submit to the board of county commissioners a monthly report concerning the work done and in progress, and the moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges, and plans for their improvement, and he shall include in this quarterly report an inventory of the tools, implements, teams, and other equipment or property on hand. Said road superintendent, before entering upon the duties of his office, shall deposit with the board of county commissioners a good and sufficient bond, to be approved by said board of commissioners, in the sum of five hundred dollars, conditioned for his faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the Superior Court of said county. In case of the death or resignation or removal of said road superintendent, it shall be the duty of the county commissioners to elect, at their first meeting thereafter, a road superintendent, who shall hold

Powers conferred on county commissioners.

Purchase of equipment. Engineer or surveyor. Election and salary of superintendent.

Proviso: removal for cause.

Duty of superintendent.

Monthly reports.

Quarterly reports.

Inventories.

Bond of superintendent.

Vacancies.

office at the discretion of said board of commissioners or until the regular December meeting of said board, and until his successor has been elected and qualified.

Care and maintenance of convict force.

SEC. 7. That the commissioners of said county are hereby authorized and empowered to make all necessary arrangements and provisions for supporting, working, guarding, and confining convicts and persons sentenced to work on the public roads in any of the courts of said county, and to call for and have returned to said county any convicts that may be at work under such sentencing in other counties, and to work such convicts on the public roads in such township or townships as shall adopt the provisions of this act by a majority vote at the election provided for in section one of this act, and to pay the expenses incident to such equipment and maintenance out of the road fund herein provided for.

Work of convicts.

Prisoners subject to work on roads.

SEC. 8. That after such arrangement shall have been made by the commissioners of the county as provided in the preceding section, all prisoners confined in the county jail under the final sentence of the court for crime, or imprisonment for the nonpayment of costs or fine, or under final judgment in the cases of bastardy, or under the vagrant acts, and all insolvents who shall be imprisoned by any court in said county for the nonpayment of costs, and all persons sentenced in said county to the State's Prison adjusted for a term less than five years, shall be worked on the public roads of the county in such township or townships as may adopt this act; and *Provided*, that upon demand made by the county commissioners upon the road commissioners of any county that may have convicts from the county of Pender, upon their public roads at work, such road commissioners or persons having charge of such convicts shall immediately turn them over to the county commissioners of Pender County for work on the public roads under the provisions of this act.

Proviso: prisoners loaned other counties to be returned.

Entry on lands for material.

SEC. 9. That for the purpose of carrying out the provisions of this act, the superintendent of roads in the township adopting the same is hereby authorized to enter upon any uncultivated lands near to or adjoining such road, to cut and carry away timber, except 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 roads, and to enter on any lands lying near the road to cut or make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said land and the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, water-course ground, and shall be kept open by said superintendent or the road supervisors, and shall not be obstructed by the owner or occupant of such lands or any other person or per-

Drains or ditches.

Penalty for obstructing drains or ditches.

sions, under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or of imprisonment or work on the public road in said township for not less than ten nor exceeding twenty days for every offense, said forfeiture to be collected by said superintendent or supervisor, if in money, and paid over to the county treasurer, and applied to the road fund of such township. If the owner of any lands or agent of such owner have any lands in charge, from which timber, sand, gravel, clay, or stone should be taken as aforesaid, desires compensation or damages for the removal of such material, he shall present an account of the same through the road superintendent at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such material; and it shall be the duty of said commissioners to pay for the same at their price; and before deciding upon this, in case of disagreement as to price, they may cause to be appointed an impartial jury or committee of arbitrators, who shall be freeholders, one to be selected by the road superintendent, one by the party claiming the damages, and the third to be selected by these two, and the said board of arbitrators shall award such damages as they shall deem just and right, and make a report in writing to the board of commissioners of their decision, which report shall be subject to revision or consummation of said board: *Provided*, that the said landowner shall have the right to appeal to Superior Court from such decision, as in other cases provided by law.

Forfeit applied to road fund.

Presentation and payment of claims.

Arbitration for assessment of damages.

Proviso: right of appeal.

SEC. 10. That subject to the approval of the board of county commissioners, the superintendent of roads, with the aid of competent engineer or surveyor, is hereby given discretionary power to locate, relocate, straighten, or change any part of the public roads in such township, where in their judgment such location, relocation, or changing will prove advantageous to the public travel; and when any person or persons whose lands shall be crossed by the roads as relocated or straightened shall claim damages therefor, he shall within thirty days petition the board of county commissioners for a jury of arbitrators as above provided for, and assess his damages; and the said commissioners shall, within not less than fifteen nor more than sixty days after the completion of said road, order the selection of said jury of arbitrators as above provided, to be summoned by the sheriff or constable, who shall give said landowner three days notice of the time and place of the meeting to assess the damages; and said arbitrators, after being duly sworn, shall consider the question of damages, and shall also take into consideration the benefit to the public travel and to the owner of the land, as well as the injury to the same, and if the benefit be considered equal to or greater than the damages sustained by the landowner, the jury shall so declare, and shall make report in writing of its finding to the board of commissioners for confirmation or revision, from which order the said

Location and change of roads.

Claims for damages.

Procedure for assessment of damages.

Right of appeal.

- landowner shall also be entitled to an appeal to the Superior Court as in other cases; and the commissioners shall pay any damages assessed in the final judgment, together with the expenses connected therewith, out of the road fund provided for under this act.
- Payment of damages.**
- Denominations of bonds.** SEC. 11. That if at the election provided for in this act it shall be determined to issue bonds in any township in said county, the said bonds shall be issued in denominations of one hundred to five hundred dollars, as the board of commissioners may deem best. They shall be dated July first, one thousand nine hundred and thirteen, and run for thirty years from the date thereof; they shall be signed by the chairman of the board of county commissioners and attested by the register of deeds as clerk of said board, and shall have the county seal affixed thereto; they shall be consecutively numbered, and shall bear interest at the rate of not exceeding six per cent per annum, and shall express on their face the purpose for which they are issued, and when and where the same are payable. Interest coupons shall be attached to each one, number to correspond with the number upon said bonds, payable the first day of July and January of each year, and shall bear a facsimile of the signature of the chairman and the clerk of said board. The commissioners aforesaid 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, within the discretion of said board: *Provided, however,* that none of said bonds shall be sold for less than their face value, with accrued interest at the time of said sale.
- Date and maturity. Authentication.**
- Interest.**
- Sale of bonds.**
- Proviso: sale below par forbidden.**
- Record of bonds.** SEC. 12. The clerk of said board shall keep a complete record of said bonds, showing the date and amount of each, when and to whom issued and sold, the amount received for the same, and the date on which the same shall mature.
- Sinking fund.** SEC. 13. That said board of commissioners and their successors in office shall create and maintain a sinking fund for the redemption of said bonds at maturity, and for the payment of the semi-annual installments of interest thereon, and the amount of such sinking fund provided annually, with the accrued interest thereon, shall be sufficient to retire said bonds at their maturity; and said commissioners shall provide for the safe investment of said sinking fund at the highest rate of interest obtainable consistent with absolute safety; that in making such investment of the sinking fund herein provided, the same may be invested in straight or county bonds, or deposited in some safe savings bank.
- Investment of sinking fund.**
- Acts declared misdemeanors.** SEC. 14. That if said board of commissioners shall fail to provide for the payment of the said interest and for the creation and maintenance of said sinking fund, as hereinbefore directed, or if said board of commissioners or any other public officer of Pender County shall apply any of the fund belonging to said sinking fund to any other purpose, or shall use the same for any other purpose than that provided for in this act, they or either of them shall be guilty of a misdemeanor.

SEC. 15. That in the event that the State of North Carolina shall Aid from State. pass any act whereby the State shall guarantee or become surety for any county or township good roads bonds, that the commissioners of said county are hereby authorized to provide funds for the purposes of roads in said county through any provision and arrangement they can make with such State officers as may be placed in charge of such bond issue or guarantee on the part of the State.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 337.

AN ACT TO ALLOW THE COMMISSIONERS OF RUTHERFORD COUNTY TO LEVY A SPECIAL TAX FOR BRIDGE PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Rutherford County are hereby authorized to levy a special tax of not exceeding twenty (20) cents on the one hundred dollars (\$100) 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 thirteen (1913) and one thousand nine hundred and fourteen (1914). Special tax authorized. Limit of rate. Purpose of tax. Years of levy.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 338.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF SCUPPERNONG TOWNSHIP IN TYRRELL COUNTY, AND TO AUTHORIZE THE LEVYING OF A SPECIAL TAX THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of road supervisors for Scuppernong Township and their successors in office shall, for the purposes of this act, be the board of road commissioners of Scuppernong Township, and the chairman and secretary of said board of road super- Road commissioners. Organization.

visors and their successors in office shall be the chairman and secretary of said board of road commissioners.

Application of funds.

SEC. 2. That the said board of road commissioners of Scuppernong Township shall apply the moneys levied and collected under the provisions of this act, and all moneys coming into their hands or control from any source whatever to the better working of the public roads of said Scuppernong Township and to the purchase of material and road-working machinery for said roads as in their judgment seems best.

Special tax.

Limit of rate.

SEC. 3. That there shall be annually levied and collected in Scuppernong Township in Tyrrell County a special tax not exceeding fifteen cents on each hundred dollars valuation of property and forty cents on each taxable poll, to be applied to the improvement of the public roads in Scuppernong Township in Tyrrell County. Said tax shall be levied and collected in the same manner and at the same time that the general and special county taxes for the county of Tyrrell now are levied and collected.

Settlement of taxes.

Orders on funds.

Separate accounts.

Compensation.

SEC. 4. That said taxes shall be paid by the sheriff or other tax collector of Tyrrell County to the Treasurer of Tyrrell County as they are collected, and shall be paid out by said treasurer on the order of the chairman of the said board of road commissioners when countersigned by the secretary of said board, and the said treasurer shall keep a separate and accurate account of all moneys received and disbursed by him under this act. The compensation of the sheriff or other tax collector, and of the treasurer, for their services under this act, shall be the same as allowed by law in regard to general and special county funds.

Laws not repealed.

Proviso: commutation for road work.

Receipt for commutation.

Duplicate receipts.

Receipts not transferable.

SEC. 5. That nothing herein contained shall be construed to alter or modify chapter sixty-five of the Revisal of one thousand nine hundred and five except as herein stated, and this act is declared to be in harmony therewith: *Provided, nevertheless*, if any person in said township required under the provisions of said chapter to work on the public roads of said township shall pay to the Treasurer of Tyrrell County or the chairman of the said board of road commissioners the sum of three dollars, he shall be relieved from working on the public roads of said township for the period of one year from the date of said payment. When any person liable to work on said roads elects to pay three dollars and obtain exemption from road work for one year, he shall demand and receive a receipt for said money, stating when the period of exemption begins, and in any controversy as to the liability of any person to work on said roads, the unsupported testimony of the person claiming to be exempt from road work shall not be received. If a receipt be lost or destroyed, upon proof thereof satisfactory to the person who issued the same, he shall issue a duplicate receipt to the person entitled thereto. Receipts for money paid for road exemption shall be personal and not transferable.

SEC. 6. That all moneys received by the chairman of said board of road commissioners shall be paid by him to the Treasurer of Tyrrell County and his receipt therefor obtained, and said chairman shall have record of such moneys made on the records of said board of road commissioners in a book kept for the purpose.

Payments by chairman of road commissioners.
Record of payments.

SEC. 7. That the taxes provided for herein shall be levied by the board of county commissioners for the county of Tyrrell upon the recommendation of the said board of road commissioners constituted as herein stated, and may be diminished in amount or entirely discontinued, in the discretion of the said board of road commissioners.

Taxes levied on recommendation of road commissioners.

SEC. 8. That membership on the said board of road commissioners shall not constitute an office of trust or profit within the meaning of the Constitution of North Carolina.

Commissioners not officers.

SEC. 9. That so long as taxes in any amount are levied by virtue of this act, no other road tax shall be levied or collected in said Scuppernon Township, any law to the contrary notwithstanding.

Taxes exclusive

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 339.

AN ACT AUTHORIZING THE COMMISSIONERS OF BRUNSWICK COUNTY TO APPROPRIATE AND PAY THE SUM OF \$500 TO A FUND FOR THE ERECTION OF A MONUMENT TO THE CONFEDERATE SOLDIERS OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the county of Brunswick be and are hereby authorized and empowered to appropriate and pay out of the general fund of the said county, not otherwise appropriated, the sum of five hundred dollars, as a contribution from the county of Brunswick to a fund for the erection of a monument in Franklin Square, Southport, North Carolina, to the memory of the Confederate soldiers of Brunswick County.

Appropriation authorized.

Amount.

SEC. 2. That said sum of five hundred dollars, when so appropriated, shall be paid to the treasurer of the monument committee of Brunswick Camp, Confederate Veterans, the said committee having been appointed at the May, one thousand nine hundred and twelve, meeting of said camp, and the order of the board of commissioners of Brunswick County, together with the receipt of said treasurer, shall be a proper voucher in the hands of the Treasurer of Brunswick County.

Payment of appropriation.

Voucher.

Use of appropriation.

SEC. 3. That no part of said five hundred dollars shall be used for any other purpose than the purchase and erection of said monument.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 340.

AN ACT TO PROHIBIT THE THROWING OF DEAD ANIMALS IN CERTAIN STREAMS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

Placing dead animals in streams forbidden. Streams enumerated.

SECTION 1. That no person shall throw, place, or deposit any dead animal in Fishing, Stony, and Swift creeks and Tar River in the county of Nash.

Misdemeanor.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and punished by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days.

Punishment.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 341.

AN ACT TO AUTHORIZE AND EMPOWER THE TOWNSHIP OF BEAUFORT, CARTERET COUNTY, TO ISSUE BONDS.

Preamble: appropriation by United States.

Whereas the Congress of the United States of America, after a survey of Taylor's Creek in Carteret County, North Carolina, duly had and made under the supervision of the Board of Engineers of the United States Army, has appropriated the sum of twenty thousand dollars, the same being two-thirds of the estimated cost of the construction of a canal of the minimum depth of five feet through Taylor's Creek; and whereas the availability of the said appropriation of twenty thousand dollars by the said United States is based upon the condition precedent that the township of Beaufort in which said improvement is proposed shall furnish to the use of the United States corps of engineers, to be disbursed and applied as said board shall direct, the sum of ten thousand dollars; and whereas more than a majority of the qualified voters within said township have signified their desire to vote upon the issuance of the bonds of said township in the sum of ten thousand dollars for this purpose: Now, therefore,

Preamble: condition of appropriation.

Preamble: voters desire bond issue.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the county of Carteret shall, upon the application, in writing, of twenty-five qualified voters of the township of Beaufort, order a special election in said township upon the question of issuing the bonds of said township in the sum of ten thousand dollars; that said special election shall be held within thirty days next after the presentation of said petition asking it, and before the said election is held the said board of commissioners shall give notice of said election for three weeks by publication thereof in some newspaper published in the town of Beaufort and by posting a notice thereof at the courthouse door and three other public places in said township for twenty days.

County commissioners to order election.

Question of bond issue.

Notice of election.

SEC. 2. That for the purpose of holding said election, the commissioners shall appoint one registrar and two poll-holders (said poll-holders to be each of different political persuasion) at the time that said election is ordered, and that said registrar shall immediately give notice by posting a notice at the courthouse door in said town, where he may be found, and shall for twenty days preceding said election, Sundays excepted, and until sundown of the day next preceding said election, keep open said registration books for the registration of voters for said election. For the purpose of this election the said board of commissioners shall order and there shall be a new registration of the voters of said township, and voters to register and vote in this election shall be qualified in like manner as voters are required to be to register and vote in elections held in the town of Beaufort for the mayor and other municipal officers.

Election officers.

Notice of registration.

New registration.

SEC. 3. That those in favor of the issuing of said bonds shall vote a ballot of white paper, on which shall be written or printed the words "For Taylor's Creek Bonds," and those opposed to the issuing of said bonds shall vote a ballot of white paper, on which shall be written or printed "Against Taylor's Creek Bonds."

Ballots.

SEC. 4. This special election may be ordered by said board of commissioners for said township either at a regular meeting of said board or at a special meeting called for the purpose of so doing; but if it is ordered at a call meeting, notice of said meeting shall be given each of the commissioners of said county, and said notice shall give said commissioners notice of the fact that the matter of the calling of this special election will be considered (and such notice shall be at least seven days previous to the date of such meeting, and the same shall be issued and directed to each such commissioner under the direction of the chairman of said board through the clerk of said board).

Election ordered at regular or called meeting.

Notice of meeting if called.

SEC. 5. As to the manner and time of opening and closing the polls and the challenging of voters, this election shall be held in all respects as provided for the elections of the mayor and com-

Law governing elections.

- Polling places. missioners of the town of Beaufort, in said county, and it shall be held in that room in the town hall of said town of Beaufort in which municipal elections are usually held in said town.
- Count and return of votes. SEC. 6. The said registrar and poll-holders shall tabulate and count the votes cast in said election and shall make two copies of their returns, and said returns, in addition to showing the result of said election, shall show when and where said election was held, the number of votes registered for said election and the number of votes cast in said election. One copy of these returns they shall within forty-eight hours after the closing of the polls file with the Clerk of the Superior Court of Carteret County, and with this report they shall file the registration and poll book used in said election, and they shall certify to the correctness of both said books, and the said clerk shall file said return and registration and poll books as part of the records of his office and record said returns in the record of elections kept in his office. The other copy of said returns the said registrar and poll-holders shall within forty-eight hours after the close of said polls file with the clerk to the board of commissioners of said county.
- Copies of returns.
- Registration and poll books.
- Record of returns.
- Copy for county commissioners.
- Issue of bonds. SEC. 7. If a majority of the qualified voters of said township (and only those voters who shall register for this election shall be deemed qualified voters of said township) shall have voted for Taylor's Creek bonds, then the board of commissioners of said county shall issue said bonds, which bonds shall be of the par value of one hundred dollars to one thousand dollars each, as said commissioners may determine, and same shall run for a term of thirty years and shall bear interest at the rate of five per cent per annum, payable semiannually, and the said bonds shall be of that kind known as coupon bonds; the interest payments shall be evidenced by coupons attached to said bonds, and all of said bonds shall bear even date and shall be dated at such time as shall be designated by said board of commissioners, and shall be due and payable on and after maturity, and upon demand, at the office of the clerk to the board of commissioners of said county of Carteret. The said bonds shall be signed by the chairman of said board of commissioners, attested by the clerk of said board, and shall have the corporate seal of said county attached. The interest coupons shall be signed only by the chairman of said board. When said bonds shall have been issued by said board of commissioners, they shall be turned over to a commission, which is hereinafter provided for, to be used for the purpose of cooperating with the United States Government in the construction of the said canal through Taylor's Creek: *Provided*, that with the consent of the duly authorized representatives of the United States Government, any excess from and out of the said ten thousand dollars over and above such amount as shall be expended in this improvement shall be expended, and said commission hereby is authorized to expend such excess in the construction and maintenance of public docks
- Denominations.
- Maturity.
- Interest.
- Date.
- Authentication.
- Bonds turned over to commission.
- Proviso: excess used for docks and terminals.

and terminals within said township at a point or points to be selected and designated by said commission, whereby the canal so constructed may be used and benefited from by the citizens of said township.

SEC. 8. That the said commissioners shall each year after they shall issue the bonds hereinbefore referred to, if they are called upon to issue said bonds, levy upon the property and polls in said township a sufficient amount to meet the accruing interest payments on said bonds and for the creation of a sinking fund for the liquidation of said bonds at maturity.

SEC. 9. That the commission herein provided for to have the use and custody of said fund shall be five in number, and such commissioners shall be selected by the board out of the said township, and in such selection the wishes of a majority of the qualified voters under said registration hereinbefore provided for shall be regarded, and such commissioners as a majority of such qualified voters shall designate in petition to the board at the next meeting after said election shall be selected as such commission. The said commission shall confer with the representatives of the United States in this improvement as frequently as the progress of the work may require, and shall report to the clerk of the board of commissioners their findings and recommendations on such conditions, and in such report the said commission shall, in writing, set forth the results of their conference or conferences with the United States representative as to the amount of such fund as shall at that period be required to be withdrawn from this fund for the designated use, and upon such report the clerk of said board shall issue a voucher payable to said commission to the order of the United States Engineer Corps in such amount as designated, and said clerk shall charge the same upon a book to be kept by him for this purpose, and the said clerk at each regular meeting of the said board of commissioners shall report to the board such amounts as shall have been disbursed and the balance on hand. The said commission herein provided for shall serve without compensation, and for failure or neglect to properly give this matter such attention as expeditious completion of the same would require, the board of commissioners may and shall remove such commissioner or commissioners and appoint in his or their stead such person or persons who, upon suggestion of the voters in said district for appointment, shall signify their willingness to serve in this capacity.

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

Ratified this the 5th day of March, A. D. 1913.

Special tax.

Commission for use and custody of fund.

Selection of commissioners.

Conferences with representative of United States.

Reports and recommendations.

Report of amount required.

Voucher for amount.

Reports of disbursements.

Commissioners to serve without compensation.

Removal and appointment of successor.

CHAPTER 342.

AN ACT TO PROHIBIT THE SETTING OF STEEL TRAPS AND SNARES OUTSIDE INCLOSURES IN CERTAIN TOWNSHIPS IN GATES COUNTY.

The General Assembly of North Carolina do enact:

Steel or log traps or snares forbidden. SECTION 1. That it shall be unlawful for any person or persons to set steel traps, log traps, or snares at any place where stock running at large may have access thereto.

Application of act. SEC. 2. That this act shall only apply to Hall and Reynolds townships in Gates County.

Misdemeanor. Punishment. SEC. 3. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by fine or imprisonment, in the discretion of the court.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 343.

AN ACT TO REGULATE THE HUNTING OF DEER IN ALLIGATOR TOWNSHIP, TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Close season. SECTION 1. That it shall be unlawful for any person to kill, trap, or hunt with dogs, or otherwise destroy deer in Alligator Township, Tyrrell County, between the first day of January and the fifteenth day of October of each year.

Violation of act 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 fifty dollars or imprisoned not more than thirty days.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 344.

AN ACT TO PROVIDE FOR GOOD ROADS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Highway commissioners named and incorporated. Corporate name. SECTION 1. That W. W. Lovell, C. L. Beamer, J. H. East, S. J. Booker, and their successors in office are hereby incorporated under the name of the Highway Commission of Stewart's Cr ek

Township, and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act. Corporate powers.

SEC. 2. That the 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. W. Lovell, S. J. Booker shall hold office for four years: J. H. East, C. L. Beamar shall hold office for two years: *Provided*, that the position of member of the said highway commission shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina. Should a vacancy occur by death, resignation, or removal, or otherwise, the same shall be filled by the said commission by choosing some one of the same political belief as was the member whose place became vacant, and such successor so chosen shall hold office until his successor shall be chosen by the Legislature, and shall qualify. Political affilia-
tions.
Election of suc-
cessors.
Terms of office.
Provide; commis-
sionership not to
constitute office.
Vacancies.

SEC. 3. That said commission shall have the same supervision, power, and right in respect to all the public roads in Stewart's Creek Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County. Powers and rights

SEC. 4. The said highway commission shall have full power and authority to order the laying out of public roads where necessary in their judgment, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Said commission shall also have power and authority to lay out cartways, church and mill roads, and to order or discontinue the same in the way and manner provided for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width. Power to lay out,
discontinue, and
alter roads.
Cartways, church
and mill roads.
Provide: width of
road.

SEC. 5. That said commission shall meet in the within ten days after the adoption of this bill at an election herein provided for, and shall organize by electing one of their number chairman, and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission. Said commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said commission, and he shall enter into a bond in such sum as said commission may decide, which bond, upon approval by the said commission, shall be recorded by the Register of Deeds of Surry County in the book of official bonds, and filed in his office. That the treasurer of said commission shall make payments out of the road funds belonging to the said township only upon the written order of the said commission signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued. Commission to
meet and
organize.
Organization.
Treasurer.
Bond of treasurer.
Orders on road
funds.
Record of orders.

- Collection of taxes. SEC. 6. That said commission shall authorize the Sheriff of Surry County, or tax collector of said county, to collect all the taxes levied under this act, and he shall be entitled to the same fees as are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act; and the said commission may require the sheriff or tax collector to give an additional bond.
- Fees for collection.
- Sheriff liable on bond.
- Moneys to be paid to road treasurer. SEC. 7. That all road taxes for Stewart's Creek Township which hereafter may be collected by the Sheriff of Surry County or tax collector of said county shall be paid over to the treasurer of the said commission, who shall give a receipt therefor, and all moneys derived from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hand under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in Stewart's Creek Township separate, and shall 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 twenty-fifth of each year, and shall pay over sooner if same shall be in his hands.
- Sheriff to settle promptly.
- Diversion of funds forbidden.
- Road taxes kept separate.
- Final settlement.
- Election, term, and compensation of superintendent. SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said 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 such employment shall be during the pleasure of said commission. That the said commission shall also have the power to employ such other persons as may be deemed necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads.
- Road engineers, compensation, duty, and terms.
- Other employees.
- Equipment.
- Entry on lands. SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any land in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads, and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize, sand-clay, topsoil, and gravel or improve the

said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drain or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed.

Drains or ditches.

SEC. 10. That if the owner of any lands upon which said road or roads, or any part thereof shall be constructed, altered, or changed, or the owner of any land from which timber, stone, clay, gravel, or sand were, as aforesaid, shall claim damages therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken, and for the timber and materials so taken, as aforesaid, the said arbitrators shall take into consideration the special benefits that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the change in the said road. The said damage, both for the land taken and for the timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The amount of the damages is the only question contemplated in this section.

Proviso: ornamental or fruit trees not to be destroyed.

Arbitration for assessment of damages.

Payment of damages.

Right of appeal.

Proviso: time of taking appeal.

Appeal not to delay action.

SEC. 11. That any person who shall obstruct the said commission, its agents or employees, in making survey, or changing any road, or the opening of a new public road or highway, or the taking of necessary timber or other materials as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty days.

Obstructing commission or agents misdemeanor.

Punishment.

SEC. 12. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water in the public roads of Stewart's Creek Township, except where there is a drain, cut-out pipe, or other opening under said highway to allow the water to pass off. Any person violating the pro-

Turning water on roads.

Misdemeanor.

Punishment.

visions of this section shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars (\$50) and imprisoned not exceeding thirty days.

Compensation of employees and expenses.
Pay of commissioners.

SEC. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees and all expenses, to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The necessary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the funds provided by this act.

Office expenses.

County commissioners to order election.

SEC. 14. That the board of commissioners of Surry County, when a petition of one-fifth of the voters is presented, is hereby empowered and instructed to submit to the voters of Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the question whether the said township of Stewart's Creek shall issue bonds in a sum not exceeding twenty-five thousand dollars, with interest coupons attached, the proceeds of which to be used for the improvement of the public roads of Stewart's Creek Township as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Stewart's Creek Township: *Provided*, that if a majority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of four months from time of first election under the regulations hereinafter set out; and *Provided further*, that if a majority of the voters of said township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fourth of the voters of said township shall by petition request it.

Question to be voted on.

Notice of election.

Proviso: further elections.

Proviso: election on petition of one-fourth of voters.

Law governing elections.

Proviso: election officers.

Registration and challenges.

Count and return of votes.

SEC. 15. 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 election board of Surry County shall appoint the registrars of the election, the judges, and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly; and that the board of commissioners of Surry County may or may not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county com-

missioners on the Thursday next following the election, and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.

Declaration and record of result.

SEC. 16. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue"; and at such election those who favor the issuing of the 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."

Ballots.

SEC. 17. In the event that a 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 Surry 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 not to exceed twenty-five thousand dollars. The said bonds shall bear a rate of interest of not exceeding six per centum per annum, with interest coupons attached, payable semiannually during the time the bonds shall run, the principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Stewart's Creek Township, Surry County, provided for in this act, or at any bank or banks which the said highway commission may designate to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Stewart's Creek Township Highway Improvement Bonds."

Issue of bonds.

Denominations.

Total amount.

Interest.

Maturity.

Payable in standard currency.

Authentication.

SEC. 18. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the chairman of the said commission of Stewart's Creek Township all of said bonds without the seal of the county being affixed to any of them. The chairman of the said commission of Stewart's Creek Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Stewart's Creek Township; the expenses for such advertising and selling said bonds, and other expenses necessary in regard thereto, to be paid out of the fund arising from the sale

Bonds turned over to road commission.

Advertisement and sale of bonds.

Payment of expenses.

Bonds sealed before delivery.	of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Stewart's Creek Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County to the bonds so sold, and
Sale below par forbidden.	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
Proviso: purchaser not responsible for application.	other purposes than those declared by this act: <i>Provided, however,</i> that the purchaser of said bonds shall not be required to see to the application of the funds. The bonds and coupons shall state on their face when due and where payable, and the said
Record of bonds.	bonds shall show by what authority they are issued. The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and, whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached.
Special tax.	SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, the first Monday in June, a special road tax for the township of Stewart's Creek on the hundred dollars worth
Limit of rate.	of property for not less than five per cent and not more than twenty-five cents, poll tax not less than fifteen cents nor more than seventy-five cents, observing constitutional equation, as recommended by the said commission of Stewart's Creek Township, 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
Collection and application of tax.	county purposes for the township of Stewart's Creek. The taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the
Sinking fund.	said township. The sinking fund shall be held by the said commission of Stewart's Creek Township in 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 commission of Stewart's
Management and investment of funds.	Creek Township shall manage and invest the funds at the discretion of said commission, until paid out for the redemption of the said bonds sold under authority of this act at their maturity.
Road duty abrogated.	SEC. 20. If the majority of the voters of Stewart's Creek Township 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 the said county, except after conviction for crime, are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 345.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS WITHIN THREE MILES OF EREKA AND MANLEYS CHAPEL CHURCHES IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm, or corporation to manufacture any wine, or to sell or otherwise dispose of for gain any spirituous, vinous, malt, or other fermented liquors, or any wine or cider within three miles of Ereka and Manleys Chapel churches in Granthams Township, Wayne County, North Carolina. Prohibition.

SEC. 2. That any person violating the provisions 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 be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 346.

AN ACT TO ALLOW J. M. EDWARDS, FORMER SHERIFF OF YANCEY COUNTY, ADDITIONAL TIME FOR THE COLLECTION OF ARREARS OF TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That J. M. Edwards, former Sheriff of Yancey County, be and he is hereby allowed until January first, one thousand nine hundred and fourteen, for the collection of all taxes and arrears of taxes for the years one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven, one thousand nine hundred and twelve. Time allowed. Years of arrears.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 347.

AN ACT TO PROVIDE A TOWNSHIP ROAD LAW FOR BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants within the territory of the lines and boundaries of Morganton Township in Burke County as now constituted and established are for the purposes of this act hereby created a body politic and corporate under the name and style of Township incorporated. Corporate name.

Corporate powers.	Morganton Township, and in that name and for that purpose shall have perpetual succession, may sue and be sued, plead and be impleaded in any of the courts of this State.
Supervisors named.	SEC. 2. That J. L. Anderson, John A. Dickson, A. N. Dale, D. J. Berry, and R. C. Whitney and their successors, to be elected as hereinafter provided, are hereby named, constituted, and appointed the board of supervisors in and for Morganton Township, Burke County, for the purposes hereinafter stated. That J. A. Dickson shall serve and hold office for six years and J. L. Anderson for four years. That at the election hereinafter provided for and to be held on the question of issuance of bonds and the levy of a special road tax for said township, there shall also be elected by the qualified electors of said township the successors in office to the above named supervisors, A. N. Dale, D. J. Berry, and R. C. Whitney, as follows: one for a six-year term, one for a four-year term, and one for a two-year term each.
Terms of office.	
Election of successors.	
Powers and authority of supervisors.	SEC. 3. Said board of supervisors shall have full power and authority to construct, operate, and maintain the public roads of Morganton Township; to discontinue or change the location of the same; to lay off and construct new roads; to divide the public roads of said township into sections and to appoint road overseers for the same; to let the construction, alteration, repair, or maintenance of said roads to contract; to engage, in their discretion, and pay out of the road fund hereinafter provided a superintendent of roads and a skilled engineer experienced in road work to survey the same, which offices may be held by one person if deemed advisable; and to purchase and pay for out of said road fund all necessary road machinery, tools, equipment; and for the purposes of making changes in existing roads, repairing and improving the same, and for locating or constructing new roads, or for the purpose of obtaining the necessary stone, gravel, topsoil, or other material necessary for the construction or repair of any road may exercise the right of eminent domain. Before any private property is taken by said board for road purposes five days written notice shall be served on the owner by the board, stating the property the board is determined to take, the extent of same and the purposes for which it is to be taken. If damages are asked by the owner for said right of way over his property or for road material any time within sixty days after such work has been completed or material taken, but not before such completion or taking, shall file his petition with the board of supervisors, asking for the appointment of a jury of not more than three freeholders to assess the damages he has sustained by reason of the taking of his property. Upon the filing of said petition the owner of the property shall select one man, the board of supervisors one, and these two a third, all of whom shall be disinterested freeholders and of no relation to any of the parties, who shall view the premises and ascertain the damages, if any, sustained by the said
Roads may be let to contract. Superintendent and engineer.	
Equipment.	
Right of eminent domain.	
Notice to owner.	
Proceedings for assessment of damages.	

owner; and in doing so they shall take into account the advantage, if any, said road or improvements will be to said owner of the premises, and if they find the advantages are worth more than the amount of damages, they shall so state, giving the amount. They shall file their report with the Clerk of the Superior Court of Burke County within ten days after viewing said premises. From the assessment of damages so made either the petitioner or the board of supervisors may appeal to the Superior Court, said appeal to be docketed at the next regular term of Burke Superior Court and to stand for trial in its order on the docket. It shall be the duty of the township supervisors within thirty days after the entry of such appeal to transmit to the Clerk of the Superior Court of Burke County the original petition and all other papers in its possession connected with the proceeding. The cost of all such proceedings for condemnation up to the entry of the appeal shall be paid by the board of supervisors out of the road fund, but if upon the trial of said appeal in the Superior Court the jury should find that the advantages to the petitioner by reason of the change or improvement in the road equal or exceed the damages which he has or shall sustain thereby, then all costs accruing subsequent to the appeal shall be paid by the petitioner, but the supervisors shall not recover from the owner any excess of benefits found by the jury. All damages assessed or agreed upon between the owner and the supervisors hereunder shall be paid out of the road fund of said township, but the filing of a petition for damages or the prosecution of an appeal shall not prevent the board of supervisors from entering upon lands and surveying and changing or constructing roads or from taking material for road construction: *Provided, nevertheless*, that without the consent of the owner no material shall be taken from any cultivated field or garden and no ornamental or shade trees shall be cut for road material within three hundred feet of any dwelling. Nothing herein contained, however, shall prevent the cutting or removing of such trees as may interfere with the proper construction or repair of the roads of the township.

Right of appeal.

Record on appeal.

Costs of proceedings.

Excess of benefits not recovered. Payment of assessments.

Work not to be delayed.

Proviso: material not to be taken without consent of owner.

Bridges.

Special road tax.

Limit of rate.

SEC. 4. All bridges in said township shall be constructed and maintained by the said board of supervisors except the bridges over the Catawba River, which bridges shall be maintained, one-half by Morganton Township and one-half by the county of Burke.

SEC. 5. That if a majority of the votes cast at such election herein provided for shall be for "Special Road Tax," unless bonds are authorized and issued as hereinafter provided, the board of commissioners of Burke County shall during the month of June, one thousand nine hundred and thirteen, and annually thereafter, levy a special road tax on all the property subject to taxation in Morganton Township, which tax shall not exceed fifty cents on one hundred dollars worth of taxable property in said township, and no poll tax for road purposes shall be levied in said township

Rate fixed by supervisors.

Supervisors to elect tax collector.

Compensation and bond.

Collection by sheriff.

Sheriff liable on bond.

Deposit of collections.

Application.

Proviso: tax if road bonds are issued.

Deposits of road funds.

Warrants for expenditures.

Other taxes.

by said board of county commissioners. The board of supervisors of Morganton Township shall during the month of May, one thousand nine hundred and thirteen, and annually thereafter, fix the amount which shall be levied by the county commissioners not exceeding the amount aforesaid for the ensuing year, and shall certify the same to the board of commissioners of Burke County, and the amount so certified shall be the amount of special tax which said board of commissioners shall annually levy. The board of supervisors may elect a tax collector to collect such special tax, and may fix his compensation, not to exceed a commission of five per centum of the amount of taxes collected, and said tax collector shall enter into bond to the State of North Carolina in such sum not less than the aggregate amount of taxes to be collected as the board of supervisors may fix, conditioned for the faithful performance of his duties as tax collector. Said board of supervisors may in its discretion arrange with the sheriff or tax collector of the county or the town of Morganton to collect such special road tax, and in that event the official bond of said sheriff or tax collector of the county or town shall be liable for the faithful performance of his duties as said special collector of road taxes. The tax so collected shall be deposited by the tax collector in such bank or banks as the board of supervisors may designate, and shall be applied to the construction and maintenance of the roads and bridges of Morganton Township, to the purchase of road-building materials, tools, machinery, and supplies, and to paying such damages as may be awarded or agreed upon where property is taken for road purposes; for paying the expenses of holding elections provided for in this act, and for the necessary costs of surveys and the payment of salaries authorized by said board of supervisors and other expenses incident to the location, construction, and maintenance of the roads of said township: *Provided*, that should road bonds be authorized and issued by said township in the manner hereinafter provided, then it shall be the mandatory duty of the board of commissioners of Burke County annually to levy a special tax on all the taxable property in said township, exclusive of polls, sufficient to pay the interest on the bonds issued and outstanding and to create a sinking fund sufficient to redeem said bonds at maturity, the amount necessary for the payment of said interest and the creation of said sinking fund to be certified to said board of county commissioners by the board of supervisors of said township. All road funds, whether proceeds of bond sales or of taxes collected as aforesaid, shall be deposited in the bank or banks designated by said board of supervisors, and shall be payable only upon warrants signed by the chairman and secretary of said board of supervisors, which warrants shall state upon their face the purpose for which issued and to whom payable, and which shall not be paid by the depository bank until properly indorsed by the payee named therein. No other taxes

for road purposes shall be levied or collected on the property or polls in Morganton Township than such as is herein provided, except such taxes or assessments as may be collected by the town of Morganton for street purposes: *Provided*, nothing herein contained shall prevent the commissioners of Burke County from levying a road tax on the other townships of Burke County which have not adopted the provisions of this act in the manner herein-after provided, to be expended in maintaining the public roads of said township and to pay for the expense of the chain-gang: *Provided*, that if chain-gang shall be established by the county commissioners, Morganton Township shall pay its pro rata part of the expense thereof, to be calculated from property valuation of said township in proportion to the total valuation of the property of the whole county, and shall in such event also receive like proportionate part of the services and work from such chain-gang in said Morganton Township.

Proviso: road tax in other townships.

Proviso: expense and work of chain-gang if established.

SEC. 6. That at the time of the general municipal election to be held for the town of Morganton in the month of April, one thousand nine hundred and thirteen, an election shall also be held on call previously made by the county board of elections for Morganton Township, in said county of Burke, for the purpose of voting on the proposed issue of road bonds for said township, the levy of special road tax for said township, and the election of three supervisors for said township. That said board of elections shall give thirty days notice of the said election by publication in some newspaper published in Burke County, designating the time and place of holding same, and shall provide proper boxes and appoint the registrars and judges to hold and conduct the said election. That at such election all qualified electors of said township favoring the issue of bonds for public roads shall vote a ticket on which shall appear the words "For Roads," and all persons opposed to bonds shall vote a ticket on which shall appear the words, written or printed, "Against Road Bonds." That in said election all such electors favoring a special road tax for said township shall vote a ticket on which shall appear the words "For Special Road Tax," and all opposed to such road tax shall vote a ticket on which shall appear the written or printed words "Against Special Road Tax." That should a majority of the qualified electors voting in said township vote in favor of said road bonds, it shall be the mandatory duty of the board of commissioners of Burke County to make a finding of such facts, which shall be spread upon the minutes of the said board and authorizing and empowering the said board of road supervisors to have prepared and issued coupon bonds, not to exceed fifty thousand dollars, in an amount to be fixed by the said board of township supervisors. It shall be the mandatory duty of the board of county commissioners of Burke County to deliver a certified copy of such order to the board of township supervisors, and upon receipt of the

Election on bonds, tax, and for supervisors.

Notice of elections.

Boxes and officers.

Tickets.

County commissioners to record result and authorize bond issue.

Amount.

Order for issue.

Supervisors to issue bonds.

same it shall be the duty of such supervisors to issue the amount of bonds determined by them, subject to the limitation hereinafter contained in this act as to the amount of bonds which may be issued in any one year. At said election the successors of A. N. Dale, D. J. Berry, and R. C. Whitney, above named, shall be elected by the qualified voters of said township, one for six years, one for four years, and one for two years. The one receiving the highest vote shall be declared elected for the six-year term, the one receiving the next highest vote shall be declared elected for four years, and the one receiving the next highest vote shall be declared elected for two years: *Provided*, that at no time shall more than four of said members of board of supervisors belong to or claim affiliation with any one political party: *Provided further*, that if in said election there shall be a tie vote on any of said officers, the same shall be determined by lots to be agreed upon between the parties. The supervisors so elected shall hold office until their successors are elected and qualified. Said bonds shall be payable by said township and shall be executed in its corporate name by the board of supervisors of said township, authenticated by the signatures of the chairman and secretary thereof and under the corporate seal of said township, said bonds to be printed or engraved in such form and in such denominations as the said board of supervisors may determine, and be sold by them after advertisement for the best price obtainable, and said supervisors shall apply the proceeds of said sale as other road funds of said township and as hereinafter provided. Said bonds shall run for not more than twenty years and shall bear interest at a rate not exceeding five per cent, and shall in no event be sold or disposed of for less than par: *Provided*, that in no event shall more than fifteen thousand dollars (\$15,000) of said bonds be issued and sold the first year the same are authorized in the manner aforesaid, and that not more than ten thousand dollars (\$10,000) of said bonds shall be issued and sold during any subsequent year. The board of supervisors, in the event bonds are issued, shall annually during the month of May certify to the board of commissioners of Burke County the amount of tax which it will be necessary to levy to pay the interest on the bonds issued and to create a sinking fund for the redemption of said bonds at maturity; and in the event that bonds are issued in the manner hereinbefore provided, no other or further road tax shall be levied or collected in said township than such amount as is necessary to pay the interest on the bonds issued and to create a sinking fund for the redemption of the same at maturity.

SEC. 7. For the purposes of this act all the streets leading from the courthouse in the town of Morganton (other than the sidewalks) and connecting with the public roads or highways of Morganton Township are hereby declared to be parts and parcels of the public roads or highways of said township, and are to be

Election of supervisors.

Persons declared elected.

Proviso: political affiliation.

Proviso: settlement of ties.

Term of supervisors.
Obligation and execution of bonds.

Authentication.

Denominations.

Sale.

Application of proceeds.

Maturity.

Proviso: issue of bonds.

Supervisors to certify tax needed.

Other taxes abrogated.

Streets in Morganton.

worked and improved with the funds hereinafter provided for working the public roads and highways in the other portions of said township, except that the working, improvement, construction, and maintenance of said roadways in the town of Morganton is to be done under the supervision and direction of the public authorities of said town having control of said streets. Nothing herein contained shall be construed as preventing the town authorities of Morganton from cooperating with the said board of road supervisors in the working of said roadways in said town and in the expenditure thereon of the taxes levied in said town for street purposes, or from making assessments upon abutting landowners in said town for the improvement of the streets and sidewalks thereof.

Supervision of town authorities.

Coöperation.

Assessments on abutting property.

SEC. 8. An amount equal to two-thirds of all the road taxes (other than such taxes as may be collected to pay interest on bonds and for a sinking fund if bonds are issued) collected upon property within the corporate limits of the town of Morganton shall annually be expended upon working and maintaining the streets of said town leading from the courthouse and connecting with the township roads, and if bonds are issued, two-thirds of such part of the proceeds of bond sales to which the town of Morganton would be entitled upon a basis of the assessed valuation of property in said town as compared with the assessed valuation of property in the township outside of the corporate limits, shall likewise be expended on said streets leading from the courthouse to connection with the township roads. It shall be the duty of the supervisors at the time bonds are issued or taxes levied as aforesaid to ascertain the aggregate value of the property assessed for taxation inside of the limits of the town of Morganton, and the value of the property assessed for taxation in the township outside of said town, and to apportion the funds derived from the collection of said taxes or from the sale of said bonds upon the basis hereinbefore provided, to the end that two-thirds of the amount to which the town of Morganton would be entitled upon the basis of property valuation as compared with the entire valuation for tax purposes in the township be expended on the streets of said town, and that the remaining one-third to which said town would be entitled upon such basis be apportioned to working township roads outside of said town.

Apportionment of road fund.

Supervisors to make apportionment.

SEC. 9. The said board of supervisors shall have power in its discretion to establish and maintain a chain-gang for working the roads of the township, unless the county commissioners of said county shall at any time establish and maintain a county chain-gang, and for that purpose may build the necessary stockades or may use the county jail for keeping prisoners; may purchase the necessary tools and equipment and employ and pay the necessary guards and other employees for such purpose; and they may make such rules and regulations for the management of the convict

Chain-gang for township.

Safe keeping of prisoners.

- Prisoners subject to work roads. force as may be consistent with the regulations governing the use of the convicts in the State's Prison. All persons confined in the county jail of Burke County under final sentence for crime, or imprisoned for nonpayment of costs or fines, or under final judgment in cases of bastardy, or under the vagrancy act, and all persons who shall be sentenced to the State's Prison for a term of not more than ten years, and all insolvents who shall be imprisoned for nonpayment of costs, whether sentence may be imposed by the Superior Court or the recorder's court or any other court of competent jurisdiction, may be worked on said roads of Morganton Township in the event said board of supervisors shall establish a chain-gang, and all such convicts shall be fed, clothed, guarded, and otherwise cared for out of the road fund of said township. The said board of supervisors is hereby authorized to accept convicts from other counties sentenced by Superior Court judges or other courts of competent jurisdiction, upon such terms with the commissioners of said counties or the authorities of cities and towns as may be agreed upon; and in the event said board of supervisors shall at any time after establishing such chain-gang not have immediate use for the work of said chain-gang, they may arrange with the board of commissioners of Burke County or with the supervisors of other townships in said county for working said convicts upon the roads of other townships than Morganton.
- Care and maintenance of convicts. Convicts from other counties. Chain-gang to county or other townships. Survey and map of roads. Sec. 10. Said board of road supervisors shall cause all the roads of said township to be surveyed and mapped by a competent engineer experienced in road construction, the survey so made to show any necessary changes or relocation of said roads that may be necessary to secure a good grade and roadbed, and the expenses of said survey shall be paid out of the road fund. The map of said roads shall be filed in the office of the supervisors, and shall be open to the inspection of the public.
- Map open for inspection. Law continued in force. Sec. 11. That sections six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, of chapter one hundred and ninety-two, Public Laws of one thousand nine hundred and three, so far as not inconsistent with the specific provisions of this act, shall be in force and shall apply to the public roads of Morganton Township: *Provided*, that the duties therein imposed upon the board of county commissioners shall devolve upon the board of supervisors of Morganton Township, and that all reports therein required to be made to the county commissioners shall be made to said board of supervisors, and that all moneys collected or received under the terms of said sections of said act in Morganton Township shall be paid over to said township supervisors.
- Proviso: devolution of duties. Power to borrow money on notes. Sec. 12. In order to expedite the work of the improvement of the public roads of Morganton Township, the said board of supervisors of Morganton Township is hereby authorized to borrow money during the year one thousand nine hundred and thirteen

on notes to be executed in the corporate name of the township, which notes shall be signed by the chairman and countersigned by the secretary of said board, the amount of said notes not to exceed in the aggregate five thousand dollars (\$5,000), and the money so borrowed to be placed in the bank to the credit of said board, to be disbursed only upon warrants as hereinbefore provided. The money so borrowed shall be repaid out of the proceeds of the taxes levied in said township for road purposes during the year one thousand nine hundred and thirteen, or out of the proceeds of bonds sold, if bonds are issued during the year one thousand nine hundred and thirteen, in the manner hereinbefore provided: *Provided*, a majority of the vote cast shall be for special road tax or road bonds.

Authentication of notes.
Amount.

Repayment.

Proviso: vote for road tax or bonds.

SEC. 13. Said board of supervisors shall publish quarterly during the months of January, April, July, and October in each year, in some newspaper published in Burke County, a statement showing the receipts and disbursements of the board during the quarter, which statement shall show the source from which the funds were derived and the purposes for which the same were disbursed, and shall show the balance of road funds on hand and unexpended.

Quarterly publication of reports.

SEC. 14. The members of said board of road supervisors shall serve without salary, but may charge and collect for their personal expenses incurred in the discharge of their duties as provided in this act.

Pay of supervisors.

SEC. 15. Any township in Burke County (other than Morganton Township, as to which township this act shall be in effect from and after its ratification) may adopt the provisions of this act for working its roads in the following manner: That upon a re-

Other townships may adopt act.

quest of fifty per cent of the registered vote of said township, addressed to the board of county commissioners, they shall call an election for said township, and upon a majority vote being cast for said special road tax or to adopt the provisions of this act, the board of commissioners of Burke County shall at their next regular monthly meeting enter an order declaring the provisions of this act in force in said township and appointing the board of township supervisors named in said petition. Upon the entry of said order, all the provisions of this act, except such as by their terms can apply only to Morganton Township or to the town of Morganton, shall immediately become of full force and effect in the township filing such petition. One of the road supervisors so appointed shall hold office until December first succeeding the next general election for State and county officers after the filing said petition; one of said supervisors shall hold office until December first after the second general election after the filing of the said petition, and one of the supervisors shall hold office until December first after the third general election succeeding the filing of said petition, and the board of county commissioners shall designate the respective terms of the supervisors

Petition for election.

Order of election.

Act effective by vote of majority.

Terms of supervisors.

Subsequent elections.

appointed in their order making appointment. At each general election beginning with the first general election held after the first of such petitions, the qualified voters of said township shall elect one member of the board of supervisors, whose term of office shall begin on December first next succeeding said election, and who shall serve for a term of six years. Vacancies in such board shall be filled by the members thereof for the unexpired term.

Townships adopting act incorporated.

SEC. 16. The citizens of any township of Burke County adopting the provisions of this act in the manner aforesaid shall, from the date of the entry of the order of the county commissioners declaring this act in effect as to said township, be and constitute a body politic under the name of Township for the purposes of this act, and as such shall exercise all the powers, enjoy the same exemptions, and may incur indebtedness and issue bonds and levy taxes in like manner and to the same extent as hereinbefore provided as to Morganton Township: *Provided*, that no township in Burke County shall issue bonds or incur indebtedness for road purposes to an amount in excess of ten per cent of the aggregate value for taxation of the real and personal property in said township; and *Provided, moreover*, that the entire maintenance of bridges over the Catawba River, Linville River, Johns River, and the Upper and Lower Forks of Catawba River shall be and remain the county charge.

Corporate name.

Corporate powers.

Proviso: limit of debt.

Proviso: bridges.

SEC. 17. All laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 18. This act shall be in effect from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 348.

AN ACT TO PROVIDE FOR THE DRAINAGE OF CERTAIN PORTIONS OF MUDDY CREEK AND SOUTH MUDDY CREEK IN BURKE AND McDOWELL COUNTIES.

Preamble: need for drainage.

Whereas there are many acres of land on Muddy Creek and South Muddy Creek and their tributaries, in McDowell and Burke 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, and nonproductive; 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 obstructions,

Preamble: cost and advantages of draining.

giving said creeks 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 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: legislation necessary.

The General Assembly of North Carolina do enact:

SECTION 1. That a commission of ten men, to wit, J. D. Patten, A. S. Abernethy, J. A. Gettys, T. Y. Biggerstaff, James Gallion, J. S. Dysart, G. B. Mangum, L. L. Lail, William Hempille, and T. A. Seals, 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 "Muddy 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 Muddy Creek and South Muddy Creek and their tributaries, in the counties of McDowell and Burke, in the State of North Carolina, between Daves' Ford on South Muddy Creek in McDowell County and the mouth of Muddy Creek at the Catawba River in Burke County, including the shoals in said river immediately below the mouth of said creek, 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 twelve 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.

Drainage commissions.

Corporate name.

Incorporation.

Corporate powers.

Location.

Limit of debt.

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 president, 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

Organization.

Record books.

Overseer and hands.

Work may be let to contract.

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.

- Estimate of lands. SEC. 3. The said commission shall make a just estimate of all lands along Muddy and South Muddy creeks and their tributaries, both in McDowell and Burke 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 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 Muddy and South Muddy creeks, the measurement to be air line and at right angles to center of said creeks upon either and both sides of said creeks, and upon tributaries of said creeks, extending up said tributaries from points where same empty into said creeks 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 said creeks and their 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 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 line as herein described and designated be and the same is established as a drainage district.
- Lists of owners and acreage.
- Lands included.
- Considerations governing estimates.
- Engineer.
- Drainage district.
- Examination and classification of land.
- Matters for consideration.
- Classes 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 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 creeks, their 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 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 courthouse door in Morganton, Burke County, and by placing notices at five points along the line of said creeks in Burke County and at five points along said creeks in McDowell County, appointing a day and time on which said board of commissioners will meet at the courthouse in Marion, McDowell County, and at which day and time said commissioners will meet at the courthouse door in Morganton, Burke 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 commission, at the day fixed to meet at the courthouse in Marion, McDowell 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 McDowell 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 assessments against all the lands in McDowell 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 commission at the courthouse in Morganton, Burke 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 Burke 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 Burke County within the radius mentioned and set forth in section three of this act, lying and being in Burke County; and said commission shall have the power and right, while sitting in either McDowell or Burke County, at said meetings, to issue subpoenas for witnesses and hear their evidence and punish for contempt of their pro-

Estimate tabulated.

Ratio of assessment.

Basis of assessment.
Notice for hearing on assessments.

Hearing.

Power as of court.

- Right of appeal. proceedings or court while sitting and hearing said complaints; and any party aggrieved by said assessments or other matters before said commission or court, held in either McDowell or Burke 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.
- Bond on 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 their public nature.
- Priority of trial.
- Assessment roll. SEC. 5. After the classification of the land and the ratio of the 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 boards shall ascertain the total cost of the improvements, 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 classifications and ratio of assessment made by the commission.
- Matters included in assessment rolls. 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 McDowell and Burke. The said commission shall make two separate rolls and two separate copies, one set of which shall include and embrace all the lands within McDowell County and the other set shall include and embrace all the lands within Burke County, which said rolls shall show the names of the owners of lands, the roll for McDowell County embracing all landowners along said creeks and within the terminal points designated and within McDowell County, and the other roll shall include and embrace all landowners along the said creeks in Burke 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 by said commission upon the list and assessment roll of McDowell County landowners, as well as upon the roll and assessment of Burke landowners, an order by said commission 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
- Ratio of assessment.
- Drainage roll in duplicate.
- Separate rolls for counties.
- Order for collection.
- Force of order.

and county taxes, and shall be collected by the sheriff or other tax collector of the respective counties of McDowell and Burke 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 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 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 Muddy and South Muddy Creeks Drainage Commission may give notice of three weeks by publication in some newspaper in McDowell and Burke counties, North Carolina, and by posting written notices at the courthouse door in said counties and five conspicuous places in said 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 twelve thousand dollars nor exceeding the amount of 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 ten years, bearing six per centum per annum 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 the 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 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 said creeks 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 expenses,

Collection and settlement.

Limit of annual assessments.

Installments.

Notice of proposal for bond issue.

Limit of amount.

Maturity and interest.

Release of land on payment of assessment.

Nonpayment a consent to bond issue.

Waiver of rights.

Person defined.

Issue of bonds.

Interest and maturity.	the bonds to bear six per cent interest per annum, payable annually, and shall be paid in equal installments, or 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,
Authentication.	and shall bear the same number of the corresponding bond. Said bonds shall be issued in the name of said creeks 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
Specific use.	carrying on the improvements and work contemplated herein, and shall be sold by the commission for not less than par, and shall
Sale below par forbidden.	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
Record of bonds.	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
Lien on land for assessments.	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,
Nonpayment of installments.	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
Right of action by bondholders.	due and payable, and such default shall continue for a period of six months, the holder or holders of such bonds upon which default
Remedy by mandamus.	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
Actions on bonds of officers.	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
Officers liable on bonds.	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, McDowell and Burke, shall be liable for the faithful performance of the duties herein assigned to each, and such official
Annual collection of assessments.	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 said bonds at maturity and pay the interest on same, they are author-

- ized, 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 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 may refuse to surrender said bond at par, with accrued interest, said commission may designate the number of the bond or bonds it will pay and publish same in some newspaper published in McDowell and Burke 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.
- 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

Investment of sinking fund.

Bonds subject to call.

Proviso: condition expressed in bonds.

Sheriff to collect assessment roll.

Powers and pay.

Bond and pay of treasurer.

Pay of commissioners.

Orders on treasurer.

Details prescribed for work.

- Entry on lands. all growth or other hindrances as tend to retard the rapid flow of the water of said streams on occasions of high water; and said commission shall have the right, from time to time, its agents and employees or contractors, to enter upon any lands along said water-courses and their 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 clearing 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 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.
- Procedure of work.
- Commissioners to 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 whatever source or cause, shall be filled by the remaining members of the said commission or corporation.
- Vacancies.
- Power to condemn lands. 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 creeks 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 cannot 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 the 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.
- Procedure for condemnation.
- Payment of damages.
- Lateral drains. 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 cross their lands and construct said drain
- Rights of way.

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.

SEC. 12. That the said creeks 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.

Superintendent of construction.

Compensation and bond.

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 by 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 said creeks 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 said creeks drainage commission against such contractor and his bond in the Superior Court for damage sustained, in either McDowell or Burke counties, and recovery made against such contractor and his sureties.

Work may be let to contract.

Dredging outfit and hired labor.

Contracts.

Action on contractor's bond.

SEC. 14. That said creeks 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 streams 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 McDowell for all bridges within the county of McDowell, and by the county of Burke for all bridges within the county of Burke, and the county commissioners of the respective counties shall replace such bridges and pay the cost out of the general county funds, and likewise any and all bridges made necessary by change of channel of said creeks 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.

Removal of bridges.

Costs of replacement borne by counties.

Changes in bridges.

SEC. 15. Whenever said improvement is completed it shall be under the control and supervision of said creeks drainage commission, and it shall be the duty of said commission to keep said water-courses in good repair and open, and for this purpose may

Maintenance of improvement.

Assessments for repairs and maintenance.

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 improvements are constructed, or by the act or negligence of his agent or employees, or if the same is caused by 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 commissioners.

Proviso: repairs by persons causing damage.

Injury to works misdemeanor.

SEC. 16. It shall be unlawful for any person to injure or damage or obstruct the improvements and water flow of said streams 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.

Punishment.

Power of entry on adjoining 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.

Work in discretion of commission.

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.

Punishment for obstructing creeks.

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 in draining said creek and tributaries and lands, as well as North Muddy Creek, Hoppers Creek, and Moores Creek, tributaries of said creeks.

Landowners to clear up banks.

SEC. 20. That it shall be the duty of each and every landowner along said creeks, and the portions of North Muddy Creek, Hoppers Creek, and Moores Creek, designated in the succeeding section hereof, within thirty days after notification by the said creeks drainage commission, to remove all timber, brush, shrubbery, growing timber, and all undergrowth growing and standing upon their respective lands within fifty feet of the center of said streams on each and both sides thereof, and within the terminal points hereinbefore in this act defined, applying to said creeks and within the points on North Muddy Creek, Hoppers Creek, and Moores Creek, as the said excavations are made, and at all times to keep same clean and clear of said obstructions and growth; and any

Work done by commission on default of owner.

landowner failing to remove and keep clean lands so owned by him, as herein directed and required, after notification by said drainage commission, as herein directed, it shall be the duty of the said creeks 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 creeks drainage commission against the landowner. It is further provided the same shall be under the entire supervision of the said drainage commission.

Action for
recovery of costs.

SEC. 21. That said drainage commission, after the completion or during the work upon the main channel of said creeks, are authorized and may excavate up North Muddy Creek to the line of Tate and Yelton and up Hoppers Creek to the ford nearest Bill Laughbridge's, and also up Moore's Creek to the ford nearest Lail's house, tributaries of said creeks. That in making said excavations upon said tributaries, North Muddy Creek, Hoppers Creek, and Moores Creek, said commission may extend said excavations to the limits above mentioned, and no further. It is further provided that all rights and privileges given and granted in this act, pertaining to the excavations of the main channel of said creeks, shall be applicable and apply to the tributaries, North Muddy Creek, Hoppers Creek, and Moores Creek, hereinbefore mentioned. That in making the estimate of the lands upon North Muddy Creek, Hoppers Creek, and Moores Creek, tributaries of said creeks, for assessment of taxation and benefits, general or special and both, the said commission shall estimate along said tributary streams, North Muddy Creek, Hoppers Creek, and Moores 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 the distance along said tributary streams above mentioned, 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 said creeks, and that all the rights, privileges, and requirements of section fourteen of this act shall apply to the said North Muddy Creek, Hoppers Creek, and Moores Creek, upon which excavations are to be made.

Extensions of work.

Law applicable to
extension work.

Lands subject to
estimate and
assessment.

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 the 5th day of March, A. D. 1913.

CHAPTER 349.

AN ACT AUTHORIZING THE COMMISSIONERS OF CURRITUCK COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF PAYING THE INDEBTEDNESS AND CURRENT EXPENSES OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the board of commissioners of Currituck County be and they are hereby authorized and empowered to levy a special tax in the years nineteen hundred and thirteen and nineteen hundred and fourteen, not to exceed fifteen cents on the one hundred dollars valuation of real and personal property, for the purpose of paying the indebtedness and current expenses of said county.

Years.

Limit of rate.

Purpose.

Levy and collection.

SEC. 2. That said special tax be levied and collected and accounted for as other public taxes are levied, collected, and accounted for in said county.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 350.

AN ACT TO PROVIDE A FARM CHEMIST FOR THE COUNTY OF BEAUFORT, AND TO LEVY A TAX ON DOGS FOR THE COUNTY OF BEAUFORT.

The General Assembly of North Carolina do enact:

Appointment authorized. Duties, compensation, and term.

SECTION 1. That the board of county commissioners of Beaufort County may at their discretion appoint a county chemist, whose duties shall be such as shall be prescribed by the said board of county commissioners, and whose compensation and term of office shall likewise be fixed by said board: *Provided*, it shall not exceed their term of office, and no subsequent appointment shall be for more than two years.

Proviso: limit of term.

Chemist removable at discretion.

SEC. 2. The said chemist may be removed at any time by the said board of commissioners, at their discretion.

Tax to be levied on dogs.

SEC. 3. The said board of commissioners of Beaufort County are hereby directed to levy annually, at the same time they levy other taxes for county purposes, a tax of one dollar on all male dogs in the county and two dollars and fifty cents on all female dogs in the said county, which said taxes shall be due and payable at the same time as other taxes.

Rate of tax.

SEC. 4. That the proceeds of all taxes so received shall be paid over by the county treasurer to the county school fund.

Tax to county school fund.

SEC. 5. Any person failing to list any dog at the same time as he lists other property shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five dollars or imprisoned not exceeding ten days.

Failure to list a misdemeanor. Punishment.

SEC. 6. This act shall not go into effect until the board of county commissioners of Beaufort County shall have, if they see fit and proper hereunder, ordered an election upon the above question and submitted the same to a vote of the qualified voters of Beaufort County. The said election shall be held upon thirty days notice, and shall be governed by the same rules and laws as govern the election of members of the General Assembly. The board of commissioners may prescribe the size and kind of tickets, and may submit either one or both of the said propositions: *Provided*, they shall not be required to submit any of said propositions unless in their discretion they deem it expedient: *Provided further*, that they may make such other rules regarding said election as may be necessary to carry this law into effect if an election be ordered.

Act submitted to vote.

Notice of election.

Law governing elections.

Tickets.

Proviso: submission of question optional.

Proviso: rules for election.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 351.

AN ACT TO AMEND CHAPTER 479, LAWS OF 1899, IN REGARD TO SPECIAL TAX FOR MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and seventy-nine, Public Laws eighteen hundred and ninety-nine, be amended as follows: Strike out section two and insert the following in lieu thereof:

"That said special tax shall be applied to the improvement of the public roads of said county only: *Provided*, the commissioners of said county may have power and authority to use said funds to supplement private donations of individuals upon a public road where the largest per cent is donated per mile of cost of construction of sand-clay or gravel roads by private donations. This fund to be used exclusively for the building of sand-clay, gravel, and turnpike roads, and to be used and applied as aforesaid by the commissioners of Montgomery County.

Proviso: supplement to private donations.

Specifications for roads.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 352.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COURT
STENOGRAPHERS FOR THE COUNTIES OF GRAHAM AND
CHEROKEE.

The General Assembly of North Carolina do enact:

- Judge may employ stenographer. SECTION 1. That any judge holding either a regular or special term of the Superior Court for the counties of Graham and Cherokee may employ a stenographer for the term or terms of court so held by him in the counties of Graham and Cherokee to attend said regular or special term or terms of said court, and said judge shall fix the compensation therefor, to be paid out of the treasury of said respective counties.
- Compensation.
- Qualification of stenographer. SEC. 2. No person shall be appointed stenographer for said court unless he or she is able to write at the rate of at least one hundred and twenty-five words per minute for five consecutive minutes, from matter not previously written by or known to him or her; and such stenographer shall take and subscribe an oath faithfully, correctly, honestly, and conscientiously to discharge the duties of the office of court stenographer as prescribed by this act.
- Oath.
- Matters to be taken down. SEC. 3. Such stenographer shall take full stenographic notes of every case tried or heard during said term of said Superior Court, of all oral testimony, the admissions by either side, the objections to the introduction of testimony, the rulings of the court thereon and the exceptions taken to such rulings, all motions heard and passed upon by the court upon matters controverted by parties, and the charge of the court to the jury; and shall take notes of all documentary evidence introduced by either party, and of all other proceedings, such as the court may direct. The judges shall not be required to take any notes of the evidence; and whenever required by the judge, the stenographer shall read the notes to the jury.
- Judge not required to take notes.
- Record on appeal. SEC. 4. In all cases on appeal to the Supreme Court, and in all other cases, unless otherwise ordered by the judge presiding, said stenographer shall within five days from the rising of the court furnish to the judge and counsel for each party one typewritten copy of the entire record as reported by him or her. 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 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.
- Copy used by judge.
- Charge for copy.
- Assistant to stenographer. SEC. 5. Should the presiding judge deem it necessary for the expedition of the business in civil cases, and counsel for both sides should so consent, he may appoint a stenographer to assist

the stenographer so appointed by him as aforesaid: *Provided*, Proviso: pay of assistant. the plaintiffs and defendants, in addition to the fees hereinafter provided, pay the compensation of said stenographer appointed as aforesaid, but in no case shall such compensation be paid by the county.

SEC. 6. To reimburse the county expenditure required by this act, Tax fees. there shall be taxed by the clerk of the court and paid as a part of the costs a fee as follows: Four dollars in all civil actions, except actions for divorce: *Provided*, that if the trial of any civil action takes more than one day, the clerk shall tax a fee of six dollars in the bill of costs; and in all criminal actions where the offense charged is a felony, a fee of four dollars, and for all misdemeanors a fee of one dollar: *Provided*, that no fee shall be Proviso: no tax fee unless jury impaneled. taxed in criminal cases where the jury is not impaneled.

SEC. 7. The clerk of the Superior Court of said counties of Graham and Cherokee shall collect all costs provided in this act and shall turn same over to the board of county commissioners of Graham and Cherokee counties respectively, which costs shall be turned by said boards into the general county funds: *Provided*, Proviso: itemized statement. that after each term of the Superior Court, the clerk thereof shall file with the board of county commissioners an itemized statement of all costs taxed at said term, which statement shall be filed by said board and kept for reference in their settlements with said clerk.

SEC. 8. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 353.

AN ACT TO PLACE THE COUNTY OFFICERS OF BURKE COUNTY ON SALARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Burke County shall be paid an annual salary of one thousand and two hundred dollars, and an additional allowance of three hundred dollars for clerk hire, in full compensation for any and all services rendered by him in his said office, whether as clerk Superior Court, probate judge, or for any other work or services done by him in or by virtue of his said office, in lieu of all fees now or hereafter allowed him by law, which said salary shall be paid him monthly by the board of county commissioners on their warrant, in installments of one hundred and twenty-five dollars on the first Monday in each month. That the said clerk shall continue to collect all fees and commissions, costs, and the emoluments of his said office as he has heretofore done and prescribed by law, and he shall be responsible Salary of clerk superior court. Clerk hire. Clerk to collect fees. Liable on bond.

Fees to salary fund.	on his official bond for all such fees so collected or which by law ought to have been collected; and he shall pay into the treasury of Burke County all such fees and the emoluments of his office, which shall be kept separate as a fund to be known as a salary and fee fund for the payment of all officers' salaries herein provided; and if at the end of each year—that is, one year from the induction of the said officers into office—there shall remain a balance from such fees after the payment of salary, the said board of county commissioners shall place the same to the credit of the public road fund of the said county for the use of the public roads of Burke County: <i>Provided, however</i> , that should as much as five hundred dollars surplus at any time accumulate after the payment of the salaries at the end of any month, then such surplus may be diverted to said road fund without waiting the current year.
Surplus to road fund.	
Proviso: surplus during year.	
Salary of register of deeds. Clerk hire.	SEC. 2. That the Register of Deeds of Burke County shall be paid an annual salary of one thousand dollars, together with an additional allowance of two hundred dollars per year for clerk hire, in full compensation for all services rendered by him in his office or by virtue of his said office, including the preparation and making up of the tax lists of the county, acting as clerk to the board of county commissioners, entry taker, and any and all things done by him or required to be done by him by color or by virtue of his said office, which said salary shall be in lieu of all fees, allowances, or compensation whatever now allowed him by law or which may hereafter be allowed him. That the said salary shall be paid him in monthly installments of ninety-one and sixty-six hundredths dollars on the first Monday of each month, upon the warrant of the county commissioners of Burke County, from the salary and fee fund. That all fees as now provided by law or which shall hereafter be allowed said register of deeds shall be collected by him and paid over to the county treasurer of Burke County on the first of each month or oftener, which said fees and emoluments shall be kept separate from the other county funds and known as the salary and fee fund, and the said register of deeds shall be responsible on his official bond for all fees collected by him, and for all fees which by law he should have collected.
Fees collected to use of salary fund.	
Liable on bond.	
Salary of sheriff. Deputies.	SEC. 3. That the Sheriff of Burke County shall be paid an annual salary of one thousand four hundred dollars per annum and an additional allowance of one thousand dollars per annum for deputies' salaries and hire, in monthly installments of two hundred dollars, on first Monday of each month, in full for all services rendered by the said sheriff or his deputies as tax collector, costs, fees, and allowances, except for the keep of the county jail, which shall be paid by the county commissioners as now provided by law.
Keep of jail.	
Fees collected to use of salary fund.	That the said sheriff shall collect all fees, commissions, allowances, and emoluments of his office and pay the same into the county treasury of Burke County once each month, which shall be kept by the county in a separate fund known as the salary and fee fund, and the said sheriff shall be liable on his official bond for all such
Liable on bond.	

fees, costs, and allowances which may come into his hands by virtue of his said office or which by law should have been collected by him; and he shall provide necessary deputies for the service of all process and holding of courts, though they need not be employed by year. Deputies.

SEC. 4. That the office of county treasurer of Burke County is hereby abolished, to take effect the first day of December, one thousand nine hundred and fourteen, and in lieu of the duties of such officer, the county commissioners at their regular meeting on the first Monday in December, one thousand nine hundred and fourteen, shall select some bank or trust company as financial agent, which said bank or trust company shall perform the duties of said county treasurer with reference to handling the funds deposited with it: *Provided*, that such bank or trust company shall receive no fee or compensation for its services other than the advantage or benefit that may accrue from the deposits so made with it in the regular course of business. Office of treasurer abolished. Financial agent. Proviso: fee or compensation.

SEC. 5. That such bank or trust company acting as financial agent for said county shall execute a bond, to be approved by the said board of county commissioners, for the faithful accounting for any and all funds so deposited with it, and conditioned as now provided by law for the faithful accounting by the county treasurer: *Provided*, that such bank or trust company shall be selected for a period of two years, unless some good grounds as to the financial condition of such bank shall in the opinion of the said commissioners warrant them to designate some other bank. That such bank or trust company so selected shall keep an accurate account of all moneys deposited with it, and shall keep separate accounts of the school fund and any other funds as required by the said board of county commissioners, including a salary and fee fund account, which said fund shall be paid out by the said bank upon the proper warrant as now provided by law in like manner as if the same was on deposit by a regular depositing customer on funds subject to check. Bank to give bond. Proviso: term of employment. Accounts. Warrants.

SEC. 6. That should the said board of county commissioners fail to be able to make an advantageous arrangement with any such bank or trust company, they shall immediately proceed to let the duties of county treasurer out to the lowest responsible bidder, who will file good and solvent bond to perform the duties of such county treasurer as now provided by law. Such person so selected shall be some reliable and qualified elector of Burke County, who shall file the usual bond for the faithful discharge of duties of his office. Office farmed to lowest bidder. Bond.

SEC. 7. That it shall be the duty of the sheriff to collect all the usual taxes, both regular and special, of Burke County, such as now required of him, and to serve all process issued from any court and discharge the duties of his office as now required by law, and on the first of each week he shall make deposit in the bank or trust company designated by the board of county commissioners Duties of sheriff. Weekly deposits.

- of all taxes whatever collected by him, except the commissions thereon, which shall be turned over with all other fees to the said bank or trust company on the first Monday of each month and same kept by said bank or trust company as separate fund, called salary and fee fund. That any sheriff who shall willfully fail to make the deposit as herein required shall be guilty of a misdemeanor, and upon conviction for such offense shall be fined or imprisoned, in the discretion of the court.
- DEPOSITS TO SALARY FUND.
- FAILURE TO DEPOSIT MISDEMEANOR.
- PUNISHMENT.
- SALARY OF SUPERINTENDENT OF PUBLIC INSTRUCTION.
- ACCOUNTS TO BE KEPT BY OFFICERS.
- BOOKS OPEN TO INSPECTION.
- FAILURE IN DUTY MISDEMEANOR.
- BONDS OF OFFICERS.
- PAYMENT OF SALARIES.
- LIMITATION ON SALARIES.
- PRESENT TERMS NOT AFFECTED.
- APPLICATION OF ACT. WHEN ACT EFFECTIVE.
- SEC. 8. That the county superintendent of public instruction of Burke County shall receive not more than an annual salary of six hundred dollars, to be paid him from the public school fund as provided by law, unless he shall devote his whole time to the work, in which event he shall not receive more than an annual salary of one thousand dollars, to be fixed by the county board of education, to be paid from said school fund.
- SEC. 9. That the clerk Superior Court, sheriff, and register of deeds shall each open and keep an account book consisting of a daily journal and ledger, in which shall correctly, promptly, and accurately be entered itemized accounts of all moneys coming into their hands or received by them by virtue of their offices, as well as all moneys and charges which should have come into their hands by virtue of their respective offices, which 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 by fire, accident, or theft.
- SEC. 10. That any clerk Superior Court, sheriff, or register of deeds of Burke County willfully failing to perform any of the duties herein required of him shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court.
- SEC. 11. That nothing herein shall be construed to relieve any of the said officers from the filing of the usual bonds required of them for the faithful performance of their duties and the faithful accounting for any and all moneys coming into their hands by virtue of their respective offices.
- SEC. 12. That all salaries herein specified shall be paid by the board of county commissioners upon their warrant drawn on the salary and fee fund herein provided, and at the end of each year an account shall be stated with reference to the amount of fees each officer has turned into such fund, and in no event shall such salary herein stated exceed the amount collected and turned into the said salary and fee fund by each officer.
- SEC. 13. That nothing in this act shall be construed to in any manner affect any of the present county officers of Burke County during their present term of office to which they have been elected by the people.
- SEC. 14. That this act shall apply only to Burke County.
- SEC. 15. That this act shall be in force from and after December first, one thousand nine hundred and fourteen.
- Ratified this the 5th day of March, A. D. 1913.

CHAPTER 354.

AN ACT TO REGULATE THE PAY OF JURORS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That jurors in Pasquotank County shall be paid as Regular jurors. follows: Regular jurors in the Superior Court shall be paid while serving, two dollars per day and mileage both ways, and jurors on coroner's inquest shall be paid two dollars per day, without mileage. Jurors on inquests.

SEC. 2. Special veniremen, when drawn from the box, shall be paid one dollar per day and mileage one way. Special veniremen.

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

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 355.

AN ACT TO REPEAL CHAPTERS 261 AND 480 OF THE PUBLIC LAWS OF 1909.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and sixty-one and four hundred and eighty of the Public Laws of one thousand nine hundred and nine, relative to a cotton weigher for Red Springs Township, Robeson County, be and the same are hereby repealed. Law repealed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 356.

AN ACT TO PROHIBIT THE EMPLOYMENT OF RELATIVES OF FREE SCHOOL COMMITTEEMEN IN THEIR DISTRICTS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of committeemen shall not employ for the free school of the district of which said committeemen have charge or for any school in the township, if they be township committeemen, a teacher who is more closely connected by blood than second cousin to any member of the board of com- Employment of relatives forbidden. Degree of relationship.

mitteemen; nor may such board of committeemen employ as teacher one who is son-in-law or a daughter-in-law of any member of the board of committeemen.

Misdemeanor.
Punishment.

SEC. 2. That any committeeman violating this act shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court.

Application of act.

SEC. 3. That this act shall apply only to Avery County.

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

Ratified this 5th day of March, A. D. 1913.

CHAPTER 357.

AN ACT TO AMEND SECTION 2798 OF THE REVISAL OF 1905, AND PROVIDE FOR INCREASED PAY TO JURORS IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Regular and tales
jurors.

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 thereto another paragraph, which shall read as follows: "In Buncombe County all regular and tales jurors shall receive two dollars per day, and mileage at the rate of five cents per mile."

SEC. 2. This act shall be in full force and effect from and after the date of its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 358.

AN ACT TO INCREASE THE PAY OF COUNTY COMMISSIONERS OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Per diem and
mileage.

SECTION 1. That on and after the first Monday in December, one thousand nine hundred and fourteen, the members of the board of commissioners of Bertie County shall each receive the sum of three dollars per day and mileage in going to and returning from each meeting of said board of commissioners.

SEC. 2. That all laws and clauses of law 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 5th day of March, A. D. 1913.

CHAPTER 359.

AN ACT TO AMEND CHAPTER 554, PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO JUMPING RUN ROAD IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and fifty-four, Public-Local Laws of one thousand nine hundred and eleven, be and the same is hereby amended by adding at the end of section four of said act the following: "That all taxes collected under and by virtue of this act shall be expended on said Jumping Run Road; and the funds derived from said tax shall be used and expended in the same manner and by the same authorities as other public roads funds are expended in Pamlico County."

Expenditure of tax.

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

Ratified this 5th day of March, A. D. 1913.

CHAPTER 360.

AN ACT TO AMEND CHAPTER 236 OF THE PUBLIC-LOCAL LAWS OF THE GENERAL ASSEMBLY OF 1911, RELATIVE TO THE WORKING OF THE PUBLIC ROADS OF WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter two hundred thirty-six of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby repealed, and the following inserted in lieu thereof:

"Sec. 3. That the board of county commissioners and the board of supervisors shall have concurrent right and jurisdiction to lay out 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 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 or from the decision of the board of county commissioners to the Superior Court."

Jurisdiction in laying out cartways and roads.

Proviso: jury of view.

Proviso: right of appeal.

SEC. 2. That section six of said chapter two hundred thirty-six, said Public-Local Laws, be amended as follows: Insert after the

Establishment of cartways.

word "township" and before the word "praying," in line seven, the words "or the board of county commissioners," and in line thirteen of said section, after the word "constable" and before the word "to," the words "or other lawful officer."

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 361.

AN ACT TO PAY THE CLERK OF THE SUPERIOR COURT OF CARTERET COUNTY, FOR SERVICES RENDERED THE BOARD OF COMMISSIONERS OF SAID COUNTY, A STIPULATED SUM SUPPLEMENTAL TO CERTAIN FEES COLLECTED BY HIM AS COURT COSTS.

The General Assembly of North Carolina do enact:

Payment directed. SECTION 1. That the board of commissioners of Carteret County are hereby authorized and directed to pay to the Clerk of the Superior Court of Carteret County a stipulated sum of twenty dollars per month in lieu of all criminal court costs to which he may be entitled from the county of Carteret as now provided by law, as compensation for such services as he may render the board of commissioners of said county from time to time.

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

Ratified this 5th day of March, A. D. 1913.

CHAPTER 362.

AN ACT TAXING DOGS IN RUTHERFORD COUNTY, AND MAKING THEM SUBJECTS OF LARCENY.

The General Assembly of North Carolina do enact:

Tax on female dogs. SECTION 1. That any person or persons owning or keeping a female dog must pay annually on each female dog so owned or kept a license or privilege tax of three dollars on each female dog. That any person owning a female dog shall list same at the same time and place as other personal property is listed.

Dogs to be 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.

Stealing dogs larceny. SEC. 3. That said tax shall be paid to the Sheriff of Rutherford County, as provided for the payment of other taxes.

Payment of tax. SEC. 3. That said tax shall be paid to the Sheriff of Rutherford County, as provided for the payment of other taxes.

SEC. 4. The net proceeds raised from the collection of said taxes shall be turned over to the treasurer or bank designated to receive funds of Rutherford County, to the use of the board of education of said county for public school purposes. Tax to use of school fund.

SEC. 5. Any person failing to list any female 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. Failure to list misdemeanor. Punishment.

SEC. 6. That this act shall apply to Rutherford County only. Application of act.

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 5th day of March, A. D. 1913.

CHAPTER 363.

AN ACT TO PROTECT GAME IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Currituck County be and he is hereby authorized and empowered to appoint for said county four game wardens, said appointments to be made on the first Monday in July, one thousand nine hundred and thirteen, and biennially thereafter. Appointment of game wardens.

That each person so appointed shall, before entering upon the duties of his office, take and subscribe an oath before the clerk of the Superior Court of said county to perform the duties of said office. The clerk of the court shall require each appointee to execute such bond, before entering upon the duties of said office, as he in his discretion may think proper for the faithful discharge of his duties. Wardens to qualify and give bond.

The said wardens are hereby empowered to execute any and all papers which may come into their hands relative to game and game laws, with the same method and under the same regulations as constables at common law and under the statutes of the State. Execution of process.

SEC. 2. Each warden shall receive fifty dollars (\$50) per month from the first day of November of each year until the thirty-first day of March of each year. For any additional service rendered out of season, each warden shall receive such sum as the board of county commissioners shall in their discretion allow. Salaries. Pay for additional service.

SEC. 3. That said wardens, hereby appointed, shall be subject to all of the provisions of chapter eight hundred and forty, Public Laws of one thousand nine hundred and nine, not in conflict with this act. General law applicable.

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

Ratified this 5th day of March, A. D. 1913.

CHAPTER 364.

AN ACT TO AMEND CHAPTER 218, PUBLIC-LOCAL
LAWS 1911.

The General Assembly of North Carolina do enact:

Name corrected.

SECTION 1. That in line two, section one, of the Public-Local Laws of the General Assembly of one thousand nine hundred and eleven, chapter two hundred and eighteen, the name of "E. B. Killian" be stricken out and in lieu thereof the name of "R. B. Killian" be inserted.

Damage of
tributaries.

SEC. 2. That in line six, section twenty-one of chapter two hundred and eighteen, Public-Local Laws of one thousand nine hundred and eleven, the words "one-fourth" after the word "exceeding," in said line and before the word "of," be stricken out, and in lieu thereof the words "one-half" be inserted.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 365.

AN ACT LIMITING THE POWERS OF THE COMMISSIONERS
OF ANSON COUNTY TO CONTRACT OR BIND THE COUNTY
IN ANY MANNER WHERE SUCH CONTRACT OR OBLIGA-
TION SHALL EXCEED THE SUM OF \$5,000.

The General Assembly of North Carolina do enact:

Contracts for-
bidden.

SECTION 1. That the commissioners of Anson County shall in no case make any contract or bind Anson County in any obligation, expressed or implied, that will exceed the sum of five thousand dollars. Any such contract or obligation shall be absolutely void unless the question is first submitted to the qualified voters of said county and is approved by a majority of those voting on the proposition at such election.

Void unless
approved.

Order for election.

SEC. 2. That the commissioners of Anson County, in order to ascertain the approval or disapproval of the voters of Anson County on any proposition to borrow money in excess of five thousand dollars or create any obligation in excess of five thousand dollars, shall order an election within a reasonable time. In order to give the voters who have become of age or who have otherwise become qualified to vote since the last election for members of the General Assembly, a chance to register shall be given. When the question of incurring such obligation shall be submitted to the voters of the county, those voters favoring said obligation shall

Registration.

Tickets.

vote a ticket on which is printed the words "For Said Obligation," and those opposed shall vote a ticket on which the words shall be printed "Against Said Obligation." Said election shall be held under the general election law, the judges and registrar being those appointed under the general election law, and shall be notified by the election board. Said election shall be advertised by posting notices at some public place in every election precinct in said county for forty days before said election. The election returns shall be made to the board of county commissioners on the Monday following said election, at twelve o'clock, when the board of commissioners shall canvass the returns and ascertain the results and have the returns recorded in the book of elections. After the results have been so ascertained, and it appearing that a majority of the votes cast were for the obligation, the board of commissioners are authorized to contract and enter into the obligation that was submitted to the voters; and should a majority of the votes cast be against the obligation, then it shall be unlawful for the commissioners to incur the same or undertake in any manner, directly or indirectly, to bind the county; and any attempt of the commissioners to bind or obligate the county for any sum in excess of five thousand dollars without submitting it to a vote of the people and being approved by a majority of the votes cast shall be null, void, and of no binding effect on the county.

Law governing election.

Advertisement.

Returns and canvass.

Contract authorized by majority vote.

Contract forbidden by majority vote.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 366.

AN ACT TO AMEND CHAPTER 362 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO GAME IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred and sixty-two of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out the words "December first" and insert in lieu thereof the words "November fifteenth" in line four of said section.

Open season extended.

SEC. 2. That section three of said chapter be amended by striking out the word "day" at the end of said section, and insert in lieu thereof the word "year," and add at the end of said section the following: "That it shall be unlawful for any person or persons to catch or destroy any fur-bearing animal, except those fur-bearing animals when in the act of destroying poultry, pigs, and lambs; and the open season for catching fur-bearing animals shall

Annual limit.

Fur-bearing animals.

Open season.

Proviso: bear not included.

Shooting fox forbidden.

be from the fifteenth day of November to the fifteenth day of January: *Provided*, that this section does not apply to hunting or catching bear."

SEC. 3. Amend section five of said chapter by adding at the end thereof the following: "That it shall be unlawful for any person or persons to shoot any fox that is being chased by a pack of dogs, and any one violating the provisions of this section shall pay a fine of five dollars."

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

Ratified this 5th day of March, A. D. 1913.

CHAPTER 367.

AN ACT TO REQUIRE INCLOSURES AROUND DWELLINGS AND TO PROTECT LIVE STOCK IN GUM NECK TOWNSHIP, TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Dwellings to be inclosed.

SECTION 1. It shall be unlawful for the owner or owners of any house used as a dwelling or for residential purposes in Gum Neck Township, Tyrrell County, to use or occupy for residential purposes, or to permit any one to use or occupy for residential purposes, any house unless such house is at all times during the period of occupancy inclosed by a substantial inclosure, such as constitutes a lawful fence in Tyrrell County.

Live stock not allowed within inclosure.

SEC. 2. That it shall be unlawful for any owner of any house in Gum Neck Township, Tyrrell County, used or occupied for residential purposes, or for any lessee or tenant occupying any such house for residential purposes, to permit or allow any live stock, the property of another, to be or remain inside of such inclosure without the consent of the owner of such live stock.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 5th day of March, A. D. 1913.

CHAPTER 368.

AN ACT REPEALING CERTAIN PUBLIC-LOCAL LAWS OR SECTIONS THEREOF.

The General Assembly of North Carolina do enact:

Charter of Ore Hill repealed.

SECTION 1. That chapter one hundred and eleven of the Private Laws of one thousand nine hundred and seven, and chapter three hundred and seven of the Private Laws of one thousand nine hundred and nine amendatory thereto, and relating to the incorpora-

tion of the town of Ore Hill; chapter two hundred and fifty-seven of the Public-Local Laws of one thousand nine hundred and eleven, relating to the protection of sheep and other stock in Henderson County; chapter twenty-one of the Public-Local Laws of one thousand nine hundred and eleven, relative to promoting the raising of live stock in Beaufort County, and sections one, two, three, and four of chapter six hundred and eighty-six of the Public-Local Laws of one thousand nine hundred and eleven, relating to the line between two voting precincts, be and the same are each and all of them hereby repealed.

Henderson county law taxing dogs.

Forbidding certain stock to run at large.

Residents of Faisons township voting at Warsaw precinct.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 369.

AN ACT TO PROTECT FUR-BEARING ANIMALS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation in or out of the State to trap, hunt, shoot, or otherwise kill raccoons, opossums, mink, muskrat, otter, wild cat, bear, or any fur-bearing animals of which the fur has a commercial value, from April the first to November the first of any year.

Close season.

SEC. 2. That any person, firm, or corporation violating the provisions of this act, and upon proof of same, shall be fined not less than five dollars and not more than ten dollars for each and every offense.

Fine.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 370.

AN ACT TO AMEND CHAPTER 503 OF THE PUBLIC LAWS OF 1909, 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 four 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 adding after the word "month,"

Proviso: salary of deputy sheriffs.

in line two of said section four, the following: "Provided, however, that this amount may be increased not exceeding \$65 per month, by the county commissioners if in their opinion such increase is necessary."

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 5th day of March, A. D. 1913.

CHAPTER 371.

AN ACT TO PROTECT CROPS OR OTHER PROPERTY ON THE LANDS ADJOINING THE ROADS AND HIGHWAYS IN FALL CREEK TOWNSHIP, YADKIN COUNTY, FROM THE DEPREDAATION OF LIVE STOCK WHILE BEING DRIVEN ALONG SAID HIGHWAYS.

The General Assembly of North Carolina do enact:

Acts declared misdemeanor.

SECTION 1. That if any horse-drover, person, firm, or corporation, while conveying or driving any live stock in a drove or otherwise over the public roads and highways of Fall Creek Township, Yadkin County, shall permit said live stock to leave said road and go upon the lands of any person or persons adjoining said road while being so driven, either loose or tied together, or permit said stock to commit any acts of injury to said lands or any crops planted or growing thereon, shall be guilty of a misdemeanor, and be fined not exceeding twenty-five dollars or imprisoned not more than ten days.

Punishment.

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 5th day of March, A. D. 1913.

CHAPTER 372.

AN ACT TO PROVIDE FOR GOOD ROADS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Commissioners named and incorporated.

Corporate name.

Corporate powers.

SECTION 1. That W. R. Doss, J. F. Burrus, W. H. Whitaker, W. R. Norman, and their successors in office are hereby incorporated under the name of the Highway Commission of Rockford Township, and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act.

SEC. 2. That the 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. R. Doss, W. R. Norman shall hold office for four years: J. F. Burrus, W. H. Whitaker shall hold office for two years: *Provided*, that the position of member of the said highway commission shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina. Should a vacancy occur by death, resignation, or removal, or otherwise, the same shall be filled by the said commission by choosing some one of the same political belief as was the member whose place became vacant, and such successor so chosen shall hold office until his successor shall be chosen by the Legislature and shall qualify.

Political affiliations.
Election of successors.
Terms of office.

Proviso: commissioners not officers.

Vacancies.

SEC. 3. That said commission shall have the same supervision, power, and right in respect to all the public roads in Rockford Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County.

Powers as to public roads.

SEC. 4. The said highway commission shall have full power and authority to order the laying out of public roads where necessary in their judgment, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Said commission shall also have power and authority to lay out cartways, church and mill roads, and to order or discontinue the same in the way and manner provided for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width.

Laying out, discontinuing, and changing roads.

Cartways, church and mill roads.

Proviso: width of road.

SEC. 5. That said commission shall meet in the within ten days after the adoption of this bill at an election herein provided for, and shall organize by electing one of their number chairman, and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission. Said commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said commission, and he shall enter into a bond in such sum as said commission may decide, which bond, upon approval by the said commission, shall be recorded by the Register of Deeds of Surry County in the book of official bonds, and filed in his office. That the treasurer of said commission shall make payments out of the road funds belonging to the said township, only upon the written order of the said commission, signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued.

Meeting for organization.
Organization.
Treasurer.

Bond of treasurer.

Orders on road funds.

SEC. 6. That said commission shall authorize the Sheriff of Surry County, or tax collector of said county, to collect all the taxes levied under this act, and he shall be entitled to the same fees as

Collection of taxes.
Fees.

Liability for collections.	are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act, and the said commission may require the sheriff or tax collector to give an additional bond.
Moneys paid over to treasurer.	SEC. 7. That all road taxes for Rockford Township which hereafter may be collected by the Sheriff of Surry County, or tax collector of said county, shall be paid over to the treasurer of the said commission, who shall give a receipt therefor, and all moneys derived from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in Rockford Township separate, and shall 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 or said commission not later than December twenty-fifth of each year, and shall pay over sooner if same shall be in his hands.
Settlements.	
Road taxes kept separate.	
Final settlement.	
Superintendent of roads.	SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said 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 such employment shall be during the pleasure of said commission. That the said commission shall also have the power to employ such other persons as may be deemed necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads.
Term of office and compensation.	
Road engineers.	
Compensation, duties, and term.	
Employees and equipment.	
Entry on lands for location or material.	SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any land in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads; and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize, sand-clay, topsoil, and gravel or improve the said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drains or ditches through the
Drains or ditches.	

same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed.

SEC. 10. That if the owner of any lands upon which said road or roads or any part thereof shall be constructed, altered, or changed, or the owner of any land from which timber, stone, clay, gravel, or sand were, as aforesaid, shall claim damages therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken, and for the timber and materials so taken as aforesaid, the said arbitrators shall take into consideration the special benefits that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the change in the said road. The said damage; both for the land taken and for the timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court, after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The amount of the damages is the only question contemplated in this section.

SEC. 11. That any person who shall obstruct the said commission, its agents or employees, in making survey, of changing any road, or the opening of a new public road or highway, or the taking of necessary timber or other materials as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 12. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water in the public roads of Rockford Township except where 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 upon conviction fined not exceeding fifty dollars and imprisoned not exceeding thirty days.

SEC. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees and all

Proviso: ornamental and fruit trees.
Claims for damages.

Assessment by arbitration.

Payment of damages.

Right of appeal.

Bond on appeal.

Proviso: time for appeal.

Appeal not to delay work.

Obstructing officers misdemeanor. *

Punishment.

Turning water on roads forbidden.

Misdemeanor.

Punishment.

Compensation of employees.

Pay of commis-
sioners.

expenses to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The necessary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the funds provided by this act.

Petition for elec-
tion on bond issue.

SEC. 14. That the board of commissioners of Surry County, when a petition of one-fifth of the voters in said township is filed, is hereby empowered and instructed to submit to the voters of Rockford Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the question whether the said township of Rockford shall issue bonds in a sum not exceeding twenty thousand dollars, with interest coupons attached, the proceeds of which to be used for the improvement of the public roads of Rockford Township as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Rockford Township: *Provided*, that if a majority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of four months from time of first election under the regulations herein-after set out: and *Provided further*, that if a majority of the voters of said township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fourth of the voters of said township shall by petition request it.

Limit of amount.

Notice of election.

Proviso: further
election.

Proviso: further
elections on
petition.

Law governing
elections.

Proviso: election
officers.

Count and return
of votes.

Tabulation, decla-
ration, and record
of result.

SEC. 15. That any election under the provisions of this act shall be conducted in the same manner as it is now or may hereafter be prescribed by law for holding elections for the General Assembly: *Provided, however*, that the election board of Surry County shall appoint the registrars of the election, the judges and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly; and that the board of commissioners of Surry County may or may not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election, and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.

SEC. 16. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue"; and at such election those who favor the issuing of the 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. 17. In the event that a 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 Surry County shall have bonds prepared of the denominations of one thousand, five hundred, or one hundred, as they may deem best, the total amount not to exceed twenty thousand dollars. The said bonds shall bear a rate of interest of not exceeding six per centum per annum, with interest coupons attached, payable semiannually during the time the bonds shall run. The principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Rockford Township, Surry County, provided for in this act, or at any bank or banks which the said highway commission may designate to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled Rockford Township Highway Improvement Bonds.

SEC. 18. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the chairman of the said commission of Rockford Township all of said bonds without the seal of the county being affixed to any of them. The chairman of the said commission of Rockford Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Rockford Township; the expenses for such advertising and selling said bonds, and other expenses necessary in regard thereto, to be paid out of the fund arising from the sale of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Rockford Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County 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

Ballots.

Issue of bonds.

Denominations.

Limit of amount.

Interest.

Maturity.

Authentication.

Bonds turned over to road commission.

Sale of bonds.

Bonds sealed before delivery.

Sale below par forbidden.

- Specific appropriation. Proviso: purchaser not liable for application. 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 funds. The bonds and coupons shall state on their face when due and where payable, and the said bonds shall show by what authority they are issued. The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and, whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached.
- Record of bonds.
- Special tax. SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, the first Monday in June, a special road tax for the township of Rockford on the hundred dollars worth of property for not less than five per cent and not more than twenty-five cents, poll tax not less than fifteen cents and not more than seventy-five cents, observing the constitutional equation, as recommended by the said commission of Rockford Township, 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 for the township of Rockford. The taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund shall be held by the said commission of Rockford Township in 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 commission of Rockford Township shall manage and invest the funds at the discretion of said commission until paid out for the redemption of the said bonds sold under authority of this act at their maturity.
- Limits of rate.
- Constitutional equation.
- Application of taxes.
- Sinking fund.
- Investment of sinking fund.
- Road duty abrogated. SEC. 20. If the majority of the voters of Rockford Township 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 the said county, except after conviction for crime, are hereby repealed.
- SEC. 21. That this act shall be in force from and after its ratification.
- Ratified this the 5th day of March, A. D. 1913.

CHAPTER 373.

AN ACT TO REPEAL CHAPTER 713, PUBLIC LAWS OF 1907,
FORBIDDING FISHING IN BLACK CREEK, JOHNSTON
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all of chapter seven hundred and thirteen, Pub- Law repealed.
lic Laws of one thousand nine hundred and seven, it being an act
to prevent fishing in Black Creek, be and the same is hereby re-
pealed.

SEC. 2. That nothing in this act shall be construed to repeal or Law not repealed.
otherwise affect the provisions of chapter four hundred and ninety-
three, Public-Local Laws of one thousand nine hundred and eleven,
it being an act to prevent diverting water into private fishing pools
or ponds.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 374.

AN ACT TO AMEND CHAPTER 269, PUBLIC-LOCAL LAWS OF
1911, ESTABLISHING A RECORDER'S COURT FOR JOHNS-
TON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter two hundred and sixty-
nine, Public-Local Laws of one thousand nine hundred and eleven,
relating to the recorder's court of Johnston County, be and the
same is hereby amended to read as follows: "That the Clerk of Clerk ex officio.
the Superior Court of Johnston County, and his successors elected
every four years, shall be *ex officio* clerk of the recorder's court,
whose compensation for serving said court shall be seven hundred Compensation.
and fifty dollars (\$750) annually, in lieu of all other fees, com-
missions, and emoluments now accruing to the clerk of the re-
corder's court; and the fees and costs now charged in either crim- Fees and costs.
inal or civil actions, including fees of every kind now charged by
the clerk of said court, shall be one-half of the costs and fees as
now allowed by law and charged in like cases in the Superior
Court. That all such fees as provided by this section to which Fees to salary
the clerk of the recorder's court, sheriff, or other officers are now fund.
entitled by law, under the fee system, shall be faithfully and
promptly collected by the officer charged with that duty and turned
over monthly to the treasurer as provided by the act regulating

Duties and liabilities of clerks.

salaries of county officers. That the duties of said clerk pertaining to the recorder's court shall be the same as those of the clerk of the Superior Court, with like penalties and forfeitures, except that the said clerk shall not be required to take additional oath or give additional bond as clerk of the recorder's court; and this section shall be construed in connection with the sections of the salary act enacted at this session of the General Assembly, with reference to the clerk's duties and enlarged responsibilities."

SEC. 2. That section five of said chapter two hundred and sixty-nine be stricken out and the following inserted in lieu thereof:

Election of solicitor.

"SEC. 5. That at the next general election for members of the General Assembly and county officers, and biennially thereafter, the voters of Johnston County shall elect some attorney at law of good character, residing in said county, as solicitor of the recorder's court of Johnston County, to perform all duties in connection with said court heretofore performed by the county attorney. For his services the said solicitor shall receive the same fees as are now allowed State solicitors, to be taxed in the bill of costs by the clerk of this court in the same manner as in like cases in the Superior Court: *Provided*, that said solicitor shall not receive any fees in cases wherein the county shall be responsible for the costs, or in appeals to the Superior Court. Said solicitor shall take and subscribe an oath of office, before entering upon the discharge of his duties, to faithfully perform all duties imposed or required by law."

Fees of solicitors.

Proviso: fees not allowed.

Solicitor to qualify.

Removal by request of defendant.

SEC. 3. That section eight of said chapter two hundred and sixty-nine be amended by striking out the words "by a jury," in line eight of said section.

Pay of jurors.

SEC. 4. That all after the word "receive," in line ten of section eleven of said chapter two hundred and sixty-nine, be stricken out and the following inserted in lieu thereof: "one dollar each per day for their services and the same mileage as is now allowed by law to jurors of the Superior Court."

Jurisdiction in claim and delivery.

SEC. 5. Amend section twelve of said chapter two hundred and sixty-nine by adding at the end thereof the following: "That said court shall have final jurisdiction, concurrent with the Superior Court, in all actions of claim and delivery wherein the value of the property does not exceed five hundred dollars."

Appointment of clerk validated.

SEC. 6. That the election and appointment of Z. L. LeMay, now performing the duties of clerk of the recorder's court, be and the same is hereby declared to be valid and binding in law, and fully authorize him to perform said duties until the first Monday in December, one thousand nine hundred and fourteen.

When act effective.

SEC. 7. That all of sections three, four, five, six, and eight of this act shall be in force from and after the ratification of this act, and that all other provisions of this act shall be in force from and after the first Monday in December, one thousand nine hundred and fourteen.

SEC. 8. That all provisions of chapter two hundred and sixty-^{Laws repealed.} nine, Public-Local Laws of one thousand nine hundred and eleven, and any other laws or acts of the General Assembly in conflict with this act, are hereby repealed.

SEC. 9. Except as herein otherwise provided, this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 375.

AN ACT TO PROVIDE A JURY FOR THE RECORDER'S COURTS IN THE TOWNS OF ALBEMARLE, STANLY COUNTY, AND CONCORD, CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the defendant or the State shall be allowed a ^{Jury trials} jury trial in any case in the recorder's courts in the town of ^{allowed.} Albemarle and Stanly County, and in the town of Concord, Cabarrus County, under the same laws, rules and regulations as are now ^{Laws, rules and} provided in courts of justice of the peace in North Carolina. ^{regulations.}

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 376.

AN ACT TO CREATE A POLICE COURT FOR THE TOWN OF CLYDE IN THE COUNTY OF HAYWOOD.

The General Assembly of North Carolina do enact:

SECTION 1. A special court for the trial of misdemeanors, and ^{Police court} to be designated as the "Police Court" for the town of Clyde, is ^{established.} hereby established.

SEC. 2. Said police court shall be a court of record and shall be ^{Court of record.} presided over by a police justice, who shall be a qualified voter of ^{Police justice.} the town of Clyde, and a person of good moral character and standing in the town, who shall hold his office for a term of two ^{Term of office.} years, and shall be eligible to reelection.

SEC. 3. That said police justice shall be elected on Tuesday after ^{Election of} the first Monday in May, one thousand nine hundred and thirteen, ^{justice.} by the qualified voters of the town of Clyde at the time and in like manner that other officers of said town are elected, and shall serve for a period of two years.

- Compensation. SEC. 4. That 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.
- Daily sessions. SEC. 5. Said police court shall hold daily sessions in the town of Clyde and daily shall begin at nine a. m. and shall 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 Clyde 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 the said town of Clyde.
- 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 Clyde are hereby declared to be petty misdemeanors.
- Petty misdemeanors.
- Warrants. SEC. 8. Warrants may be issued by said police justice for any person or persons charged with the commission of any offenses 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 Superior Court shall be *de novo*.
- Right of appeal.
- Trials upon warrants. SEC. 9. All trials in said police court shall be upon warrant issued by said police court.
- Punishments. 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.
- Sentences to road work. SEC. 11. Whenever any person is convicted in said police court of any of the offenses mentioned in section seven in 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 county commissioners of said county until said sentence has been complied with. Any person convicted of any other offense over which said police court has jurisdiction, and not including section seven, the punishment is imprisonment and labor, shall be required to work on the streets of the town of Clyde at the discretion of the board of aldermen or commissioners thereof until the judgment of the court is complied with.
- Sentences to road work.
- Police justice to preside and try actions. 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 wherein 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 Clyde 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, and under the same circumstances, a case pending in said last mentioned cause.

Removal when judge legally incompetent.

Legal incompetency defined.

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 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 of 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.

Proceedings.

Right of appeal.

Bond on appeal.

Commitment in default of bond.

SEC. 14. Said court shall also have jurisdiction to try all actions for the recovery of any penalty imposed by the law or this act or by any ordinance of said town, or any act done within said town, and such penalty shall be sued for and be recovered in the name of the town of Clyde, and, if incurred by a minor, shall be recovered from him in an action against his parents or guardians, or if he be an apprentice, against his master. From any judgment for such town 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 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 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. In all cases wherein 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 said town to order or require such person or persons to work on the streets as hereinbefore provided until they have otherwise been discharged according to law.

Actions for recovery of penalty.

Penalties incurred by minors.

Right of appeal.

Cases where judge is disabled.

Street work for payment of penalties.

SEC. 15. All penalties hereinbefore provided to be recovered in the name of the town of Clyde shall belong and, upon collection, be paid to the free public school fund of Haywood County, and all judgments for the same shall belong to the free public school fund of Haywood County and be collected in the same manner as other

Penalties to use of school fund.

Docketing judgments.

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.

Precepts of police justice.

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.

Minutes 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 Clyde Township, or any of the police officers or policemen of said town of Clyde. Such officers shall receive the same fees as those allowed in similar proceedings before justices of the peace.

Execution of precepts.

Fees.

Election to fill vacancy.

SEC. 18. In case of a vacancy occurring in the office of the police justice of said town of Clyde 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 made substitute justice.

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 of said town shall said town be adjudged in said police court to pay the costs of such prosecution or any part thereof, whether upon such appeal said 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 this act or any of the provisions of this act be and the same are hereby repealed.

SEC. 22. This act shall be in effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 377.

AN ACT TO AMEND CHAPTER 388 OF THE PUBLIC LAWS OF 1909, RELATIVE TO THE ROADS OF RANDOLPH COUNTY.

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: By adding to section five of the said act the words: "Provided, that the highway commission of any township may apply such a portion of the road fund as they may deem advisable to portions of the public highways contained within the corporate limits of any town within the township."

Proviso: expenditures on highways in towns.

SEC. 2. By adding to section seven of the said act the words: "Provided, that the sheriff shall be allowed a commission on the taxes collected under the provisions of this act not exceeding two per centum, and the treasurer shall be allowed a commission for handling the funds raised under the said act not exceeding one per centum."

Proviso: commission of sheriff and treasurer.

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

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 378.

AN ACT TO SECURE THE BETTER DRAINAGE OF UPPER LITTLE RIVER IN TRANSYLVANIA COUNTY.

Whereas the farming land on what is known as Upper Little River in Transylvania County is at certain seasons of the year subject to much overflow, thereby causing the land to become sour and wet, to the great injury of the said land; and whereas a petition signed by a majority of the landowners along the river aforesaid be properly drained: Now, therefore,

Preamble: land subject to overflow.

Preamble: petition for drainage.

The General Assembly of North Carolina do enact:

SECTION 1. That E. R. Bishop, Asa Hooker, John E. Hunt, E. A. Heath, and Wilkins Cagle of Transylvania County be and are hereby appointed to supervise and enforce the better drainage of Upper Little River in Transylvania County from the old bridge just below the B. F. Fitzpatrick mill to where the creek crosses the public road at S. M. Lance's.

Drainage commissioners.

Locality.

SEC. 2. That in case of a vacancy occurring by death or otherwise of any one of the said commissioners, his successor shall be elected by the remaining commissioners from among the landowners in the drainage district herein created.

Election of commissioner to fill vacancy.

SEC. 3. That the aforesaid commissioners, or a majority thereof, shall appoint an overseer who shall serve for a term of two (2) years from his appointment and until his successor be qualified.

Appointment of overseer. Term.

SEC. 4. It shall be the duty of the said commissioners at least twice a year to examine said stream and notify the said overseer of any and all work necessary and proper to be done in order to

Stream to be kept clear.

Alterations and changes in channel. Notice to landowners.	keep said stream free from obstructions and the banks thereof clean, and also to notify the said overseer of any alterations or changes that should be made in the channel of said stream. It shall be the duty of the said overseer, upon such information received from said commissioners, within five days thereafter to notify the respective landowners of what work is needed along said stream.
Landowners to keep stream clear of obstructions.	SEC. 5. That each landowner along said stream shall keep the bed of the stream adjoining his land cleaned from logs, brush, and other obstructions, natural obstructions such as rock ledges excepted, and to keep the banks of said stream clean for a distance of four feet from said banks, and to widen and straighten and change the channel of said stream when deemed necessary by the commissioners.
Banks of stream. Change of channel.	
Obstruction of river forbidden. Misdemeanor.	SEC. 6. It shall be unlawful for any person to knowingly and willfully put timber or other obstruction in said river which would impede the free and natural flow of the water thereof; and any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than five dollars.
Punishment.	
Work done by landowners.	SEC. 7. That each landowner shall, within fifteen days after notification by said overseer, begin and continue until he has completed any work required of him in accordance with the directions of the overseer.
Implements.	SEC. 8. That each landowner shall be required to furnish such implements and means for working, clearing, and removing obstructions and straightening and changing the channel of said stream as are necessary and proper for such work, and shall be required to work such time as the said overseer may deem necessary and proper, not exceeding fifteen days in any one year.
Amount of work required.	
Refusal to perform work misdemeanor.	SEC. 9. That any person who shall willfully refuse to perform the work required of him for the space of fifteen days after such notification shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than twenty dollars: <i>Provided</i> , that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offense was committed, before a presentment is made of the same, he or they shall not be liable to indictment for said offense.
Punishment.	
Proviso: payment to overseer to bar prosecution.	
Penalties to be applied to work.	SEC. 10. That all moneys arising from failure to work on said stream and all fines and all penalties collected under the provisions of this act shall be paid to said overseer and by him expended under the direction of the said commissioners in improving the channel of said stream and in performing the work which was neglected by such landowner or landowners.
Neglect of duty by overseer misdemeanor.	SEC. 11. That any overseer who shall fail or neglect to perform the duties required by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty dollars.
Punishment.	

SEC. 12. That nothing contained in this act shall prevent the building of public bridges on public roads across said streams, or private bridges or water gates by the landowners for their own convenience. Bridges and water gates.

SEC. 13. That nothing herein contained shall be construed to prevent persons herein mentioned from working on public roads. Road duty.

SEC. 14. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 15. This act shall be in force from and after its ratification. Ratified this 5th day of March, A. D. 1913.

CHAPTER 379.

AN ACT TO PROHIBIT HUNTING QUAIL ON LANDS OF ANOTHER IN RANDOLPH COUNTY WITHOUT WRITTEN PERMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt, trap, catch, or kill quail or partridges in Randolph County on the lands of another without first having obtained written permission of the owner of the land. Hunting or trapping without written permission forbidden.

SEC. 2. Any person violating any of the provisions of section one of this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days. Misdemeanor. Punishment.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 380.

AN ACT TO PROVIDE FOR GOOD ROADS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That B. F. Folger, T. E. Bryant, John H. Poindexter, William T. Marion, and their successors in office, are hereby incorporated under the name of the Highway Commission of Dobson Township, and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act. Commissioners named and incorporated. Corporate name. Corporate powers.

SEC. 2. That the 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, B. F. Folger, T. E. Bryant shall hold office for four years; John H. Poindexter, William T. Marion shall hold office for two years: *Provided*, that Political affiliation. Election of successors. Terms of office. Provide: commissioners not officers.

- Vacancies. the position of member of the said highway commission shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina. Should a vacancy occur by death, resignation, or removal, or otherwise, the same shall be filled by the said commission by choosing some one of the same political belief as was the member whose place became vacant, and such successor so chosen shall hold office until his successor shall be chosen by the Legislature and shall qualify.
- Powers and rights in respect to roads. SEC. 3. That said commission shall have the same supervision, power, and right in respect to all the public roads in Dobson Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County.
- Laying out, discontinuation, and alteration of roads. SEC. 4. The said highway commission shall have full power and authority to order the laying out of public roads where necessary in their judgment, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Said commission shall also have power and authority to lay out cart-ways, church and mill roads, and to order or discontinue the same in the way and manner provided for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width.
- Proviso: width of roads. SEC. 5. That said commission shall meet in Dobson, Surry County, within ten days after the adoption of this bill at an election herein provided for, and shall organize by electing one of their number chairman, and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission. Said commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said commission, and he shall enter into a bond in such sum as said commission may decide, which bond, upon approval by the said commission, shall be recorded by the Register of Deeds of Surry County in the book of official bonds, and filed in his office. That the treasurer of said commission shall make payments out of the road funds belonging to the said township only upon the written order of the said commission, signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued.
- Meeting and organization. SEC. 6. That said commission shall authorize the Sheriff of Surry County, or tax collector of said county, to collect all the taxes levied under this act, and he shall be entitled to the same fees as are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act, and the said commission may require the sheriff or tax collector to give an additional bond.
- Election and bond of treasurer. Record of bond. Payments from road funds. Sheriff to collect taxes. Fees. Liability on bond.

SEC. 7. That all road taxes for Dobson Township which hereafter may be collected by the Sheriff of Surry County, or tax collector of said county, shall be paid over to the treasurer of the said commission, who shall give a receipt therefor, and all moneys derived from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in Dobson Township separate, and shall 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 twenty-fifth of each year, and shall pay over sooner if same shall be in his hands.

Moneys paid over to treasurer.

Prompt settlements.

Taxes kept separate.

Final settlement.

SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said 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 such employment shall be during the pleasure of said commission. That the said commission shall also have the power to employ such other persons as may be deemed necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads.

Superintendent.

Term and compensation.

Engineers.

Compensation, duties, and term.

Employees and equipment.

SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any land in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads; and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize, sand-clay, topsoil, and gravel or improve the said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drains or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed.

Entry on land for location and material.

Drains or ditches.

Proviso: ornamental or fruit trees.

SEC. 10. That if the owner of any lands upon which said road or roads or any part thereof shall be constructed, altered, or changed, or the owner of any land from which timber, stone, clay, gravel, or sand were taken, as aforesaid, shall claim damages

Claims for damages.

Assessment by arbitration.

therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken, and for the timber and materials so taken as aforesaid, the said arbitrators shall take into consideration the special benefits that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the change in the said road. The said damage, both for the land taken and for the timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court, after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The amount of the damage is the only question contemplated in this section.

Payment of damages.

Right of appeal.

Bond on appeal.

Proviso: time for appeal.

Appeal not to delay work.

Obstruction of work misdemeanor.

Punishment.

Turning water on roads forbidden.

Misdemeanor.

Punishment.

Pay of employees.

Pay of commissioners.

Office expenses.

SEC. 11. That any person who shall obstruct the said commission, its agents or employees, in making survey, of changing any road, or the opening of a new public road or highway, or the taking of necessary timber or other materials as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty days.

SEC. 12. That it shall be unlawful for any person to use, cut or make any drain, or to so cultivate his land as to turn water in the public roads of Dobson Township, except where 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 upon conviction fined not exceeding fifty dollars (\$50) and imprisoned not exceeding thirty days.

SEC. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees, and all expenses to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The neces-

sary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the funds provided by this act.

SEC. 14. That the board of commissioners of Surry County, when a petition of one-fifth of the voters in Dobson Township is filed, is hereby empowered and instructed to submit to the voters of Dobson Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the question whether the said township of Dobson shall issue bonds in a sum not exceeding thirty thousand dollars, with interest coupons attached, the proceeds of which to be used for the improvement of the public roads of Dobson Township as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Dobson Township: *Provided*, that if a majority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of six months from time of first election under the regulations hereinafter set out: and *Provided further*, that if a majority of the voters of said township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fourth of the voters of said township shall by petition request it.

SEC. 15. 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 election board of Surry County shall appoint the registrars of the election, the judges, and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly; and that the board of commissioners of Surry County may not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election, and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.

SEC. 16. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bond Issue" or "Against Good Roads Bond

Election on bond issue.

Limit of amount.

Notice of election.

Proviso: further election.

Proviso: further election on petition.

Law governing election.

Proviso: election officers.

Count and return of vote.

Tabulation, declaration, and record of result.

Ballots.

Issue"; and at such election those who favor the issuing of the 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."

Issue of bonds.

SEC. 17. In the event that a majority of the votes cast shall be for the bond issue at any election herein provided for, after the

Denominations.

result has been declared and recorded as aforesaid, the board of commissioners of Surry County shall have bonds prepared of the denominations of one thousand dollars (\$1,000), five hundred dollars (\$500), one hundred dollars (\$100), as they may deem

Amount.

best, the total amount not to exceed thirty thousand dollars. The said bonds shall bear a rate of interest of not exceeding six per centum per annum, with interest coupons attached, payable semi-

Interest.

Maturity.

annually during the time the bonds shall run, the principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Dobson Township, Surry County, provided for in this act, or at any bank or banks which

Payable in stand-
ard currency.

the said highway commission may designate to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Dobson Township Highway Improvement Bonds."

Authentication.

Bonds turned over
to road commis-
sion.

SEC. 18. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the chairman of the said commission of Dobson Township all of said bonds without the seal of the county being affixed to any

Sale of bonds.

of them. The chairman of the said commission of Dobson Township shall have the power to advertise and sell any or all of the said bonds at such time and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Dobson Township; the expenses for such advertising and selling said bonds, and other expenses necessary in regard thereto, to be paid out of the fund arising from the sale of the said bonds. Before deliver-

Bonds sealed
when delivered.

ing any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Dobson Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County 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 face value, nor shall they or their proceeds be used for any other purposes than those declared

Sale below par
forbidden.

by this act: *Provided, however,* that the purchaser of said bonds shall not be required to see to the application of the funds. The bonds and coupons shall state on their face when due and where payable, and the said bonds shall show by what authority they are issued. The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached.

Proviso: purchaser not liable for application.

Record of bonds.

SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, the first Monday in June, a special road tax for the township of Dobson on the hundred dollars worth of property for not less than 5 per cent and not more than twenty-five cents, poll tax not less than fifteen cents and not more than seventy-five cents, observing the constitutional equation, as recommended by the said commission of Dobson Township, 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 for the township of Dobson. The taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund shall be held by the said commission of Dobson Township in 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 commission of Dobson Township shall manage and invest the funds at the discretion of said commission, until paid out for the redemption of the said bonds sold under the authority of this act at their maturity.

Special tax.

Limit of rate.

Collection and application.

Sinking fund.

Investment of sinking fund.

SEC. 20. If the majority of the voters of Dobson Township 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 the said county, except after conviction for crime, are hereby repealed.

Road duty abrogated.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 381.

AN ACT TO AMEND CHAPTER 561, PUBLIC-LOCAL LAWS
1911, RELATING TO ROADS IN YANCEY COUNTY.*The General Assembly of North Carolina do enact:*Commutation for
road work.

SECTION 1. That chapter five hundred and sixty-one, Public-Local Laws one thousand nine hundred and eleven, be and the same is hereby amended by striking out of section two and lines ten and eleven thereof the words "three dollars and fifty cents," and add in lieu thereof the words "five dollars."

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 382.

AN ACT TO INCORPORATE GOLD HILL BAPTIST CHURCH,
COLORED, LINCOLN COUNTY.*The General Assembly of North Carolina do enact:*

Prohibition.

SECTION 1. That it shall be unlawful for any person or persons to sell any wine, cider, or other spirituous or intoxicating liquors or any lunches or confectionery within one mile of Gold Hill Baptist Church, colored, in Lincoln County.

Misdemeanor.
Punishment.

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 or imprisoned, 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 5th day of March, A. D. 1913.

CHAPTER 383.

AN ACT TO AMEND THE LAW RELATING TO COTTON
WEIGHER FOR THE TOWN OF SMITHFIELD.*The General Assembly of North Carolina do enact:*

SECTION 1. That the following provisos be added at the end of section one of chapter two hundred and sixty, Public Laws of one thousand nine hundred and nine:

Proviso: rotten
and damaged
cotton to be
removed.

"*Provided*, that in order to enable the cotton weigher to accurately determine what deduction shall be made for rotten or damaged cotton, he may pick, or caused to be picked under his

direction and responsibility, all rotten or damaged cotton from the bales tendered to him to be weighed, and he shall receive for his services such an amount as may be agreed upon by him and the owner of said cotton: *Provided further*, that if any improper deduction is made on account of failure to pick rotten or damaged cotton, the cotton weigher and his official bond shall be liable." Compensation.
Proviso: weigher liable on bond.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 384.

AN ACT TO RE-ENACT CHAPTER 589 OF THE PUBLIC-LOCAL LAWS OF 1911, AND PROVIDING THAT THE SAME APPLY TO CRAVEN COUNTY ONLY.

The General Assembly of North Carolina do enact:

SECTION 1. That section eleven of chapter five hundred and eighty-nine of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended as follows: by adding at the end of said section the following: *Provided*, that no person shall kill more than ten squirrels in any one day, under the provisions of this act. Proviso: limit of kill.

SEC. 2. That said chapter five hundred and eighty-nine of the Public-Local Laws of one thousand nine hundred and eleven, as above amended, be and the same is hereby reënacted for the county of Craven for a period of ten years from and after the ratification of this act. Application of act.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 385.

AN ACT FOR THE RELIEF OF THE SHERIFF AND TAX COLLECTORS OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas, in the machinery act of one thousand nine hundred and eleven of North Carolina, being chapter fifty of the Public Laws of one thousand nine hundred and eleven, by mistake the sheriff and tax collectors of said Wayne County were not excepted from the provisions for compensation Mistake in act.

Settlement under
mistake.

provided for in section ninety-eight of said machinery act, and settlement has been made with the said sheriff for the taxes for the year one thousand nine hundred and eleven under the provisions of said section ninety-eight: Now, therefore, the State of North Carolina is hereby authorized to refund to the said sheriff such amount as will make the compensation of said sheriff equal to the compensation provided for them in chapter two hundred and seventy of the Public Laws of one thousand eight hundred and ninety-one as amended by chapter four hundred twenty-nine of the Public Laws of one thousand nine hundred and three.

Refund authorized.

Settlement for
1912.

SEC. 2. That the said tax collectors and sheriff shall be allowed to settle with the county of Wayne and the State of North Carolina for the taxes for the year one thousand nine hundred and twelve under the provisions for compensation provided for them in chapter two hundred seventy of the Public Laws of one thousand eight hundred and ninety-one as amended by chapter four hundred twenty-nine of the Public Laws of one thousand nine hundred and three.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 386.

AN ACT TO PREVENT GAMBLING IN THE INCORPORATED TOWNS OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Ordinances to be
adopted.

SECTION 1. That the several boards of aldermen or other governing bodies of all the incorporated towns in Cherokee County shall have the power and it shall be their duty to enact ordinances against betting or gambling upon the result of any and all games of skill, including bowling, pool, billiards, baseball, horse racing, shooting at a target, and such like, but not including betting on games of chance which is now or may hereafter be prohibited by any State law.

Acts to be made
misdemeanor.

SEC. 2. Said ordinances shall provide that if any person shall bet any money, property, or other thing of value on the result of any game of skill aforementioned, whether the same be in stake or not, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, and costs, or be imprisoned not more than thirty days.

Punishment.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 387.

AN ACT TO REPEAL CHAPTER 855, PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eight hundred and fifty-five of the Law repealed. Public Laws of one thousand nine hundred and seven 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 5th day of March, A. D. 1913.

CHAPTER 388.

AN ACT TO PREVENT SALE OF WINE AND CIDER AND OTHER INTOXICANTS WITHIN THREE MILES OF RED HILL SCHOOLHOUSE IN TAYLOR'S BRIDGE TOWNSHIP, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to sell or Prohibition. offer for sale any wine, cider, or other intoxicating beverage within three miles of Red Hill Schoolhouse in Taylor's Bridge Township, Sampson County, North Carolina.

SEC. 2. That any person violating any of the provisions of this Misdemeanor. act shall be guilty of a misdemeanor, and upon conviction shall Punishment. be fined or imprisoned, 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 5th day of March, A. D. 1913.

CHAPTER 389.

AN ACT TO AMEND CHAPTER 633, PUBLIC-LOCAL LAWS 1911, RELATIVE TO HOLDING PRIMARIES IN BEAUFORT, PAMLICO, AND OTHER COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and thirty-three, Public-District and State Local Laws of one thousand nine hundred and eleven, be amended officers eliminated. by striking out all after the word "provided," in line six of section one, down to and including the word "determine," in line nine of section one. Strike out the word "legislative" in line one of

section nine, and insert in lieu thereof the words "representative in the General Assembly." Strike out all after the words "two dollars" in line seven of section ten, down to and including the word "dollars" in line eleven of said section ten.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 390.

AN ACT TO AMEND CHAPTER 206, PUBLIC-LOCAL LAWS 1911, ENTITLED "AN ACT TO CONFER POLICE POWERS ON SHERIFFS AND CONSTABLES AT VALMEAD AND LOWER CREEK TOWNSHIP, CALDWELL COUNTY, AND TO PROHIBIT PUBLIC DRUNKENNESS THERE."

The General Assembly of North Carolina do enact:

Punishment.

SECTION 1. That section four of chapter two hundred and six, Public-Local Laws one thousand nine hundred and eleven, be amended by striking out the word "ten," in line seven of said section, and insert in lieu thereof the words "not less than ten nor more than fifty."

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 391.

AN ACT TO ABOLISH THE OFFICE OF COUNTY TREASURER IN THE COUNTIES OF AVERY AND GRAHAM.

The General Assembly of North Carolina do enact:

Sheriff to act as treasurer.

SECTION 1. That the office of county treasurer in the county of Avery be and the same is hereby abolished, and the Sheriff of Avery County shall act *ex officio* as county treasurer in said county, without any compensation for his services as such.

Sheriff to act as treasurer.

SEC. 2. That the office of treasurer be and the same is hereby abolished in Graham County; that the Sheriff of Graham County is hereby required to perform the duties now performed by said treasurer without compensation; and that the sheriff's bond shall be liable for the performance of his duties as treasurer in the same manner as for his duties as tax collector.

Liability on bond.

SEC. 3. That this act shall be in force from and after the first Monday in December, nineteen hundred and fourteen.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 392.

AN ACT RELATING TO THE COMMISSIONERS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand three hundred and seventeen of the Revisal of one thousand nine hundred and five be amended by inserting after the word "days," in the fifth line of said section, the words: "*Provided*, the commissioners of Buncombe County may meet three days in each month." Provide; length of meeting.

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 5th day of March, A. D. 1913.

CHAPTER 393.

AN ACT TAXING DOGS IN CHATHAM COUNTY AND MAKING THEM A SUBJECT OF LARCENY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person or persons owning or keeping a dog in Chatham County shall pay annually a license or privilege tax of one dollar (\$1) on each dog, male or female. The tax shall be listed at the time and place that personal property is listed. Tax on dogs.
Tax to be listed.

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. Stealing dogs larceny.

SEC. 3. That said tax shall be paid to the Sheriff of Chatham County as provided for the payment of other taxes. Collection.

SEC. 4. The net proceeds raised from the collection of said tax shall be turned over to the acting treasurer of Chatham County for the use of the public schools and the public roads of said county, one-half of said proceeds to be turned over to the board of education of said county and one-half of said proceeds to be turned over to the board of road commissioners of said county; and said funds shall be distributed among the public schools and on the public roads of the various townships of said county in proportion to the number of license taxes paid in each township. Taxes to road and school funds.

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 (\$10). Failure to list misdemeanor.

Exemption.

SEC. 6. That the board of commissioners of said county shall have the power to exempt any person, on account of poverty or infirmity, from the payment of this tax.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 394.

AN ACT AUTHORIZING THE CROSS CREEK FENCE COMMISSIONERS TO PAY OVER ANY SURPLUS FUNDS IN THEIR HANDS TO THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Surplus to use of road fund.

SECTION 1. That the Cross Creek Fence Commissioners of Cumberland County be and they are hereby authorized to pay over all such sum or sums of money remaining in their hands, after having first closed up their business as fence commissioners, to the county commissioners of Cumberland County, to be expended by said county commissioners on the public roads of Cumberland County as said commissioners may deem best.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 395.

AN ACT TO TAX DOGS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Rate of tax.

SECTION 1. That all persons owning or keeping a dog or dogs must pay a tax on the same of one dollar annually for each male dog kept and two dollars annually on each female dog owned or kept.

Taxes to be listed.

SEC. 2. That the taxes shall be listed at the same time and place as other property.

Failure to list misdemeanor.
Punishment.

SEC. 3. That any person failing to list any and all dogs over three months old shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

SEC. 4. That all such tax shall be collected by the sheriff as Taxes to road
other taxes are collected, and turned over to the county treasurer fund.
of said county, and shall be used as a public road fund.

SEC. 5. That this act shall apply only to Avery County. Application of act.

SEC. 6. That all laws and parts of laws in conflict with this act
are hereby repealed.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 396.

AN ACT TO PROTECT QUAIL IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt, Close season.
entrap, or in any manner kill quail or partridge in Perquimans
County between the first day of March and the first day of
November of each and every year.

SEC. 2. That any person violating the provisions of this act Misdemeanor.
shall be guilty of a misdemeanor and punished in the discretion
of the court.

SEC. 3. That all laws and clauses of laws relating to the pro-
tection of quail or partridge heretofore enacted are hereby re-
pealed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 397.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF MECKLENBURG COUNTY TO REFUND TO CERTAIN CITI- ZENS THE AMOUNT OF DOG TAXES COLLECTED FROM THEM FOR THE YEAR ONE THOUSAND NINE HUNDRED AND ELEVEN, UNDER CHAPTER 658 OF THE PUBLIC- LOCAL LAWS FOR SAID YEAR.

Whereas the General Assembly of North Carolina did, at the Preamble: enact-
session of one thousand nine hundred and eleven, enact chapter ment of law.

six hundred and fifty-eight of the Public-Local Laws of said
session, imposing upon persons owning or keeping dogs certain
annual license or privilege taxes; and whereas it was provided
in said act that the same should not take effect unless and until
ratified and approved by the board of commissioners of Mecklen-
burg County at a regular meeting held on or before the first
Preamble: condi-
tion of enactment.

Preamble: delay in ratification.

Monday in June, one thousand nine hundred and eleven; and whereas, on account of the fact that the said board of commissioners did not ratify said act until the said first Monday in June, one thousand nine hundred and eleven, the list takers for said county in said year failed to list for taxation under said act most of the dogs owned by citizens of said county and subject to said tax, by reason of the fact that the machinery act required said property to be listed on or before said date; and whereas certain doubts having arisen as to whether or not those persons who listed their dogs for taxation for said year were legally liable for said tax, on account whereof they paid the same under protest; and whereas the board of commissioners for said county, with the concurrence of the board of education, in order to avoid a seeming injustice in imposing and collecting said tax from certain citizens, when the majority of the citizens in said county failed to list their dogs for taxation during said year, have deemed it wise to recommend to the Legislature to pass an act authorizing said board of education and its treasurer to refund to such citizens so listing and paying under protest said tax, the several amounts paid by them: Now, therefore,

Preamble: doubts as to legality.

Preamble: authority for repayment recommended.

The General Assembly of North Carolina do enact:

Repayment authorized.

SECTION 1. That the board of education for Mecklenburg County is hereby authorized to direct its treasurer to pay back to each of the citizens of said county who listed their dogs for taxation for the year one thousand nine hundred and eleven, and paid the taxes thereon, the amount of such taxes so paid out of any funds which may be in the hands of the treasurer of said board.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 398.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ONSLOW COUNTY TO SUBMIT A SALARY SYSTEM TO THE VOTERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Submitted to voters.

SECTION 1. That the board of county commissioners of Onslow County is hereby authorized and empowered to submit to the duly qualified voters of said county the question whether the clerk of the Superior Court, the register of deeds, the sheriff, and the treasurer of said county shall each be paid a salary for his services, instead of receiving such fees as are now provided by law.

SEC. 2. That if said board of county commissioners shall so determine, such question shall be submitted to the duly qualified voters of Onslow County, after due advertisement of such election made by publishing a notice thereof once a week for four consecutive weeks in some newspaper published in Onslow County and by posting a notice of the same for thirty days at the courthouse door and in at least one public place in each voting precinct, on the first Tuesday after the first Monday in November, one thousand nine hundred and fourteen, the same being the date of the regular election of members of the General Assembly and county officers, under the same laws, rules and regulations as govern such regular elections and under the direction and control of the duly appointed and qualified election officials holding such regular election; and only such voters as are duly qualified to vote in such regular election shall vote upon such question. A separate box shall be provided at each voting precinct in said county by the registrars and judges of election, and those electors favoring the placing of officers upon a salary shall vote a ballot upon which is printed "For Salary System" and those opposed thereto shall vote a ballot upon which is printed "Against Salary System." Such ballots shall be of the size and color prescribed by the board of county commissioners at the meeting when such election is ordered. These ballots shall be passed upon and counted by such election officials who shall make sworn returns thereof to the board of county canvassers for said regular election, who shall canvass the vote and determine the result thereof at the meeting held by them to canvass the returns and determine the result of said regular election.

Question voted on at general election.

Notice of election.

Law governing election.

Ballot boxes.

Ballots.

Count and return of votes.

Canvass of returns.

SEC. 3. If a majority of the qualified voters who participate in such election shall vote in favor of placing such officers upon salaries, the board of county commissioners of said county shall, at a meeting held on the first Monday in December, one thousand nine hundred and fourteen, fix the salaries of said officers and provide for such deputies and clerks as they may think necessary for the transaction of the business of the county, and fix their salaries; and said officers, deputies, and clerks shall receive the amount so fixed, and nothing more, as compensation for their services. The fees heretofore collected by such officers for their services as prescribed by law shall continue to be collected by them, but shall be paid into and become a part of the general fund of said county.

County commissioners to fix salaries.

Full compensation.

Fees paid into general fund.

SEC. 4. Said officers shall each file with the board of county commissioners at their regular meeting in December, one thousand nine hundred and thirteen, and one thousand nine hundred and fourteen, a sworn statement in writing, showing in detail all the fees collected by him for the twelve months ending on December the first, one thousand nine hundred and thirteen, and one

Officers to file statement of fees.

Pay for filing statement.

Proviso: time covered by statement.

thousand nine hundred and fourteen. The board of county commissioners may allow such compensation as they may think proper to each of said officers for preparing and filing such statements: *Provided*, that the said officers shall not be required to file such sworn statements for the time elapsed before the ratification of this act.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 399.

AN ACT TO AMEND CHAPTER 123 OF THE PUBLIC LAWS OF 1909, RELATIVE TO THE FINANCE COMMITTEE OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Limit of pay repealed.

SECTION 1. That section four of chapter one hundred and twenty-three of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended as follows: By striking out all of said section after and including the word "but," in line four of said section.

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 5th day of March, A. D. 1913.

CHAPTER 400.

AN ACT TO PROTECT QUAIL IN BRUNSWICK AND NEW HANOVER COUNTIES.

The General Assembly of North Carolina do enact:

Trapping and netting forbidden.

SECTION 1. That it shall be unlawful to trap or net any partridges or quail in Brunswick and New Hanover counties.

Misdemeanor. Punishment.

SEC. 2. That any and all persons violating the provisions of this act shall be guilty of a misdemeanor, and punished in the discretion of the court.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 401.

AN ACT TO PROVIDE COMPENSATION FOR MEMBERS OF THE BOARD OF COMMISSIONERS OF IREDELL COUNTY WHEN PERFORMING SERVICES FOR SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That each member of the board of county commissioners of Iredell County shall receive the same per diem and mileage while discharging any special service for said county under an order of the board of commissioners of said county as said members now receive for attending meetings of the said board. Per diem and mileage.

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 5th day of March, A. D. 1913.

CHAPTER 402.

AN ACT TO RATIFY AND CONFIRM CERTAIN CONVEYANCES AND CONTRACTS OF THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY.

Whereas, Guilford County, through its board of commissioners, did on the seventh day of August, one thousand nine hundred and eleven, convey by deed in usual form to C. W. Banner the following described property, to wit: a tract of land in the city of Greensboro, adjoining the lands of C. W. Banner, on North Elm Street, and beginning at an iron stake in the building line established by the city of Greensboro on the western side of North Elm Street in said city, the same being the northeast corner of the lot upon which the Mendenhall building now stands, running thence south along North Elm Street with said building line four feet to an iron stake; thence west ninety-three feet five inches to an iron stake; thence north four feet to the line of C. W. Banner; thence along the line of C. W. Banner ninety-three feet five inches to the point of beginning; and whereas, on August seventh, one thousand nine hundred and eleven, Guilford County, through its board of commissioners, did enter into a contract with C. W. Banner according to the terms of which the said county of Guilford agreed to forever keep open, with full right of ingress and regress, so much of the said lands belonging to Guilford County and adjoining the lot of C. W. Banner on North Preamble: conveyance made.

Preamble: contract entered into.

Elm Street in the city of Greensboro as should be equal in all dimensions to the aforescribed parcel of land (said dimensions being to wit, four feet by ninety-three feet and five inches); and whereas some doubt has arisen as to the authority of the board of commissioners of Guilford County to execute said conveyance: Now, therefore,

Preamble: doubt as to authority.

The General Assembly of North Carolina do enact:

Conveyance and contract authorized.

SECTION 1. That the board of commissioners of Guilford County be and they are hereby authorized and empowered to execute the aforesaid conveyance and contract.

Conveyance and contract confirmed.

SEC. 2. That all conveyances and contracts made between Guilford County, through its board of commissioners, and C. W. Banner are hereby ratified and confirmed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 403.

AN ACT TO AMEND SECTION 2798 OF REVISAL, TO PAY SPECIAL VENIREMEN IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Exception rescinded.

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 as follows: by striking out the word "Ashe" in line twenty-four of said section.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 404.

AN ACT TO TAX DOGS AND TO MAKE THEM THE SUBJECT OF LARCENY IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Dogs taxed.

SECTION 1. That any person owning or keeping a dog shall pay annually on each dog, male or female, so owned or kept, a license or privilege tax of one dollar. It shall be the duty of every person owning or keeping a dog to list the same for such tax at the same time and place as personal property is listed.

Dogs to be listed.

Listed dogs subjects of larceny.

SEC. 2. Any dog so listed for taxation shall be held to be property, and shall be the subject of larceny.

SEC. 3. That the taxes hereunder shall be paid to and collected by the sheriff in the same manner as provided for the payment and collection of other taxes. Collection of tax.

SEC. 4. That the net proceeds raised from the collection of said taxes shall be turned over to the county treasurer, one-half to be added to the road fund of the county and one-half to the school fund. Tax to road and school fund.

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 or imprisoned not more than twenty days. Failure to list misdemeanor. Punishment.

SEC. 6. In the event any person listing a dog for taxation under the provisions of this act shall fail to pay said tax prior to December thirty-first of each year, and the sheriff shall be unable to find other property of such person subject to levy, it shall be his duty to levy upon the dog or dogs of such person, and, unless such tax and costs of levy are paid, to cause such dog or dogs to be killed. Dogs to be levied on.

SEC. 7. That this act shall apply only to Granville County. Application of act.

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

Ratified this 5th day of March, A. D. 1913.

CHAPTER 405.

AN ACT TO ESTABLISH A PUBLIC ROAD LEADING FROM A CERTAIN POINT IN BLADEN COUNTY TO A POINT 2½ MILES FROM SOUTH RIVER INTO SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That a public road be and the same is hereby established, beginning in the main South River road at foot of hill where D. P. Russ now lives on said road and leads to and across South River on Henry Beatty's bridge; thence on with said road into Sampson County, a distance of two and one-half miles in Sampson County to the village of Tomahawk. Public road established.

SEC. 2. That it shall be the duty of the board of supervisors of Lake Creek Township, Bladen County, to assign road hands and overseer to work that portion of said road in said township and county, and it shall be the duty of the road supervisors of Franklin Township, Sampson County, to assign road hands and overseer on that section of said road lying and being in said township and county. Allotment of road hands and overseers.

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

Ratified this 5th day of March, A. D. 1913.

CHAPTER 406.

AN ACT TO IMPROVE THE PUBLIC ROAD FROM THURMAN
TO TRAP HILL IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Commissioners
named to review
road.

SECTION 1. That J. S. Holbrook, C. C. McCann, and Joseph Woodruff be and they are hereby appointed commissioners to review the public road from Thurman, North Carolina, to Trap Hill in said State and county of Wilkes, and to designate such changes or alterations in the present grade of said road as may seem to them to be necessary and proper to improve the grade of said road, and that these changes or alterations shall be designated by such stakes and blazes as may be necessary to fix the route of such changes to grade where alterations shall be made by said commissioners, and said grade shall not exceed five per centum.

Designation of
changes and
alteration.

Commissioners to
be sworn.

SEC. 2. Commissioners shall be sworn by some justice of the peace or other person qualified to administer oaths to faithfully discharge their duties as such commissioners, and said commissioners shall within three months from the ratification of this act proceed to perform their duties as authorized herein.

Time for action.

Report of commis-
sioners.

SEC. 3. After said commissioners shall have performed their duties they shall make their report to the board of commissioners of Wilkes County in writing, which report shall designate how they have performed their duties, and what damages (if any) have been allowed, to whom allowed, and the same shall be paid as in other cases of road construction.

Appointment of
overseers and
allotment of
hands.

SEC. 4. That after the report of said commissioners is filed, the board of commissioners of Wilkes County shall appoint an overseer or overseers to construct said road and to allot such road hands or people subject to road duty as they may deem necessary, and for such time as may be necessary to construct said road. No person shall be required to work said road for more than six days in any one year, and such road hands shall be liable to all the penalties in the general road law of the State of North Carolina for the failure to work said road.

Limit of road
work.

Report of work.

SEC. 5. When said alterations and changes are made as provided for in this act, a report thereof shall be made by the overseer or overseers to the board of commissioners of the said county of Wilkes, and said road shall be kept in repair as other public roads of said county.

Maintenance of
road.

Retention of parts
of road.

SEC. 6. That said commissioners may adopt such parts of the present road or retain such parts as they may deem practical and proper.

Appropriation.

SEC. 7. That said commissioners of Wilkes County shall authorize and allow the sum of seventy-five dollars (\$75), said sum

to be paid out of the road funds of Trap Hill Township, to be expended on said road leading from Thurman, North Carolina, to Trap Hill, North Carolina, for the purpose of buying blasting material and other necessary expenses.

SEC. 8. That said commissioners shall each be allowed the sum of two dollars (\$2) per day while actually engaged in the performance of their duties as commissioners. Pay of commissioners.

SEC. 9. That all laws and clauses of laws so far as they conflict with this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 407.

AN ACT TO PROTECT QUAIL OR PARTRIDGE IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to kill partridge or quail in Ashe County off his own premises without the consent of the owner, for a period of five years, and any person so doing shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty dollars or imprisoned not less than five days nor more than twenty days. Full protection for five years. Misdemeanor. Punishment.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 408.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN FORK MOUNTAIN AND LITTLE ROCK CREEK TOWNSHIPS, MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the dividing line between Fork Mountain and Little Rock Creek townships shall be as follows: Beginning on the top of the Medlock Mountain at the corner in the old township line, and running up said mountain-top with the Bakersville line to a corner tree on said mountain-top, known as Chester and Hoy Greene's corner; then down said ridge with the conditional line between the lands of Chester Greene and Hoy Greene to Joseph Greene's line on said ridge; then down said ridge with Line established and set out.

the conditional line between Joseph Greene and Hoy Greene, near Joseph Greene's house; then to the rock corner at Joseph Greene's gate; then down the land from the said gate with Hoy Greene's line to Charles W. McKinney's line; then with the said dividing line between Charles W. McKinney and Fannie Greene to Rock Creek at the ford; then to the foot of the Burleson Grave-yard Hill at the old township line; then with said line to the top of the Chestnut Ridge; and that the section of territory covered by the removal of said line shall be, after the passage of this act, a part of Fork Mountain Township.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 409.

AN ACT TO REPEAL CHAPTER 466 OF THE PUBLIC LAWS OF 1909, RELATING ONLY TO ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Exception repealed.

SECTION 1. That chapter four hundred and sixty-six of the Public 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 5th day of March, A. D. 1913.

CHAPTER 410.

AN ACT TO CREATE A NEW TOWNSHIP IN WILKES COUNTY OUT OF PARTS OF JOB'S CABIN, LEWIS FORK, AND UNION TOWNSHIPS.

The General Assembly of North Carolina do enact:

New township created.

SECTION 1. That for the better convenience of the voters and taxpayers of parts of Job's Cabin Township, Union Township, and Lewis Fork Township, Wilkes County, that a new township be and the same is hereby created in Wilkes County, to be named and known as "Staunton Township," with the following metes and bounds, viz.: "Beginning on top of the ridge above the head of the Two-Mile Branch; then down and with the top of said ridge to the head of Ready Branch; then with the said Ready Branch to the forks; then a straight course to the top of Jesse's Knob; then with the top of the mountains to the top of the Hoover

Staunton township.

Metes and bounds.

Knob; then with the top of a ridge to near J. M. Eller's; then a straight course to Lewis Fork Creek at the mouth of Purlear Creek; then up Purlear Creek to the forks at Hamp Eller's; then up the east prong of Purlear Creek to the top of Ranzebous Mountain; then with the Union Township line to the top of the ridge above the head of Jones Creek; then a straight course to the mouth of the Flat Rock Branch; then up the ridge to a knob near G. W. Griffin's; then a west course to the forks of the branch near W. F. Carlton's; then up the branch to L. P. Griffin's old place; then a west course to the old Mitchell mahogany corner; then a straight course to the sandy flat above E. H. Parson's; then a straight course to and crossing Lewis Fork Creek to the beginning."

SEC. 2. That the voting precinct shall be placed as nearly as Voting precinct. practicable at the most convenient place for the majority of the voters in said township.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 411.

AN ACT TO REGULATE THE WEIGHING OF COTTON AND APPOINT A WEIGHER FOR THE TOWN OF COATS, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all cotton sold in bales in the town of Coats, Cotton to be weighed by sworn weigher. Harnett County, North Carolina, shall be weighed by a sworn cotton weigher, who shall give bond in the sum of one thousand Bond of weigher. and no hundred dollars, payable to the State of North Carolina, to be approved by the town commissioners of Coats, for the faithful performance of his duties.

SEC. 2. That the cotton weigher provided for in this act shall Compensation. receive as compensation ten cents for each bale weighed, to be paid one-half by the seller and one-half by the buyer.

SEC. 3. That the term of said officer shall be two years, begin- Term of office. ning on the first day of August, one thousand nine hundred and thirteen, and that Joseph A. Stewart be and is hereby appointed Weigher named. cotton weigher for the town of Coats for the first term under this act.

SEC. 4. That the board of commissioners of the town of Coats Election of weighers. shall, at its first regular meeting in the month of May, one thousand nine hundred and fifteen, and biennially thereafter, elect a competent and discreet person as cotton weigher for the town of Coats, which fact the mayor or clerk of the town of Coats 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 cotton weigher of said town; and upon the failure of the board of commissioners of Harnett County to concur in the action of the board of town commissioners of the town of Coats, said board of county commissioners shall certify said fact to the board of commissioners of the town of Coats and shall call a joint session of said two boards to be held at such time and place as the said board of county commissioners shall designate, not later than the fifteenth day of July next thereafter, when and where said two boards shall jointly elect some discreet and competent person to fill said office.

Cotton to be kept separate.

SEC. 5. That it shall be the duty of said cotton weigher to keep separated the cotton belonging to each purchaser or buyer so that the cotton purchased or owned by the different purchasers or buyers will not become mixed on the cotton yard or platforms in said town; and it shall be his duty to keep a record of all cotton weighed, showing the name of the seller, the marks thereon, if any, by whom delivered on the yard (if not so delivered by the seller), name of purchaser, grade of cotton, and price for which sold, if known to such weigher; and it shall also be his duty to assess and deduct just and proper weight on account of dampness, damage, or excessive weight in bagging and ties, etc.

Records.

Deductions.

Records evidence and open for inspection.

SEC. 6. That the records of said officer, when properly authenticated, shall be evidence in any court, and said records shall be open to inspection to any person upon requesting said officer to be allowed to do so.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 412.

AN ACT TO REMOVE OBSTRUCTIONS FROM AND TO DRAIN ELK SHOAL CREEK WITHIN A CERTAIN DISTRICT IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Landowners to clear off banks.

Landowners to remove obstructions.

SECTION 1. That all persons owning lands on Elk Shoal Creek in Alexander County and Miller's Township in said county shall clear off or cause to be cleared off the banks of said stream so far as said stream runs through their lands. The said landowners shall also clean out and remove all obstructions or cause to be cleaned out and all obstructions removed from said stream that may or do obstruct the flow or drainage of said stream

so far as said stream runs through their lands; that all land-owners within the district provided for and created in this act shall remove or cause to be removed all fallen banks and to straighten all short curves and to straighten and to change the location of the bed or channel of said stream wherever it may be found to be necessary or advisable to aid and to improve the flow and drainage of said stream; that it shall be the duty of said landowners to widen or cause to be widened the banks of said stream to any width that may be found advisable and necessary to properly drain said stream according to the purpose of this act, and said stream shall not be less than twelve feet wide in the bed of said stream within the district provided for in this act: *Provided further*, that where the said stream is the dividing line between two landowners, that it shall be the duty of said landowners whose lands are so divided to clear off the banks of said stream, remove all obstructions to the flow and drainage thereof, and to do all other things required to be done to said stream by the provisions of this act on their side of said stream to the middle of said stream.

Further work to be done by landowners.

Proviso: lands which creek divides.

Sec. 2. That after said stream is cleaned out and put in the condition required by this act, it shall also be the duty of all persons owning lands on said stream to keep the said stream in the condition required by this act.

Maintenance of work.

Sec. 3. That this act shall only apply to that section of said Elk Shoal Creek in Alexander County and Miller's Township beginning at a point three hundred yards below the Old Mock Mill Place and extending up said Elk Shoal Creek to a point on the upper line of the lands of Jacob Moser.

Locality affected.

Sec. 4. That for the purpose of carrying out and enforcing the provisions of this act the landowners within the district herein provided for shall select or elect two good and lawful men who are freeholders to supervise and direct the work provided for in this act, and said work shall not be completed until the men so selected, who are hereby constituted and appointed as commissioners, have viewed and examined thoroughly the work so done by said landowners under this act and have approved said work. In the event the two commissioners so chosen by said landowners to supervise and direct said work provided for in this act cannot agree as to any part of said work to be done or the manner in which it shall be done, or as to any work that has been done, then and in that event the two commissioners so chosen shall select a third person, who shall act with them as commissioner and who shall settle any questions of difference that may arise, and the decision of said commissioner shall be final and binding on all questions of dispute and upon all parties.

Election of commissioners.

Selection of arbitrator.

Sec. 4. That in selecting the two commissioners as provided for in this act, in the event the said landowners cannot agree upon the said two commissioners, then the landowners within said

Meeting for election of commissioners.

district shall meet at some place to be designated within said district and proceed to elect two commissioners as above provided for: *Provided*, that in case of any such an election there shall be given at least five days notice to all landowners in said district of the place and time of any such meeting.

Proviso: notice of meeting.

Pay of commissioners.

SEC. 5. That said commissioners shall be paid by said landowners an amount not to exceed the sum of one dollar and fifty cents (\$1.50) per day for the time that they may spend in supervising and directing said work, and in the event any landowner in said district shall fail and refuse to pay any charge or assessment that may be charged against him by said commissioners for the purpose of paying the amount allowed and provided for, for the said commissioners, and for any other expense which said commissioners may find to be advisable and necessary and which they have incurred in carrying out the provisions of this act, shall be liable to said commissioners for all such charges or assessments so placed upon him, and said commissioners shall sue said landowner and shall recover of him, upon showing that he is justly due the same, his just pro rata part of any such expense or assessment so placed upon him by said commissioners.

Enforcement of assessments.

Violation of act misdemeanor. Punishment.

SEC. 6. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction be fined or imprisoned within the discretion of the court.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 413.

AN ACT TO APPOINT MEMBERS OF THE BOARD OF SUPERVISORS OF PUBLIC ROADS OF PRECINCT No. 2, IN LANSBORO TOWNSHIP, ANSON COUNTY.

The General Assembly of North Carolina do enact:

Supervisors named.

SECTION 1. That E. E. Barrett, M. L. Horn, and J. W. Carpenter be and they are hereby appointed as members of the board of supervisors of public roads of Precinct Number Two in Lansboro Township, Anson County, for a term of two years; said term to begin on the first day of April, one thousand nine hundred and thirteen.

Term of office.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 414.

AN ACT RELATING TO PER DIEM OF BOARD OF COMMISSIONERS FOR WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the pay of the members of the board of county commissioners of Wilkes County be and the same is hereby increased from two dollars to three dollars per day, and mileage as the law now prescribes. Per diem increased.

SEC. 2. That the provisions of this act shall in no way be deemed to affect or increase the pay of any committee now serving or which may hereafter serve the said county of Wilkes in any capacity whatsoever; nor shall construction be placed upon this act other than the increase of pay for the board of commissioners for Wilkes County. Pay for committee work not increased.

SEC. 3. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed. Repealing clauses.

SEC. 4. That this act and the provisions thereof shall be in force and effect from and after the first Monday in March, one thousand nine hundred and thirteen. When act effective.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 415.

AN ACT TO PROVIDE FOR A COTTON WEIGHER FOR THE TOWN OF JASON IN GREENE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of cotton weigher is hereby created for the town of Jason in Greene County, North Carolina. Office created.

SEC. 2. That Arvil Sugg be and is hereby appointed cotton weigher for said town of Jason from the first Monday in July, one thousand nine hundred and thirteen, for the term of one year or until his successor is appointed or elected: *Provided*, he enter into a good and sufficient bond to the amount of two hundred dollars for the faithful discharge of his duties. Term of office. Provide: bond of weigher.

SEC. 3. That at the town election for said town of Jason next succeeding the first Monday in July, one thousand nine hundred and thirteen, there shall be elected a cotton weigher for the term of the other officers for said town, and at every succeeding election the said town shall elect a cotton weigher. Election of successor.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 416.

AN ACT TO AMEND THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1911, CHAPTER 587.

The General Assembly of North Carolina do enact:

SECTION 1. That the Public-Local Laws of session one thousand nine hundred and eleven of North Carolina be and the same is hereby amended as follows, viz.:

Fees from clerk of court.

By striking out the words "road funds," in line seventeen (17) of section one of said chapter, and insert in lieu thereof the words "general funds."

Fees from register of deeds.

By striking out the words "road funds," in line twenty-five (25) of section two of said chapter, and insert in lieu thereof the words "general funds."

Fees from sheriff.

By striking out the words "road funds," in line eighteen (18) of section three of said chapter, and insert in lieu thereof the words "general funds."

Repealing clause.

SEC. 2. That all laws or clauses of laws in conflict herewith are hereby repealed.

When act effective.

SEC. 3. That the provisions of this act shall be in force and effect from and after the first Monday in March, one thousand nine hundred and thirteen.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 417.

AN ACT TO TAX DOGS IN PAMLICO COUNTY AND RAISE REVENUE FOR THE PUBLIC SCHOOL FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Dog tax.

SECTION 1. That any person or persons, firm, or corporation residing in Pamlico County owning or keeping a dog, or having in his or their possession for keeping a dog for another in said county, shall pay annually a license or privilege tax of one dollar on each dog, male or female, and that said person, firm, or corporation owning or having in his or their possession any such dog shall list the same at the time of listing other property for general taxes, and any person failing to list such dog, male or female, shall be guilty of a misdemeanor, and shall be fined not less than five nor more than ten dollars or imprisoned not to exceed ten days, in the discretion of the court.

Dogs to be listed.

Failure to list misdemeanor. Punishment.

Stealing listed dog larceny.

SEC. 2. That any person who shall take, steal, or carry away any such dog which has been listed as hereinbefore provided shall be guilty of larceny.

SEC. 3. That the sheriff or tax collector of Pamlico County shall collect such tax as by law he is authorized to collect any and all other taxes levied and placed in his hands for collection. Collection of tax.

SEC. 4. That the net proceeds raised from the collection of said tax shall be accounted for separately and paid over to the Treasurer of Pamlico County, to be credited by him to the public school fund of Pamlico County. Proceeds to school fund.

SEC. 5. That no other tax than that provided in this act shall be charged or assessed upon any dogs owned or kept by any person, firm, or corporation in Pamlico County. No other tax.

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 and effect from and after its ratification.

Ratified this the 5th day of February, A. D. 1913.

CHAPTER 418.

AN ACT TO PROVIDE FOR RURAL POLICEMEN FOR ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on the first Monday in January, nineteen hundred and fourteen, after the ratification of this act, and every two years thereafter, the county commissioners of Robeson County shall appoint three (3) or more, if they deem necessary, able-bodied men of good moral character, known not to be addicted to the use of alcoholic liquors, and commission them as rural policemen of Robeson County. The said commissioners are hereby empowered to remove any policemen provided for in this act, at any time, for good and just cause, and appoint others in their stead. Until the policemen herein provided for are appointed by the county commissioners, S. H. Dunlap of Maxton and C. B. Carper of Rowland and R. B. Lindsay of Red Springs are hereby appointed to serve as rural policemen of Robeson County. County commissioners to appoint policemen.

SEC. 2. That the salary of each of the said policemen shall be seventy-five dollars per month, payable monthly by the county treasurer upon warrant of the county commissioners: *Provided, however,* that said policemen shall provide themselves with policemen's billets and such firearms as may be required by the said county commissioners, and with horses or other means of conveyance for regular use in riding over the county and performing duties as mounted policemen, and shall bear all expenses incident to their services. Removal for cause.

SEC. 3. That it shall be the duty of said policemen, under the general control and direction of the sheriff of the county, espe- First policemen named.

Salaries.

Proviso: arms and equipment.

Duty of policemen.

Reports.	<p>cially in the rural districts, to patrol and police the county and to prevent and to detect and prosecute for the violations of the criminal law of every kind, making arrests upon their own initiative as well as upon complaint or information, and to report all their acts and all known or suspected violations of the criminal law to the sheriff of the county twice a week or oftener, if required by him, and they shall at all times obey and carry out the orders and directions of the sheriff of said county when not inconsistent with the terms of this act.</p>
Patrols.	<p>SEC. 4. The said policemen shall patrol such portions of county assigned to each by the sheriff or county commissioners at least twice a week, remaining on duty at night when occasion or circumstances suggest the propriety thereof, to prevent or detect crime and to make an arrest, and they shall always be on duty for not less than ten hours a day, except when granted occasional indulgences or leaves of absence by the sheriff. They shall frequent railroad depots, stores, and other public places where people congregate or disorder is probable, or vagrants may be loafing, or alcoholic liquors may be sold, bartered, or given away; and they shall as often as practicable ride by houses that are off the public highways and in lonely parts of the county, especially such as are without male protectors, and shall use every means to prevent or detect, arrest and prosecute for breaches of the peace, drunkenness, using obscene language, boisterous conduct, or discharging of firearms on the public highways or at any public place or gathering, carrying concealed weapons contrary to law, gambling, vagrancy, setting out fire, violation of the game laws, cruelty to animals, violation of the child-labor law, lynching, and for violation of any and every law which is detrimental to the peace, good order, and morals of the community; and in addition to the foregoing duties and services, said policemen, when called upon, shall serve and execute all criminal or civil process issued by any of the magistrates or recorders of said county: <i>Provided</i>, that he shall be entitled, in addition to his salary, to the usual fees prescribed by law for serving such civil process.</p>
Night duty.	
Day's work.	
Localities specially subject to protection.	
Acts specially subjects of surveillance.	
Execution of process.	
Proviso: fees.	
Power to arrest without warrant.	<p>SEC. 5. That said policemen shall have authority, for any suspected freshly committed crime, whether upon view or upon prompt information or complaint, to arrest without warrant; and they shall have the right and authority to summons any person or persons to assist in enforcing the laws and in arresting violators or suspected violators thereof; and any citizen who shall fail to respond and render assistance when so summoned or called upon shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for thirty days or fined fifty dollars. When an arrest is made without warrant, the person so arrested shall be forthwith carried before a magistrate or recorder and a warrant of arrest procured, and disposed of as the magistrate or recorder shall direct.</p>
Right to summons posse.	
Failure to render aid misdemeanor.	
Punishment.	

SEC. 6. That each of the said policemen shall, before entering Bond of policemen. upon the discharge of his duty and before being commissioned by the county commissioners, enter into bond in the sum of one thousand dollars (\$1,000), with sufficient surety, to be approved by the said county commissioners, conditioned for the faithful performance of his duties and for the payment to the county and to any person or corporation all such damages as they or any of them may sustain by reason of his malfeasance in office or abuse of his discretion; and he shall take and subscribe the following oath (or affirmation), to wit: "I solemnly swear (or affirm) that during Form of oath. my term of office as county policeman I will study the act creating the office and prescribing my duties, and will be alert and vigilant to enforce the criminal laws of the State, and to detect and bring to punishment every violation of the same, and will conduct myself at all times with due consideration to all persons, and will not be influenced in any matter on account of personal bias or prejudice: so help me, God." The form of said bond shall be approved by the county commissioners, and, with the oath, shall be filed with and kept by the Clerk of the Superior Court of Robeson County.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 419.

AN ACT TO PLACE CERTAIN OFFICERS OF ROWAN COUNTY ON A SALARY BASIS.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first Monday in December, one thousand nine hundred and fourteen, 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, clerk of the Superior Court, register of deeds, treasurer and Salisbury Township tax collector, of Rowan County, by virtue of their offices, shall be faithfully collected by them and turned over to the treasurer of said county, to be disposed of as hereinafter provided. Fees to be collected and paid to county treasurer.

SEC. 2. That on and after the first Monday in December, one thousand nine hundred and fourteen, the commissioners of Rowan County are hereby authorized, empowered, and directed to fix the annual salaries or compensation of the sheriff, clerk of the Superior Court, register of deeds, treasurer, and Salisbury Township tax collector of Rowan County, and said salaries or compensation when so fixed shall not be increased or decreased for a period of one year. County commissioners to fix salaries. Officers affected.

- Officers to perform duties. SEC. 3. The officers hereinbefore mentioned shall faithfully perform all the duties of their respective 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 respective offices.
- Sole compensation.
- Account books. SEC. 4. That from and after the first Monday in December, one thousand nine hundred and fourteen, each and all of said officers shall open and keep a separate set of account books, consisting of a daily journal and ledger, in which shall be promptly, correctly, and accurately entered itemized accounts of all fees, commissions, or other moneys collected and received by them, 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.
- Books open for inspection.
- Safe keeping.
- Monthly report of accounts. SEC. 5. That on the first Monday in each and every calendar month, beginning with the first Monday in January, one thousand nine hundred and fifteen, a true and accurate transcript shall be transmitted by each of the aforementioned officers of Rowan County to the treasurer of said county, and also to the commissioner's of said county for approval. Said transcript shall contain a statement in detail, showing all 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 shall be to make said entries and keep the book of accounts pertaining to his respective office.
- Accounts verified.
- Fund kept separate. SEC. 6. All the moneys coming into the hands of the Treasurer of Rowan County by virtue of this act shall be held by him as a separate and distinct fund, from which shall be paid the salaries or compensation to be fixed by the commissioners as set out in section two of this act, and the balance, if any, shall immediately be divided between the public school fund and the public road fund.
- Payment of salaries.
- Balance to road and school funds.
- Warrants for payments. SEC. 7. The salaries or compensation of the officers hereinbefore provided for shall be paid by the Treasurer of Rowan County upon proper warrant as required by law to said officers, in monthly installments.
- Monthly settlements. SEC. 8. The officers hereinbefore required to turn over to the Treasurer of Rowan County all moneys coming into their hands by virtue of their respective offices shall make settlement with said treasurer on or before the first Monday in each calendar month for all moneys so received by them during the preceding calendar 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.

SEC. 9. 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. Failure to collect fees misdemeanor.

SEC. 10. The board of commissioners of Rowan County, in fixing the salary or compensation of the sheriff of said county, may, in their discretion, allow said sheriff to retain as part of his compensation all fees, commissions, and emoluments that may now or hereafter belong to said office, except that no fees or commissions shall be allowed or paid to said sheriff for the collection of any taxes, whether the same be general or special. Fees may be allowed to sheriff.

SEC. 11. The board of commissioners of Rowan County shall have power to appoint some proper and efficient accountant or accountants to examine and audit the books of each officer hereinbefore mentioned, quarterly or semiannually, 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. Employment of accountants. Record of audit. Compensation of accountants.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 420.

AN ACT TO PROTECT QUAIL IN ICARD TOWNSHIP, BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to hunt with gun or dog, net, trap, or in any manner to catch or kill quail or partridges in Icard Township, Burke County, for a period of five years from the first day of February, one thousand nine hundred and twelve. Full protection for five years.

SEC. 2. That any one violating any of the provisions of this act shall be adjudged guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days: *Provided*, that the provisions of this act shall be referred to the people of said township for their approval or rejection. Violation of act misdemeanor. Punishment. Proviso: act to be referred to people.

SEC. 3. That within six months from the first day of March, one thousand nine hundred and thirteen, a petition or petitions shall be circulated in said township, indorsing the provisions for a closed season for quail as contained in section one of this act, and every qualified elector of said township, without reference to whether he has paid poll tax or not, shall have the right to sign or refuse to sign the same. Petition for enforcement of act.

Petition filed.

SEC. 4. That should a majority of the said electors sign the said petition, the same shall be thereupon filed with the Clerk of the Superior Court of Burke County, and left in his office for twenty days to allow any one signing to have his name erased or to permit any one not signing to add his name thereto; that notice of the filing of such petition shall be made in one of the newspapers published in Burke County for three successive weeks, and that upon the expiration of said twenty days the clerk of said court shall proceed to canvass the said vote and names appearing on such petition by a comparison of same with the registration books of the two precincts as prepared for the election, one thousand nine hundred and twelve, and if it shall appear that a majority of such electors' names appear on such petition, the clerk shall ascertain the number and declare the result thereof, together with the number of names on such petition and the number of qualified voters on the said registration books, and enter the result of such canvass upon the minute docket of his office, whereupon the provisions of this act shall become immediately effective and in full force.

Notice of filing.

Canvass of petition.

Entry on minute docket.

Act effective.

SEC. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 421.

AN ACT TO AMEND CHAPTER 792, PUBLIC LAWS OF 1907, RELATIVE TO DUNN ROAD DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred ninety-two of the Public Laws of one thousand nine hundred and seven be amended by inserting after section sixteen the following:

Work on roads leading through town.

SEC. 2. It shall be the duty of said road commissioners of Dunn Road District to work or have worked all the public roads leading through the town of Dunn, and to build, erect, and maintain all necessary bridges and culverts on the said public roads or highways leading through the town of Dunn: *Provided*, this section shall not apply to working of the side streets of said town.

Proviso: side streets.

Bridges and culverts.

SEC. 3. That the said road commissioners of Dunn Road District shall work the public roads leading through the town of Dunn, and shall build all the necessary bridges and culverts across and under the same, under the supervision and direction of the mayor and aldermen of said town.

Supervision and direction of work.

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 5th day of March, A. D. 1913.

CHAPTER 422.

AN ACT TO PROVIDE FOR AN ELECTION ON TOWNSHIP ROAD BONDS IN TRANSYLVANIA COUNTY UNDER CERTAIN CONDITIONS.

The General Assembly of North Carolina do enact:

- SECTION 1. That upon petition of one-half of the qualified voters of any township in the county of Transylvania, asking that the submission of the question of bonds or no bonds for roads be submitted to the qualified voters of any township in Transylvania County, which petition shall specify the amount of bonds asked for, the maximum rate of interest which the said bonds shall draw, and specifying the roads upon which the funds derived from the sale of said bonds shall be spent, it shall be the duty of the board of county commissioners of Transylvania County to order an election on the said question of bonds or no bonds for the said townships, which election shall be held under the general law for holding elections for special purposes. At the said election those who are in favor of issuing bonds shall cast a ballot upon which shall be plainly written or printed the words "For Bonds," and those who are opposed to the issuing of bonds shall cast a ballot upon which shall be plainly written or printed the words "Against Bonds"; and if a majority of the qualified voters of the said township holding an election shall cast their votes for bonds, it shall then be the duty of the board of county commissioners of Transylvania County to issue bonds in such denominations as they may direct, and at such rate of interest as they may decide upon, not to exceed the rate of interest specified in the petition asking for the election, and to the amount voted on and specified in the order of the election, which bonds shall be sold and the proceeds of same turned over to the treasurer of the county, to be used as herein-after specified in this act: *Provided*, that the purchaser of the said bonds shall not be responsible for the expenditure of the funds derived from the sale of said bonds: *Provided further*, that the treasurer shall not receive more than one per centum of the said money for his services connected therewith.
- SEC. 2. That if the board of commissioners shall call the election as provided in the preceding section, it shall be their duty to hold the election in said township, which election shall be conducted under the general laws providing for special elections in the State of North Carolina.
- SEC. 3. That in no case shall any township vote bonds in excess of ten per centum of the assessed valuation of the property in such township, and no bonds shall be issued bearing a greater rate of interest than five per centum per annum, payable semi-annually.

Petition for election.

County commissioners to order election.

Ballots.

Issue of bonds.

Denominations.

Interest.

Sale of bonds.

Proviso: purchasers not responsible for application.

Proviso: commission of treasurer.

Law governing election.

Limit of amount and interest.

Use of proceeds of bonds.

SEC. 4. That any money received by the sale of bonds for the improvement of roads shall be used in said township in grading and constructing new roads, grading and mending old roads, in constructing waterways and aqueducts, and for otherwise improving the roads of said township; and said funds shall be expended under the general direction of the county commissioners of Transylvania County, said work to be done as near as may be by contract let to the lowest bidder.

Direction of expenditures.

Present road laws to conform to act.

SEC. 5. That no provision of the present road law of Transylvania County or acts amendatory thereof shall in any case be construed to operate in conflict with this act.

SEC. 6. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 423.

AN ACT TO VALIDATE THE ACTS OF CERTAIN JUSTICE OF THE PEACE OF IREDELL COUNTY.

Preamble.

Whereas George F. Shepherd was duly appointed a justice of the peace for Chambersburg Township, Iredell County, North Carolina, by the Clerk of the Superior Court of Iredell County, to fill out the term of a justice of the peace who was duly elected at the general election in November, nineteen hundred and ten, and who resigned his office; and whereas the voters of said township failed to elect any justices of the peace at the last general election of nineteen hundred and twelve; and whereas said George F. Shepherd had continued to act as a justice of the peace, believing his said term of office had not expired, and has been performing all the duties and acts of a justice of the peace; and whereas doubts exist as to the legality of the acts so performed by him: therefore,

The General Assembly of North Carolina do enact:

Acts legalized.

SECTION 1. That all acts performed by said George F. Shepherd in his official capacity as justice of the peace are hereby declared valid in every respect, and all official acts performed by said George F. Shepherd while acting as a justice of the peace are hereby legalized and made as effective as if said George F. Shepherd had been duly elected and duly qualified as a justice of the peace.

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

SEC. 3. This act shall be in effect from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 424.

AN ACT TO PROTECT FISH IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to fish in any way or manner, except with hook and line, in any of the rivers, creeks, or other streams or waters in the county of Sampson between the dates of May first and August first of any year. Close season.

SEC. 2. That it shall be unlawful for any person or persons to fish by means of seine, trap, bag net, pod net, or explosive, at any season of the year, in any of the rivers, creeks, or other streams or waters in the county of Sampson: *Provided*, that this section shall not apply to the catching of shad by means of seine prior to the date of May first in any year. Seines, nets, and explosives unlawful. Proviso: seining for shad.

SEC. 3. That it shall be unlawful for any person or persons to catch bream or bed perch, or fish for same in any way or manner whatever, in any of the rivers, creeks, or other streams or waters in Sampson County between the dates of May first and August first of any year. Close season for bream.

SEC. 4. That this act shall not apply to fishing in any private pond, when done with the consent of the owner thereof. Fishing in private ponds.

SEC. 5. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not exceeding ten dollars for each offense. Violation of act misdemeanor. Punishment.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 425.

AN ACT TO ESTABLISH A SPECIAL COURT FOR STANLY COUNTY, WITH CRIMINAL JURISDICTION, TO BE KNOWN AS RECORDER'S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That an inferior court, with criminal jurisdiction only, as hereinafter prescribed, to be known as Recorder's Court for Stanly County, is hereby established; said court shall have a seal, which shall be used only on processes directed out of Stanly County. Court established. Entitlement. Seal.

SEC. 2. Said court shall have jurisdiction in criminal actions and proceedings as follows:

Concurrent with justices of the peace.

(a) Concurrent jurisdiction with justices of the peace in all criminal actions, matters, and proceedings arising from criminal offenses committed within the limits of Stanly County.

Violations of town ordinances.

(b) Exclusive original jurisdiction of all offenses and misdemeanors consisting of a violation of any ordinance of the town of Albemarle, and all criminal actions, matters, and proceedings cognizable before the mayor of Albemarle.

Crimes below felonies.

(c) Exclusive original jurisdiction of all other criminal offenses committed within the county of Stanly below the grade of felony as now defined by law, and all such offenses committed within Stanly County are hereby declared to be petty misdemeanors: *Provided*, that nothing in this act shall prevent the Superior Court of Stanly County from assuming jurisdiction of all offenses whereof exclusive original jurisdiction is given to said recorder's court, if within six months after the commission of the offense said Stanly County court shall not have proceeded to take official cognizance of the same.

Proviso: jurisdiction of superior court.

Jurisdiction of enumerated offenses.

(d) In addition to the jurisdiction conferred by the preceding sections of this act, said court shall have jurisdiction over the following named offenses, whether such offenses be covered by the preceding sections of this act or not, to wit: Larceny or receiving stolen goods knowing them to have been stolen, wherein the value of the goods does not exceed twenty dollars, except larceny from the person or from the dwelling by breaking and entering in the daytime; forcible trespass; false pretense; embezzlement where amount does not exceed twenty dollars. All crimes and offenses covered by this section are hereby declared to be petty misdemeanors.

Jurisdiction as court of committal.

(e) In all criminal offenses committed in Stanly County, whereof original jurisdiction is not given to 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 Stanly County, or, if capital, to commit him to jail as now provided by law for courts of justices of the peace.

Actions on bonds and for penalties.

SEC. 3. Said court shall have jurisdiction to try all actions for the recovery of any forfeited bonds made returnable to said court, and for recovery of any penalty imposed by law, with the power to dispose of the same as now provided by law.

Process returnable to recorder's court.

SEC. 4. That all justices of the peace in Stanly County, and the recorder hereinafter provided for, are hereby authorized to issue processes, and make the same returnable before the said recorder's court for trial. The mayor of any incorporated town of Stanly County, except the town of Albemarle, may issue warrants and other criminal processes and make the same returnable for trial to the said recorder's court in all cases where processes are issued by the justices of the peace and mayors of the towns as aforesaid, where an assault with a deadly weapon or serious injury is alleged, and in all other cases where the said justices of the peace

Warrants of mayors of towns.

and the mayors aforesaid have not final jurisdiction they shall make their processes returnable before the said recorder's court, except in cases where the said recorder has not final jurisdiction; in those cases the said justices of the peace and the mayors may bind to the Superior Court as now prescribed by law. In all cases where the justices of the peace of the county and the mayors of the towns aforesaid shall issue their processes returnable before the recorder's court as above provided, they shall issue their subpoenas for such necessary witnesses as may be known to them, both for the plaintiff and for the defendant, and make their processes returnable before said recorder's court at a time to be fixed by them, not exceeding ten days from the date of issue. All warrants shall be issued upon affidavit and made returnable forthwith. The precepts and processes of said court may be issued to the sheriff or other lawful officer of Stanly County, to any constable thereof, and to the police officers of the town of Albemarle or any incorporated town in Stanly County, in such cases as they are now authorized by law to serve processes, except the police officers of the town of Albemarle, who are hereby authorized and empowered to serve processes anywhere in Stanly County; and when given under the seal of said court, the precepts and processes of said court may be issued and directed to the sheriff or other lawful officer of any county in the State of North Carolina, and be executed anywhere in the bounds of the State. Such officers shall serve the processes and precepts as now required by law.

SEC. 5. The recorder's court shall hold daily sessions, Sundays excepted, at the courthouse or other suitable place in the town of Albemarle. It shall meet at nine-thirty o'clock each morning for the dispatch of such business as shall come before it: *Provided*, that all cases coming before said court from more than five miles from the town of Albemarle shall not be called before ten-thirty o'clock a. m., except by agreement. All offenders or persons charged with an offense, arrested on any day after the adjournment of said court, shall give bond or be committed to the city lock-up or county jail for his appearance at the next succeeding term of the court. Each day shall constitute a complete term of the court.

SEC. 6. 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, it shall be lawful for the recorder to sentence the defendant to the common jail of Stanly County, to be worked on the chain-gang in said county until such sentence is served.

SEC. 7. In all cases there shall be the right of appeal from the judgment of said court to the Superior Court of Stanly County, and upon such appeal the trial in the Superior Court shall be *de novo*. Proceedings on appeal shall conform to the procedure now obtaining in the courts of justices of the peace, as far as practicable: *Provided*, that in all cases of appeal, except in cases

Subpoenas.

Warrants upon affidavits.

Officers to whom process shall issue.

Sessions of court.

Hour of meeting.

Proviso: distant cases.

Bonds for appearance.

Punishments.

Sentences.

Right of appeal.

Proceedings on appeal.

Proviso: grand jury to find bill.

where a magistrate or a mayor would have final jurisdiction, the defendant shall be tried only upon a bill found by the grand jury.

Fees.

SEC. 8. As a fee for issuing any warrant returnable to the recorder's court for trial, the officer shall be entitled to fifty cents. The recorder shall tax and collect a fee of two dollars for each case tried before him, for the trial and judgment. Witnesses shall be entitled to fifty cents per day and mileage at five cents per mile each way, but only such witnesses shall be allowed to prove as are now allowed to prove in the Superior Court. The prosecuting attorney shall be entitled to a fee of two dollars for each person convicted of an offense in the recorder's court. Except as above provided, the respective officers shall be entitled to the same fees in recorder's court as now allowed in the Superior Court. Costs in all actions in recorder's court shall be payable and collectible as now provided by law. The recorder shall have full power as to taxing bill of costs and the respective items thereof under the practice now obtaining in the Superior Court in respect to such matters.

Recorder to tax bills of cost.

Fees paid into county treasury.

Expense of court.

Dockets and records.

SEC. 9. All fees collected in recorder's court for trial and judgment due recorder as hereinbefore set out shall be paid into the treasury of Stanly County. The expenses of said court, except as otherwise provided, shall be paid monthly by Stanly County.

SEC. 10. The recorder and the prosecuting attorney shall keep dockets and records of all proceedings in said court, giving the names of the parties, nature of action or proceedings, the date of trial, the judgment of the court, names of sureties and amount of bail, and the names of State's witnesses.

Recorder.

SEC. 11. Said court shall be presided over by a recorder 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 Stanly County. Said recorder shall be elected by the commissioners of Stanly County and the commissioners of the town of Albemarle at a joint session to be held by them on the first Monday in January, one thousand nine hundred and fifteen, and every two years thereafter. He shall hold office for two years and until his successor is elected and qualified. 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 Stanly County, and said clerk shall duly record the same. The said recorder shall receive a salary of sixty dollars per month, payable monthly by Stanly County.

Election of recorder.

Term of office.

Oath of office.

Salary.

Recorder may practice law.

SEC. 12. The said recorder shall not by reason of his office be prohibited from practicing the profession of an attorney at law in the other courts of this State, except as to matters connected with or growing out of said recorder's court.

Substitute recorder.

SEC. 13. When the recorder is unable to preside over said court, on account of sickness, absence, or other cause, said recorder shall

appoint in writing some other person learned in the law, to act as substitute recorder. The compensation of said substitute recorder shall be paid by the recorder.

SEC. 14. In addition to the officers above provided, there shall be a prosecuting attorney for said recorder's court, whose qualifications, election, and term of office shall be the same as provided for the recorder; and before entering upon the discharge of his duties he shall take and subscribe an oath of office before the clerk of the Superior Court similar to that now prescribed for solicitors of the State. 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 Stanly County, and to represent the State of North Carolina in the trial of all criminal actions tried before said court, and faithfully and diligently prosecute the same. In case of appeal to the Superior Court it shall be the duty of the prosecuting attorney in all criminal cases to assist the solicitor in said court, and his fees shall be taxed in said court equal to the fees of the solicitor, and shall be paid to him as a part of his salary. The prosecuting attorney shall have the same right to appoint a substitute that the recorder has, and the appointment shall be made in the same manner.

Qualifications, election, and term of prosecuting attorney.

Oath of office.

Duty of prosecuting attorney.

Appearance in appealed cases.

Fees.

Substitute.

SEC. 15. Any vacancy occurring in the office of the recorder or prosecuting attorney shall be filled by the Governor of North Carolina.

Vacancies.

SEC. 16. All cases pending in the Superior Court and the courts of the justices of the peace, or other courts of Stanly County, at the time of the ratification of this act, shall be tried in that court where pending, and not transferred to the recorder's court for trial.

Cases pending.

SEC. 17. The procedure of the recorder's court, except that hereinbefore provided, shall follow the rules and principles laid down in the chapter on criminal procedure in the Revisal of one thousand nine hundred and five, and amendments thereto, in so far as same may be adapted to the needs and requirements of said court: *Provided*, that warrants may be amended in the recorder's court in the same manner as is now allowed by law in courts of the justices of the peace: *Provided*, that when the original warrant is so defectively drawn that it cannot be corrected by amendment, the recorder shall have the power to draw a new warrant and substitute the same in the place of the old warrant, without additional cost; said substitute warrant shall be as effective as the original warrant would have been had it been drawn in the same manner as the substitute warrant, and shall be a continuance of the original warrant or of the original case: if such change, as above provided, alleges such new matter that the defendant requires additional time to get ready for trial, the court shall allow him a reasonable time.

Proceedings.

Provide: amendment of warrants.

Provide: new warrants.

First recorder named.	SEC. 18. That until the election as herein provided for shall take place, O. J. Sikes of Albemarle, North Carolina, shall be and he
Beginning of term.	is hereby appointed recorder of said recorder's court, and the said appointment shall be effective on and after the first Monday of
Prosecuting attorney.	April, one thousand nine hundred and thirteen; and that R. L. Brown of Albemarle, North Carolina, shall be and he is hereby
Appointment effective.	appointed prosecuting attorney for the said recorder's court, and his election and qualification shall be the same as herein provided
First session of court.	for the recorder, and the said appointment shall be effective on and after the first Monday of April, one thousand nine hundred
Law repealed.	and thirteen, and until the election as above provided.
Proviso: pending actions and proceedings heretofore had.	SEC. 19. That the first session of said recorder's court shall be held on the first Monday in April, one thousand nine hundred and
When act effective.	thirteen, and that on and after said date this said act is substituted for and shall be in lieu of chapter two hundred and ninety-eight of the Public-Local Laws of North Carolina, session of one
	thousand nine hundred and eleven, and that on and after the said first Monday in April, one thousand nine hundred and thirteen, the
	said chapter two hundred and ninety-eight of the Public-Local Laws of North Carolina, session of one thousand nine hundred
	and eleven, shall be and is hereby repealed: <i>Provided, however,</i> that said repeal shall in no manner affect any actions now pending
	or any judgments heretofore rendered, but all of same shall remain and continue in full force and effect, and all bonds heretofore
	returnable under said chapter shall be returnable before and collectible by this court in as full manner as if the said chapter two
	hundred and ninety-eight, Public-Local Laws of one thousand nine hundred and eleven, were still in full force and effect.
	SEC. 20. That this act shall be in force on and after the first Monday of April, one thousand nine hundred and thirteen.
	Ratified this the 5th day of March, A. D. 1913.

CHAPTER 426.

AN ACT TO ABOLISH AND TO DISCONTINUE WILLOW GREEN TOWNSHIP IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

Township abolished.

SECTION 1. That the township in Greene County known as Willow Green Township is hereby abolished and discontinued.

Territory restored.

SEC. 2. That the territory composing the said Willow Green Township is hereby assigned and restored back to Ormondville Township, the original township that it was taken from.

SEC. 3. That all laws and clauses of laws conflicting with this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 427.

AN ACT TO IMPROVE THE ROADS IN HARNETT COUNTY
AND FOR THE ISSUING OF BONDS BY THE COUNTY AND
THE SEVERAL TOWNSHIPS THEREIN.*The General Assembly of North Carolina do enact:*

ARTICLE I.

SECTION 1. That the road commissioners hereinafter provided for shall be, when duly elected and qualified as hereinafter provided, together with their successors in office, bodies politic and corporate to be known as the "Road Commissioners of Township"; the blank herein to be filled out by the name of the township or townships voting for the bond issue hereinafter provided for. The several township road commissions herein authorized may in their corporate name sue and be sued, plead and be impleaded, and exercise all of the privileges and be subject to all the liabilities necessary and consistent with their respective duties in carrying into effect the provisions of this act. The several township road commissioners, immediately upon their election and qualification as hereinafter provided for, shall meet at the regular voting place in their respective townships and organize by electing one of their number chairman and another of their number secretary, and adopting for their respective organizations a common seal.

Road commis-
sioners incorpo-
rated.

Corporate name.

Corporate powers.

Commissioners to
meet and organize.

Organization.

Common seal.

SEC. 2. That upon there being filed with the board of commissioners of Harnett County a petition signed by one-fifth of the qualified voters in any township in said county asking for an election upon the question of issuing bonds for said township, under the provisions of this act, and stating in said petition the amount of bonds which it is desired to issue (*Provided, however,* that the amount of the proposed bond issue shall not be greater than five per centum of the total assessed value of all property in said township subject to taxation, as shown by the last assessment next preceding the filing of said petition), said petition to be recorded in the minutes of the said board, it shall be the duty of the said board of county commissioners to call an election to be held within sixty days after the presentation of 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 issuing bonds for the purposes of road improvement as provided for in this act; 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, in said notice stating the purpose of the election and the amount of bonds proposed to be issued by such township in which the election is to be held, said notice to be published in some weekly newspaper published in said county for at least four weeks.

Petition for
election.Proviso: limit of
amount.County commis-
sioners to call
election.Question to be
presented.

Notice of election.

- New registration. SEC. 3. That the said board of county commissioners shall order a new registration of the voters in each township petitioning for an election; that the said registration, challenging of voters, and the election herein provided for shall be conducted under the same law governing the election of members of the General Assembly in so far as the same is applicable thereto: *Provided, however,* that the county commissioners shall appoint the registrar and judges of election; that the registrars and judges of election shall upon the close of the polls count the votes and certify the results to the board of county commissioners on the second day after the election, sending the said certified returns by one of their number appointed for that purpose; and the said board of county commissioners shall meet on the said second day after the election and canvass the returns, the same to be entered upon the minutes of said board of county commissioners, and no other declaration of the result shall be necessary.
- Law governing registration and election.
- Proviso: election officers.
- Count and return of votes.
- Canvass and record of returns.
- Ballot box.
- Ballots.
- Election of road commissioners.
- Oath of office.
- Incorporation.
- Vacancies.
- Terms of office.
- Election of successors.
- SEC. 4. That at the election hereinbefore provided for in any such township and at each voting place therein there shall be provided by the registrar one ballot box, and all those qualified voters favoring the issue of said bonds shall vote a ballot having upon it the words "For Bond Issue," and all qualified voters opposing the issue of said bonds shall vote a ballot having upon it the words "Against Bond Issue."
- SEC. 5. In the event that a majority of the qualified voters in any township petitioning for an election as hereinbefore provided shall vote for a bond issue, then the board of commissioners of Harnett County shall at its next regular meeting thereafter elect three competent and discreet persons who shall be qualified voters of such township, who shall, after taking and subscribing to the oath of office hereinafter provided for, constitute the road commissioners of said township, and *ipso facto* be erected into a body politic and corporate as provided for in section one of this act. Any vacancy that may occur in the membership of any of the township road commissioners from death, resignation, failure to qualify, or other cause, shall be filled by the board of county commissioners. The road commissioners elected as above provided shall hold office until the first Monday in January after the next general election for members of the General Assembly, or until their successors are elected and qualified.
- SEC. 6. That on the first Monday in December next after the regular election for the election of members of the General Assembly, after any township in said county has voted favorably upon the question of issuing bonds, and biennially thereafter, there shall be elected by the board of commissioners of Harnett County from among the qualified voters of the township three persons who shall constitute the road commissioners of that township for a term of two years from and after the first day of January next thereafter or until their successors are elected and qualified.

SEC. 7. Before any person shall enter upon the discharge of his duties as road commissioner he shall take and subscribe to the following oath before some person authorized to administer oaths, and a copy of said oath shall be filed with the clerk of the board of county commissioners of Harnett County, to wit:

Commissioners to be sworn.

NORTH CAROLINA—HARNETT COUNTY.

Form of oath.

I,, do solemnly swear (or affirm) that as road commissioner of Township I will well and truly execute the duties of the office according to the best of my skill and ability, without partiality or favoritism, but according to what I consider to the best interest of the whole people and according to law: so help me, God.

.....

Sworn to and subscribed before me, this day of

.....

SEC. 8. That the road commissioners of the several townships in said county where the question of issuing bonds has been decided favorably by a majority of the qualified voters shall as soon as practicable after their election and qualification issue bonds in their corporate name for the amount decided, in notices publishing the said election in their respective townships, said bonds to be in such denominations as the said road commissioners may determine, and to run for such period as they may determine, said period not to be less than twenty nor more than forty-one years; and the said bonds shall bear interest from the date of issue of not more than six per centum per annum, with interest coupons attached payable semiannually, principal and interest to be payable at such time and place as the several road commissioners provided for in this act may respectively determine, not inconsistent with the provisions of this act.

Issue of bonds.

Denominations.

Maturity.

Interest.

SEC. 9. The said bonds when issued and sold by the several road commissioners as provided for in this act shall constitute a valid debt against the respective townships for which they are issued, and shall be a valid lien upon all of the property of whatsoever kind subject to taxation in such township.

Obligation of bonds.

Lien of bonds.

SEC. 10. The county commissioners of Harnett County shall, at the time they levy county taxes, levy upon the property and polls, observing the constitutional equation, in each township that shall vote favorably upon the road bonds herein provided for, a sufficient tax to pay the interest on the amount of bonds that may have been voted for by said township, together with an amount which, invested annually in solvent interest-bearing securities, will accumulate a sinking fund sufficient to retire said bonds at ma-

Special tax.

Constitutional equation.

turity; and in addition to said interest and sinking fund, the tax levy shall be sufficient to provide an annual maintenance fund not exceeding five per cent of the amount of the bond issue.

Sale of bonds. SEC. 11. That the bonds herein authorized, when issued by the
 Advertisement of several township road commissions herein created, may be sold
 sale. at either public or private sale after notice of the date and place
 of sale is published for three successive weeks in some newspaper
 published in Harnett County, as the several road commissions shall
 Proceeds paid to determine respectively, and the funds derived from the sale of
 treasurer. said bonds shall be turned over to the treasurer or depository
 Expenditure. of the commission, hereinafter provided for, to be expended in the
 improvement of the roads of their respective townships in accord-
 Orders for expend- ance with the provisions of this act; and none of said money shall
 itures. be paid out except upon orders approved by the respective road
 Purchasers not commission in a regular or duly called meeting; but the pur-
 responsible for chasers of said bonds shall not be chargeable with any duty to see
 application. that the funds are so expended: *Provided*, that such bonds shall
 Proviso: sale below not be sold, hypothecated, or otherwise disposed of for less than
 par forbidden. their par value.

Election of SEC. 12. Each of the township road commissions herein provided
 treasurer. for shall, before the sale by it of any bonds, select one member
 of said commission or some other suitable person or some reliable
 Bond of treasurer. and trustworthy banking corporation or trust company to act as
 treasurer of its funds. That said commission shall require such
 bonds of indemnity or pledge of security from the treasurer so
 selected as in its judgment will be sufficient to protect the funds
 liable to be in the hands of said treasurer at any one time; and
 Compensation. the compensation of said treasurer shall be fixed by the respective
 township commissions, but in no case shall it exceed one per cent
 upon the amount paid out in addition to the cost of the indemnity
 bond required.

Collection and SEC. 13. That the taxes hereinbefore provided for shall be col-
 settlement of tax. lected by the sheriff as other taxes are and paid over by him to
 the treasurer of the respective township road commissions. The
 Payment of several road commissions shall set apart from the taxes so col-
 interest. lected a sufficient sum to pay the interest on the bonds issued by
 them respectively; and also they shall annually invest from the
 Investment of taxes so collected in some municipal, county, State bond or other
 sinking fund. security an amount which being thus annually invested will ac-
 cumulate a fund sufficient to retire the bonds issued under this
 act for the respective townships.

Control of roads. SEC. 14. That the township road commissions herein provided
 for shall have entire control over the roads in their respective
 townships, having authority to lay out new roads, to change or
 abandon old roads; and they are hereby expressly granted all
 necessary rights of eminent domain to carry into effect the pur-
 Right of eminent poses of this act: *Provided*, that any person whose property is
 domain. taken hereunder shall have reasonable compensation for the prop-
 Proviso: compensa- tion for property.

erty so taken. That in all cases where the road commission cannot agree with the owner of the land for the right of way of the road or material needed in its construction, the road commission shall choose one man and the owner of the land one man, and those two shall choose a third, and such three persons shall arbitrate the question of damages: *Provided, however*, that either party may appeal from a decision of the arbitrators to the Superior Court of Harnett County.

Arbitration for assessment of damage.

Proviso: right of appeal.

SEC. 15. That the several township road commissions, before spending any of the proceeds of the bonds sold, shall employ a competent road engineer; but no such engineer shall be employed until he furnishes the road commission about to employ him a certificate from the State Geologist or some other competent authority that the said engineer is competent to do the work. That the road commissions shall cause the engineer to carefully inspect the roads of the township, the available road-building material, and advise them as to general plans and specifications for the most efficient development of the roads of their township. The engineer or some other suitable and competent person may be employed by the commission to have general charge and oversight of the road improvement in the township.

Road engineer.

Certificate of competency.

Inspection of roads and material.

Plans and specifications.
Charge and oversight of work.

SEC. 16. The several township road commissions shall arrange as speedily as possible after their election and qualification to improve the roads of their respective townships, and to this end may purchase such road-building equipment as they deem expedient; they may let out by contract the improvement of such parts of the township roads as they may deem wise upon such terms and subject to such specifications as they may establish; they may appoint such supervisors and employ such labor, either free or convict, as they deem wise, to the end that the roads leading to all parts of their respective townships may be improved as speedily as possible.

Equipment.

Work let to contract.

Supervisors and labor.

SEC. 17. The several township road commissions herein authorized shall when established succeed to and have all of the rights, powers, and duties not inconsistent with the provisions of this act now conferred by law upon the township board of supervisors, and through their agents and appointees they shall have all of the rights, powers, and duties now conferred by law upon the road overseers; except said commissions are not authorized to require or compel any citizen to work upon the public roads of any township adopting the provisions of this act, except as provided herein.

Rights, powers, and duties vested in road commissioners.

Requirement of road duty abrogated.

SEC. 18. That the several township commissions, as soon as any section of road has been graded and surfaced, shall immediately contract with some person who is conveniently situated to said road to go over same at regular intervals and after rains or snows with a split-log drag or other smoothing device, to the end that the surface of the road improved may be kept intact; and if the members of the road commission shall fail and refuse to make

Contracts for dragging roads.

Failure to maintain roads misdemeanor.

- Punishment. Failure to keep contract misdemeanor. Punishment. Joint purchase of equipment. Joint contracts. Joint employment of engineer. Road work for fines and costs. Sentences to road work. Proviso: preference in assignments. Repealing clause. Present road laws effective until bond issues are voted. Proviso: further elections. Expense of election.
- some provision for the keeping up of the roads improved they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court. That if any person who shall enter into any contract with the township road commissions to keep up a section of the improved road shall neglect to carry out his agreement, he shall be guilty of a misdemeanor, and upon conviction he shall be fined or imprisoned at the discretion of the court.
- SEC. 19. It shall be lawful for any two or more township road commissions to jointly purchase and own any equipment for road building or to jointly contract with any person or corporation for the construction of any road that may pass through their several townships, or to jointly employ a road engineer to aid them in carrying out the purposes of this act, or otherwise cooperate when they deem it to their mutual advantage.
- SEC. 20. The justices of the peace, mayors, and recorders holding court in any township which may adopt this act are authorized to permit any person who shall have been convicted in their court to pay a fine or cost, and who have refused to do so, to work on the roads of such township under the direction of the road commission until at a fair and reasonable wage they shall have worked out the fine or cost, or both, and the amount of such fine or cost or both shall then be paid out of the road fund of said township; and such justices of the peace, mayors, and recorders shall in cases in which they pass final sentence commit such offenders to the roads of the township adopting the provisions of this act: *Provided*, that all such persons as shall be convicted in any court in any township which has provided for a convict road force shall be sentenced to work on the roads of said township; in all other cases the court may in its discretion sentence such persons to work on the public roads of any township, but shall give preference to the township offering the highest compensation.
- SEC. 21. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed.
- SEC. 22. That it is expressly intended that this act shall in no wise affect the road law now in effect in Harnett County or in any of the several townships therein, so far as any of the foregoing provisions of this act are concerned, except and until an election shall be called under its provisions and a majority of the people voting in said elections shall vote for bond issue; then this act shall in all of its features become operative in such township or townships, but in no others: *Provided*, nothing herein shall be construed to prevent any township that may call an election and vote against said bond issue from later calling other elections as above provided, but elections under this act shall not be held in any township oftener than once in twelve months.
- SEC. 23. The expenses of the elections above provided for shall be paid out of the general county fund.

SEC. 24. The members of the township road commissions shall be entitled to a per diem of two dollars for each day's service: *Provided*, they shall not be allowed per diem for more than two days in each month. The salary and wages of all employees of the commission shall be fixed by them. The per diem of the members and the wages of their employees, as well as all other expenses incurred by the commission in carrying out the requirements of this act, shall be paid by the treasurer of the respective commissions out of any funds coming into their hands under the provisions of this act upon a warrant drawn by the secretary and countersigned by the chairman of the road commission.

Pay of road commissioners.

Proviso: limit of time.
Salaries and wages.
Payments from road funds.

ARTICLE II.

SEC. 1. The county commissioners of the county of Harnett are hereby authorized to issue bonds in the name of the county in an amount not to exceed two hundred and fifty thousand dollars, of such denominations, bearing such rate of interest, and running for such term of years as the said board of commissioners shall determine: *Provided*, that the rate of interest shall not be greater than five per centum and the term of years shall not be longer than forty-one years. The said bonds shall be designated "Harnett County Road Improvement Bonds" and shall be signed by the chairman of the board of commissioners and countersigned by the clerk to said board and sealed with the common seal of the county, and shall have interest coupons attached, payable semi-annually.

Bond issue by county authorized.

Amount.

Denominations.
Interest and maturity.
Proviso: limit of rate and time.

Designation of bonds.
Authentication.

SEC. 2. That said bonds may be issued from time to time and exchanged at par for the township bonds provided for in article one of this act; or said bonds may be sold as the said board of county commissioners may determine: *Provided*, none of them shall be sold or pledged in any manner for less than par value in cash or the above referred to township bonds; and no bonds shall be sold for cash until there has been deposited with the said board of county commissioners a like amount of the township bonds above referred to, and when so sold the proceeds shall be turned over to the treasurer of the road commission of the township whose bonds have been thus deposited.

Exchange for township bonds.

Sale of bonds.

Proviso: sale below par forbidden.

Deposit of township bonds.

Proceeds of county bonds to townships.

SEC. 3. That if this General Assembly, or any succeeding General Assembly, shall provide an arrangement by which the State shall handle for the several counties their bonds for road improvement, the bonds provided for in this article shall be deemed and held a compliance on the part of Harnett County, when issued as above directed, to entitle said county to the benefit of such provision on the part of the State.

Acceptance of State aid.

SEC. 4. That the county commissioners, as they may from time to time issue county bonds under the provisions of this act, shall levy a tax upon the taxable property and polls in said county for the payment of the interest on said bonds and create a sinking

Special tax.

fund to mature the same; and before said bonds shall become due the county commissioners of said county shall levy a tax upon the taxable property and polls in said county to provide for the payment of said bonds. All township bonds which are taken by the county commissioners in exchange for county bonds, together with the interest from time to time collected therefrom, shall be a trust fund in the hands of said county commissioners for the payment of the county bonds issued in exchange therefor and the interest on the same.

Township bonds held as trust fund.

Obligation of bonds.

SEC. 5. That any county bonds which shall be issued in accordance with section one of this article shall be a valid debt against the county of Harnett and a lien upon all of the property subject to taxation therein; and the purchasers of any of said bonds shall not be chargeable with liability as to the application of the purchase money.

Purchase not liable for application.

Repealing clause.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this article of this act are hereby repealed.

Law specifically repealed.

SEC. 7. That chapter five hundred and sixty-four of the Public-Local Laws of nineteen hundred and eleven, relating to the roads of Harnett County, is hereby repealed, except the provisions in section twenty-five of said act relating to the repeal of a former law for Lillington Township.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 428.

AN ACT TO REPEAL THAT PART OF THE FEE BILL GIVING TO REGISTERS OF DEEDS OF NASH COUNTY A FEE OF 35 CENTS FOR REGISTERING CONDITIONAL SALES, AND TO PUT THEM ON LIKE FEES WITH OTHER REGISTERS OF THE STATE.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter three hundred and ninety-two of the Public Laws of the General Assembly of North Carolina at the session of one thousand nine hundred and five, as brought forward in section two thousand seven hundred and seventy-six of the Revisal, be and the same is hereby repealed.

Fees.

SEC. 2. That the fees of the register of deeds for Nash County shall be the same as are fixed by the general law for other registers of deeds in North Carolina.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 429.

AN ACT TO VALIDATE CERTAIN PROBATES OF W. J. TAYLOR, A NOTARY PUBLIC OF EDGECOMBE COUNTY.

Whereas W. J. Taylor, an acting notary public, resident at Whitakers in the county of Edgecombe and State of North Carolina, while cashier of the Bank of Whitakers, a corporation duly chartered and organized under the laws of the State of North Carolina, has taken the acknowledgment and probate of certain deeds, deeds of trust, mortgages, and other instruments in which the said Bank of Whitakers was interested: therefore,

Preamble: probates by bank cashier.

The General Assembly of North Carolina do enact:

SECTION 1. That all such acknowledgments, examinations, and probates so taken by the said W. J. Taylor be and the same are hereby validated, confirmed, and made legal, regular, and binding.

Probates validated.

SEC. 2. That this act shall not in any way affect any action now pending.

Pending actions.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 430.

AN ACT FOR THE PROTECTION OF GAME IN THE COUNTY OF BEAUFORT.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person or persons, firm or corporation, to barter, offer for sale or sell any quail, partridge, or pheasant, or to kill any such birds for profit or remuneration, in excess of the number hereinafter allowed to be killed.

Acts declared unlawful.

SEC. 2. It shall be unlawful for any person, during one day, by his own means, to shoot or kill more than fifteen quail, partridge, or pheasant, taking all collectively: *Provided*, no person shall be immune from prosecution under this section on the ground that another person or persons accompanying him killed the number of birds in excess of the number permitted above, unless such other person or persons shall have had in his or their possession at the time a firearm used for hunting purposes, and one other than that used by the person or persons accompanying, and did in fact kill the excess number.

Limit of kill.

Proviso: evidence to establish excuse.

SEC. 3. That the open season for hunting, shooting, or killing squirrel and summer or wood duck shall be from the first day of October to the thirty-first day of March in each year.

Open season for duck.

Violation of act
misdemeanor.
Punishment.

SEC. 4. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed twenty-five dollars or imprisoned not to exceed twenty-five days.

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

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

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 431.

AN ACT TO PROVIDE FOR WORKING CONVICTS UPON THE PUBLIC ROADS OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

Convict work
authorized.

SECTION 1. It shall be lawful for the board of county commissioners of Warren County to provide for working convicts upon the public roads of said county in the manner now provided by the general law of North Carolina, and such commissioners may provide for working such convicts upon the public roads of said county situate within townships having special road laws, upon such terms as they deem just and proper.

Work in townships.

Sentences to road
work.

SEC. 2. When such provision shall be made, it shall be lawful for all courts having jurisdiction of crimes and misdemeanors within said county, and of like courts within any other county of the State, to sentence persons convicted of crimes or misdemeanors to work upon the public roads of Warren County for a specified term or until the net sum realized or allowed for their service shall pay any fine or cost adjudged against such convicts. It shall be the duty of said commissioners to provide for the proper care and treatment of such convicts and for their safe keeping, according to the terms of their sentence, and they shall designate the road or roads upon which they shall be worked.

Care and main-
tenance of convicts.

Designation of
roads.

Arguments with
townships.

SEC. 3. That in all townships within said county having special road laws it shall be lawful for the road authorities, by whatever name known and designated, to agree with the board of county commissioners of said county for working such convicts upon the public roads of their respective townships, provide for their proper keep, care, and maintenance, and for their safe keeping, and to pay such compensation as may be agreed upon for the use of said convicts.

County liable for
full costs.

SEC. 4. That in all cases where convicts are worked upon the public roads of said county the county shall be liable for the full court cost taxed against such convict in the cases upon which they

may be sentenced to such roads to the extent of the net sum realized or allowed for such services after paying the expenses of handling, keeping, guarding, and providing for such convicts.

SEC. 5. That such board of county commissioners shall have full power and authority to do all and every act and thing necessary to carry out the provisions of this act. Powers of commissioners.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 432.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF BRIDGES OVER NEUSE RIVER IN WAYNE COUNTY, AND NORTH FORK OF NEW RIVER IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Henry Weil, Solomon Weil, Joseph Rosenthal, Leslie Weil, and Lionel Weil shall be and they are hereby authorized and empowered to construct, establish, and maintain a bridge over Neuse River in Wayne County, near the old seine hole, from the lands of the said persons above named on the north side of said Neuse River to their lands on the south side of said river: Persons authorized to build bridge.
Provided, that an open space twenty feet wide in the channel of said river be left open for the rafting of logs and other purposes. Location.
Proviso: open space.

SEC. 2. That the board of county commissioners of Ashe County, in their discretion, be and are hereby empowered to cause to be constructed and erected across the north fork of New River in said county two substantial wooden bridges at such points as to them may seem most convenient and upon such terms and conditions as they may deem wise and just. Construction of bridges by county authorized.
Location.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 433.

AN ACT TO AMEND CHAPTER 436, PUBLIC LAWS OF 1905, REGULATING THE SALARIES OF COUNTY OFFICERS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter four hundred and thirty-six, Public Laws of one thousand nine hundred and five, be stricken out and the following inserted in lieu thereof: "That the said Officers to retain amounts.

Clerk of court.

Sheriff.

Register of deeds.

Treasurer.

officers named in the two preceding sections shall be entitled to retain out of said amounts respectively received by them the following sums in full compensation for their services, to wit: The clerk of the Superior Court, three thousand dollars, and for clerks in his office, one thousand dollars; the sheriff, three thousand five hundred dollars, and for office clerk, five hundred dollars; the register of deeds, twenty-five hundred dollars; and also such sums as may have been respectively paid by them as commissions or premiums for the execution of their official bonds."

SEC. 2. That section four be amended by striking out the word "exceeding." in line four, and inserting in lieu thereof the word "less." That section four be further amended by inserting after the word "dollars," in line five, the words "not more than fifteen hundred dollars."

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 434.

AN ACT TO PROVIDE FOR AND REGULATE THE HOLDING OF PRIMARY ELECTIONS IN THE COUNTY OF HAYWOOD.

The General Assembly of North Carolina do enact:

Primary elections to be held by all parties.

SECTION 1. That for the purpose of choosing candidates for county and township offices, and for the purpose of ascertaining the wishes of the voters as to their choice for candidates for Congress, for solicitor, and for judge of the Superior Court, and for selecting delegates to county conventions and electing precinct committees, every political party in Haywood County shall hold at the usual voting places a primary election, the date thereof to be fixed by the executive committees of the different political parties.

Date.

Hours of election.

SEC. 2. The hours for holding said primary elections within Haywood County shall be from ten a. m. to seven p. m., and all primary elections of any one political party shall be held on the same day.

Party registration.

SEC. 3. In the different precincts in the county of Haywood there shall be a party registration of voters, and no person in said county or precincts shall be allowed to vote in any primary unless he shall have been registered as provided for in this act.

Appointment of registrars and managers.

SEC. 4. There shall be appointed by the executive committee a registrar for each precinct in said county, and there shall also be appointed by the executive committee two managers for each precinct in said county. The two managers for each precinct, together with the registrar, shall constitute the precinct board of managers for holding primary elections.

SEC. 5. The registration books of the several precincts in said county shall be kept open at the usual voting places for six days preceding the date for the closing of registration books, and shall be open between the hours of ten a. m. and five p. m., except that on the last day of registration they shall close at eight p. m. Said registration books shall close on the second day preceding the date of the primary. No person shall be permitted to register except at the times herein specified, and shall not be permitted to register except at the voting places. The registration books shall at all times be open to the inspection of any one who may desire to examine the same.

Registration.

Close of registration.

Registration books open to inspection.

SEC. 6. Before entering upon their duties the registrars and managers shall take and subscribe to an oath before a notary public, or some other officer authorized to administer oaths, that they will honestly, fairly, impartially, and lawfully hold said primary elections.

Registrars and managers to be sworn.

SEC. 7. Every voter desiring to register in any of the precincts of said county, before he is registered shall take the following oath: "I do solemnly swear, or affirm, that I am a *bona fide* member of the Party, and that I am a resident of the precinct and that at the election to be held on the day of for offices I will have been a resident of the State of North Carolina for two years; and I do further swear that I am a qualified elector under the laws of the State of North Carolina": *Provided further*, that the registrar shall indicate opposite the name of the voter the party to which he belongs.

Voters to be sworn.

Form of oath.

SEC. 8. On the day before a primary election is held the registrars and managers appointed for each precinct in said county shall assemble at the place of the voting precinct at one o'clock p. m. for the purpose of allowing an examination of the registration books, and any person shall be permitted to challenge the right of any voter whose name appears thereon, and the judges, after notice to the person whose vote is challenged, shall hear and determine the right of the said voter to vote in said primary election; and if said managers are satisfied from the evidence, which they shall hear upon oath, that the person challenged is not entitled to vote, the name of the person so challenged shall be struck from the registration books, and he shall not be permitted to vote in said primary election.

Challenge day.

Determination of challenges.

SEC. 9. The managers for the county precincts shall have the right and power to determine the right of any voter to vote in any primary election held in their respective precincts, and voters may be challenged and a trial had on the day of the primary.

Challenges in county precincts.

SEC. 10. Every *bona fide* member of a political party who is a qualified elector shall be permitted to participate in the primary of that political party to which he belongs, but only in the precinct in which he resides; and before any voter shall be allowed

Persons allowed to vote.

- Voters to be sworn. to vote in such primary in the county precincts, he shall take an oath that he is a duly qualified elector for said primary election, and that he has not voted before in said primary election.
- Examination of boxes. SEC. 11. Before any ballots are received for said primary election, and immediately before opening the polls, the managers shall open each ballot box to be used in such election and examine the same carefully to ascertain whether there are any ballots in the box; the box then to be closed and locked, and the ballots shall be deposited in the same through an opening in the top, and said box shall not be opened until the election is closed. The managers shall also keep a complete list of the names of each voter voting at such election, and at the close of such election the managers shall publicly count the votes and declare the result, and shall on or before eleven o'clock of the second day after the primary certify the same to the chairman of the executive committee.
- Close of box.
- Poll lists.
- Count and return of votes.
- Canvass of returns. SEC. 12. The executive committee shall meet at eleven o'clock on the third day after the primary and canvass the vote and declare the result, and if any person has 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 person receiving the majority of the votes shall be the nominee of the party; but if no person has received a majority of all the votes cast for an office, the committee shall declare the person receiving the highest number of votes to be the nominee of the party for such office unless the person receiving the next highest vote for such office demands of said committee in writing that another primary be held, in which case a second primary shall be ordered and held under the rules and regulations herein provided, and said second primary shall be held within ten days from the time of said call: *Provided*, that in the second primary election no votes shall be cast except for the two persons receiving respectively the highest and next highest vote in the first primary. In the event each person voted for in the second primary receives the same number of votes, the executive committee shall decide which of them shall be the candidate of the party for that office. No new registration shall be allowed for the second primary.
- Declaration of result.
- Persons declared nominees.
- Second primary.
- Proviso: votes in second primary.
- Settlement of ties.
- Executive committee and delegates. SEC. 13. At such primary an executive committee of five shall be elected in each precinct, and there shall also be elected as delegate to the county convention the number of delegates to which each precinct may be entitled.
- Announcement of candidacy. SEC. 14. Every person who wishes to be a candidate before said primary shall, at or before ten o'clock p. m. on the tenth day preceding the date of the same, file with the executive committee a written announcement naming the office for which he is a candidate, and stating that he will abide the result of the primary; and he shall also pay to the executive committee the sum of ten dollars, the same to be used in defraying the expenses of holding said primary, and the name of no candidate shall be printed upon
- Payment of entrance fee.

the official ballot until he has paid said ten dollars: *Provided*, *however*, that five friends of any person who may desire to be a candidate may, at or before ten p. m. on the tenth day preceding said primary, file with the secretary of the committee a written statement requesting said secretary to place the name of such candidate upon the official ballot, and should such statement or request be so filed, the name of such person shall be placed upon the official ballot: *Provided*, ten dollars is deposited with the executive committee as herein provided: *Provided, however*, that this section shall not apply to justices of the peace and to constables.

Proviso: petition for candidacy.

Proviso: deposit of entrance fee.
Proviso: justices and constables.

SEC. 15. It shall not be necessary for persons 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 announcement, or five friends of such persons may file a written request that their names may be printed upon the official ballot for the respective precincts in which they are to be voted; and if they are so filed at or before ten p. m. on the tenth day preceding the primary, the names of such persons shall be placed upon the official ballot.

Delegates and precinct committeemen.

SEC. 16. The executive committee shall, immediately after the announcements of all candidates have been filed, publish for at least two times a list of the same in at least one newspaper published in said county. Said executive committee shall provide registration books, poll books, ballot boxes, and voting places, and shall also print the official ballots and attend to the delivery of tickets at the voting places, and have general supervision of the primary; and shall pay each registrar and manager one dollar and fifty cents per day for their services.

Publication of candidates.

Election equipment.
Ballots.

Pay of registrars and managers.

SEC. 17. The names of all candidates except justices of the peace and of members of the precinct committee and of delegates to the county convention shall be written or printed on one piece of paper, and no other ticket shall be voted or counted at such primary election. The names of all candidates for one office shall be grouped together under the title of the office for which the persons named are candidates, and immediately under the title of the office and above the name of the first candidate there shall appear in parentheses the words "Vote for one." and every voter shall indicate his choice of candidates by drawing a mark made by either a pen or pencil through the names of the candidates for which he does not care to vote. Each voter shall be allowed to vote for one candidate for each office, except for county commissioners, and for that office each voter shall have the right to vote for more than one candidate; and should any voter attempt to vote for more than one candidate for any one office, the votes for the same shall not be counted.

Arrangement of ballots.

SEC. 18. Any voter who shall swear falsely in taking the prescribed oath, or shall unlawfully vote in any election or represent

Conduct declared misdemeanor.

- Punishment. another person in order to vote, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding three months.
- Participation in different primaries false voting. SEC. 19. Any voter who has participated in one party primary and attempts to vote in a different party primary election held for the same purpose during the same political campaign shall be guilty of fraudulently voting, and 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 who is not entitled in a party primary shall vote in any primary except that of the party to which he belongs, he shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not less than ten days nor more than thirty days.
- Voting in primary of different party misdemeanor. Punishment. SEC. 20. If any person, whether candidate or otherwise, shall influence or attempt to influence the vote of another by the use of money, intoxicating liquors, or by anything of value, or shall bribe or offer to bribe any voter by a promise of anything as a reward to be delivered or a service to be performed prior to, at the time of, or subsequent to the time of the primary, he shall be guilty of a misdemeanor, and upon conviction he shall be fined not less than twenty dollars nor more than fifty dollars.
- Bribery misdemeanor. Punishment. SEC. 21. On the day after every primary election is held every candidate voted for in the same shall file with the Clerk of the Superior Court for Haywood County an itemized sworn statement of the money or other thing of value spent or used by him in said primary election, setting forth the name of the person to whom money or other thing of value was given and the purpose for which it was given; and should any candidate fail or refuse to file such sworn statement within the time prescribed, he shall be disqualified for the nomination to which he aspires, and in addition thereto be guilty of a misdemeanor, and shall be fined not less than fifty dollars.
- Candidates to file statements of expenses. Disqualification. Misdemeanor. SEC. 22. Every person, firm, or corporation who shall contribute, use, or give, directly or indirectly, any money or other thing of value to the executive committee to assist in conducting a primary, or who shall contribute, use, or spend any money or other thing of value to influence or secure the nomination of any candidate, either directly or indirectly, shall file with the Clerk of the Superior Court of Haywood County, on the day of the primary, an itemized sworn statement setting forth the money or other thing of value used or given for such purpose, also the name of the person to whom the same is given; and any person, firm, or corporation who fails to comply with the provisions of this section shall be guilty of a misdemeanor, and fined not less than one hundred dollars.
- Fine. Contributors to file statements. Failure misdemeanor. Punishment. SEC. 23. The executive committee of any political party by a two-thirds majority of all the members of the committee shall have the power and authority to make such other rules and regulations

as they may deem advisable for the proper holding of any primary election in the said county of Haywood, and may, with a two-thirds majority of all the members of the executive committee, refuse and decline to hold any primary election whatever, if they should desire: *Provided*, this act shall apply only to Haywood County.

Or decline to hold primary.

Proviso: application of act.

SEC. 24. This act shall be in force and effect from and after its ratification.

Ratified this 5th day of March, A. D. 1913.

CHAPTER 435.

AN ACT TO FIX SALARIES FOR CERTAIN OFFICERS AND TO ESTABLISH THE OFFICE OF AUDITOR FOR CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff, clerk of the Superior Court, register of deeds, county treasurer, and such other officers of Catawba County whose compensation is hereinafter fixed upon a salary basis, or is authorized to be fixed upon a salary basis, and their several deputies, assistants, and clerks, shall faithfully collect, receive, and account for all fees, commissions, profits, and emoluments of all kinds now belonging or appertaining to their respective offices, and all fees, commissions, profits, and emoluments 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, except as otherwise herein provided, and shall pay the same to the Treasurer of Catawba County on the first day of each and every calendar month, or within five days thereafter; and the said officers and each of them shall be responsible for and chargeable with all the moneys of every kind which are, shall be, or ought to be paid into their respective offices; and they shall be held to strict account for all such moneys; and for any abstraction, concealment, or misapplication of any of moneys payable into their respective offices, which any of them shall have collected, the officer, deputy, assistant, or clerk so offending shall be guilty of a felony, and upon conviction shall forfeit his said office and be punished as is now provided by law in cases of embezzlement by public officers. All the moneys paid to the county treasurer as herein provided shall be kept by the treasurer of said county in a separate fund to be known as the "Salary Fund."

Officers and deputies to collect fees to use of county.

Monthly settlements.

Moneys chargeable to officers.

Abstraction, concealment, or misapplication felony.

Forfeit of office and other punishment.

Salary fund.

SEC. 2. Any officer of Catawba County, or any deputy, assistant, or clerk of such officer, who shall fail or refuse to collect any fee, commission, or emolument of any kind belonging to his office shall

Failure to collect fees misdemeanor.

Punishment.

Fees collected in advance.

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 in this act.

Account books.

Books open for inspection.

Items of account.

Auditor to prescribe forms, rules and regulations.

Monthly statements.

Items of statements.
Auditor to check, compare, and correct statements.

Enforcement of payment.

Action for recovery.

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, 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; except the fees for proof of witness tickets may be entered without giving name of each person paying same. The auditor of Catawba County shall have the power to prescribe the form of books and accounts to be kept, not inconsistent with this act, and to prescribe rules and regulations therefor, and the books and accounts shall be kept in the form and after the manner so prescribed by said auditor.

SEC. 4. 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 the county; said statement shall contain and show in detail all of the entries made upon said books during the preceding calendar month, and upon receipt of such statement 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, it shall be the duty of the auditor to cause the officer to pay over the amount so ascertained to be due to the county treasurer, and if he shall fail to so pay same, then the matter shall be reported to the attorney representing the county commissioners, who shall institute action against such officer individually, or upon his official bond, in the Superior Court or other court of competent jurisdiction in the

county of Catawba, and shall prosecute said action to final judgment, and collect the amount due by such officer and pay over the same to the county treasurer.

Sec. 5. Any officer who shall fail, neglect, or refuse to make any monthly statement required by the preceding section, or who shall willfully submit any false or incorrect statement, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court. Failure to make statement or false statement misdemeanor.

Sec. 6. The Clerk of the Superior Court of Catawba County shall receive a salary of eighteen hundred dollars per annum as full compensation for his services and the services of assistants, deputies, and clerks; and he shall employ and pay, during the sittings of the Superior Court and at such other times as the public good and convenience may require, one deputy clerk, and such other and further clerical assistance as the public business may require; and it shall be the duty of the clerk of the Superior Court at all times to provide and pay for sufficient clerical assistance for the prompt and efficient discharge of the duties of his office and of all duties imposed upon him by law. Clerk of superior court. Deputies. Clerical assistance.

Sec. 7. The Register of Deeds of Catawba County shall receive a salary of eighteen hundred dollars per annum as full compensation for his services and the services of his assistants, deputies, and clerks; and he shall employ, and pay the compensation of such deputies and clerks as the public business may require; and it shall be the duty of the register of deeds at all times to provide and pay for sufficient clerical assistance as the prompt and efficient discharge of his duties as register of deeds and all duties imposed upon him by law may require, and shall perform the duties of clerk to the board of county commissioners. Register of deeds. Deputies and clerks.

Sec. 8. The Treasurer of Catawba County shall receive a salary of eight hundred dollars per annum as full compensation for his services and the services of such clerical assistance as he may need; and it shall be the duty of the treasurer at all times to provide and pay for sufficient clerical assistance as the prompt and efficient discharge of his duties as treasurer and all the duties imposed upon him by law may require; and he shall keep all the separate accounts and the separate funds required by law. Treasurer. Clerical assistance.

Sec. 9. The Clerk of the Superior Court of Catawba County shall be *ex officio* clerk of the Catawba County court, and may perform the duties thereof by a duly authorized deputy clerk of the Superior Court. Clerk of Catawba county court.

Sec. 10. The Sheriff of Catawba County shall receive a salary of two thousand dollars per annum as full compensation for his services and the services of such office deputies and clerks as the business of his office and the public good may require; and it shall be his duty to employ and pay for all necessary deputies and clerical assistance as may be required in his office and in Newton Township; and he shall be allowed no further compensation, ex- Sheriff. Office deputies and clerks.

Allowance for expenses.

cept he shall receive and be allowed the amount of his actual expenses for conveying prisoners from the place of trial to jail or from jail to place of trial; for conveying prisoners to or from other counties of, to, or from the State's Prison; for taking insane persons to or from State Hospital; and it shall be the duty of the sheriff to render to the board of county commissioners, monthly, a statement of expenses herein provided for, showing the amount of the expense, the date and purpose for which it was incurred; and if satisfied that the amount is correct, the said commissioners shall pay the same to the sheriff by order upon the treasurer; and the costs of conveying prisoners, where it may be recovered, shall be taxed in the bill of costs by the court when requested by the commissioners; and the sheriff shall also be allowed such fees as are allowed by law for the seizure or destruction of illicit stills.

Monthly statement and allowance of expense account.

Fees for illicit stills.

Township deputies.

SEC. 11. That the sheriff shall appoint at least one deputy in each township, and the deputies in other townships than Newton Township shall receive and retain for their services the fees allowed by law for the service of all summonses, subpoenas, notices, and all other legal process whatsoever, and shall be allowed one dollar per day and mileage for conveying prisoners to Newton from any township other than Newton Township, to be taxed in the bill of costs; that the sheriff shall continue to collect all taxes required by law and account for the commissions allowed by law, and pay same to the treasurer, to be credited to said salary fund; and said sheriff and his deputies in Newton Township shall serve all process in said township and account for the fees as herein provided: *Provided*, nothing herein shall relieve or prevent the sheriff or deputies in Newton Township from serving any such papers or process anywhere in the county as required by law, and he may be required to do so by any court; and deputies of other townships shall not be prevented from serving such process in Newton Township.

Commissions on tax collections.

Proviso: service of process.

Jailer.

SEC. 12. That nothing herein shall prevent the sheriff from acting in the capacity of jailer and receiving the compensation allowed by the county commissioners for keeping such jail. The sheriff may appoint a jailer, who shall receive the compensation allowed for keeping the jail, which shall be paid from the county funds as provided by law.

County to furnish office supplies.

SEC. 13. That in addition to the salaries herein provided, and the allowances herein set forth, the board of commissioners of Catawba County shall furnish each of said officers with all necessary supplies for conducting the business of their respective offices, including the necessary postage for official business, and such supplies shall be paid for out of the general funds of said county. Each of said officers shall be required to preserve and keep in good order all the records, supplies, and furniture belonging to said offices, and be responsible for the safety thereof.

Sole compensation.

SEC. 14. That the salaries and allowances herein provided for the several officers of Catawba County shall be in lieu of all other

compensation now allowed by law; but they shall each continue to collect and shall pay over to the Treasurer of Catawba County, to be credited to the salary fund described in this act, all fees, commissions, and emoluments coming into their hands by virtue of their office; and all the salaries provided for in this act, except as otherwise provided, shall be paid by the Treasurer of Catawba County to the person entitled to receive the same, in equal monthly installments, upon warrants drawn by order of the board of commissioners and approved by the county auditor, and shall be paid out of and charged to the salary fund herein provided.

Payment of salaries.

SEC. 15. 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 as shall be necessary shall be applied to the payment of the salaries and allowances herein provided for. The treasurer shall open a separate account with each of the several officers of said county, which shall show the amount received from the said officer and the amount paid to him, and said accounts shall at all times be open to the public.

Treasurer to keep fund separate.

Separate accounts.

SEC. 16. That on the first Monday in December in each year it shall be the duty of said county treasurer to submit to the board of commissioners of said county a detailed statement of the condition of said salary fund, showing the amounts received during the preceding year from each officer and the amounts paid to each, and the balance remaining in said salary fund to the credit of each office; and after paying all the salaries and allowances, including salary of auditor and other salaries which may be paid from the funds of any of the officers not otherwise expended, the balance remaining in the said salary fund shall be turned over to the county fund: *Provided*, if the salary fund shall be insufficient to pay the salaries and allowances herein provided, any such deficiency shall be paid out of the general fund of the county.

Annual statement of accounts.

Surplus to general fund.

Proviso: deficiency paid from general fund.

SEC. 17. All officers of Catawba County receiving a salary by virtue of this act, who are now or may hereafter be required to give bond for the faithful performance of their duties, may give bond in a surety company approved by the board of county commissioners of said county, and the premium thereon may be paid out of the salary fund provided in this act or out of the general county fund.

Bonds of officers.

SEC. 18. The board of commissioners of Catawba County shall fix the salary of the judge of the county court, who shall be *ex officio* county auditor: *Provided*, the board of commissioners may at any regular meeting or at a special meeting elect or appoint an auditor for the county to hold office during the pleasure of the board, and may fix his compensation, and during his term of office the county court judge shall be relieved of duties of auditor. The salary of the judge of the county court and the salary of the auditor shall be paid out of the salary fund herein provided, and

Salary of judge of county court.
Ex officio auditor.

Proviso: appointment of auditor authorized..

Salaries of judge and of auditor.

- all fees and emoluments coming into their hands by virtue of their office shall be paid to the salary fund. The compensation of the attorney representing the commissioners and prosecuting in the county court shall be paid from said salary fund.
- Pay of county attorney.**
- Bond of auditor. Duties in connection with officers' accounts.**
- Account books.**
- Books open for inspection.**
- Audit of bills and claims.**
- Tax lists.**
- Delinquent lists.**
- Officers to perform duties.**
- County commissioners may increase salaries and allowances.**
- Pay for making tax lists.**
- Proviso: establishment of office of auditor.**
- SEC. 19. The auditor shall give such bond as the commissioners may require. It shall be the duty of the auditor 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, receipts, accounts, and vouchers and other records of all the officers of Catawba County which show fees and commissions collected and received by them; and he is hereby authorized 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, which books shall be permanently kept as the records of his office and always open to public inspection; it shall likewise be his duty to audit all bills and claims presented to the board of county commissioners of said county; and no claim or bill filed with said board of commissioners shall be allowed or paid until it has been audited by said auditor; and all warrants drawn upon claims or bills allowed by the board of commissioners shall be countersigned by said auditor before they shall be honored or paid by the treasurer of said county; it shall likewise be his duty to see that the register of deeds properly makes out the tax list, and to assist in balancing same and making out the proof-sheets and abstracts, and retain a copy thereof; and to investigate and inquire for all delinquent taxpayers, and to require such delinquents to be placed on the tax list; and to see that all statements are properly made and published.
- SEC. 20. That the officers hereinbefore mentioned shall faithfully and truly perform all 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 except as herein provided or authorized, and they shall be liable to all the penalties now or hereafter provided for failure to perform the duties of their offices: *Provided*, if it shall appear at any time to the board of commissioners of Catawba County that the salary or allowance made by this act to the several officers is insufficient for the efficient transaction of the duties required by the public business, then the board of commissioners shall have the power and authority to increase the salary or make an allowance in addition to the salary, not exceeding two hundred dollars to any one office.
- SEC. 21. The usual compensation allowed the register of deeds for making out the tax lists shall be paid into the salary fund. The auditor shall perform all other duties required by the commissioners: *Provided*, the office of auditor shall not be established until the county commissioners shall make an order that said office be established; and until such order shall be made, the

commissioners are authorized to employ one or more persons to perform such duties of auditing books and accounts as they may determine.

SEC. 22. That whenever a sheriff of Catawba County goes out of office by reason of the expiration of his term of office he shall be required to turn over to his successor all books, papers, and accounts, showing uncollected taxes, licenses, and all unfinished business of his office, including all tax books and receipts; and the incoming sheriff shall perform all the duties of the office and collect all uncollected taxes: *Provided*, only tax receipts for taxes levied during the current year shall be turned over to the incoming sheriff, and the outgoing sheriff shall retain and collect all taxes for which he has or should have settled and paid to the proper officers as required by law; and for any taxes which any sheriff should have collected, accounted for, and paid, such sheriff and his tax bond shall be and remain liable: *Provided further*, the incoming sheriff shall have given the bonds required by law and shall have been inducted into office before such transfer shall be made: *Provided further*, that the person holding the office of Sheriff of Catawba County for the term ending on the first Monday in December, one thousand nine hundred and fourteen, shall retain the tax books and collect the taxes previously listed and placed in his hands for collection and charged to him, and he shall receive the compensation allowed by law for collecting taxes. The auditor shall assist in the transfer of tax books from a sheriff to his successor.

Settlement of sheriff with successor.

Proviso: collection of taxes.

Proviso: incoming sheriff shall have given bond.

Proviso: sheriff now in office.

Auditor to assist in settlement.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed so far as they apply to Catawba County.

Repealing clause.

SEC. 24. That this act shall be in force from and after the first Monday in December, nineteen hundred and fourteen: *Provided*, the sheriff's salary for the first nine months thereafter shall be at the rate of fifteen hundred dollars per annum, and such fees as are allowed in section ten of this act: *Provided further*, sections nine, fifteen, and eighteen, and the proviso contained in section twenty-one, shall be in force from and after ratification.

When act effective.

Proviso: sheriff's salary.

Proviso: parts effective immediately.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 436.

AN ACT TO PROTECT CHURCHES, SCHOOLS, PICNICS AND PUBLIC MEETINGS IN WILSON 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 article or merchandise, or to have or maintain for profit any game, play, or amusement

Acts declared unlawful.

within one mile of any church, schoolhouse, picnic ground, or place of public meeting in Wilson County, outside the limits of any incorporated town, on any day or days when services are being held in such church, or meetings are being held in some schoolhouse or on such picnic grounds, or at such place of public meeting, unless permission has first been obtained from the officers of such church or the committee having in charge such meetings.

Violation of act
misdemeanor.
Punishment.

SEC. 2. That any person who shall violate this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars or imprisoned not more than thirty days.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 437.

AN ACT TO AMEND CHAPTER 161 OF THE PUBLIC LAWS OF 1905, RELATING TO THE ROAD LAW IN HAWTREE TOWNSHIP IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Road commis-
sioner.

SECTION 1. That chapter one hundred and sixty-one of the Public Laws of one thousand nine hundred and five be and the same is hereby amended by striking out the name "J. R. Pashall," in section one thereof, and inserting in lieu thereof "C. R. Leete."

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 5th day of March, A. D. 1913.

CHAPTER 438.

AN ACT TO PROVIDE COMPENSATION FOR SPECIAL VENIREMEN IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Mileage and per
diem.

SECTION 1. That any person summoned as a special venireman in Iredell County, and who shall attend, shall be allowed the same mileage and per diem as a regular juror in said county is now allowed.

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 5th day of March, A. D. 1913.

CHAPTER 439.

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 May, one thousand nine hundred and thirteen, and annually thereafter; the said auditor, when so elected, shall give bond with sufficient sureties, in the sum of not less than five thousand dollars (\$5,000), 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 fill any vacancies in said office caused by 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 register 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), 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), and 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 undervalued property, to be placed on the tax books for taxation at its true value; to receive all of the tax-listing blanks and other forms to be used by the tax list takers and assessors for said county, and deliver the same to them, and to personally administer to them the oaths required by law for the faithful discharge of their duties as such list takers and assessors;

Office created.

Election.

Bond of auditor.

Salary.

Vacancies.

Powers, duties,
and liabilities.Inquiry as to
delinquents.Forms and blanks
for tax listers.

Oaths.

Assistance to tax listers.

Accountant for county.
Quarterly audit of accounts of officers.

Account books.

Books open for inspection.
Examination of county institutions.

Reports of dereliction of duty.

Audit of bills and claims.

Examination of bills of costs.

Other duties.

County commissioners to provide office and office supplies.

Clerical assistance.

to assist and coöperate with tax listers and assessors, to the end that all real and personal property subject to taxation in 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 settlement 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 commissioners of said county 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 criminal action or proceeding, including all witnesses' and jurors' tickets issued by the clerk of the court or other public official, and disallow all sums of money so taxed as costs 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, witnesses' or jurors' fees shall be paid by the treasurer of said county unless approved in writing by said auditor; to change, do, and perform such other acts, matters, and things as are necessarily incident to the duties above prescribed, or which the board of commissioners of said county may require and direct.

SEC. 3. That for the purpose of enabling the 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 courthouse, 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 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 employ such clerical

help as shall be necessary to assist him in annually computing the taxes upon the subjects of taxation in said county, and pay therefor such compensation as the board of commissioners of said county shall, from time to time, set apart and provide for that purpose.

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.

Removal for cause.

Person removed to surrender possession.

Failure a misdemeanor.

Punishment.

Sec. 5. That all laws or clauses of laws in conflict with this act are hereby repealed, including chapter three hundred and twenty-two (322) of the Public Laws of one thousand eight hundred and ninety-three (1893), entitled "An act to authorize the commissioners of Mecklenburg County to appoint a committee of audit and finance," and so much of section two (2) of chapter three hundred and thirty-eight (338) of the Private Laws of one thousand nine hundred and nine (1909) 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.

Laws repealed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 440.

AN ACT TO PREVENT THE DEPREDATION OF DOMESTIC FOWLS IN THE COUNTY OF POLK.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person in the county of Polk 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 any lands that may be cultivated in any kind of grain or feedstuff, or used for gardens, yards, or for ornamental purposes.

Allowing fowls to run at large unlawful.

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 misde-

Misdemeanor.

Punishment. meanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days; and if it shall appear to any justice of the peace that after two days notice any person persists in allowing his fowls to run at large and fails or refuses to keep them up, then said justice of the peace may order any sheriff, constable, or other officer to kill said fowls, or the complaining party, after such notice and without such order, may kill said fowls when so depredating.

Order for killing fowls.

Complainant may kill fowls.

Shooting in town allowed.

SEC. 3. That if any person residing in any incorporated town or having the charge or control of property in such town shall kill any fowls under the provisions of this act by shooting such fowls on his own premises, he shall not be guilty of the violation of any town ordinance prohibiting shooting in such town.

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 5th day of March, A. D. 1913.

CHAPTER 441.

AN ACT TO PROVIDE FOR A BOND ISSUE FOR THE PUBLIC ROADS OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That for the purpose of grading, building, macadamizing, building of clay, sand, and other materials, and of otherwise improving permanently the public roads of Johnston County, the board of commissioners of Johnston County are hereby authorized, empowered, and directed to issue bonds of the said county to an amount not to exceed five hundred thousand dollars (\$500,000), in denominations from one thousand to five thousand dollars, bearing interest from the date thereof at a rate not exceeding five per cent per annum, payable semiannually, on the first day of July and January in each year, with interest coupons attached, said bonds and interest coupons to be payable at such place as may be designated by the board of county commissioners of Johnston County, and to be of such form and tenor as the said commissioners may determine, and shall become due and payable forty years after date: *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: *Provided further*, that in the discretion of the board of county commissioners they may arrange for the retirement and redemption of ten (10) per cent of the whole issue of bonds under this section at the end of ten years from the date thereof; and any

Amount.

Interest.

Maturity.

Proviso: sale below par forbidden.

Proviso: redemption at end of ten years.

township or townships desirous of liquidating and paying off its or their pro rata share of said bonds at the end of ten years from their date may, upon written request of one-fifth of its electors, reserve that right at or before the time of acceptance of the proceeds of such bonds to which it or they are entitled, and if such reservation is taken advantage of, such township or townships shall on or before the date of the expiration of ten years next succeeding the issue of the bonds provided for by this act pay over to the board of commissioners of said county an amount equal to the full share of the proceeds of bonds actually received by such township or townships from the whole aggregate issue of bonds under this act, together with any and all accrued interest for which such share or shares are responsible; and after this compliance and condition is performed, such township or townships shall thereafter be exempt and discharged from all the operations of this act, and absolved from further liability from any part of said issue of bonds then remaining outstanding, or any levy of taxes made and authorized to support the bond issue in section one of this act.

Townships discharged on payment.

SEC. 2. Said bonds shall be numbered and shall be signed by the chairman of the board of county commissioners and attested by the treasurer of said county, and shall bear the corporate seal of the county; and the coupons attached to each bond shall bear the number of the bond as well as the coupon, and shall be signed by the Treasurer of Johnston County as well as said chairman of the county commissioners, or bear the facsimile signatures printed or lithographed thereon.

Authentication of bonds and coupons.

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

Record of bonds.

SEC. 4. The county commissioners of Johnston County shall distribute and promptly pay over the proceeds derived from said bond issue, ratably, among the several townships of the county according to the assessed value of property therein, and without regard to mileage, population, or other conditions.

Proceeds distributed ratably to townships.

SEC. 5. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and to support a chain-gang or convict force, or other road-working and building force, and to establish, alter, repair, build macadam or sand and clay mixture or gravel roads, and to maintain the public roads of the several townships of Johnston County in good condition, the board of commissioners of Johnston 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 said commissioners now or hereafter may be allowed to levy taxes upon for any purpose whatever, always observing the constitutional equation be-

Special taxes.

Constitutional equation.

Proviso: limit of rate.

tween the taxes on property and the taxes on polls: *Provided*, there shall not be at any time levied in the county of Johnston for the purpose of road building or improvement, including all expenses made necessary by this act, a greater rate than thirty-three and one-third cents upon the one hundred dollars worth of property and one dollar on the poll.

Collection of tax.

Record and report.

SEC. 6. That the taxes provided for in this act shall be collected by the Sheriff of Johnston County as other special taxes. The sheriff shall keep an independent record of said taxes collected, and make a separate report to the commissioners of Johnston County, showing the amount of taxes collected for such account from each of the various townships of the county. He shall give the same bond as now required by law for the collection of other special taxes. The sheriff aforesaid shall pay over to the Treasurer of Johnston County such portion of said taxes as may be required by the board of commissioners of the county for the purposes named in the following provisos of this section, and the balance then remaining in his hands shall be promptly paid over by him to the treasurers of the several township highway commissions as hereinafter provided for, and each township highway

Bond of sheriff.

Settlements.

commission shall be entitled to said balance ratably and in proportion to the taxes collected therein, and without reference to mileage, conditions, population, or other contingencies: *Provided*, that out of the taxes annually collected under this act the board of commissioners of Johnston County shall annually deduct from all taxes received from railroad corporations ten (10) per cent, to be known as a rural township road improvement fund, which ten per centum so deducted shall be promptly turned over to the treasurers of the several townships of the county into which railroads do not enter, to be spent by said townships upon the roads thereof as other road funds are spent, and each of said townships shall be entitled to share alike in said township railroad taxes based upon public miles of road therein, and not upon taxable property. That after the deduction above provided, the board of commissioners of Johnston County shall annually, at such times as may be most suitable, not later than the first Monday in June of each year, set apart an amount sufficient to pay the interest coupons on the good roads bonds issued and sold by said commissioners, and shall also annually set aside a sufficient amount to create a sinking fund for the purpose of retiring the bonds aforesaid at their maturity, which said amount shall be directed to be paid over to the Johnston County sinking fund commission. That the board of commissioners of Johnston County, after setting aside the funds hereinbefore provided for, shall pay to the township highway commission of the several townships of the county the remainder of the taxes collected and accounted for, ratably according to the property listed for taxation in said township. The Sheriff of Johnston County, when he pays over said taxes to the

Proviso: fund for townships without railroads.

Fund for interest and sinking fund.

Balance to townships ratably.

Sheriff to take receipts.

treasurer or treasurers, shall take his or their receipts therefor, and such receipt shall relieve the sheriff's bond from further responsibility and liability.

SEC. 7. That a township highway commission for each and every township in the county of Johnston is hereby created and incorporated, which township highway commission shall consist of three members, one of which shall be chairman and another clerk; said township highway commission shall be selected for their fitness, and not for political faith: *Provided*, that at each and every election by popular vote of any township highway commission, and in order to remove the same as far as possible from partisan politics, one each of the two members of the several township highway commissions to be elected under this act shall, so far as feasible and practicable, come from each of the two leading political parties of such township. That each person hereinafter named in this act on the board of the county highway commission shall for his respective township be and constitute one of the three members of the township highway commission, and as such shall be entitled to the same rights, privileges, and benefits as those elected by popular vote, and subject to the same pains and responsibilities for violations of duties as those to be elected by popular vote. That it shall be the duty of the various townships of the county, at the same time that the bond election is conducted and held, to elect two of its electors to make up and complete the township highway commission in accordance with the provisions of this section, and those elected thereat, together with the *ex officio* member named by this act, shall serve until their successors are elected by popular vote in each township at the general election for county officers in November, one thousand nine hundred and sixteen; and thereafter biennially their successors shall in a like manner be elected by popular vote. Vacancies occurring on said township highway commission, except by expiration of term, shall be filled by the remaining members for the unexpired term only. Said township highway commission shall receive as compensation for their services, each, the sum of one dollar per day for the time actually employed by them in attending to the duties imposed upon them by this act. Each member of said township highway commission shall be sworn before entering upon the duties of his office to perform said duties well and faithfully, according to the best of his skill and ability.

SEC. 8. The chairman of said township highway commission shall be and constitute an *ex officio* member of the Johnston County Highway Commission hereinafter named, and as a member of the township highway commission he shall preside at all meetings of said commission, and the clerk thereof shall keep a record of all meetings, in a book specially provided for the purpose, which shall be kept at all times subject to inspection of the public; and he shall likewise publish annually a correct sworn statement of all receipts

Township highway commissions created and incorporated.

Composition and organization.

Proviso: political affiliations.

County highway commission.

Election of two commissioners.

Terms of office.

Election of successors.
Vacancies.

Pay of commissioners.

Commissioners to be sworn.

Chairman of township commissioners members of county commission.
Duties of chairmen and clerks.

Books open to inspection.
Sworn statements published annually.

Treasurers of township commissions.	and disbursements of the township highway commission. There shall be a treasurer of each township highway commission, who shall not be one of its members, but who shall be elected by said township commission, to be known and designated as treasurer to the township highway commission. Said treasurer so elected shall hold office for two years and until his successor shall be elected and qualified, and shall give bond with sureties in such sum as the said township highway commission shall deem proper, which bond shall be renewed every two years or from time to time as funds may go into his hands and may be deemed necessary. Said treasurer shall receive no commissions on the proceeds received from the sale of the bonds herein provided for, but shall receive such commissions and sums paid out, either proceeds of bonds or taxes collected, as said township highway commission shall determine and allow, not to exceed two per cent. Said treasurer shall receive and preserve and account to said township highway commission all funds turned over to him by the commissioners of Johnston County, the sheriff of said county, or any other person, and shall pay out the same only as is herein provided.
Term of office and bond.	
Commissions allowed treasurer.	
Receipt and keeping of funds.	
Deposit of funds.	It shall be the duty of the treasurer of each township highway commission to deposit all funds in such bank or banks as the township highway commission shall direct, and where there is more than one bank of undoubted solvency in any township, it shall be the duty of the township highway commission and treasurer to keep deposited as nearly as practicable an equal balance at all times in such banks.
Charge and control of roads.	SEC. 9. Said township highway commission shall have complete and full charge and control of the making, locating, changing, building, repairing, and improving all the highways of said township, and said township highway commission shall have the right to call upon and demand the services of the county engineer from time to time, who shall superintend the laying off, building, and repairing the said roads in the respective townships coming under the provisions of this act. In determining where the permanent improvement of roads shall begin and continue, the township highway commission shall take into consideration the needs of the township as well as the entire county in opening, making, building, and improving those roads which, in their opinion, will be of benefit to the greatest possible number of people, treating every section with equal justice, without preference to one road or section over another, so far as that is practicable. Said township highway commission shall have the right to purchase such machinery, teams, and carts, and other implements, as may be necessary, and to do any and all acts and things necessary or needful to be done to carry on the work provided for in this act.
County engineer.	
Considerations governing road work.	
Purchase of equipment.	
Location and construction of roads.	SEC. 10. That the highways in the said county of Johnston constructed or improved under this act shall be surveyed, graded, straightened or relocated, whichever may be deemed best by said

township highway commission, and shall be macadamized, covered with sand, clay, or gravel or some other suitable mixture, or shall be built out of the material found along the side of said road, as soon as is expedient.

SEC. 11. That said township highway commission shall have the right to employ a superintendent of roads, who shall have charge of all chain-gangs or other road force, and who shall have the direction of all road building in said township; subject, of course, to the authority of the township highway commission. He shall receive such compensation as the township highway commission may determine upon. Said township highway commission may provide one or more chain-gangs or other road-building force, and shall hire all guards and laborers that may be necessary or needful to push said work as rapidly as possible and as is practicable, and may let to contract any piece of road to be built or constructed by any independent contractor. That in the event of the ratification of this act by the electors of Johnston County, then and in that event the judges of the Superior Court, recorder, justices of the peace, and mayors of the towns and cities may sentence such prisoners convicted to such road or convict force in the various townships in the said county as to them may be deemed proper, circumstances and conditions being considered, and the township so receiving such prisoners shall bear the expense of feeding, clothing, and guarding said prisoners: *Provided*, no prisoner shall be sentenced to work the roads in any township which has not provided for caring for a convict force.

Superintendent of roads.

Pay of superintendent.

Chain-gangs.

Work let to contract.
Sentences to road work.

Care and maintenance of convicts.
Proviso: preparation for force.

SEC. 12. All laborers and other employees, and all bills and accounts, shall be paid by voucher drawn by the superintendent of the roads in charge and attested by the clerk and countersigned by the chairman of said township highway commission, and when so drawn and attested and countersigned, the same shall be paid by the treasurer of the township highway commission in which said work is done or for which said account has been paid.

Vouchers.

SEC. 13. That the money received from the sale of said bonds and derived from the said tax herein authorized to be levied, except ten per cent of the gross railroad tax hereinbefore prescribed to go to the rural townships, 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 the township highway commission to purchase improved road-working machinery, to survey, lay out, grade, macadamize, sand-clay, gravel, or otherwise permanently improve and maintain the public roads of said township, including guarding and maintaining such convict force as may from time to time be assigned to work on said roads, and in defraying the expenses connected therewith as is provided for in this act. That whenever in the progress of work on any road laid out, constructed, or improved under this act, it shall become necessary to repair, rebuild, or construct any bridge

Use of proceeds of bonds.

Construction and repair of bridges.

or bridges across any river or creek, the superintendent of the roads in the township in which the same shall be constructed or built shall notify the board of county commissioners, and it shall be their duty to repair, rebuild, or construct any and all of such bridges under the provisions of the general law in regard thereto.

Entry on land for material.

SEC. 14. For the purpose of repairing, improving, or constructing the various public highways of the county the township highway commission and the superintendent or engineer thereof provided for in this act shall have authority, and they are hereby vested with the power, to enter upon any land in the township in which they may be engaged for the purpose of cutting and removing any trees, except ornamental and shade trees, or for the purpose of digging and carting away any stone, gravel, clay, earth, or sand which may be necessary and needful to repair, improve, or construct any such road, and to make or cut such drains, ditches, or canals over or through said lands as may be necessary or needful for the benefit of any such road, always having in mind the interest of such landowner as well as that of the public road, and doing as little injury to said land as possible.

Drains, ditches, or canals.

Presentation and payment of claims for damages.

Any person considering himself damaged by the cutting of timber, or removal of stone, clay, gravel, earth, or sand from his land as above provided, or any person on whose land any new road may be located may prefer his claim before the township highway commission in which township the same is done or located, and when allowed by said township highway commission, such claim or any part thereof which may be allowed shall be paid out of any moneys belonging to said township highway road fund: *Provided*, such claim for damages shall be made within three months after the completion of any new road laid out, or the removal of such road material as is herein provided for; and any such claimant may petition said township highway commission 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 of the county, who shall give the claimant or landowner notice of the time and place when and where said jury will meet to assess the damages, if any, over and above the benefits accruing to said landowner: *Provided*, any party dissatisfied with the finding of said jury may appeal to the Superior Court as is provided by law for appeals from courts inferior to the Superior Court. Pending such appeal, however, the work of construction and building the said road shall not be interrupted, but may continue notwithstanding such appeal.

Proviso: time for presentation of claim.

Assessment of damages.

Proviso: right of appeal.

Work pending appeal.

County highway commissioners named and incorporated.

SEC. 15. That C. L. Sanders of Cleveland Township, Will H. Lassiter of Elevation Township, E. S. Coates of Pleasant Grove Township, J. L. Hall of Banner Township, J. J. Rose of Meadow Township, Rufus Sanders of Bentonsville Township, J. W. Sanders of Ingrams Township, Harry Watson of Boone Hill Township, H. F. Edgerton of Beulah Township, Haywood Price of O'Neals

Township, Vick R. Turley of Wilders Township, Clifford Uzzell of Wilson's Mill Township, M. C. Winston of Selma Township, D. B. Oliver of Pine Level Township, and J. H. B. Tomlinson of Smithfield Township, and their successors in office, he and they are hereby incorporated under the name of "Johnston County Highway Commission," which is hereby declared to be a patriotic organization looking forward to the upbuilding of the highways of the county, to hold office until their successors are elected by a popular vote at the general county and State election in November, nineteen hundred and sixteen. Said commission shall make its own by-laws and rules governing itself, and shall meet at such times and places as said commission may determine upon, not less than one in each year.

Corporate name.

Term of office.

Election of successors.
By-laws, rules, and meetings.

SEC. 16. Said Johnston County Highway Commission shall in a general way have oversight and supervision over the public highways of Johnston County, and shall make recommendations and suggestions to the township highway commission as to the working, improving, laying out, and building of the public roads in said township, but shall in no wise interfere with the work of any township highway commission, the superintendent thereof, the engineer, hands, or machinery in building or repairing said roads.

Oversight and supervision of road work.
Recommendations and suggestions.

SEC. 17. The board of county commissioners shall, as hereinbefore provided, set apart ten per cent of the aggregate taxes derived from railroad corporations to be turned over to the several rural townships, according to mileage therein, and also a sufficient amount of the remaining railroad tax and all other taxes levied and collected under this act to pay the interest on the bonds outstanding, and also a sufficient amount to create a sinking fund to pay said bonds at maturity, and such amount as may be set apart as a sinking fund shall be paid over by the treasurer to a "sinking fund commission" to be elected by the Johnston County Highway Commission, to be composed of three persons, whose duty it shall be to lend out or invest the funds so set apart for the purpose of paying the bonds created by this act when they shall become due. Said sinking fund commission shall be incorporated, and is hereby incorporated for the purposes of this act, and shall give bond in double the amount of money going into their hands, which bond shall be approved by the county commissioners of Johnston County. The county commissioners aforesaid shall, as hereinbefore provided, pay over all the balance of said railroad taxes and other taxes levied and collected under this act to the several township highway commissions ratably according to assessed property values in each township for the purposes declared by this act. Said sinking fund commission shall hold office until the first Monday in December, nineteen hundred and sixteen, or until their successors are elected and qualified. The compensation of said sinking fund commission shall be fixed by the Johnston County Highway Commission. Any money so loaned

Sinking fund commission.

Investment of sinking fund.

Commission incorporated.

Bond of commission.

Balances paid to township commissions.

Term of sinking fund commission.

Compensation.

Interest on sinking fund.

or invested by said sinking fund commission shall bear the legal rate of interest in North Carolina, and all interest accrued from said road funds shall be annually invested in the same way and the notes or other evidences of debt taken for said loans shall express on their face that the money borrowed belongs to said road sinking fund.

Exemption of bonds from taxation.

SEC. 18. The said bonds and coupons shall be exempt from all county or municipal taxation, 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.

Purchasers of bonds not responsible for application.

SEC. 19. 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 thereof.

Act not effective until ratified by majority of qualified voters.

SEC. 20. That this act shall not become effective, nor shall the bonds hereinbefore provided for be issued and sold, unless and until the same shall be ratified by the vote of the majority of the qualified voters of said county at an election to be held as hereinafter provided for, and the number of electors registered in any election hereinafter provided for shall be conclusively held to be the number of qualified voters in such territory.

County commissioners to order election.

SEC. 21. That the board of commissioners of Johnston County is hereby authorized, empowered, and directed to submit to the qualified voters of Johnston County at such time or times as may be specified in petition, or request of the Johnston County Highway Commission, the question whether or not the county of Johnston shall issue bonds of said county to an amount not exceeding five hundred thousand dollars, at a rate of interest not exceeding five per cent per annum, payable semiannually, and evidenced by coupons attached, the proceeds of which to be used for the purpose of repairing, grading, making, macadamizing, and otherwise permanently improving the public roads of Johnston County as hereinbefore set forth. The said board of county commissioners shall, for at least thirty days preceding the election, give notice of such election, 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 said bonds at the election so held, the board of county commissioners of said county may submit the said question to the qualified voters of said county at any other time or times under the provisions and regulations herein enacted, and upon petition or request of the Johnston County Highway Commission. At any election held under this act there shall be an entirely new registration provided for in the respective townships of Johnston County by the commissioners of said county in a resolution calling said election or elections, and only those registered under the new registration shall be entitled to a vote in any election held under and by virtue of this act.

Notice of election.

Proviso: further election.

New registration.

SEC. 22. That any elections 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 board of county commissioners shall appoint the registrars of election, and the judges and inspectors of election, and any other election officers that may be necessary for the conduct and conclusion of said election. The votes or ballots cast shall be counted at the close of the polls, and returned to the said board of county commissioners at the courthouse on Thursday next following the election, and said board of county commissioners shall tabulate and declare the result of said election, all of which shall be recorded in the minutes of the said board of county commissioners, and no other declaration of the result of said election shall be necessary.

Law governing elections.

Proviso: election officers.

Count and return of votes.

Tabulation, declaration, and record of result.

SEC. 23. That at the said election the ballots tendered 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 a ballot on which there is written or printed "For Good Roads Bond Issue" and all qualified electors opposed to the issuing of said bonds shall vote or cast a ballot, written or printed, "Against Good Roads Bond Issue."

Ballots.

SEC. 24. That in the event that at said election or any election held under the provisions of this act the ballots cast shall be tabulated and declared by the commissioners of said county, and a majority found to be "Against Good Roads Bond Issue," then this act shall have no force, and there shall be no bonds issued under and by virtue of the same. But in the event that at said election, or any election held hereunder, the ballots cast shall be tabulated and declared by the said board of county commissioners and a majority found to be "For Good Roads Bond Issue," then this act shall become effective at once, and be the law by and under which the public roads of said county shall be worked, repaired, and builded from said date, and the board of commissioners of Johnston County shall issue the bonds hereinbefore provided for, and all general or special road laws for said county shall be by this act repealed, except the act of the General Assembly of nineteen hundred and eleven requiring so much of the streets of the town of Smithfield as constitute a part of the public highway bisecting said town to be worked as if such streets were outside the corporate limits of said town; and the provisions of said act of the General Assembly may be extended to and taken advantage of by any incorporated town or towns in the county of Johnston: *Provided,* that if at any election called, held, and concluded under the provisions of this act it appears from the tabulation and declaration of the board of county commissioners that in any township or townships a majority of the qualified voters therein have voted "For Good Roads Bond Issue," then

Effect of election.

Proviso: bond issues for separate townships.

and in that event the board of commissioners of Johnston County shall be and they are hereby fully authorized and empowered to issue bonds of the tenor and description herein set out to an amount not exceeding fifty thousand dollars for any single township, and to levy and collect the taxes herein provided for to create an interest and sinking fund. Nothing herein, however, shall be construed to compel the issuance of township bonds in the event the county as a whole votes down the county-wide bond issue. But if such township or townships, wherein a majority of its electors vote "For Good Roads Bond Issue," elects to issue bonds pursuant thereto, the whole burden of such issue and taxes resulting therefrom shall be confined exclusively to such township or townships. And any and all bonds issued under the provisions of this last named proviso shall be denominated "Johnston County Township Road Bonds": *Provided further*, that if the county as a whole votes down the bond issue proposed by this act, and townships who have cast a majority in favor of bonds shall elect to issue the same, the provisions contained in this act for the distribution of ten per cent of the railroad tax to rural townships shall not become effective, and also the services of the sinking fund commission may be dispensed with, and township sinking funds commission may be raised in lieu thereof.

Obligation of bonds.

Entitlement of bonds.

Proviso: parts of act ineffective as to township bonds.

Repeal of special road laws.

Purchase of township equipments.

Transfer and assignment of convicts.

SEC. 25. That in the event this act shall be ratified by the voters of Johnston County in any election held hereunder, and any and all special road laws in said county repealed as provided for, then and in that event the township highway commission, aforesaid, shall purchase from the road commissioners of such townships in the county as are now worked by taxation at a price to be agreed upon, all teams, carts, road machinery and implements owned by them at such time, and the proceeds derived therefrom shall go into the general road funds of such townships, to be expended as other funds provided by this act; and all convicts working on any township chain-gang at the time of the adoption of this act by the voters of Johnston County shall be by such township road commissioners assigned and transferred to the township highway commission to be worked on the public roads of such township, and said highway commission shall pay all expense of such transfer and shall pay said township road commissioners for all clothing, chains, handcuffs, hobbles, and other paraphernalia as may be on hand at such time; and the provisions of this section shall apply to any and all townships in said county voting bonds under this act in the event the county-wide proposition is not adopted by the county at large.

Expense of election.

SEC. 26. The expense of the election held under the provisions of this act shall be paid by the county, and in the event any such election is carried, the same shall then be charged to the road fund, and shall be paid out of the same.

SEC. 27. The Johnston County Highway Commission shall nominate a road engineer for the county at large, and the board of commissioners of the county shall elect him for a term of one year; the salary of said engineer to be fixed by the county highway commission, and shall be paid out of the funds derived from and the taxes collected under this act, and each township in Johnston County to which this act applies and which receives the benefit of his services shall pay its proportionate part of his annual salary. Said road engineer shall give his services for each and every township in the county availing itself of the provisions of this act.

Nomination, election, and term of county engineer.

Salary.

Services to townships.

SEC. 28. That this act shall have no application in any event or by any construction to Wilson's Mills and Clayton townships, nor shall it in any way, manner, or by any means repeal, modify, alter, directly or indirectly, the Wilson's Mills and Clayton townships road laws, nor shall said townships be construed to be responsible for any part of any bonds issued hereunder or taxes levied in consequence of said bond issue, nor shall said townships take advantage of any of the general provisions of this act, the intention being, at the instance and upon the request of a majority of the electors of Wilson's Mills and Clayton townships, to entirely exempt said townships, its property and citizens, from the application of this act, both as to the burdens as well as the benefits flowing herefrom. And notwithstanding any provisions herein apparently to the contrary, this section shall supersede and stand in lieu of such provisions.

Townships excepted.

SEC. 29. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 442.

AN ACT FOR THE RELIEF OF THE CLERK OF THE SUPERIOR COURT FOR HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That by and with the consent of the board of commissioners of Henderson County, the clerk of the Superior Court may employ an assistant, who shall serve only while the Superior Court of Henderson County is actually in session and for such time out of term as the said clerk may unavoidably be absent from his office on account of sickness, and that the assistant shall receive such compensation as the board of commissioners may determine, not to exceed the sum of two dollars and fifty cents per day, to be paid out of the general fund of the county.

Employment of assistant.

Pay of assistant.

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 5th day of March, A. D. 1913.

CHAPTER 443.

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

The General Assembly of North Carolina do enact:

Highway commissioners name and incorporated.	SECTION 1. That G. T. Roth, C. N. Bodenheimer, I. A. Eldridge, and M. H. Greenwood, and their successors in office, are hereby incorporated under the name of the Highway Commission of Elkin Township, and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act.
Corporate name.	
Corporate powers.	SEC. 2. That the 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, G. T. Roth and M. H. Greenwood shall hold office for four years, I. A. Eldridge and C. N. Bodenheimer shall hold office for two years: <i>Provided</i> , that the position of member of the said highway commission shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina. Should a vacancy occur by death, resignation, or removal, or otherwise, the same shall be filled by the said commission by choosing some one of the same political belief as was the member whose place became vacant, and such successor so chosen shall hold office until his successor shall be chosen by the Legislature, and shall qualify.
Political affiliations.	
Election.	SEC. 3. That said commission shall have the same supervision, power, and right in respect to all public roads in Elkin Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County, except as such laws are modified herein, and said commission shall also have supervision, power, and right in respect to any road lying within the corporate limits of the town of Elkin, upon which work or money may be expended under the direction of said highway commission. That the roads improved inside of the corporate limits of the town of Elkin shall be of the same character of roads as shall be built outside of the town of Elkin. In working and improving the public roads inside the corporate limits of the town of Elkin, said highway commission shall convene and act together in joint session with the board of commissioners of the town of Elkin as to all matters concerning or relating to the construction, improvement, and maintenance of the streets and roads which lie within the corporate limits of said town, and which receive benefits under this act; said joint session shall be subject to the call of the chairman of the highway commission, and a majority of all the members of both boards shall constitute a quorum for the transaction of business: <i>Provided</i> , that nothing in this act shall prevent the town commissioners of
Terms of office.	
Proviso: commissioners not officers.	SEC. 3. That said commission shall have the same supervision, power, and right in respect to all public roads in Elkin Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County, except as such laws are modified herein, and said commission shall also have supervision, power, and right in respect to any road lying within the corporate limits of the town of Elkin, upon which work or money may be expended under the direction of said highway commission. That the roads improved inside of the corporate limits of the town of Elkin shall be of the same character of roads as shall be built outside of the town of Elkin. In working and improving the public roads inside the corporate limits of the town of Elkin, said highway commission shall convene and act together in joint session with the board of commissioners of the town of Elkin as to all matters concerning or relating to the construction, improvement, and maintenance of the streets and roads which lie within the corporate limits of said town, and which receive benefits under this act; said joint session shall be subject to the call of the chairman of the highway commission, and a majority of all the members of both boards shall constitute a quorum for the transaction of business: <i>Provided</i> , that nothing in this act shall prevent the town commissioners of
Vacancies.	
Powers and rights.	SEC. 3. That said commission shall have the same supervision, power, and right in respect to all public roads in Elkin Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County, except as such laws are modified herein, and said commission shall also have supervision, power, and right in respect to any road lying within the corporate limits of the town of Elkin, upon which work or money may be expended under the direction of said highway commission. That the roads improved inside of the corporate limits of the town of Elkin shall be of the same character of roads as shall be built outside of the town of Elkin. In working and improving the public roads inside the corporate limits of the town of Elkin, said highway commission shall convene and act together in joint session with the board of commissioners of the town of Elkin as to all matters concerning or relating to the construction, improvement, and maintenance of the streets and roads which lie within the corporate limits of said town, and which receive benefits under this act; said joint session shall be subject to the call of the chairman of the highway commission, and a majority of all the members of both boards shall constitute a quorum for the transaction of business: <i>Provided</i> , that nothing in this act shall prevent the town commissioners of
Roads in corporate limits.	
Joint action with town authorities.	SEC. 3. That said commission shall have the same supervision, power, and right in respect to all public roads in Elkin Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County, except as such laws are modified herein, and said commission shall also have supervision, power, and right in respect to any road lying within the corporate limits of the town of Elkin, upon which work or money may be expended under the direction of said highway commission. That the roads improved inside of the corporate limits of the town of Elkin shall be of the same character of roads as shall be built outside of the town of Elkin. In working and improving the public roads inside the corporate limits of the town of Elkin, said highway commission shall convene and act together in joint session with the board of commissioners of the town of Elkin as to all matters concerning or relating to the construction, improvement, and maintenance of the streets and roads which lie within the corporate limits of said town, and which receive benefits under this act; said joint session shall be subject to the call of the chairman of the highway commission, and a majority of all the members of both boards shall constitute a quorum for the transaction of business: <i>Provided</i> , that nothing in this act shall prevent the town commissioners of
Quorum.	
Proviso: work by town commissioners.	SEC. 3. That said commission shall have the same supervision, power, and right in respect to all public roads in Elkin Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County, except as such laws are modified herein, and said commission shall also have supervision, power, and right in respect to any road lying within the corporate limits of the town of Elkin, upon which work or money may be expended under the direction of said highway commission. That the roads improved inside of the corporate limits of the town of Elkin shall be of the same character of roads as shall be built outside of the town of Elkin. In working and improving the public roads inside the corporate limits of the town of Elkin, said highway commission shall convene and act together in joint session with the board of commissioners of the town of Elkin as to all matters concerning or relating to the construction, improvement, and maintenance of the streets and roads which lie within the corporate limits of said town, and which receive benefits under this act; said joint session shall be subject to the call of the chairman of the highway commission, and a majority of all the members of both boards shall constitute a quorum for the transaction of business: <i>Provided</i> , that nothing in this act shall prevent the town commissioners of
Proviso: work by town commissioners.	

Elkin from expending such moneys as they may deem necessary out of the town funds for the further improvement of any and all streets inside said town of Elkin.

SEC. 4. That said highway commission shall have full power and authority to order the laying out of public roads where necessary in their judgment, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Said commission shall also have power and authority to lay out cartways, church and mill roads, and to order or discontinue the same in the way and manner provided for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width.

Location, discontinuance, and alteration of roads.

Cartways, church and mill roads.

Proviso: width of roads.

SEC. 5. That said commission shall meet in the town of Elkin within ten days after the adoption of this bill at an election herein provided for, and shall organize by electing one of their number chairman, and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission. Said commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said commission; and he shall enter into a bond in such sum as said commission may decide, which bond, upon approval by the said commission, shall be recorded by the Register of Deeds of Surry County in the book of official bonds and filed in his office. That the treasurer of said commission shall make payments out of the road funds belonging to the said township only upon the written order of the said commission signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued.

Meeting and organization.

Election and bond of treasurer.

Orders on road funds.

Record of orders.

SEC. 6. That said commission shall authorize the Sheriff of Surry County, or tax collector of said county, to collect all the taxes levied under this act, and he shall be entitled to the same commissions as are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act; and the said commission may require the sheriff or tax collector to give an additional bond.

Collection of taxes.

Fees for collections.

Officers liable on bond.

Additional bond.

SEC. 7. That all road taxes for Elkin Township which hereafter may be collected by the Sheriff of Surry County or tax collector of said county shall be paid over to the treasurer of the said commission, who shall give a receipt therefor, and all moneys derived from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under

Moneys paid over to road treasurer.

Settlements.

- this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in Elkin Township separate, and shall 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 twenty-fifth of each year, and shall pay over sooner if same shall be in his hands.
- Final settlement.
- Superintendent. SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said commission electing him, and he shall be entitled to such compensation as may be fixed by said commission.
- Term and compensation. 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 such employment shall be during the pleasure of said commission. That the said commission shall also have the power to employ such other persons as may be deemed necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads.
- Employment, compensation, and duties of road engineer.
- Other employees.
- Equipment.
- Entry on lands for work or materials. SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any lands in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads, and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize or improve the said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drains or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed.
- Drains or ditches.
- Proviso: ornamental and fruit trees.
- Arbitration of claims for damages. SEC. 10. That if the owner of any lands upon which said road or roads, or any part thereof, shall be constructed, altered, or changed, or the owner of any land from which timber, stone, clay, gravel, or sand were, as aforesaid, shall claim damages therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken, and for the timber and materials so taken as aforesaid, the said arbitrators shall take into

consideration the special benefits that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the change in the said road. The said damage, both for the land taken and for the timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court, after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The amount of the damages is the only question contemplated in this section.

Payment of damages and for material.

Right of appeal.

Proviso: time for appeal.

Appeal not to delay work.

SEC. 11. That any person who shall obstruct the said commission, its agents or employees, in making a survey, of changing any road, or the opening of a new public road or highway, or the taking of necessary timber or other materials, as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Obstructing work misdemeanor.

Punishment.

SEC. 12. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water in the public roads of Elkin Township, except where 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 upon conviction fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Turning water on roads forbidden.

Misdemeanor.

Punishment.

SEC. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees and all expenses to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The necessary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the funds provided by this act.

Compensation of employees.

Pay of commissioners.

Office expenses.

SEC. 14. That the board of commissioners of Surry County be and it is hereby empowered and instructed to submit to the voters of Elkin Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the question whether the said township of Elkin shall issue bonds in a sum not exceeding twenty-five thousand dollars (\$25,000), with interest coupons attached, the proceeds of which to be used for the improvement of the public roads of Elkin Township as hereinbefore provided in this act. The said board of county commissioners shall for at

County commissioners to call election on bond issue.

Notice of election.

- least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Elkin Township: *Provided*, that if a majority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of four months from time of first election under the regulations hereinafter set out: and *Provided further*, that if a majority of the voters of said township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fifth of the voters of said township shall by petition request it.
- SEC. 15. 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 election board of Surry County shall appoint the registrars of the election, the judges, and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly: and that the board of commissioners of Surry County may or may not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election: and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.
- SEC. 16. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue"; and at such election those who favor the issuing of the 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. 17. In the event that a 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 Surry 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 not to exceed twenty-five thousand dollars (\$25,000). The said bonds shall bear a rate of interest of not exceeding six per centum per annum, with interest coupons attached, payable semiannually during the time the bonds shall run, the principal payable thirty
- Proviso: further election.
- Proviso: further election upon petition.
- Law governing election.
- Proviso: registrar and judges of election.
Registration and challenges.
- Count and return of votes.
- Tabulation, declaration, and record of result.
- Ballots.
- Issue of bonds.
- Denominations.
- Amount.
Interest.
- Maturity.

years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Elkin Township, Surry County, provided for in this act, or at any bank or banks which the said highway commission may designate to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Elkin Township Highway Improvement Bonds."

Payable in standard currency.

Authentication.

Entitlement.

SEC. 18. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the chairman of the said commission of Elkin Township all of said bonds without the seal of the county being affixed to any of them. The chairman of the said commission of Elkin Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Elkin Township; the expenses for such advertising and selling said bonds and other expenses necessary in regard thereto to be paid out of the fund arising from the sale of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Elkin Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County 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 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 funds. The bonds and coupons shall state on their face when due and where payable, and the said bonds shall show by what authority they are issued. The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and, whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached.

Bonds delivered to chairman.

Sale of bonds.

Bonds sealed before delivery.

Sale below par forbidden.

Specific appropriation.

Proviso; purchaser not liable for application.

Record of proceedings and bonds.

Special road tax.

Limit of rate.

SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, the first Monday in June, a special road tax for the township of Elkin on the hundred dollars worth of property for not less than ten cents and not more than twenty-five cents, as recommended by the said commission of Elkin Township, the subject of taxation and the levying of the taxes to be

Collection and application. Sinking fund. Investment of sinking fund. Road duty abrogated.

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 for the township of Elkin. The taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund shall be held by the said commission of Elkin Township in 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 commission of Elkin Township shall manage and invest the funds at the discretion of said commission until paid out for the redemption of the said bonds sold under authority of this act at their maturity.

Sec. 20. If the majority of the voters of Elkin Township 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 the said county, except after conviction for crime, are hereby repealed.

Sec. 21. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 444.

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND REPAIR OF THE PUBLIC ROADS OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Commissioners named. Official title. Term of office. Charge of road work. County commissioners to fill vacancies. Road commissioners to qualify, meet, and organize. Organization. County treasurer to be treasurer of road fund. Not allowed commissions. Pay of road commissioners.

SECTION 1. That George C. Green, F. P. Shields, John L. Patterson, R. C. Dunn, C. D. House, P. C. Gregory, and J. H. Norman, Jr., are hereby appointed members of a commission to be known as "The Good Roads Commission of Halifax County," who shall hold office until the first Monday of December, one thousand nine hundred and fourteen, and until their successors are qualified, and shall have charge of the road work of said county, the said board of county commissioners to fill all vacancies occasioned by expiration of term of office, death, resignation, or failure to qualify, or any other cause. As soon as practicable after the passage of this act, 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. The treasurer of the county shall be the treasurer *ex officio* of the good roads commission, but he shall not be allowed commissions out of any road fund which is the proceeds of bonds issued. The members of the good roads commission shall each be paid out of the road fund of the county

per diem and mileage as those of the county commissioners: *Provided*, they shall be paid not to exceed twelve days in one year. At the general election of one thousand nine hundred and fourteen and every two years thereafter the successors to the above named commissioners shall be elected by the people of the county, the names of the persons voted for to appear on the ticket for county officers immediately after the candidates for county commissioners, and to be inducted into office as other county officers, and to hold their office for two years and until their successors are qualified.

Proviso: limit of time.
Election of successors.

Terms of office.

SEC. 2. In order that the road work may be properly and economically carried on, the good roads commission is expressly authorized and instructed to employ a competent road engineer, at a salary to be fixed by it and to be paid out of the road fund as provided for in this act: *Provided*, that the road commissioners are authorized, if proper arrangements can be made, to hire jointly with another county the services of the road engineer or to employ the road engineer for such part of his time as he deems it necessary to give proper supervision to the work; and *Provided further*, that if the State furnishes to the counties engineering assistance and supervision of their road work, that the acceptance of such services from the State by the good roads commission shall be considered as fulfilling the requirements by the commissioners of this section. The highway engineer shall advise the good roads commissioners regarding the road work, supervise the making of plans and specifications for the work, and have general supervision of all road work, and he is expressly authorized to give instructions to the highway superintendent hereinafter provided for.

Employment and salary of engineer.

Proviso: joint employment.

Proviso: engineering assistance from State.

Duties and authority of engineer.

SEC. 3. Before proceeding with the road work of Halifax County, the good roads commission shall elect by ballot a competent highway superintendent for the county of Halifax and fix his compensation. The result of said election shall be declared and recorded in the proceedings of said good roads commission. The person so elected shall take and subscribe an oath for the faithful performance of his duties 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 the accounting of 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 or by the highway engineer, and shall have such authority and perform such duties as may be from time to time determined by said good roads commission, except as otherwise provided by this act.

Election and compensation of superintendent.

Superintendent to qualify and give bond.

Term of office.

Removal for cause.

Direction of work.

Authority and duties.

SEC. 4. The highway superintendent shall appoint, by and with the approval of the good roads commission, road supervisors in each township, who shall have direct charge of the road forces

Township road supervisors.

in their township or portions of township to which they are appointed, but they shall be subject to the authority of the highway engineer and shall carry out his instructions as to the method of construction and maintenance of the road and working of the road forces. They may be discharged at any time, for cause, by the highway superintendent.

Discharge for cause.

Entry on land for work.

SEC. 5. In opening new highways, widening and straightening out 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 cannot 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 further*, 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.

Assessment of damages.

Proviso: notice to landowners.

Right of way.

SEC. 6. The highways in said county constructed or improved under this act shall have a right of way of not less than forty feet, except where the good roads commission deem it impracticable to acquire such width, and in such cases the width shall be at least twenty-five feet, of which not less than twenty feet shall be free from logs, stumps, rocks, and drains, except where ledges of rock are encountered or where the width is considered impracticable by the engineer. The alignment of this road shall be as straight as practicable and with no grade over four and one-half per cent, except as such grade is considered impracticable by the road engineer.

Alignment.

Grade.

Convicts to be sentenced to road work.

SEC. 7. Judges of the Superior Court, justices of the peace, and mayors holding court in Halifax County are herewith authorized to sentence to work on the public roads of said county persons convicted in their courts held in said county. Persons thus sentenced shall be assigned by the board of county commissioners to 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 be employed in the construction or repair or maintenance of highways under the provisions of this act, and the expense of maintaining and guarding such convicts while so employed shall be paid by the good roads commission out of the road fund of the county.

Assignment.

Employment of convicts.

Maintenance and care.

Highway defined.

SEC. 8. The term highway shall be understood to mean all public roads where the county owns and controls the right of way.

Payment of expenses.

SEC. 9. 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 good roads fund provided for by this act.

SEC. 10. Any good roads commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said good roads 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.

Issuing or paying fraudulent order felony.

Punishment.

SEC. 11. The treasurer of the good roads commission shall, on the first Monday of each and every month, post on the courthouse door of said county an itemized statement showing in full an account of his receipts and disbursements for the previous months; and the good roads commission shall require him to account to them quarterly in each year for the said good roads fund; and it may require as often as it is 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.

Itemized statements published monthly.

Quarterly accounts. Reports concerning work.

SEC. 12. 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 commissioners subject to removal.

SEC. 13. Any moneys that are raised by special tax or a bond issue or in any other manner whatsoever by the county officials of Halifax County for the construction or improvement or repair or maintenance of the public roads of Halifax County shall become a part of what is herewith designated as the good roads fund, which shall be in the custody of the treasurer of the good roads commission to be drawn upon as directed by the good roads commission.

Moneys composing good roads fund.

SEC. 14. The good roads commission is hereby authorized to use the good roads fund provided for in section thirteen to construct and improve and repair and maintain the public highways in Halifax County, and shall purchase for such work the necessary tools, machinery, implements, and stock: *Provided*, that no such purchase shall be made until the order for the same has been approved either by the highway engineer or the highway superintendent, or both, if this is deemed advisable by the good roads commission. The good roads commission is also authorized to employ overseers, supervisors, foremen, and laborers as it may be necessary for carrying out the purposes of this act, and to pay for the hiring of such out of the good roads fund. The good roads commission is also authorized to let out any road work on contract when in the opinion of the highway engineer and highway superintendent this is more economical for the county.

Use of good roads fund.

Purchase of equipment. Proviso: approval of purchase.

Officers, employees, and laborers.

Work let to contract.

SEC. 15. That the money collected for road purposes in the townships of Halifax County shall be used on the public roads of the township in which it is collected, except the road taxes from the public-service corporations, which shall be divided equally between all of the townships in the county.

Apportionment of funds.

SEC. 16. That the sum of one thousand dollars (\$1,000) per annum, together with the accumulated interest, shall be paid out

Payments for Weldon township.

of the road fund for Weldon Township to the holders of a certain note for five thousand dollars (\$5,000), given at the December meeting of the board of county commissioners for Halifax County, the same having been expended on the public roads of Weldon Township, until the said note has been paid.

Payments for
Halifax township.

SEC. 17. That the sum of one thousand dollars (\$1,000) per annum, together with accumulated interest, shall be paid out of the road fund for Halifax Township to the holder of a certain note for five thousand dollars (\$5,000), given at the December meeting of the board of county commissioners for Halifax County, the same having been expended on the public roads of Halifax Township, until the said note has been paid.

Vouchers.

SEC. 18. That the funds collected for road purposes in Halifax County shall be paid out on vouchers signed by the chairman and secretary of the good roads commission of Halifax County.

Entry on land for
gravel.

SEC. 19. That the good roads commission, through its agents, are hereby authorized to enter upon any lands along or near the roads which are being repaired or built, and take as much gravel as may be necessary to repair or build said roads. If the good roads commission and owner or owners of said lands cannot agree as to the value of said gravel, the good roads commission shall, sixty days after said road has been repaired or completed, cause to be summoned three freeholders of said county, and assess damages and benefits under the general road laws that now exist: *Provided*, that before entering upon lands as authorized, that it shall be the duty of the good roads commission to serve notice upon the owner or owners of the said land, notifying them of their purpose of taking gravel therefrom.

Assessment of
value.

Proviso: notice on
owners of land.

SEC. 20. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 445.

AN ACT TO PROVIDE FOR GOOD ROADS IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Election to be
ordered on presen-
tation of petition.

SECTION 1. That upon a petition, signed by twenty-five freeholders of any township of Pender County, presented to the board of commissioners, it shall be the duty of the county commissioners of said county to order and provide for holding an election in said township to ascertain the will of the people therein whether such township shall have good roads, and whether said good roads shall

be provided for by a bond issue of not exceeding twenty-five thousand dollars or by a special annual tax of not exceeding thirty cents on each one hundred dollars worth of property and ninety cents on each poll. Such election shall be advertised for thirty days preceding the day of election, by posting notices at the court-house door and at three public places in such township. The county commissioners shall appoint a registrar and two poll-holders, and may, in their discretion, order a new registration, and the election shall be held under the laws governing general elections, as nearly as may be. At such election those who favor good roads shall vote a ballot on which shall be printed or written "For Good Roads and Bonds," or a ballot on which shall be printed or written "For Good Roads and Tax," as their purpose may be; and those opposed to good roads shall vote a ballot on which shall be printed or written "Against Good Roads."

Advertisement of election.

Registrar and poll-holders.

Ballots.

SEC. 2. If a majority of the votes cast at said election shall be for good roads and bonds, the said board of commissioners shall issue and sell the bonds of said township, in an amount not exceeding twenty-five thousand dollars, or so much thereof as they shall deem necessary in order to provide funds sufficient for said purpose.

Bond issue ordered.

Amount.

SEC. 3. That if a majority of the votes cast in such election in any township shall be "For Good Roads and Tax," the board of county commissioners shall annually, in the manner and at the time of levying the county taxes, levy a special tax on all persons and property within such township subject to taxation, of not less than ten cents nor more than thirty cents on the one hundred dollars worth of property and not less than thirty nor more than ninety cents on the poll. The taxes so levied shall be collected as other taxes and paid to the county treasurer, and be held by him as the road fund of Township.

Special tax.

Limit of rate.

Collection and settlement.

SEC. 4. That if at said election the combined vote for good roads and bonds and for good roads and tax shall constitute a majority of the votes cast, but not a majority for either bonds or for tax, then the commissioners shall, in that event, call another election to be held in said township, under the same rules and regulations as is provided in section one of this act, to ascertain the will of the people therein as to whether bonds shall be issued or the tax levied, and those favoring the issuance of bonds shall vote a ballot on which shall be printed or written the words "For Bonds" and those in favor of the levy of a direct tax shall vote a ballot on which shall be written or printed the words "For Tax"; and if at said election a majority of the votes cast shall be for bonds, then the commissioners shall issue and sell the bonds as provided for in this act; but if a majority of the votes cast at said election shall be "For Tax," then the commissioners shall levy the tax as provided for in this act. At all the elections herein provided for the registrar and poll-holder shall canvass and count the votes

Call for second election.

Ballots.

Effect of election.

Count and return of votes.

- Record of returns. cast, and shall report such canvass to the board of county commissioners, which report shall be recorded in the minutes of said board of county commissioners, and no other canvass, report, or recording shall be necessary.
- Expenditure of funds. SEC. 5. That the moneys raised under the provisions of this act shall be expended under the supervision and control, and upon the orders of the board of county commissioners, for the making and maintenance of the public roads in such township; and, after the collection of such tax, or the sales of such bonds, as the case may be, no person in such township shall be liable to or required to do road duty.
- Road duty abolished.
- Powers of county commissioners. SEC. 6. That the board of county commissioners are hereby given all such powers as may be needed in the providing of good roads for such township or townships. They may purchase such machinery and implements as may be needed, and may employ a competent engineer or surveyor to lay off the roads. They may elect a superintendent of roads for one township, or one superintendent of roads for two or more townships, and pay him such salary as they may deem best, out of the road fund of such township: *Provided*, that the said superintendent of roads may at any time be removed by the board of county commissioners, after having been given ten days notice and a hearing, when in the opinion of 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 than may be necessary in order to give him a hearing. It shall be the duty of said superintendent of roads, subject to the approval of the board of county commissioners, to supervise, direct, and have charge of the maintenance and building of all public roads in such township, and he shall submit to the board of county commissioners a monthly report concerning the work done and in progress, and the moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges, and plans for their improvement, and he shall include in this quarterly report an inventory of the tools, implements, teams, and other equipment or property on hand. Said road superintendent, before entering upon the duties of his office, shall deposit with the board of county commissioners a good and sufficient bond, to be approved by said board of commissioners, in the sum of five hundred dollars, conditioned for his faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the Superior Court of said county. In case of death or resignation or removal of said road superintendent, it shall be the duty of the county commissioners to elect, at their first meeting thereafter, a road superintendent, who shall hold office at the discretion of said board of commissioners, or until the regular December meeting of said board, and until his successor has been elected and qualified.
- Equipment. Engineer. Superintendent.
- Proviso: superintendent removable for cause.
- Duty of superintendent.
- Monthly reports.
- Quarterly reports.
- Inventories.
- Bond of superintendent.
- Election to fill vacancy.

SEC. 7. That the commissioners of said county are hereby authorized and empowered to make all necessary arrangements and provisions for supporting, working, guarding, and confining convicts and persons sentenced to work on the public roads in any of the courts in said county, and to call for and have returned to said county any convicts that may be at work under such sentences in other counties, and to work such convicts on the public roads in such township or townships as shall adopt the provisions of this act by a majority vote at the election provided for in section one of this act, and to pay the expenses incident to such equipment and maintenance out of the road fund herein provided for.

Provision for working convicts.

Work in townships.

SEC. 8. That after such arrangements shall have been made by the commissioners of the county as provided in the preceding section, all prisoners confined in the county jail under the final sentence of the court for crime, or imprisonment for the nonpayment of costs or fine, or under final judgment in cases of bastardy, or under the vagrant act, and all insolvents who shall be imprisoned by any court in said county for the nonpayment of costs, and all persons sentenced in said county to the State's Prison for a term less than five years, shall be worked on the public roads of the county in such township or townships as may adopt this act; and *Provided*, that upon demand made by the county commissioners upon the road commissioners of any county that may have convicts from the county of Pender, on their public roads, at work, such road commissioners or persons having charge of such convicts shall immediately turn them over to the county commissioners of Pender County for work on the public roads under the provisions of this act.

Prisoners subject to work on roads.

Proviso: return of convicts from other counties.

SEC. 9. That for the purpose of carrying out the provisions of this act the superintendent of roads in the township adopting the same is hereby authorized to enter upon any uncultivated lands near to or adjoining such roads, to cut and carry away timber except 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 roads, and to enter on any lands adjoining or lying near the road to cut and make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said land and the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, water-course, or waste ground, and shall be kept open by said superintendent or the road supervisors, and shall not be obstructed by the owner or occupant of such lands or any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or of imprisonment or work on the public roads in said township for not less than

Entry on lands for material.

Drains or ditches.

Forfeit for obstructing drains or ditches.

Forfeit to use of road fund.

Presentation and payment of claims.

Arbitration for assessment of damage.

Proviso: right of appeal.

Location of and changes in roads.

Assessment of damage by arbitration.

Right of appeal.

Payment of damages and costs.

ten nor exceeding twenty days for every offense, said forfeiture to be collected by said superintendent or supervisors, if in money, and paid over to the county treasurer, and applied to the road fund of such township. If the owner of any lands or agent of such owner having any lands in charge from which timber, sand, gravel, clay, or stone shall be taken as aforesaid, desires compensation or damages for the removal of such material, he shall present an account of the same through the road superintendent at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such material; and it shall be the duty of said commissioners to pay for the same a fair price; and before deciding upon this, in case of disagreement as to price, they may cause to be appointed an impartial jury or committee of arbitrators, who shall be freeholders, one to be selected by the road superintendent, one by the party claiming the damages, and the third to be selected by these two, and the said board of arbitrators shall award such damages as they shall deem just and right, and make a report in writing to the board of commissioners of their decision, which report shall be subject to revision or confirmation by said board: *Provided*, that the said landowner shall have the right to an appeal to the Superior Court from such decision, as in other cases provided by law.

Sec. 10. That, subject to the approval of the board of county commissioners, the superintendent of roads, with the aid of a competent engineer or surveyor, is hereby given discretionary power to locate, relocate, straighten, or change any part of the public roads in such township, where in their judgment such location, relocation, or changing will prove advantageous to the public travel; and when any person or persons whose lands shall be crossed by the roads as relocated or straightened shall claim damages therefor, he shall within thirty days petition the board of county commissioners for a jury of arbitrators, as above provided for, and assess his damages, and the said commissioners shall, within not less than fifteen nor more than sixty days after the completion of said road, order the selection of said jury of arbitrators as above provided, to be summoned by the sheriff or constable, who shall give said landowner three days notice of the time and place of the meeting, to assess the damages; and said arbitrators, after being duly sworn, shall consider the question of damages, and shall also take into consideration the benefit to the public travel and to the owner of the land, as well as the injury to the same, and if the benefit be considered equal to or greater than the damages sustained by the landowner, the jury shall so declare, and shall make report in writing of its finding to the board of commissioners, for confirmation or revision, from which order the said landowner shall also be entitled to appeal to the Superior Court as in other cases; and the commissioners shall pay

any damages assessed in the final judgment, together with the expenses connected therewith, out of the road fund provided for under this act.

SEC. 11. That if at the elections provided for in this act it shall be determined to issue bonds in any township in said county, said bonds shall be issued in denominations of one hundred to five hundred dollars, as the board of commissioners may deem best. They shall be dated July first, one thousand nine hundred and thirteen, and run for thirty years from the date thereof; they shall be signed by the chairman of the board of county commissioners and attested by the register of deeds, as clerk of said board, and shall have the county seal affixed thereto; they shall be consecutively numbered, and shall bear interest at the rate of not exceeding six per cent per annum, and shall express on their face the purpose for which they are issued, and when and where the same are payable. Interest coupons shall be attached to each bond, numbered to correspond with the number upon said bonds, payable the first day of July and January of each year, and shall bear a facsimile of the signature of the chairman and the clerk of said board. The commissioners aforesaid 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, within the discretion of said board: *Provided, however*, that none of said bonds shall be sold for less than their face value, with accrued interest at the time of said sale.

Denominations of bonds.

Date and maturity. Authentication.

Interest.

Sale of bonds.

Prviso: sale below par forbidden.

SEC. 12. The clerk of said board shall keep a complete record of said bonds, showing the date and amount of each, when and to whom issued and sold, the amount received for the same, and the date on which the same shall mature.

Record of bonds.

SEC. 13. That said board of commissioners, and their successors in office, shall create and maintain a sinking fund for the redemption of said bonds at maturity, and for the payment of the semi-annual installments of interest thereon, and the amount of such sinking fund provided annually, with the accrued interest thereon, shall be sufficient to retire said bonds at their maturity; and said commissioners shall provide for the safe investment of said sinking fund, at the highest rate of interest obtainable consistent with absolute safety; that in making such investment of the sinking fund herein provided, the same may be invested in straight or county bonds, or deposited in some safe savings bank.

Sinking fund.

Investment of sinking fund.

SEC. 14. That if said board of commissioners shall fail to provide for the payment of the said interest and for the creation and maintenance of said sinking fund, as hereinbefore directed, or if said board of commissioners or any other public officer of Pender County shall apply any of the fund belonging to said sinking fund to any other purpose, or shall use the same for any other purpose than that provided for in this act, they or either of them shall be guilty of a misdemeanor.

Acts declared misdemeanors.

Acceptance of
State aid author-
ized.

SEC. 15. That in the event that the State of North Carolina shall pass any act whereby the State shall guarantee or become surety for any county or township good roads bonds, that the commissioners of said county are hereby authorized to provide funds for the purposes of roads in said county, through any provision and arrangement they can make with such State officers as may be placed in charge of such bond issue or guarantee on the part of the State.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this 6th day of March, A. D. 1913.

CHAPTER 446.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HALIFAX 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 Halifax County be and it is hereby empowered to submit to the voters of Halifax 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 three hundred thousand dollars, with interest coupons attached, the proceeds of which to be used in grading, improving, macadamizing, or otherwise surfacing 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.

Notice of election.

Proviso: further
election.

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

Proviso: election
officers.

Registration and
challenges.

Count and return
of votes.

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 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.

Tabulation, declaration, and record of result.

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 Bond 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.

Ballots.

SEC. 4. 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 hundred dollars, as they may deem best, the total amount being

Issue of bonds.

Denominations.

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 semiannually during the time the bonds shall run, with the principal payable forty years from their issue.

Amount.

Interest.

Said bonds and coupons shall be payable in standard currency of the United States at the office of the Treasurer of Halifax County, in the town of Halifax, 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 Halifax County highway improvement bonds.

Maturity.

Payable in standard currency.

Authentication.

SEC. 5. 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 hereinafter provided for all of said bonds, without the county seal having been affixed to any of them. The good roads commission shall have the power to advertise and sell any or all of said bonds, at such time and place as they may deem best, for the purpose of raising a fund with which to construct 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 Halifax 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,

Delivery of bonds.

Sale of bonds.

Bonds sealed before delivery.

Sale below par forbidden.

<p>Specific appropriation. Proviso: purchaser not liable for application.</p>	<p>nor shall they or their proceeds be used for any other purpose than those declared by this act: <i>Provided, however,</i> 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.</p>
<p>Record of proceedings and bonds.</p>	<p>Said minutes shall always be open to the inspection of the board of county commissioners.</p>
<p>Minutes open to inspection.</p>	<p>SEC. 6. 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 Halifax County, and shall become part of the good roads fund hereinafter provided for. 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 Halifax, 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 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. If the said treasurer gives an undertaking or official bond in a bonding or surety company, then the said good roads commission are hereby authorized and empowered to pay the premiums charged therefor out of the said good roads fund. The said treasurer shall receive no commissions out of said good roads or other fund arising from the proceeds of said bonds.</p>
<p>Moneys to be paid to treasurer.</p>	
<p>Bond of treasurer.</p>	
<p>Orders for payment of road funds.</p>	
<p>Premiums on bond.</p>	
<p>Treasurer to receive no commissions.</p>	
<p>Separate road tax.</p>	<p>SEC. 7. 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 on the one hundred dollars worth of property of not less than twenty cents nor more than thirty cents, as recommended by the board of road commissioners, the subject of taxation and the levying of 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 the said bonds; second, to the creation of an adequate sinking fund for the redemption of said</p>
<p>Limit of rate.</p>	
<p>Collection and application.</p>	

bonds; third, for the maintenance of the roads constructed under this act and of the dirt roads. The sinking fund shall be held by said board of county commissioners in 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 the bonds sold under authority of this act at their maturity. The balance of the fund raised by the annual road tax, after paying the annual interest on the bonds and setting aside the sinking fund, shall be paid over to the treasurer of the road commission and become part of the good roads fund to be expended for the maintenance of roads. The said good roads commission shall use the funds derived from the sale of said bonds only for the construction and improvement of the public highways in said county, and not for the maintenance or repair of the highways of said county.

Sinking fund.

Investment of sinking fund.

Funds used solely for construction.

SEC. 8. If the majority of the voters of Halifax 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.

Road duty abrogated.

SEC. 9. 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 Halifax County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

Acceptance of State aid authorized.

SEC. 10. 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 6th day of March, A. D. 1913.

CHAPTER 447.

AN ACT TO AMEND AN ACT TO IMPROVE THE PUBLIC ROADS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and eighty-one, Public-Local Laws one thousand nine hundred and nine, be amended as follows: That the public roads of Wake County be and they are hereby divided into "highways" and "roads." That the highways shall comprise the main thoroughfares of the county and shall be under the supervision and control of the board of county com-

Highways and roads.

Terms defined.

missioners, who shall have the authority to declare which public roads are to be "highways" and which "roads"; that the roads shall comprise the less important ways of the county, and shall be construed to include all public ways not designated highways by the county commissioners, and they shall be under the supervision and control of the board of county commissioners. It shall be the duty of the county commissioners to determine what public roads or parts of public roads of said county shall be highways, and they shall cause a record to be made thereof. The right of way of all highways and roads shall be forty feet, but only so much shall be used as in the opinion of the county commissioners is necessary for the public good.

Record of designation.

Right of way.

Work may be let to contract.

Contractors to give bonds.

Power to hire convicts.

Maintenance of roads let to contract.

Bond of contractors.

Election of road supervisor.

Assistants.

Other employees.

Terms of office.

Proviso: removal from office.

Supervisor and assistants under control of county commissioners. Power to remove or suspend.

Qualifications and duty of supervisor.

SEC. 2. That the county commissioners shall have the right to let the building of highways or public roads by contract to any responsible person, company, or corporation, who, before entering upon the building of said highways or roads, shall give bond acceptable to the said commissioners in their discretion in not less than one-third the amount of the contract price. They shall have power to hire the county convicts to such contractor upon such conditions as they may deem proper.

SEC. 3. That the board of county commissioners shall have power to let out to responsible persons the keeping in repair of a section or sections of the highways or roads, whenever in their discretion such course seems wise. Such persons shall enter into a contract and give such bond for the faithful observance of the conditions of the same as the commissioners may require.

SEC. 4. The board of county commissioners for the county of Wake may elect a general supervisor of roads for the county (and he may appoint assistants, by and with the consent of the board of county commissioners for said county), and may appoint such other employees as may be necessary. That said supervisor of roads and his assistants shall hold office for twelve months from the date of their election or until their successors are appointed and qualified: *Provided*, that he or they or either of them shall not have been removed from office by said board of commissioners. The general supervisor of roads and his assistants shall be under the direction and control of the board of county commissioners for said county, and the said board of commissioners may, whenever in the opinion of a majority of said board the public good may be promoted thereby or the public interest may 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 the 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. 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 discretion of said board of county commissioners or any one under its direction, to supervise and have charge of the building and maintenance of all highways and public roads in said county, and the maintenance of all bridges and fords of said county; and he shall submit a monthly report showing the condition of highways and bridges, works in progress, suggesting plans for improvement of the same, and other such matters and things as appertain to his duties as such supervisor, and as may be required of him by the board of county commissioners; and it shall be the duty of such general supervisor of roads to purchase all supplies, tools, machinery, and other necessary things appertaining to his department, under the direction of and by and with the advice and consent of the board of county commissioners and the approval of the county auditor: *Provided*, 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 general supervisor of roads, before entering upon the duties of his office, shall deposit with said board of county commissioners a bond payable to the State of North Carolina, to be approved by the board, in a sum within the discretion of the county commissioners, 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 register of deeds for said county and filed with the clerk of the Superior Court of said county. That said assistant shall execute a similar bond, except that the amount thereof may be in a less amount, in the discretion of the board. In case of any vacancy occurring in said office of general supervisor of roads, either by removal, resignation, or otherwise, the board of county commissioners shall fill the same. That the salary of the said general supervisor of roads, and wages of district supervisors and others employed under this act, shall be fixed by the board of county commissioners.

Sec. 5. That all prisoners confined in the county jail of Wake County under final sentence of the court for misdemeanors and crimes, for imprisonment for nonpayment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents and misdemeanants who shall be imprisoned by any court in said county for nonpayment of costs or fines, and all persons sentenced in said county to the State's Prison from said county for a term of less than ten years, shall be worked on the highways and roads of the county: *Provided*, that the board of commissioners of the county may arrange with the commissioners of any neighboring county or counties for such exchange of prisoners during alternate months or years as will enable each such

Monthly reports.

Purchases.

Proviso: substitution.

Bond of supervisor.

Bond of assistants.

Vacancies.

Salary and wages.

Prisoners subject to be worked on roads.

Proviso: exchange of prisoners.

- coöperating county to thereby increase the number of prisoners at work on its highways at any given time; and upon application of the said road supervisor or superintendent of the roads of the county, or that of a board of county commissioners, to the judge of the Superior Court or judge of the criminal court, the justice of the peace and the principal officers of any municipal or any other inferior court, it shall be the duty of said judge or justice of the peace or said principal officer to assign such persons convicted in his court to the said road supervisor or superintendent for work on the highways and roads of said county; all such convicts to be fed, clothed, and otherwise cared for at the expense of the county, out of the road fund: *Provided further*, that in case of serious physical disability, certified to by the county physician, persons convicted in said Superior, criminal, or inferior courts may be sentenced to the penitentiary or to the county jail.
- Convicts sentenced to work on roads.**
- Care and maintenance of convicts.**
 Proviso: physical disability.
- Control of convict force.**
- Rules and regulations.**
- Discipline.**
- County jail and convict camps.**
- Rules and regulations to conform to law.**
- Allowance to prisoners.**
- Medical attendance.**
- SEC. 6. That the convicts sentenced to labor on the public roads, or shall be by operation or authority of this act or of law assigned to work on the public roads, shall be under the control of the county commissioners of said county, and said board of commissioners shall have power to enact and enforce all needful rules and regulations for the successful working of all convicts upon the highways and roads, and commit to the superintendent or supervisors the custody of the whole or any part of the convict force; and they may authorize and empower him to use such discipline only as may be necessary to carry out the rules and regulations in the working of the highways to which said convicts may be put by the order of the county commissioners, to the same extent as is allowed by law to the authorities of the penitentiary in the custody and control of convicts committed to the State's Prison.
- SEC. 7. That for the purpose of equipping and maintaining said convict system the said county commissioners are hereby authorized and empowered to use the county jail for the safe keeping of said convicts, and to build and keep a convict camp or camps for such purposes, and to provide for the safe keeping and maintaining of said convicts. The rules and regulations enacted and enforced by the county commissioners must be in accord with the general rules and regulations governing the use and discipline of convicts on public roads and highways laid down and published by the State Highway Commission. The prisoners employed in working the highways or roads who are working out fines and costs shall be allowed so much per day as in the opinion of the county commissioners their services are worth, which amount shall be credited to them on the account charged against them. The superintendent of health of the county shall attend the convicts as though they were confined in the county jail, and shall receive such compensation therefor as said board of county commissioners

may deem just. If the superintendent of health shall fail or be unable to attend the convicts for any cause as required by the board of county commissioners, the county commissioners or road supervisor, if the case be urgent, are hereby authorized to contract with a physician to attend such convicts.

SEC. 8. That the highways to be improved or constructed according to the provisions of this act, prior to the inauguration of any such permanent improvements on highways to be so improved and constructed, may be first carefully surveyed and located by an engineer or surveyor, trained and experienced in such work, aided by the general supervisor of roads; and any person who shall obstruct the surveyor, engineer, road supervisor, or any other person in making a survey for the changing of a highway, road, or cartway shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court. All such highways, when changed or hereafter located or relocated, shall be given a grade nowhere greater than four feet in one hundred feet, and shall be thoroughly drained; and whenever it may be necessary to turn water across the road, this shall be done by putting in approved sewer pipes or other form of drain or culvert: *Provided*, that where in the opinion of an experienced and competent engineer or the supervisor of roads the grade above described is impracticable, it may be increased, in his judgment.

SEC. 9. That wherever it is practicable, all permanent highways built hereunder shall have at least four inches, before compression, of trap or nigger-head rock as a top dressing, and all highways built hereunder shall be not less than ten nor more than twenty feet wide, except by special order of the board of county commissioners. No macadam road shall be constructed more than five miles before work is done on other roads.

SEC. 10. In relocating or widening roads now in use, or in opening new roads, the county commissioners, if highways or public roads, may cause a civil engineer or the supervisor of roads to make survey of the proposed change of any old road or 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 hereby condemned for the use of the township or county, as the case may be, for a public road or highway. Any person who shall obstruct a general supervisor or civil engineer in making a survey for the changing of a highway or road, or the opening of a new highway or 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 the township supervisor or a supervisor of highways or engineer or surveyor from opening said change of road or new road shall be guilty of a misdemeanor, and on conviction thereof shall be fined or im-

Location and survey of highways.

Obstructing surveys misdemeanor.

Grade and drainage.

Proviso: change of grade.

Road material.

Width of road.

Limit of macadam work.

Survey of roads.

Adoption of survey.

Notice to land-owners.

Obstructing survey misdemeanor.

Punishment.

Obstruction to officers opening road misdemeanor.

Punishment.

Proviso: assessment of damages.

prisoned, or both, in the discretion of the court: *Provided*, that if any person be aggrieved he may, within three months after said change of road, highway, or new highway has been opened and completed, apply to the board of county commissioners, who shall appoint a jury, to consist of three freeholders, to assess the damages. 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. The county shall pay damages for highways and the townships for public roads.

Payment of damages.

Convicts worked on highways.

SEC. 11. That the convicts shall be kept constantly at work upon the highways set apart by the board of county commissioners, under the direction and control of the supervisor of roads and his assistants, and shall as far as practicable work upon the leading highways; and in performing said work the supervisor shall consider those highways leading to and from the city of Raleigh as the main and leading highways, as far as practicable: *Provided*, that when in the judgment of the county commissioners it shall be necessary to put the convict force in a township for the purpose of grading or improving a township road, they may do so.

Leading highways.

Proviso: work on township roads.

Petition for establishment of highway or road.

SEC. 12. The county commissioners may establish or order the laying out of any highway or public road upon the petition in writing, signed by at least ten citizens; and if it appears to the board that every one over whose land the said highway may pass shall have had ten days notice of the intention to file such petition, the same shall be filed in the office of the clerk of the board until the succeeding meeting of the board, and notice thereof posted during the same period at the courthouse door, at which meeting the board shall hear all the allegations set forth in the petition; and if sufficient reason be known, the board shall establish or order the laying out of or discontinuing of or altering said road or highway, as the case may be.

Notice of petition.

Order of commissioners.

Payment of costs.

SEC. 13. In all applications provided for in the preceding section the county commissioners may direct how and by whom the cost shall be paid, and any person may appeal to the Superior Court at term-time; and if any person shall appeal from the board on such petition, he shall give bond to the opposing party, as provided in other cases of appeal; and the Superior Court at term-time shall hear the whole matter anew, and the parties to said proceeding shall be entitled to have every issue of fact joined in said proceeding tried in the Superior Court in term-time, by jury; and from the judgment of the Superior Court either party may appeal to the Supreme Court as provided in other cases of appeal.

Right of appeal.

Bond on appeal.

Hearing on appeal.

Appeal to supreme court.

Bridges.

SEC. 14. When a bridge shall be necessary, the county commissioners, being satisfied that such is the fact, shall contract for or order the building, keeping, and repairing thereof, and the same shall be a charge on the county or the township, in the discretion of the board of county commissioners.

SEC. 15. It shall be the duty of every corporation or person who for the purpose of draining his land or any other purpose whatever shall construct any ditch, drain, or canal, or cut across a highway or public road, to keep at his or their own expense in good and sufficient repair all bridges that are or may be erected, in whole or in part, on said highways or public roads, and shall construct and keep in repair the approaches to said bridges acceptable to the supervisor of roads; and any person or corporation who shall place any pole or other obstruction, ditch or drain, in or upon any public road or highway for any purpose whatsoever, shall remove the same, if in the opinion of the supervisor of roads the same is an obstruction to said road or a hindrance to the public traveling over the same. Any person or persons or corporation who shall fail to perform the duties imposed on him or them by this section, having been warned by the supervisor or superintendent leaving written notice at his residence or the residence of his agent, or having been notified verbally, and failed to perform said duties acceptably to the supervisor, shall be guilty of a misdemeanor, and be fined not less than twenty-five dollars, and each three days such failure is continued shall be an additional offense against the provisions of this section; and the money so collected shall be paid to the road fund for the use of the highways or the roads of the township where the offense is committed, in the discretion of the board of county commissioners.

SEC. 16. All railroad, turnpike companies, and other incorporated companies each shall keep up at their own expense all bridges on or over highways, public roads and roads not public or used as neighborhood roads, and all crossings which they have severally made, if 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 twenty-five dollars for each ten days he or they shall fail to perform the duties imposed by this section, to the use of the road fund. That the board of county commissioners may at its regular meeting in May, one thousand nine hundred and thirteen, proceed to elect for each and every township in Wake County a board of road trustees for said township, which shall be composed of three citizens of said township and resident therein, which said board of road trustees shall hold office for one year and until their successors are appointed and qualified, and annually thereafter the board of county commissioners for Wake County shall appoint their successors: *Provided*, that said trustees shall receive no pay for their services as such. That said boards of road trustees, when so elected in the various townships, be and they are hereby created a body politic and vested with all such corporate powers and authority as may be necessary for the accomplishment of the purposes of this act. The road trustees shall meet at some place in their respective townships, to be agreed

Ditches or drains across roads.

Bridges and approaches.

Obstructions to be removed.

Failure after notice misdemeanor.

Punishment.

Additional offense.

Fines to use road fund.

Corporations to maintain bridges and crossings.

Failure a misdemeanor.
Punishment.

Election of township road trustees.

Term of office.

Election of successors.

Proviso: trustees to serve without pay.
Trustees incorporated.

Meetings.

- upon by themselves, or, in the absence of such agreement, to be named by their chairman, on the first Monday in May and November, and at such other times as a majority of them may deem advisable. They shall keep a record of their proceedings, and shall, annually, at their May or subsequent meeting, elect one of their number chairman, and may also elect one of their number or some other suitable person secretary-treasurer, and require a bond of such secretary-treasurer, payable to the State of North Carolina, in trust for said township, with security, to be approved by them, conditioned for the faithful discharge of the duties of said office, and may provide for his compensation. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of this State, and to recommend to the county commissioners the tax for road purposes to be levied in said township, as hereinafter provided. The board of road trustees shall be exempt from all labor on the public roads required in their township, and 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 and every year, and make a report on the condition of said public roads and present a copy of said report at the May and November meetings of the county commissioners.
- SEC. 18. The board of road trustees shall have the right to lay out, alter, or discontinue public roads that are wholly within their townships; and the county commissioners shall have the right to lay out, alter, or discontinue public roads that extend into two or more townships: *Provided further*, that the right of way of all public roads shall be forty feet wide, and the supervisors, with the approval of the road trustees, shall determine how much of said right of way shall be used for road purposes.
- SEC. 19. That each and every person who shall neglect or refuse 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.
- SEC. 20. That the road trustees of the several townships of Wake County shall, on the first Monday of May next, or within four weeks thereafter, divide their respective townships into suitable road districts, and annually thereafter make such alterations therein as they may deem proper, and cause a brief description thereof to be made to the board of county commissioners, and also furnish each superintendent with a plat of his road district. The road trustees of each township, at their May meeting, and annually thereafter, shall elect one supervisor for each road district. The supervisor so elected shall take an oath faithfully and impartially to discharge the duties of said office, and the road trustees may require a bond of such supervisors, payable to the State of North Carolina, in trust for said township, in such sum as they may determine, with security, to be approved by them, conditioned for the faithful discharge of the duties of said office.
- Record of proceedings.
Organization.
- Bond and compensation of secretary-treasurer.
- Corporate powers.
- Recommendation for road tax.
- Exemption from road duty.
- Examination of and report on roads.
- Establishment and alteration of roads.
- Proviso: right of way.
- Neglect of duty misdemeanor.
- Punishment.
- Road districts.
- Description and plat.
- District supervisors.
- Supervisors to qualify and give bond.

SEC. 21. And when a vacancy shall occur in the office of supervisor, by death, resignation, or otherwise, the road trustees of said township wherein such vacancy occurs shall appoint some suitable person to fill such vacancy. The person so appointed shall, before entering upon the duties of his office, take an oath to faithfully and impartially discharge the duties of his office, and shall be under the same restrictions and penalties as was his predecessor.

Trustees to fill vacancies.

Appointee to qualify.

SEC. 21 (a). That it shall be the duty of the district supervisors and the general supervisor of highways and roads to open or cause to be opened all such public roads and highways which shall have been or may hereafter be laid out and established; 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 purpose the supervisors of roads are hereby authorized to enter upon any land not encumbered by crops near or adjoining such roads, to cut or carry away timber, except trees or groves on improved lands planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay, or stone which may be necessary to make, improve, or repair said road; and to enter on any lands adjoining or lying near the road, to make such drains or ditches through the same as they 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 or ditches so made shall be conducted to the nearest water-course, ditch, or drain, and shall be kept open by the supervisor, and shall not be obstructed by the owner or occupier of such land 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 supervisor and paid over by him to the general supervisor and applied to the road fund of the county; and if the supervisor shall willfully injure any cultivated or improved lands by failure to conduct said drains and ditches to the nearest waterway, ditch, or drain, and keep said ditches and drains in repair, he shall be guilty of a misdemeanor.

Opening roads.

Maintenance of roads.
Entry on land for material.

Drains and ditches.

Penalty for obstructing drains or ditches.

Willful injury to land misdemeanor.

SEC. 22. That all able-bodied male persons and all male persons able to perform the labor herein required, between the ages of twenty-one and twenty-five years, except residents of incorporated cities and towns, shall be liable annually to do and perform not more than six days labor on the public roads, under the direction of the supervisor of the road district in which he shall reside: *Provided*, that if any person, being warned as hereinafter provided, shall pay to the supervisor in whose district he may reside 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 supervisor receiving the same to the improvement

Road duty.

Proviso: commutation.

Proviso: reduction or abolition of road duty.	of the roads of the district and accounted for as hereinafter provided: <i>Provided further</i> , that the road supervisors of each township may reduce the six days labor to any less number of days, or not enforce the labor on the roads provided for in this section:
Proviso: races segregated. Sheriff to furnish lists of delinquents.	<i>Provided</i> , whites and blacks shall be worked in separate squads.
Delinquents warned out for road work.	SEC. 23. It shall be the duty of the sheriff of the county to furnish, in July of each year, a list of all persons who have not paid their poll tax for the preceding year by said time, to the road supervisors of the several townships, who shall cause all such persons to be warned to work upon the public roads at such time and place as they may see fit, and give to such at least three days notice by leaving written notice at the home or place of residence, specifying the time and place when such work is to be performed:
Proviso: payment of poll tax and costs. Separate squads.	<i>Provided</i> , that any person may in lieu of such work pay to the sheriff of the county, before the day on which he is summoned to work, his poll tax and the costs incurred. Any person summoned to work the road shall not be worked with convicts, and whites and blacks shall be worked in separate squads. No person shall be worked on the roads more than five miles from his place of residence.
Limit of distance from residence.	SEC. 24. That any person liable to road duty as above provided who shall, after being notified, fail to appear and work as required, or shall fail to perform reasonably good labor, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars nor more than ten dollars, or sentenced to work on the public roads of the county not more than ten days, or shall forfeit and pay the sum of five dollars for such offense, to be recovered in an action before a justice of the peace of the proper township at the suit of the supervisor of the district in which said delinquent may reside.
Failure to appear and work misdemeanor.	SEC. 25. That it shall be the duty of the supervisor, unless otherwise directed by the board of county commissioners, 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 or neglect, having had at least two days notice, to attend himself or to send an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or if he shall spend the time in idleness or inattention to the duties assigned to 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 nonattendance to the amount of labor required by the road supervisor in such township, to be recovered in an 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
Punishment.	SEC. 25. That it shall be the duty of the supervisor, unless otherwise directed by the board of county commissioners, 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 or neglect, having had at least two days notice, to attend himself or to send an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or if he shall spend the time in idleness or inattention to the duties assigned to 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 nonattendance to the amount of labor required by the road supervisor in such township, to be recovered in an 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
Forfeit.	SEC. 25. That it shall be the duty of the supervisor, unless otherwise directed by the board of county commissioners, 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 or neglect, having had at least two days notice, to attend himself or to send an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or if he shall spend the time in idleness or inattention to the duties assigned to 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 nonattendance to the amount of labor required by the road supervisor in such township, to be recovered in an 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
Supervisor to order out road hands.	SEC. 25. That it shall be the duty of the supervisor, unless otherwise directed by the board of county commissioners, 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 or neglect, having had at least two days notice, to attend himself or to send an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or if he shall spend the time in idleness or inattention to the duties assigned to 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 nonattendance to the amount of labor required by the road supervisor in such township, to be recovered in an 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
Forfeit for failure to attend and work.	SEC. 25. That it shall be the duty of the supervisor, unless otherwise directed by the board of county commissioners, 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 or neglect, having had at least two days notice, to attend himself or to send an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or if he shall spend the time in idleness or inattention to the duties assigned to 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 nonattendance to the amount of labor required by the road supervisor in such township, to be recovered in an 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
Misdemeanor.	SEC. 25. That it shall be the duty of the supervisor, unless otherwise directed by the board of county commissioners, 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 or neglect, having had at least two days notice, to attend himself or to send an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or if he shall spend the time in idleness or inattention to the duties assigned to 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 nonattendance to the amount of labor required by the road supervisor in such township, to be recovered in an 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 the said supervisors, under direction of the trustees, to the improvement of the roads in his district, and accounted for by him in monthly statement with the county auditor: *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.

SEC. 26. 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 amount of labor aforesaid, or in any way has paid the whole or any part of the amount aforesaid in lieu of such labor, he shall produce a certificate of the same, signed by the supervisor of the proper district. Such certificate shall be a complete discharge of the amounts therein specified.

SEC. 27. That any person called upon to perform any of the labor upon the public roads under any portion of this act shall by himself or substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon, with such necessary tools and instruments as the supervisor may direct; and the supervisor may, if necessary for the improvement of the road, order any person owning the same to furnish a team of horses, mules, or oxen, wagon, cart, plow, or scraper to be employed or used on the road under the direction of the supervisor.

SEC. 28. That for the purpose provided for in the preceding section of this act the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards in any road district in Wake County.

SEC. 29. That the several supervisors within 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 provided for, and they are hereby authorized and required, before their final settlement with the county auditor, to prosecute to final judgment all such persons neglecting or refusing to comply with the provisions of this act, from whom such fines, forfeitures, or penalties can be collected; and said judgment if not paid, together with the costs therein, shall remain and be in force against the judgment debtor.

SEC. 30. That the several supervisors and trustees shall, under the direction of the county commissioners, expend all the moneys by them collected for the benefit of the roads in their several districts, and every supervisor is hereby required to account to the auditor at the monthly settlement for all moneys expended under this act, and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the days labor as required by this act, and also those who have refused or neglected to per-

Punishment.
Moneys applied
to road funds.

Proviso: persons
not released by
neglect of super-
visor.

Certificate of
performance of
labor.

Time for appear-
ance.

Tools and
instruments.
Teams.

Residence defined.

Supervisors to
collect fines, for-
feitures, and
penalties.

Expenditure of
road funds.

Monthly accounts.

Reports as to road
hands.

- form the same; and all fines and forfeitures sued for and recovered under the provisions of this act shall be paid over, on demand, by the justice of the peace or constable collecting the same, to the supervisor of such road district wherein such fines and forfeitures accrued; and the several supervisors shall also render an account to the auditor when called for by said auditor, of all the 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 judgment was obtained, with the amount thereof; and the county commissioners shall make such order as to the prosecution of the suits by the road supervisors of the proper districts against such delinquents as in the judgment of the commissioners the interest of the township may require.
- Accounts to auditor.
- Orders of county commissioners.
- Supervisors to pay over balances.
- Executions on judgments.
- Guideboards.
- Mile-posts.
- Guideboards.
- Punishment for injuring guideboards and sign-posts.
- Fines to road fund.
- Plows, scrapers, and other tools.
- SEC. 31. That all moneys that remain in the hands of any supervisor at the time of the monthly settlement with the auditor shall be paid over to his successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit such receipt with the auditor. It shall be lawful for any road supervisor to sue out executions on any judgments that remain unpaid within his proper district at any time when in his opinion the same can be collected, and the money so received and collected shall be expended as provided in the foregoing sections.
- SEC. 32. That each supervisor within his district shall erect and keep up at the expense of the township at the forks or cross or public roads a post and guideboard, or "finger-board," containing an inscription, in legible letters, directing the way and distance to the town or towns or other public place or places situated on each road, respectively. The post and guideboard or "finger-board" aforesaid shall be furnished to the supervisor by the county auditor. The county commissioners shall cause to be set up along the highways and principal thoroughfares of the county substantial mile-posts, on which are indicated the distance from the county-seat; and at important crossings and forks on said highways or thoroughfares the said commissioners shall cause to be erected guideboards, on which are indicated the principal place or places to which these roads lead, and the distances to the same.
- SEC. 33. That if any person shall willfully demolish, throw down, alter, or deface any such post or guideboard, every person so offending shall, upon conviction thereof before any justice of the peace of the proper county, be fined in any sum not exceeding twenty-five dollars and costs, and imprisoned not exceeding twenty days, and the money, when collected, shall be by the justice of the peace collecting the same paid over to the supervisor in whose district the offense was committed, and by him applied to the repair of the public roads within his district.
- SEC. 34. That the trustees, by and with the approval of the board of commissioners, upon request of the district supervisor,

are hereby authorized to furnish plows, scrapers, and other tools for the use of the several road districts within their township, to be paid out of any moneys in the treasury to the credit of said township for road purposes not otherwise appropriated. The trustees shall take a receipt from every supervisor for such implements as they may deliver to him, showing the number, kind, and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements or to any of them by improper use thereof or by unnecessary exposure to the weather during the time same be in his possession, and he shall on the first Monday in May, annually, report the same to said general road supervisor, who shall file said report with the county auditor. The amount for which such supervisor may be liable for such improper use or neglect may be recovered by an action in the name of the general supervisor of roads.

Receipts for equipment.

Liability of supervisors.

Annual reports.

Suits for damages.

SEC. 35. That the trustees of the several townships shall have jurisdiction over cartways, and may order the laying out and discontinuance of same when in their opinion it ought to be done as a matter of convenience, irrespective of the location of said cartway: *Provided*, the applicant for said cartway shall pay the damages assessed, as provided in section . . . of this act.

Cartways.

Proviso; applicant to pay damages.

SEC. 36. Any person engaged in hauling or transporting saw-logs or other timbers on any highways or public roads who shall transport or cause to be transported, by means of chains and grab-hooks or other means whereby said logs or timbers are made to slide on the roadbed by a method known among lumbermen as "snaking" logs, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars or imprisoned not less than thirty days.

Snaking logs misdemeanor.

Punishment.

SEC. 37. That the county commissioners are hereby instructed to levy at the June session of their board, annually, for road purposes a tax of twenty-five cents on the one hundred dollars worth of property and seventy-five cents on the poll, and the chairman of the county commissioners or auditor shall place the same on the tax list for the current year, to be included and collected in the annual tax; that if the road trustees of any township shall deem an additional tax for use on the roads of that township necessary, and shall present to the board of commissioners a petition, signed by a majority of the qualified voters of said township, asking that an additional special tax for road purposes be levied, the county commissioners shall at their next regular meeting in June levy in said township such additional special tax, not exceeding thirty cents on the one hundred dollars valuation of property and ninety cents on the poll; said tax to be levied and collected as other taxes, and shall be used only on the roads in that township under the direction of the board of road trustees; and in case the said trustees in any township shall desire that an election be called in said township upon the question of levying

Road tax.

Petition for additional tax by townships.

Levy.

Limit of rate.

Levy, collection, and use.

Petition for election by township.

County commissioners to order election.	an additional special tax for road purposes in that township, or upon the question of issuing bonds for the construction of permanent roads, and shall present to the board of county commissioners a petition signed by one-fourth of the qualified voters therein, the board of county commissioners shall cause such election in accordance with the wishes of said petitioners, and the same shall be held under the rules and regulations, as nearly as may be, provided for in this act. In the event that said bonds are voted, the board of county commissioners of Wake County shall cause the bonds of said township to be issued, signed, sealed, and sold in the same manner as herein provided when the bonds of a county shall be voted: <i>Provided</i> , said bonds shall not bear more than five per cent interest; and they shall annually levy in said township a tax to provide for the payment of interest on said bonds and the creation of a sinking fund to meet said bonds at their maturity; said bonds to be styled "..... Township Road Bonds," inserting the name of the proper township.
Issue of bonds.	
Proviso: limit of interest rate. Special tax.	
Entitlement of bonds.	
Labor in discharge of tax.	<p>SEC. 38. Any person charged with any township road tax may discharge the same with labor on the public road within the district where the same is charged within the time designated in this act, at the rate of one dollar per day, and a ratable allowance for any team, implements, and material furnished by any person under the direction of the supervisor of each district shall be made, and the said supervisor shall give to said person a certificate specifying the amount of tax so paid and the district and township wherein labor was performed, which certificate shall in no case be given for a greater sum than the tax charged against such person, and the county treasurer shall receive all such certificates as money in the discharge of said tax. All road taxes collected by the sheriff or tax collector shall be paid over to the county treasurer for the township as provided in this section. Trustees in determining the division of this fund shall be governed, not by the miles of road in each district, but by the necessities of roads, the conveniences of getting material and the quantity of material necessary to make substantial repairs, and thus make a just and equitable division of the funds between the several districts.</p>
Certificate of payment.	
Certificates received as money.	
Settlement of taxes.	
Considerations governing apportionment.	
Contracts for emergency repairs.	<p>SEC. 39. That any supervisor may contract with any person owing labor or taxes for road purposes 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 be allowed reasonable compensation for notifying 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 roads needing repair; and he is further authorized and directed to order any person owing the same to furnish a team of horses, mules, or oxen and wagon, cart, or plow or scraper, to be employed and used on the roads under the direction of the supervisor.</p>
Notice to supervisor of excessive damage.	
Hands warned out for emergency work.	

SEC. 40. That every supervisor or trustee 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 for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing such receipt or certificate, shall forfeit for every such offense not less than ten dollars and not more than fifty dollars, to be recovered by an action before any justice of the peace in the proper township, and it is hereby made the duty of the general supervisor of roads to prosecute all offenses against the provisions of this section.

Punishment for neglect of duty or false certificate.

General supervisor to prosecute.

SEC. 41. That each and every supervisor who shall cut and take any timber, stone, clay, sand, or gravel for the purpose of making, improving, or repairing any road, or building or repairing any bridge or crossway within his district, 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 timber, stone, gravel, or other material was taken as aforesaid, shall give a certificate showing the quantity of such timber, stone, gravel, or other material, with the value thereof, respectively, and the time and the purpose for which the same was taken.

Certificate for material taken.

SEC. 42. That any person or persons who shall receive a certificate, as provided for in the foregoing section, shall present the same to the board of commissioners at any regular session of said board within twelve months after the taking or carrying away of such timber, stone, gravel, or other material, and the commissioners, being satisfied that the amount aforesaid is just and equitable, shall pay same out of the township fund; but if not so satisfied, they shall determine what sums in their opinion would be just.

Presentation and payment of certificate.

SEC. 43. That each supervisor shall receive for his services not exceeding two dollars per day, to be determined by the board of county commissioners, for the time actually employed on the roads, deducting the commutation of the days of labor required in such township.

Pay of supervisors.

SEC. 44. That any time during the year when any public road shall be obstructed it shall be the duty of said supervisor of the district in which the same may be, forthwith to cause such obstructions to be removed, for which purpose he shall immediately order out such number of persons liable to do road work or pay tax upon the public roads of his district as he may deem necessary to remove said obstructions. If any person or persons thus called out shall have performed their days labor upon the public roads or paid their road tax, the supervisor shall give to such person or persons a certificate for the amount of labor performed, which certificate shall apply on the labor or tax that may be due from such person or persons for the ensuing year.

Removal of obstructions from roads.

Certificates of excess work.

Lists of persons liable for road tax.

SEC. 45. The supervisor shall furnish the chairman of the county commissioners of Wake County, on or before the first Monday of June, a true and correct list of all persons liable for road tax in their respective districts. The names of all persons on the general tax list not reported by the supervisor shall, with the tax due by each, be transmitted by the chairman of the county commissioners to the supervisor of the proper district.

Lists transmitted to supervisors.

Corporations not to obstruct drainage or road.

SEC. 46. It shall be unlawful for any railroad company or other company or corporation to obstruct the drainage or use of any public road or highway by its roadbed or otherwise, or empty the water from its ditches or drains into any public road or highway; and if any railroad or company or corporation or company being warned by the supervisor of roads by leaving a written notice with any station agent of any railroad company or other company personally, shall refuse or neglect to remedy the same to the acceptance of the superintendent of roads or supervisor, it shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty dollars, to be recovered at the suit of the general supervisor of roads, before any justice of the peace in the county; and every five days such railroad company or other company, after being notified, shall neglect or refuse to remedy such offense shall be deemed an additional offense against the provisions of this act; the money so collected shall be paid to the county treasurer for the use of the roads or highways, as the case may be.

Forfeit for neglect to repair damage after warning.

Additional offense.

Forfeit to use of road fund.

Forfeit for obstruction of roads by railway companies.

SEC. 47. If any person or corporation, or any conductor of any train, or other agent or servant of any railroad company or other corporation shall unnecessarily obstruct any public road or highway by permitting any railroad car or locomotive to remain on or across any public road or highway for a longer period than five minutes, or shall permit any timber, wood, post, or other obstruction to remain on or across any such road or highway after notice by the supervisor to remove the same, to the hindrance or inconvenience of travelers or any person passing along the same, every person or corporation so offending shall forfeit and pay a sum not exceeding twenty-five dollars nor less than five dollars, to be recovered at the suit of the general supervisor of roads for the use of the road fund; and every twenty-four hours such person or corporation, after being notified, shall suffer such obstruction, hindrance, or inconvenience upon such public road or highway shall be deemed an additional offense against the provisions of this act, and the person, company, or corporation so offending shall be liable to like penalty for each offense, and shall be guilty of a misdemeanor.

Additional offense.

Misdemeanor.

Election on bond issue authorized.

SEC. 48. That the board of commissioners of Wake County be and they are hereby authorized and empowered to submit to the vote of the qualified voters of Wake County, at such time as in their discretion they may deem best, the question, "Shall Wake County, North Carolina, issue five hundred thousand dollars of its

bonds?" or, if they deem best, may submit the question of the "issue of one million dollars of its bonds," with interest coupons attached, for repairing, making, and improving the public roads of said county. Said board of county commissioners shall, for at least thirty days preceding such election, give public notice of said election and purpose thereof by publication in one or more newspapers published in said county: *Provided*, that if a majority of said qualified voters of said county shall not vote to issue said bonds at the election so held, the said board of county commissioners may submit the said question to the qualified voters at any other time or times, under the same rules and regulations as are hereinafter provided.

SEC. 49. That said election shall be held and conducted in the same manner as is now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that said board of county commissioners may appoint registrars of election and judges of election and any other election officers; and registration of and challenge of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided, and said county 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 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.

SEC. 50. That at said election the ballots tendered and cast by the qualified electors shall have written or printed upon them "For Good Roads" or "Against Good Roads." All qualified electors who favor the issue of the said bonds shall vote "For Good Roads." All qualified electors opposed to the issue of said bonds shall vote "Against Good Roads."

SEC. 51. In the event that the requisite majority of qualified electors of said county shall vote "For Good Roads" at said election, and the result shall be declared and recorded as aforesaid, the board of county commissioners of Wake County shall have prepared bonds in denominations not exceeding one thousand dollars and not less than five hundred dollars, the total amount to be five hundred thousand dollars, or one million dollars, as said board of commissioners may have ordered, and the said bonds shall bear a rate of interest not exceeding five per cent per annum, with the interest coupons attached payable semiannually 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 thirty years from the issuance, as the said board of county commissioners may determine. The said

Notice of election.

Proviso: further elections.

Law governing election.

Proviso: appointment of election officers.
Registration and challenges.

Count and return of vote.

Tabulation, declaration, and record of result.

Ballots.

Issue of bonds.

Denominations.

Amount.

Interest.

Maturity.

Authentication.

Entitlement of bonds. Bonds turned over to county treasurer.	bonds and coupons shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and said bonds shall have upon them the seal of the county. The said bonds shall be styled "Wake County Road Bonds."
Sale of bonds.	SEC. 52. Immediately upon the preparation and signing of said bonds the said board of county commissioners shall turn over to the Treasurer of Wake County all of said bonds, without the county seal having been affixed thereto, who shall, upon request of the chairman of the board of county commissioners, sell such of said bonds at such time or times as the board of county commissioners shall deem best. Upon the sale of said bonds the chairman of the board of county commissioners shall apply to the custodian of the seal of the county, whose duty it shall be to affix said county seal to the bond or bonds so sold, and no bond shall be of any value until said seal is so affixed.
Seal affixed on sale of bonds.	SEC. 53. That none of the bonds authorized by this act shall be disposed of, by sale, exchange, or otherwise, for less than their face value, nor shall said bonds or other proceeds be used for any other purpose than as 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 be receivable for all county and special taxes, and shall so express upon their face, and 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 county commissioners 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 the bonds, their denomination, to whom sold, and the number of coupons attached must be recorded in said minutes.
Sale below par forbidden.	SEC. 54. When any of said bonds are sold, the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina 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 and accepted and received by the board of commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: <i>Provided</i> , that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.
Specific appropriation.	SEC. 54. When any of said bonds are sold, the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina 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 and accepted and received by the board of commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: <i>Provided</i> , that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.
Receivable for taxes.	SEC. 54. When any of said bonds are sold, the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina 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 and accepted and received by the board of commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: <i>Provided</i> , that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.
Record of proceedings and bonds.	SEC. 54. When any of said bonds are sold, the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina 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 and accepted and received by the board of commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: <i>Provided</i> , that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.
Proceeds of bonds paid to treasurer.	SEC. 54. When any of said bonds are sold, the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina 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 and accepted and received by the board of commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: <i>Provided</i> , that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.
Separate funds and accounts.	SEC. 54. When any of said bonds are sold, the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina 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 and accepted and received by the board of commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: <i>Provided</i> , that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.
Bond of treasurer.	SEC. 54. When any of said bonds are sold, the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina 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 and accepted and received by the board of commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: <i>Provided</i> , that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.
Orders on road fund.	SEC. 54. When any of said bonds are sold, the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina 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 and accepted and received by the board of commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: <i>Provided</i> , that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.
Proviso: cost of giving bond.	SEC. 54. When any of said bonds are sold, the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina 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 and accepted and received by the board of commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: <i>Provided</i> , that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.

SEC. 55. When said bonds have been issued, the board of commissioners of Wake County shall apply so much of the road tax hereinbefore provided to be levied for road purposes as may be necessary to provide for the payment of interest upon the same and to create a sinking fund sufficient to meet the payment of said bonds at their maturity, which tax shall not exceed fifteen cents on the hundred dollars worth of property and forty-five cents on the poll. The tax so levied shall be collected as other taxes, and a sufficient portion of the same shall be kept by the treasurer of the county as a separate fund, and applied first to the payment of interest on said bonds, and next to the creation of a sinking fund as aforesaid. It shall be the duty of the Treasurer of Wake County to keep said sinking fund invested in some perfectly safe securities or bonds. Said commissioners of the sinking fund may be required to execute such bond as the board of county commissioners may determine, conditioned for the safe keeping of said funds and the faithful performance of his duties as sinking fund commissioner. He shall report to the board of commissioners of Wake County, annually on the first Monday of December, showing the amount of said funds and such other things as may be required by the board of commissioners of said county.

Fund for interest and sinking fund.

Limit of tax rate.

Investment of sinking fund.

Bond of sinking fund commissioners.

Annual reports.

SEC. 56. That in case said bonds shall be voted, as herein provided, the commissioners shall equitably apportion the proceeds of the road tax levied each year by them among the various townships, after first paying the interest on the bonds and such other sum as may be due the sinking fund.

Apportionment of road fund to townships.

SEC. 57. That if the majority of the qualified voters of Wake County shall vote "For Good Roads," and the said bonds shall be issued, the board of commissioners for Wake County may reduce the tax authorized to be levied in this act, of twenty-five cents on the one hundred dollars valuation of property to fifteen cents on the one hundred dollars valuation of property.

Reduction of tax rate on bond issue.

SEC. 58. In case of the sale of any bonds under the provision of this act, it shall be the duty of the county commissioners to publish annually in some newspaper published in Wake County a duly itemized and verified statement of all receipts and disbursements.

Publication of annual statement.

SEC. 59. The board of county commissioners for Wake County is hereby given discretionary power to fix the amount of commissions to be paid the commissioners of the sinking fund and the treasurer for his services performed in receiving and disbursing the moneys arising from the sale of these bonds, but in the event of a bond issue the commission of the Treasurer of Wake County shall be fixed by the county commissioners, and in no event shall the sum total received by him in any one year for all receipts and disbursements of said bonds exceed the sum of five hundred dollars.

Pay of sinking fund commissioner and treasurer.

Limit of amount.

SEC. 60. That this act shall apply only to Wake County.

Application of act.

SEC. 61. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.

SEC. 62. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 448.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF RANDOLPH 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 Randolph County be and it is hereby empowered to submit to the voters of Randolph 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 not exceeding three hundred thousand dollars, the amount to be voted on to be fixed by said board of commissioners at the time of calling the said bond election, with interest coupons attached, the proceeds of which is to be used in grading, improving, macadamizing, or otherwise surfacing 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 at said election 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.

Notice of election.

Proviso: further election.

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, except as otherwise provided in this act: *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 county commissioners on the Thursday next following the election.

Proviso: appointment of election officers.

Registration and challenges.

Count and return of vote.

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 Road Improvement" or "Against Road Improvement," and all electors who favor the issuing of said bonds shall vote for road improvement, and those opposed to the issuing of the bonds shall vote against road improvement. 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

Count and return of vote.

Tabulation, declaration, and record of result.

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, when ordered by the commissioners 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.

Pay of canvassing board.
Record conclusive evidence.

Effect of new registration.

Return of registration and poll books.

Fees of officers.

SEC. 4. 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 such denomination or denominations as the county commissioners shall determine, not larger than one thousand dollars and not less than 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 commissioners, not exceeding five per cent per annum, with interest coupons attached, payable semiannually during the time said bonds shall run, with the principal payable not exceeding 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 Randolph County in the town of Asheboro, North Carolina. Both bonds and coupons shall be signed by the chairman of said board of commissioners, and countersigned by the clerk, and each bond shall be authenticated by the seal of the county commissioners, and they shall be styled Randolph County highway improvement bonds: *Provided*, that the board of county commissioners may, if in its judgment it deems proper to do so, have the signatures of the chairman and the clerk of the said board of commissioners engraved or lithographed on the lithographed coupons.

Issue of bonds.

Denominations.

Amount.

Interest.

Maturity.

Payable in standard currency.

Authentication.

Entitlement.

Proviso: signatures engraved.

- Delivery of bonds. SEC. 5. 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 hereinafter provided for all of said bonds, without the county commissioners' seal having been affixed to any of them. The good roads commission shall have the power to advertise and sell any or all of said bonds, at such time and place as they may deem best, for the purpose of raising a fund with which to construct 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 Randolph County commissioners, 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 and any interest which may have accrued, 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 before delivery.
- Sale below par forbidden.
- Specific appropriation.
- Proviso: purchaser not liable for application.
- Record of proceedings and bonds.
- Minutes open for inspection.
- Moneys part of good roads fund.
- Bond of treasurer.
- Orders on good roads fund.
- SEC. 6. 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 goods roads commission hereafter provided for, and shall become part of the good roads fund hereinafter provided for. Said treasurer shall annually, before any fund provided for in this act is paid over to him, execute an official bond, payable to the State of North Carolina, 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 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.

SEC. 7. In case the election shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually at the time other taxes are levied, a separate road tax for the county of not more than twenty-five cents on the one hundred dollars valuation of property and not exceeding seventy-five cents on each taxable poll, always observing the constitutional equation between the tax on property and the tax on polls, the subjects of taxation 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, for the maintenance of the roads constructed under this act and of the dirt roads, and for a sinking fund as hereinafter provided. The board of county commissioners shall manage and invest any and all funds at their discretion at the best obtainable rate of interest until paid out for the purposes for which it is authorized under this act. The balance of the fund raised by the annual road tax, after paying the annual interest on the bonds and setting aside the sinking fund when the same has been collected as hereinafter provided for, shall be paid over to the treasurer of the road commission and become part of the good roads fund, to be expended for the maintenance of roads in the various townships in said county in proportion to the valuation of property in said townships. The said good roads commission shall use the funds derived from the sale of said bonds only for the construction and improvement of the public highways in said county, and not for the maintenance or repair of the highways of said county.

SEC. 8. If the majority of the votes cast shall be for the road improvement 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.

SEC. 9. 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 of the executive committee hereinafter provided for, who shall record the transactions of the latter named committee in the same book.

Separate road tax.

Limit of rate.

Constitutional equation.

Collection and application.

Management and investment of funds.

Balance to good roads fund.

Apportionment of funds.

Funds used solely for construction.

Road duty abrogated.

Election of highway commissioners.

Term of office.

Vacancies.

Meeting and organization.

Record of proceedings of board and of executive committee.

Election of executive committee.

Terms of office.

Vacancies.

Proviso: political affiliations.

Committee to meet and organize.

Organizations.

Treasurer.

Proviso: commission and executive committee to qualify.

Proviso: election of successors.

Recommendations for improvement of roads.

Character of work.

Copy of minutes furnished executive committee.

Survey and report on roads.

Estimates of cost.

Called meeting of executive committee.

SEC. 10. At said meeting of the highway commission it shall select seven electors, residents of said county, as an executive committee, who shall be known and designated as a good roads commission, to have charge of and look after the working, building, and repairing and maintaining the said roads; that three members of said executive committee shall be elected for two years, two 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 or otherwise, for any unexpired term: *Provided*, that at least three 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. 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 chairman 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 highway commission shall elect their successors for a period of two years each.

SEC. 11. The said highway commission 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 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. 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. As soon as said report shall have been presented to the chairman 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. At the said meeting, or at an adjourned meeting thereof, 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, and the kind of material 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 five-sevenths vote may appropriate such further funds as it shall deem necessary. The said executive committee shall designate the width and grade of the highways to be constructed under this act.

SEC. 12. 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 chairman 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 postoffice. That the said executive 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 said county, and the members of the highway commission shall also receive the same pay per day 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 chairman or other member of the executive committee to devote more of his time than two days per month, and that he be paid the same as is now received by the commissioners of the county, and also actual necessary expenses for such time as the executive committee may deem best to so employ him.

SEC. 13. By a two-thirds vote of the highway commission, for sufficient reason, 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 for cause.

SEC. 14. That the said executive committee may, in its discretion, establish a chain-gang in said county under the law, for working, building, 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.

SEC. 15. The said executive committee, in determining upon the said roads to be made or improved within said county, shall take

Selection of roads.

Material.

Appropriation.

Further appropriation.

Width and grade of roads.

Annual meetings.

Special sessions.

Pay of executive committee and highway commission.

Proviso: special employment.

Executive committee subject to recall.

Establishment of chain-gang.

Considerations governing work.

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.

Fund for purchase of equipment.

SEC. 16. Out of the proceeds of the bonds issued under this act there shall first be set aside a sufficient fund to pay for necessary tools, machinery, and implements for constructing and repairing said roads, and also the expense connected with the issuance of the bonds, highway commission, the executive committee, and all other necessary general expenses of the administration of said funds; and after setting aside the aforesaid amounts, the full balance of said funds shall be equally divided, and one half thereof used in grading, constructing, surfacing with gravel, topsoil, sand-clay, or other road material, a general system of roads for the entire county, extending into every township in the county, and the other half of said fund shall be used in grading, constructing, surfacing with gravel, topsoil, sand-clay, or other road material, the roads in the various townships of said county in proportion to the taxes paid by the several townships respectively.

Appropriation for general county work.

Apportionment to townships.

Highways in towns or cities.

SEC. 17. In case the authorities of the town or city shall agree thereto, a highway or highways leading through or into said town or towns may be adopted as a part of the roads to be improved under this act, and improved and maintained within the said town or towns in a similar manner to the other parts of said roads.

Surveys for location or change of road.

SEC. 18. 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 any 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 cannot 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 camps on such lands, as long as may be

Notice to land-owners.

Obstruction of survey or work misdemeanor.

Punishment.

Entry on land for material.

needful for the purpose of this act: *Provided*, that any person who shall have sustained any damage or injury to his property

Proviso: assessment of damages.

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 summon 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 damage assessed and determined as aforesaid shall be paid out of the funds provided under this act.

Right of appeal.

Payment of assessment.

SEC. 19. That the proceeds of the bonds herein authorized shall be handled and disposed of as follows: So much of said sum as is not immediately needed in the construction of the work shall, in accordance with the direction of the executive committee, be deposited in bank or banks, to bear interest at the best obtainable rate, for the use of 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 chairman and secretary of the said executive committee. The executive committee may, at any time after the first issue and sale of bonds by them, 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.

Use of proceeds of bonds.
Deposits on interest.

Proceeds of bonds paid to treasurer.

Vouchers for expenditures.

Pledge of bonds as collateral.

SEC. 20. Authority is given the executive committee authorizing the letting, the grading, surfacing, or the construction by contract of any section of road to be built or culvert or bridge necessary or any subdivision 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 in the judgment of the executive committee may be necessary for the completion of the said work in accordance with the said specifications of the said engineer, and within the time prescribed for the completion of said work. Or labor may be hired or the convicts may be used for said purposes. If competitive bids are made to do anything under this act, advertisement shall be made at least in one newspaper published in said county for at least two consecutive weeks.

Work let to contract.

Bonds of contractors.

Work by hired labor or convicts.
Competitive bids.

SEC. 21. If any act shall be passed at this or any subsequent session of the General Assembly authorizing the State to loan money

Acceptance of State aid authorized.

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 Randolph County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

Employment and salary of engineer.

SEC. 22. In order that the road work may be properly and economically carried on, the good roads commission is expressly authorized and instructed to employ a competent road engineer, at a salary to be fixed by it and to be paid out of the road fund as provided for in this act: *Provided*, that the good roads commission are authorized, if proper arrangements can be made, to hire jointly with another county the services of the road engineer or to employ the road engineer for such part of his time as they deem it necessary to give proper supervision to the work; and *Provided further*, that if the State furnishes to the counties engineering assistance and supervision of their road work, that the acceptance of such services from the State by the good roads commission shall be considered as fulfilling the requirements, by the commissioners, of this section. The highway engineer shall advise the good roads commission regarding the road work, supervise the making of plans and specifications for the work, and have general supervision of all road work, and he is expressly authorized to give instructions to the highway superintendent hereinafter provided for.

Proviso: joint employment.

Proviso: acceptance of State aid.

Duty and authority of highway engineer.

Election and compensation of superintendent.

SEC. 23. Before proceeding with the road work of Randolph County, the good roads commission shall elect by ballot a competent highway superintendent of the county of Randolph and fix his compensation. The result of said election shall be declared and recorded in the proceedings of said good roads commission. The person so elected shall take and subscribe an oath for the faithful performance of his duties 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 the accounting of all money and property which may come into his hands as such officer. He shall hold his office for one year 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, or by the highway engineer, and shall have such authority and perform such duties as may be from time to time determined by said good roads commission, except as otherwise provided in this act.

Superintendent to qualify and give bond.

Term of office.

Removal for cause.

Direction of work.

Authority and duties.

Road supervisors.

SEC. 24. The highway superintendent shall appoint, by and with the approval of the good roads commission, road supervisors in said county, who shall have direct charge of the road forces in their township or portions of township to which they are appointed, but they shall be subject to authority of the highway engineer and the good roads commission, and shall carry out their instructions as

to the method of construction and maintenance of the road and working of the road forces. They may be discharged at any time for cause by the highway superintendent and good roads commission.

Discharge for cause.

SEC. 25. Judges of the Superior Court, justices of the peace, and mayors holding courts in Randolph County, are herewith authorized to sentence to work on the public roads of said county persons convicted in their courts held in said county. Persons thus sentenced shall be assigned by the board of county commissioners to the custody and control of the good roads commission. Said convicts, while in custody and under the control of the said good roads commission, shall be employed in the construction or repair or maintenance of highways under the provisions of this act, and the expense of maintaining and guarding such convicts while so employed shall be paid by the good roads commission out of the road fund of the county.

Convicts to be sentenced to road work.

Assignment of convicts.

Employment of convicts.

Maintenance and care.

SEC. 26. The term highway shall be understood to mean all public roads where the county owns and controls the right of way, except as otherwise provided in this act.

Highway defined.

SEC. 27. 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 good roads fund provided for by this act.

Payment of expenses.

SEC. 28. Any good roads commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said good roads 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.

Issuing or paying fraudulent order felony.

Punishment.

SEC. 29. The treasurer of the good roads commission shall on the first Monday of each and every month post on the courthouse door of said county an itemized statement showing in full an account of his receipts and disbursements for the previous months; and the good roads commission shall require him to account to them quarterly in each year for the said good roads fund; and it may require, as often as is 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, and at least twice annually the said books, records, and vouchers shall be carefully and properly audited.

Itemized statement posted monthly.

Quarterly accounts.

Reports concerning work.

Semiannual audits.

SEC. 30. 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 commissioners subject to removal.

SEC. 31. 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

Special tax for sinking fund.

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.

Moneys constituting good roads fund.

SEC. 32. Any moneys that are raised by special tax or a bond issue, or in any other manner whatsoever by the county officials of Randolph County, for the construction or improvement, or repair, or maintenance of the public roads of Randolph County, shall become a part of what is herewith designated as the good roads fund, which shall be in the custody of the treasurer of the good roads commission, to be drawn upon as directed by the good roads commission.

Discontinuance of present system.

SEC. 33. After a bond issue is ratified at an election under this act, the board of commissioners of Randolph County are authorized and empowered to discontinue the present method of working the public highways of Randolph County, and the good roads commission shall adopt a uniform system of maintaining the public roads of Randolph County not otherwise provided for in the preceding sections of this act, and to authorize to be used, in addition to the good roads fund, so much of the funds raised by taxation under this act for road purposes as may not be necessary for the payment of the coupons, the sinking fund, and the chain-gang aforesaid, and also use for said purpose any money not otherwise appropriated of the general fund of Randolph County. They shall provide the manner and method of working said roads with a view to keeping them in good repair in every section of the county.

Appropriation from general fund. Manner and method of work.

Use of good roads fund.

SEC. 34. The good roads commission is herewith authorized to use the good roads fund provided for in sections thirty-two and thirty-three to construct and improve and repair and maintain the public highways in Randolph County, and shall purchase for such work the necessary tools, machinery, implements, and stock: *Provided*, that no such purchase shall be made until the order for same has been approved, either by the highway engineer or the highway superintendent, or both, if this is deemed advisable by the good roads commission. The good roads commission is also authorized to employ overseers, supervisors, foremen, and laborers as it may be necessary for carrying out the purpose of this act, and to pay for the hiring of such out of the good roads fund. The good roads commission is also authorized to let out any of the road work on contract when in the opinion of the highway engineer and highway superintendent this is more economical for the county.

Purchase of equipment. Proviso: approval of purchase.

Employees.

Work let to contract.

Bridges.

SEC. 35. The said good roads commission is authorized, whenever the public roads shall cross a branch, creek, or river, to erect and construct thereover such bridges as in their judgment may be necessary.

Place of meetings.

SEC. 36. All meetings of the executive committee known and designated as the good roads commission, and the highway commis-

sion, shall be in the office of the board of county commissioners of said county, if the board of county commissioners are not in session at the times of the meeting.

SEC. 37. The Sheriff of Randolph County shall be paid not exceeding two per cent for collecting the taxes provided for in this act. Commission of sheriff.

SEC. 38. This act shall apply to the whole of Randolph County, and any special township road laws of said county are herewith repealed in event a bond issue is ratified at an election under this act. The road funds in the hands of the Treasurer of Randolph County to the credit of the various townships of the county shall be by said treasurer turned over to the treasurer of the good roads commission, to be expended by said commission on the roads of the respective townships to which same belongs. Application of act. Existing road funds.

SEC. 39. Whenever the full amount of the bond issue which may be authorized at an election held under this act shall be expended, the said roads and highways shall be turned over to the county commissioners of Randolph County, to be handled by them as is now or hereafter may be provided by law, and the terms of the various officers created by this act shall immediately expire, notwithstanding their respective terms as hereinbefore specified may not have otherwise expired. Roads turned over on exhaustion of proceeds of bonds. Offices vacated.

SEC. 40. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 41. This act shall take effect from and after its ratification. Ratified this the 6th day of March, A. D. 1913.

CHAPTER 449.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WAKE COUNTY TO SELL THE COURTHOUSE AND JAIL AND PROPERTY ON WHICH SAME ARE LOCATED, AND THE COUNTY HOME PROPERTY, AND TO CONSTRUCT AND EQUIP NEW BUILDINGS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purposes hereinafter expressed, the board of commissioners for the county of Wake is hereby authorized and empowered in its discretion to sell the courthouse and jail of the county of Wake and the lots of land in the city of Raleigh upon which the same are located, beginning at a point in the line of the United States Postoffice property where it corners with the courthouse lots on the west side of Fayetteville Street in said city, thence south with the line of the sidewalk of Fayetteville Street to a point in the line of L. D. Castleberry on said Fayetteville Sale authorized. Description of land.

- Street, thence with said Castleberry's line westwardly to Salisbury Street, thence north along the sidewalk line of Salisbury Street to the corner of the United States Postoffice property on said street, thence with the United States Postoffice property line eastward to the beginning, with all appurtenances thereto belonging; and all the lands upon which the county home is now situate, and known as the county home tracts, containing six hundred and fifty (650) acres, more or less, to the highest bidder, for cash or with time, as may be agreed on, as hereinafter provided.
- County home tract.
- Advertisement of sale.
- Sale.
- Proviso: minimum price.
- Disposition of proceeds.
- Execution of deeds.
- Proviso: possession of buildings retained.
- Proviso: county not required to pay rent.
- Erection and equipment of courthouse and jail directed.
- SEC. 2. That whenever the board of commissioners shall have selected sites for the purpose of erecting thereon a new courthouse and jail and county home, as hereinafter provided, the board of commissioners may proceed to advertise the sale of the courthouse and jail of Wake County and the said lots of land in the city of Raleigh upon which the same are located, and the lands known as the county home tract, as aforesaid, for thirty (30) days in at least two newspapers published in the city of Raleigh and in such other manner as they shall see fit, and sell the same at public auction to the highest bidder, for cash or upon such terms as in their opinion will best promote the interest of the county, at the courthouse door in the city of Raleigh: *Provided*, that said properties shall not be sold for a sum or sums less than the board of county commissioners shall deem as fair and reasonable for the courthouse and jail and said sites and for the said lands known as the county home tract.
- SEC. 3. That the proceeds of said sales shall be turned over to the Treasurer of Wake County, and shall constitute a part of the fund to be expended for the purchase of lands and the construction thereon of a new courthouse and jail and county home, as hereinafter provided.
- SEC. 4. That upon the sale of said property, the commissioners of Wake County are hereby authorized and directed, upon payment of the purchase price, to make, execute, and deliver a deed or deeds to the said property to the purchasers of the same: *Provided*, that possession of the buildings now used as the courthouse and jail and county home shall not be given until the courthouse and jail and county home herein provided to be built shall be ready for use; and *Provided, further*, that the said county shall not be required to pay rent for said buildings from the time of the sale of the same to the time possession is given.
- SEC. 5. That the commissioners of the county of Wake be and they are hereby authorized, empowered, and directed to have erected on some suitable place in the city of Raleigh, to be selected by the said board of commissioners, a courthouse and jail, to be used for the purposes of the county of Wake, and to properly equip said buildings with heat, light, water, and with other things necessary for the use for which they are intended.

SEC. 6. That the board of county commissioners for said county be and they are hereby authorized and directed to erect upon some suitable place convenient to the city of Raleigh, to be selected by said board of commissioners, a county home for the proper care, maintenance, and comfort of the poor, old, and infirm of said county, and to properly equip the said building or buildings with heat, lights, water, and other things necessary to the use for which a county home is intended.

Erection and equipment of county home directed.

SEC. 7. That said board of commissioners shall immediately upon the ratification of this act proceed to select suitable locations upon which to construct a courthouse and jail and county home, and shall determine the quantity of lands to be acquired for said purpose, and the said board of commissioners is hereby authorized, empowered, and directed to acquire immediately the title to the said lands; and the said board of commissioners shall proceed at once to employ a competent and reputable architect to prepare and furnish plans and specifications for the erection, completion, and furnishing of the said courthouse and jail and county home; and after said plans have been received and approved, the said board of commissioners shall advertise for bids for the erection, completion, and furnishing of the said courthouse and jail and county home, and said bids shall be advertised for at least thirty (30) days, and all bids shall be sealed bids and shall be publicly opened at the time and place designated in the advertisement in the presence of the said board of commissioners. The said board of commissioners is authorized to fix the amount of deposit or guarantee to accompany each bid, and to prescribe the bonds and amounts thereof and the time limit for the completion of the said courthouse and jail and county home, and all other conditions to be part of the contract or contracts: *Provided*, the said board of commissioners shall have a right to reject any and all bids: *Provided further*, that in the discretion of said board of commissioners separate bids may be received and separate contracts awarded for the different parts of the said works; and if the first advertisement for bids shall not result in a suitable contract, the board of commissioners is authorized to make other and subsequent proposals in like manner until a suitable contract or contracts shall have been secured.

Selection of location for courthouse and jail.

Plans and specifications for buildings.

Advertisement for bids.

Specifications of contract.
Proviso: right to reject bids.
Proviso: separate bids and contracts.

Subsequent proposals.

SEC. 8. The board of commissioners shall keep a full and accurate record of its acts and proceedings under this act during the preceding month, which reports are made for public information, and shall be recorded upon the minutes of the county commissioners.

Record of acts and proceedings.

SEC. 9. That for the purpose of acquiring title to the sites selected by said board of commissioners and erecting thereon a suitable courthouse and jail and county home and equipping the same as provided herein, the board of county commissioners shall expend the funds derived from the sale of the courthouse and jail of the

Fund for purchase of sites.

Additional funds.	<p>said county, and the land on which the same are located, when sold, and there shall be added to said proceeds of said sale, to be expended in like manner, a sum sufficient to create a total fund of two hundred and fifty thousand dollars (\$250,000), the additional amount to be derived from the sale of bonds, as hereinafter provided; and the said board of commissioners shall also use the proceeds of the sale of the lands known as the county home for the said purpose of procuring lands and erecting thereon a county home, and there shall be added thereto, to be expended in like manner, a sum sufficient to create a total fund of seventy-five thousand dollars (\$75,000), the additional amount to be derived from the sale of bonds as hereinafter provided.</p> <p>SEC. 10. That for the purpose of acquiring title to the necessary lands and constructing thereon and equipping a suitable courthouse and jail and county home, as provided by this act, the board of commissioners for Wake County are authorized, empowered, and directed to issue bonds of the county of Wake, bearing interest at the rate of not more than five per cent per annum, for an amount sufficient when added to the proceeds of sale of the courthouse and jail and the lands upon which they are located (provided said board of commissioners shall deem it best to sell said property, and the said county home lands), to create a fund of three hundred and twenty-five thousand dollars (\$325,000). It shall be the duty of the county commissioners, immediately after the sale of the courthouse and jail and county home and the said lands on which they are located, to decide upon the form and the denominations of the said bonds and prescribe the rate of interest the bonds shall bear. The said bonds may be either registered or coupon, or partly registered and partly coupon, and all other matters and details connected with the issue of the said bonds may be prescribed by the said board of county commissioners. The said bonds when issued shall be signed by the chairman of the board of commissioners and countersigned by the clerk of said board and attested by the official seal of Wake County. The issue of said bonds is hereby declared to be a lawful exercise of the power of the board of commissioners for the county of Wake, and the purposes for which they are issued are hereby declared to be a county necessity. Said bonds shall mature and be payable thirty (30) years after the date of their issue, and the interest on said bonds shall be payable semiannually at such place as the county commissioners shall designate. There shall be levied by said board of county commissioners, and collected each year, upon the taxable property and the polls of the county of Wake, for the purpose of paying the interest on said bonds, a tax sufficient to pay the interest on said bonds, and no more.</p> <p>SEC. 12. That the treasurer of the county of Wake shall provide a record in his office in which shall be entered and kept the names of all purchasers of said bonds and the number and amounts of</p>
Total amount.	
Fund for county home.	
Bond issue authorized.	
Interest.	
Amount.	
Issue of bonds.	
Authentication.	
County necessity.	
Maturity of bonds.	
Special tax.	
Record of bonds.	

the bonds purchased, and also a record of the bonds redeemed, together with the date of the redemption; and the bonds and the coupons when redeemed shall be recorded as redeemed, and canceled, and a record of said redemption and cancellation shall be made.

SEC. 13. The 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.

Exemption from taxation.

SEC. 14. That before selling said bonds the county commissioners of the county of Wake shall advertise the same for thirty (30) days immediately preceding the day of sale in two papers published in the city of Raleigh, and in such other manner as they shall see fit, giving the time and the place when the bids shall be opened for the sale of the said bonds, and the terms upon which said bonds are issued: *Provided*, the said county commissioners shall have a right in their discretion to reject any and all bids for said bonds.

Advertisement for sale of bonds.

Proviso: right to reject bids.

SEC. 15. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall be added to the proceeds of sale of the courthouse and jail, and the said property on which they are located, if sold, and the proceeds of the sale of the county home lands, as herein provided, and, together with the said proceeds of sale, shall constitute separate and distinct funds to be applied and appropriated for the purposes for which said bonds are issued and for which said funds are created, as provided herein. And the county commissioners for Wake County shall cause the treasurer of the county of Wake 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 be hereinafter prescribed, for the faithful keeping and disbursement of the county funds; and the county commissioners shall require the said treasurer to give bond for the faithful and honest performance of his duties in respect to said funds, which bond shall be in an amount not more than the aggregate amount of the fund created herein. The said treasurer shall receive no other compensation than the regular salary paid him for his services as said treasurer, for his services in receiving, keeping, and disbursing said fund: *Provided, however*, that if the bond of the treasurer, as required by this act, shall be executed with corporate surety, as now authorized by law, then the board of county commissioners shall repay to the treasurer the reasonable premium which he may be required to pay for the execution of the said bond, the amount to be paid out of the funds arising hereunder.

Proceeds of bonds added to proceeds of sales of property.

Application of funds.

Separate accounts.

Treasurer liable on bond.

No compensation to treasurer.

Proviso: cost of giving bond.

SEC. 16. That the taxes levied hereunder, if any shall be levied, 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 the law now or hereafter to be prescribed for the faithful collec-

Collection of taxes.

Collector liable on bond.

tion and payment of other county taxes, and the bonds given by said officers for the collection of the county taxes shall include the taxes levied hereunder.

Full authority conferred on commissioners.

SEC. 17. That full authority is hereby conferred upon the board of county commissioners for Wake County to do any and all acts necessary for the performance of the duties and obligations imposed upon said board by this act, whether this authority is specifically hereinbefore conferred or not: *Provided, however,* that such additional authority be not in conflict with any of the provisions of this act.

Proviso: conformity with act.

Plans considered with reference to needs of officers and departments.

SEC. 18. That in the construction of the said courthouse building the said board of commissioners shall make provision for suitable and properly equipped offices for the several officials and departments of county government, including the county board of commissioners; and that in adopting the plans for the said courthouse building and in selecting the equipment for the several offices and departments thereof, the said board of commissioners shall have due regard for the peculiar needs of the several offices and departments; and the said board of county commissioners may provide for the county board of education such quarters and offices, with such equipment of the same as the said board of county commissioners may deem needful.

Power to condemn land for sites.

SEC. 19. In order to secure sites on which to construct a courthouse and jail and county home, as herein provided, the board of commissioners for said Wake County is hereby empowered to condemn lands in the same manner and under the same laws as are now provided for the condemnation of streets or highways.

SEC. 20. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 21. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 450.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF RUTHERFORD COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING AND REPAIRING THE ROADS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

County commissioners to order election.

SECTION 1. That the board of commissioners of Rutherford County are authorized and directed at their regular meeting in the month of March, one thousand nine hundred and thirteen, or at any adjournment of said meeting, to order an election to be held in Rutherford County upon the question of issuing two hundred

and fifty thousand dollars of road bonds, to be known as the "Nineteen Hundred and Thirteen Road Bonds of Rutherford County"; and said election shall be held upon thirty days notice published in the *Sun*, a newspaper published at Rutherfordton in said county, and the *Herald*, a newspaper published at Forest City in said county, and by notice posted at each of the voting precincts in said county, and said election shall be held under the rules and regulations governing the election of State and county officers.

Notice of election.

Law governing elections.

SEC. 2. Those who are in favor of issuing bonds shall vote a written or printed ticket with the words "For Good Roads" thereon, and those who are opposed thereto shall vote a written or printed ticket with the words "Against Good Roads" thereon.

Tickets.

SEC. 3. If a majority of the votes cast at said election shall be "For Good Roads," the result shall be declared and entered on record by the said board of commissioners, and then the board of commissioners of Rutherford County shall issue, as needed for the purpose herein expressed, bonds not exceeding in total amount two hundred and fifty thousand dollars, in denominations of one thousand dollars each, bearing interest from date at a rate of interest not exceeding five per centum per annum, payable semiannually on the first days of January and July of each year, and the said bonds shall be dated the first day of July, one thousand nine hundred and thirteen, and shall be numbered consecutively from one to two hundred and fifty.

Declaration and record of result.

Issue of bonds.

Amount.

Denominations and interest.

Date.

SEC. 4. That the bonds numbered consecutively from one to five, inclusive, shall be made payable ten years from date; the bonds numbered from six to ten, inclusive, shall be made payable eleven years from date; the bonds numbered from eleven to fifteen, inclusive, shall be made payable twelve years from date; the bonds numbered from sixteen to twenty, inclusive, shall be made payable thirteen years from date; the bonds numbered from twenty-one to twenty-five, inclusive, shall be made payable fourteen years from date; the bonds numbered from twenty-six to thirty, inclusive, shall be made payable fifteen years from date; the bonds numbered from thirty-one to thirty-five, inclusive, shall be made payable sixteen years from date; the bonds numbered from thirty-six to forty, inclusive, shall be made payable seventeen years from date; the bonds numbered from forty-one to forty-five, inclusive, shall be made payable eighteen years from date; the bonds numbered from forty-six to fifty, inclusive, shall be made payable nine[teen] years from date; the bonds numbered from fifty-one to sixty, inclusive, shall be made payable twenty years from date; the bonds numbered from sixty-one to seventy, inclusive, shall be made payable twenty-one years from date; the bonds numbered from seventy-one to eighty, inclusive, shall be made payable twenty-two years from date; the bonds numbered from eighty-one to ninety, inclusive, shall be made payable twenty-three years from date;

Maturity.

the bonds numbered from ninety-one to one hundred, inclusive, shall be made payable twenty-four years from date; the bonds numbered from one hundred and one to one hundred and ten, inclusive, shall be made payable twenty-five years from date; the bonds numbered from one hundred and eleven to one hundred and twenty, inclusive, shall be made payable twenty-six years from date, the bonds numbered from one hundred and twenty-one to one hundred and thirty, inclusive, shall be made payable twenty-seven years from date; the bonds numbered from one hundred and thirty-one to one hundred and forty, inclusive, shall be made payable twenty-eight years from date; the bonds numbered from one hundred and forty-one to one hundred and fifty, inclusive, shall be made payable twenty-nine years from date; the bonds numbered from one hundred and fifty-one to one hundred and sixty, inclusive, shall be made payable thirty years from date; the bonds numbered from one hundred and sixty-one to one hundred and seventy, inclusive, shall be made payable thirty-one years from date; the bonds numbered from one hundred and seventy-one to one hundred and eighty, inclusive, shall be made payable thirty-two years from date; the bonds numbered from one hundred and eighty-one to one hundred and ninety, inclusive, shall be made payable thirty-three years from date; the bonds numbered from one hundred and ninety-one to two hundred, inclusive, shall be made payable thirty-four years from date; the bonds numbered from two hundred and one to two hundred and ten, inclusive, shall be made payable thirty-five years from date; the bonds numbered from two hundred and eleven to two hundred and twenty, inclusive, shall be made payable thirty-six years from date; the bonds numbered from two hundred and twenty-one to two hundred and thirty, inclusive, shall be made payable thirty-seven years from date; the bonds numbered from two hundred and thirty-one to two hundred and forty, inclusive, shall be made payable thirty-eight years from date; the bonds numbered from two hundred and forty-one to two hundred and fifty, inclusive, shall be made payable thirty-nine years from date; and said bonds shall be signed by the chairman of the board of commissioners of Rutherford County, and countersigned by the register of deeds of said county, and they shall bear the corporate seal of Rutherford County.

Authentication.

Special tax.

Sec. 5. In order to pay the interest on said bonds the board of commissioners of Rutherford County 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, always observing the constitutional equation between the tax on property and the tax on polls.

Constitutional equation.

Advertisement and sale of bonds.

Sec. 6. That it shall be the duty of the said board of commissioners of Rutherford County to advertise the said bonds for sale to the highest bidder and at the lowest obtainable rate of interest, and to sell said bonds to the highest responsible bidder for said

bonds at lowest obtainable interest rate, but the said commissioners shall not sell said bonds for less than par, and may reject any or all bids if a satisfactory bid for the same cannot be obtained; and in case a satisfactory bid cannot be obtained at one advertising, the said board of commissioners shall continue to negotiate a sale of said bonds at either public or private sale.

Sale below par
forbidden.
Right to reject
bids.

SEC. 7. That the funds derived from the sale of said bonds shall be expended by the board of commissioners, or county highway commissioner in case same is appointed, of Rutherford County for the purpose of permanently constructing and improving the public roads of Rutherford County as is provided by the Rutherford County road law of one thousand nine hundred and thirteen, and amendments that may be made thereto.

Use of proceeds of
bonds.

SEC. 8. That if at the election hereinbefore provided, a majority of the votes cast shall not be in favor of "Good Roads," the said board of commissioners of Rutherford County are hereby authorized, empowered, and directed to resubmit the question of issuing said bonds, as provided in this act, to the voters of Rutherford County at another election to be held in the month of February, one thousand nine hundred and fourteen.

Further election.

SEC. 9. That immediately upon the ratification of this act, the Secretary of State shall send a certified copy of this act to the chairman of the board of commissioners of Rutherford County.

Secretary of State
to send copy of act.

SEC. 10. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 451.

AN ACT TO AMEND CHAPTER 200 OF THE PUBLIC LAWS OF 1907, SO AS TO PROVIDE FOR THE FURTHER ISSUANCE OF \$100,000 IN ROAD BONDS FOR SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Sampson County, in order to continue the building, improving, and maintaining of the public roads and bridges of said county, are hereby authorized, empowered, and directed to continue to issue and sell under the provisions of chapter two hundred of the Public Laws of one thousand nine hundred and seven, additional road bonds, not to exceed in amount the sum of one hundred thousand dollars (\$100,000), said bonds to be issued and sold only as needed, for the purposes expressed in said act: *Provided*, that the bonds issued under this act shall be for a period of twenty years.

Additional bond
issue authorized.

Amount.

Proviso: maturity.

Law to continue in force.

SEC. 2. That said chapter two hundred of the Public Laws of one thousand nine hundred and seven, as amended by chapter one hundred and sixty-six of the Public Laws of one thousand nine hundred and nine, which was amended by chapter two hundred and twenty-one of the Local-Public Laws of one thousand nine hundred and eleven, and as further amended by this act, shall be and remain in full force and effect.

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 full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 452.

AN ACT TO PROVIDE FOR GOOD ROADS IN ELDORA TOWNSHIP AND TO ISSUE BONDS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Highway commissioners named and incorporated.
Corporate name.

Corporate powers.

Political affiliation.

Election of successors.

Terms of office.

Proviso: commissioners not officers.

Vacancies.

Powers and rights.

Location, discontinuance, and alteration of roads.

SECTION 1. That Rufus Simpson, Thomas Jones, Nathan Hutchen, King Key, and their successors in office are hereby incorporated under the name of the Highway Commission of Eldora Township, and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act.

SEC. 2. That the 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 herein-after provided, and of those named, Rufus Simpson, Thomas Jones shall hold office for four years; Nathan Hutchen, King Key shall hold office for two years: *Provided*, that the position of member of the said highway commission shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina. Should a vacancy occur by death, resignation, or removal, or otherwise, the same shall be filled by the said commission by choosing some one of the same political belief as was the member whose place became vacant, and such successor so chosen shall hold office until his successor shall be chosen by the Legislature and shall qualify.

SEC. 3. That said commission shall have the same supervision, power, and right in respect to all the public roads in Eldora Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County.

SEC. 4. The said highway commission shall have full power and authority to order the laying out of public roads where necessary in their judgment, to discontinue such roads as shall be found use-

less, and to alter roads so as to make them more useful. Said commission shall also have power and authority to lay out cartways, church and mill roads, and to order or discontinue the same in the way and manner provided for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width.

Cartways, church and mill roads.

SEC. 5. That said commission shall meet in Eldora Township within ten days after the adoption of this bill at an election herein provided for, and shall organize by electing one of their number chairman, and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission. Said commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said commission, and he shall enter into a bond in such sum as said commission may decide, which bond, upon approval by the said commission, shall be recorded by the Register of Deeds of Surry County in the book of official bonds, and filed in his office. That the treasurer of said commission shall make payments out of the road funds belonging to the said township, only upon the written order of the said commission, signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued.

Proviso: width of roads.

Meeting and organization.

Election and bond of treasurer.

Orders on road funds.

SEC. 6. That said commission shall authorize the Sheriff of Surry County to collect all the taxes levied under this act, and he shall be entitled to the same fees as are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act; and the said commission may require the sheriff or tax collector to give an additional bond.

Collection of taxes. Fees.

Officers liable on bonds.

SEC. 7. That all road taxes for Eldora Township which hereafter may be collected by the Sheriff of Surry County or tax collector of said county shall be paid over to the treasurer of the said commission, who shall give a receipt therefor: and all moneys derived from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in Eldora Township separate, and shall 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 the twenty-fifth of each year, and shall pay over sooner if same shall be in his hands.

Moneys paid to road treasurer.

Settlements.

Final settlement.

Election, term, and compensation of superintendent.

SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said 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 such employment shall be during the pleasure of said commission. That the said commission shall also have the power to employ such other persons as may be deemed necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads.

Employment, duties, and compensation of engineers.

Employees and equipment.

Entry on lands for location and material.

SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any land in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads; and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize, sand-clay, topsoil, gravel, or improve the said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drain or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed.

Drains or ditches.

Proviso: ornamental or fruit trees.

Arbitration for assessment of damage.

SEC. 10. That if the owner of any lands upon which said road or roads, or any part thereof, shall be constructed, altered, or changed, or the owner of any land from which timber, stone, clay, gravel, or sand were, as aforesaid, shall claim damages therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken, and for the timber and materials so taken as aforesaid, the said arbitrators shall take into consideration the special benefit that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the change in the said road. The said damage, both for the land taken and for the timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court, after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the

Payment of damages.

Right of appeal. Bond on appeal.

Proviso: time of appeal.

appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The amount of the damages is the only question contemplated in this section.

Appeal not to delay work.

SEC. 11. That any person who shall obstruct the said commission, its agents or employees, in making a survey, or changing any road, or the opening of a new public road or highway, or the taking of necessary timber or other materials, as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Obstructing work misdemeanor.

Punishment.

SEC. 12. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water in the public roads of Eldora Township, except where 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, upon conviction, fined not exceeding fifty dollars and imprisoned not exceeding thirty days.

Turning water on roads misdemeanor.

Punishment.

SEC. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees and all expenses to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The necessary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the funds provided by this act.

Pay of employees.

Pay of commissioners.

Expenses of commission.

SEC. 14. That the board of commissioners of Surry County, upon petition of one-fifth of the voters of Eldora Township, are hereby empowered and authorized to submit to the voters of Eldora Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the question whether the said township of Eldora shall issue bonds in a sum not exceeding twenty thousand dollars (\$20,000), with interest coupons attached, the proceeds of which are to be used for the improvement of the public roads of Eldora Township as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers, published in Eldora Township: *Provided*, that if a majority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of four months from time of first election under the regulations hereinafter set out; and *Provided further*, that if a majority of the voters of said

County commissioners to order election.

Notice of election.

Proviso: further election.

Proviso: further election on petition.

township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fourth of the voters of said township shall by petition request it.

Law governing elections.

SEC. 15. 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 election board of Surry County shall appoint the registrars of the election, the judges, and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly; and that the board of commissioners of Surry County may or may not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election, and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.

Proviso: election officers.

Registration and challenges.

Count and return of votes.

Tabulation, declaration, and record of result.

Ballots.

SEC. 16. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue"; and at such election those who favor the issuing of the 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."

Issue of bonds.

Denominations.

SEC. 17. In the event that a 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 Surry 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 not to exceed twenty thousand dollars (\$20,000). The said bonds shall bear a rate of interest of not exceeding six per centum per annum, with interest coupons attached, payable semiannually during the time the bonds shall run, the principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Eldora Township, Surry County, provided for in this act, or at any bank or banks which the said highway commission may designate to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners and the bonds counter-

Amount.

Interest.

Maturity.

Payable in standard currency.

Authentication.

signed by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Eldora Township Highway Improvement Bonds."

SEC. 18. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the chairman of the said commission of Eldora Township all of said bonds without the seal of the county being affixed to any of them. The chairman of the said commission of Eldora Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Eldora Township; the expenses for such advertising and selling said bonds, and other expenses necessary in regard thereto to be paid out of the fund arising from the sale of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Eldora Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County 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 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 funds. The bonds and coupons shall state on their face when due and where payable, and the said bonds shall show by what authority they are issued. The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and, whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached.

SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually the first Monday in June a special road tax for the township of Eldora on the hundred dollars worth of property for not less than five cents and not more than twenty-five cents, on the poll not less than five cents and not more than seventy-five cents, observing constitutional equation, as recommended by the said commission of Eldora Township, 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 for the township of Eldora. The taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund

Bonds turned over to highway commission.

Sale of bonds.

Bonds sealed before delivery.

Sale below par forbidden.

Proviso: purchaser not liable for application.

Record of proceedings and bonds.

Special road tax.

Limit of rate.

Collection and application.

Sinking fund.

Investment of sinking fund.

shall be held by the said commission of Eldora Township in 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 commission of Eldora Township shall manage and invest the funds at the discretion of said commission until paid out for the redemption of the said bonds sold under authority of this act at their maturity.

Road duty abrogated.

SEC. 20. If the majority of the voters of Eldora Township 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 the said county, except after conviction for crime, are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 453.

AN ACT PROVIDING FOR THE BUILDING, REPAIRING AND MAINTAINING THE PUBLIC ROADS OF CUMBERLAND COUNTY, AND LEVYING A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Construction and maintenance of roads.

Supervision and direction.

Proviso: present work.

Proviso: road duty.

Proviso: commutation.

SECTION 1. That all public roads and public highways and bridges thereon which are now or may hereafter be a county charge, in Cumberland County, shall be drained, built, repaired, and maintained by moneys arising from taxation as hereinafter provided for, and such draining, building, repairing, and maintaining shall be done under the general supervision, control, and direction of the board of commissioners of Cumberland County, either by convict, hired labor, or by contract, as the said board of commissioners in its discretion may determine: *Provided*, that said public roads, highways, and bridges of Cumberland County shall be worked and maintained by the road hands and under the supervision of the road supervisors, as now provided by law, until the first day of October, nineteen hundred and thirteen: *Provided further*, that the county commissioners may, in their discretion, or, if a majority of the qualified voters of the county residing outside of incorporated towns shall so petition, the board of county commissioners shall continue to require road duty or service of all persons in said county between the ages of twenty-one and forty-five years, liable therefor under the general laws of the State: *Provided further*, that any such person may pay to the Treasurer of Cumberland County the sum of three dollars at any time and be relieved thereby from said road duty or services for one year from the date of his receipt. All such persons who fail to make such pay-

ment shall be liable for road service under the general road laws of the State as aforesaid, and shall work at such times, not exceeding the number of days required by law, as the county superintendent of roads and bridges may require, and under his direction.

SEC. 2. The said board of commissioners may employ a competent and skilled road and bridge superintendent or supervisor, whose duty it shall be to drain, build, repair, and maintain the public roads, highways, and bridges of Cumberland County, under the orders of the said board of commissioners of Cumberland County. The salary of said superintendent or supervisor to be fixed by the board of county commissioners.

Employment and duty of superintendent.

Salary.

SEC. 3. That the said board of commissioners shall, immediately upon the ratification of this act, make adequate provision and arrangements for keeping open and in good condition all the public roads and highways of Cumberland County, and shall also make adequate provision and arrangements for the repairing and proper maintenance of all the public roads and highways which have heretofore been built in Cumberland County by convict labor or taxation.

Provision and arrangements for maintenance of roads heretofore built.

SEC. 4. That said board of commissioners shall as fast as any public roads, highways, and bridges are built under the provisions of this act, make adequate provision and arrangements for the proper maintenance of such public roads, highways, and bridges.

Maintenance of roads and bridges hereafter built.

SEC. 5. That the board of commissioners of Cumberland County, at the time in each year when the regular tax levy is made as now provided by law, or may hereafter be provided, in each and every year shall set apart from the tax that shall be due on annual collection from the Atlantic Coast Line Railway Company, or any person or corporation owning, using, or controlling the railroad or branches of the said Atlantic Coast Line Railroad Company in the county of Cumberland, an amount not exceeding the sum of three thousand dollars, and in addition thereto at such time in each and every year the said board of commissioners shall levy a special road tax for said county not exceeding twenty-five cents on each one hundred dollars worth of property. That the said board of commissioners shall levy an annual privilege tax of not exceeding fifty cents per horse-power on all motor propelled vehicles that are now or may hereafter be owned and used in Cumberland County for pleasure, business or hire, and on all motor propelled vehicles that are now or may hereafter be owned by persons not residing in Cumberland County and used in said county for hire, which tax when levied shall be collected by the Sheriff of Cumberland County and a receipt therefor given by the Sheriff of Cumberland County, which receipt when so given shall be good for one year from date thereof, and said sheriff shall make a complete record of said receipt showing the party to whom same is issued, by name, the number of the machine covered by

Appropriation to road fund from railroad tax.

Special tax for roads.

Tax on motor vehicles.

Road fund.

Proviso: limit as to special tax.

Use of public road fund.

Proviso: power to hire out convicts.

Convicts to be sentenced to road work.

Proviso: suspended judgments and fines.

Mayors to sentence to roads.

said receipt, the date of receipt and the amount of the tax, which tax, when collected, shall be, by the sheriff of said county, turned over to the treasurer and set apart, together with the other tax herein provided for, for said road purposes: *Provided*, said special property tax of twenty-five cents on the one hundred dollars shall not be levied after the tax year of nineteen hundred and eighteen, which said fund so collected from the said railroad company and from the special road tax and the said privilege tax shall be held by the treasurer of the county as a separate fund to be known as "The Public Road Fund," and which shall be applied and used under the orders of the said board of commissioners for the exclusive purpose of draining, building, repairing, and maintaining the public roads, highways, and bridges of said county, as provided in this act, including the maintaining, clothing, supporting, guarding, providing quarters for and employing overseers for convicts, hereinafter provided for, buying tools, machinery, and teams, and the maintenance thereof, the said convicts, tools, teams, and machinery to be used for the drainage, building, repairing, and maintaining the public roads, highways, and bridges of Cumberland County: *Provided*, that the said board of commissioners may, in their discretion, hire out or lease the convicts that are now or may hereafter be mentioned to work on the roads of Cumberland County, or any part of them, to persons, firms, or corporations in or outside of Cumberland County, and shall turn over the proceeds from such hiring or leasing to the public road fund of said county to be used as herein provided for.

SEC. 6. That the judges holding the Superior Court of said county, and the judges of any criminal court held therein, including the recorder's court, should one be established, be and are hereby empowered to sentence to be worked on the public roads of said county, under the control and keeping of said board of commissioners and their agents and employees, all persons convicted in said courts who, by the judgment thereof, shall be punished by imprisonment or committed in default of paying costs and fine, or either, except as shall be convicted of murder, rape, or arson, and except such other convicts as the said judges may, in their discretion, deem advisable to send to the State Penitentiary as now provided by law: *Provided*, that nothing herein contained shall prohibit or in any way restrict the said judges from suspending judgment or imposing fines, only in such cases as to them shall appear right and proper.

SEC. 7. That the mayor of the city of Fayetteville and the mayors of all other incorporated cities and towns and the justices of the peace in said county are hereby authorized and empowered to sentence to work on the said roads, as herein provided for, convicts of the Superior and criminal courts, all such persons as they shall try and convict of offenses of which they have final jurisdic-

tion, and also all persons, including those charged with bastardy proceedings, who may be by them sentenced to pay a fine and costs, or either.

SEC. 8. That the said board of commissioners may, if they deem it necessary, employ a competent civil engineer or expert road builder to lay out new roads, to direct the manner in which said new roads or any other may be built, improved, changed, or repaired.

Employment of engineer.

SEC. 9. That it shall be the duty of said board of commissioners to require of such superintendent or supervisors and guards as they have employed, and such persons as they contract with for work to be done under the provisions of this act, bonds in such penal sums as they may fix, payable to the county of Cumberland, conditioned for the faithful performance of all duties and obligations imposed upon, by, and under the terms of such contract as may be entered into, and such as may be prescribed by said board, and they are hereby empowered to adopt such rules and specifications as to them may seem needful to carry out and give effect to this act.

Bonds of officers and contractors.

Rules and specifications.

SEC. 10. It shall be the duty of the said board of commissioners, at such times as said convicts shall not be hired out or leased as herein provided for, to provide and maintain reasonably safe and comfortable quarters for said convicts so committed as herein provided, and feed them on wholesome diet in sufficient quantities, and clothe them in suitable manner: *Provided*, that said board of commissioners or any individual member shall be civilly liable to any action of damages for anything done or omitted to be done in good faith under this act.

Care and maintenance of convicts.

Proviso; liability of commissioners.

SEC. 11. It shall be unlawful for the treasurer or any other officer of said county to use or permit to be used any of the public road funds for any other purpose than that herein provided for, and any officer so using or permitting the same to be used, or who fails, neglects, or refuses to carry out any of the provisions of this act shall be guilty of a misdemeanor.

Diversion of funds misdemeanor.

SEC. 12. That said board of commissioners, in their discretion, may at any time hire out or lease the convicts as in this act provided, or at any time when said convicts are not hired out or leased, said board of commissioners may assign said convicts, or any part of them, to drain, build, repair, and maintain any of the public roads, highways, and bridges that are now or may hereafter become a county charge, or assign them to any other public work in Cumberland County, including work on the county farm, wherever and whenever they may deem such work necessary.

Power to hire out convicts.

Assignment of convicts to work.

SEC. 13. That no person shall plow or cultivate nearer than ten feet from the center of any public road or highway in Cumberland County, or dump nut grass, cane grass, or leave any vehicle or automobiles or other refuse on said roads, and any person violating this section shall be guilty of a misdemeanor.

Damages to roads misdemeanor.

Jurisdiction of
county commis-
sioners.

General plan.

SEC. 14. That the said board of commissioners of Cumberland County shall have full and exclusive jurisdiction over all the public roads, highways, and bridges of Cumberland County, and all matters pertaining thereto, and shall lay out a plan for general road draining, building, and improving throughout the entire county, and shall, as speedily as possible, so drain, build, repair, and improve the said public roads and highways as to equalize the road facilities in each and every section of the county.

SEC. 15. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed, in so far as such conflict relates to Cumberland County.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 454.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF NEW HANOVER COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A FREE BRIDGE ACROSS CAPE FEAR RIVER, WITH SUITABLE APPROACHES, AND A ROADWAY ACROSS EAGLES ISLAND.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

Amount.

Maturity.

Interest.

Prompt action
enjoined.

Authentication of
bonds.

Denominations.

SECTION 1. That for the purpose of building a free public bridge, with suitable approaches, across the Cape Fear River at Wilmington, and a roadway across Eagles Island, which is hereby declared to be of great public importance and a public necessity, the board of commissioners of New Hanover County are authorized and empowered to issue not to exceed two hundred and fifty thousand dollars of coupon bonds of the county of New Hanover, running a period of forty years, and drawing interest at a rate of not exceeding five per cent, payable semiannually, to raise the necessary funds therefor.

SEC. 2. That the said board of commissioners of New Hanover County shall proceed at once to issue and sell the bonds voted for, and with all reasonable dispatch proceed to build the bridge, the road across Eagles Island, and an improved, modern, public highway through the territory annexed from Brunswick County to the Columbus County line.

SEC. 3. That the bonds issued under this act shall be numbered and be signed by the chairman of the said board of county commissioners and attested by the clerk of said board with the corporate seal of the county affixed, and the coupons shall bear the engraved or lithographed signature of the chairman of said board. They shall be of such denominations as the board of county com-

missioners shall prescribe, and shall not be sold, exchanged, or hypothecated for less than their par value. That said commissioners, in their discretion, shall provide for the registration of said bonds, and shall have power to make the principal and interest of said bonds, or either of them, payable at such place or places as they may determine.

Sale below par
forbidden.
Registration.

SEC. 4. In order to pay the interest on said bonds, the board of commissioners of New Hanover County shall annually compute and levy, at the time of levying other public taxes, a special tax on the polls and the real and personal property and other subjects of taxation in said county, always observing the constitutional equation between the levy on property and polls.

Special tax for
interest.

Constitutional
equation.

SEC. 5. That after ten years from the date of the issue of said bonds, the said board of county commissioners shall annually compute and levy, in addition to the levy of the special tax to pay interest on said bonds, a special tax not exceeding thirty cents on each poll and ten cents on each 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 the same at maturity. In the event the said bonds cannot be purchased at a price deemed advantageous by the said commissioners, the said sinking fund shall be invested by them either 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 note or bonds secured by a deposit of any of the aforesaid bonds as collateral security.

Special tax for
sinking fund.

Investment of
sinking fund.

SEC. 6. The proceeds of the sales of said bonds shall be paid over to the county treasurer, to be disbursed by him upon proper vouchers issued by order of the county commissioners, and the said proceeds shall be deposited in such banks as may be designated at such rate of interest as may be agreed upon: *Provided, however,* that the said commissioners shall have power to increase the bond of the treasurer to an amount deemed sufficient to protect said fund, and if said bond be given in a surety company, shall authorize the payment of the premium for such bond out of the proceeds of the sale of said bonds.

Proceeds paid to
county treasurer.
Vouchers for dis-
bursements.

Proviso: increase of
treasurer's bond.

Payment of
premium.

SEC. 7. All the expenses incident to the preparation, issue, and sale of said bonds shall be paid by the said board of county commissioners out of the proceeds of the sale of said bonds.

Expenses.

SEC. 8. That for all services rendered by the county treasurer, in relation to the said money derived from the sale of said bonds, he shall receive a commission not exceeding one-half of one per cent upon the total amount disbursed by him.

Commission of
treasurer.

SEC. 9. That it shall be the duty of the board of county commissioners, out of the proceeds of the sale of said bonds, to acquire the ferry right and privileges possessed by the Brunswick Bridge and Ferry Company across the Cape Fear River at Wilmington, and in the road or causeway across Eagles Island, and the bridge

Purchase of ferry
rights and
privileges.

- or ferry right across Brunswick River, by purchase from the present owners, and if they be unable to agree upon a price and to purchase the same, the said board of commissioners are hereby empowered, authorized, instructed, and directed to condemn the same to the use of the county of New Hanover, and are hereby invested with the right of eminent domain for that purpose.
- SEC. 10. That should said board of commissioners be forced to resort to condemnation proceedings to acquire said property rights and privileges, they are hereby empowered to institute said proceedings and conduct the same in accordance with and in the manner set forth in chapter sixty-one of Pell's Revisal of the Laws of North Carolina of one thousand nine hundred and eight, entitled "Railroads," and upon the payment of the price adjudged by said proceedings the said board of commissioners being thereby vested with said property, may, in their discretion, either operate or discontinue said ferry.
- SEC. 11. That said bonds or no part of same shall be issued by the commissioners of New Hanover County until the same shall be approved by a majority of the qualified voters of New Hanover County at an election held in said county for that purpose. For at least thirty days preceding said election said commissioners shall give public notice of said election, and the purpose thereof, in one or more newspapers published in Wilmington, North Carolina. 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 and judges of election, and any other election officers, and the registration and challenge of voters shall be conducted in like manner as is provided for in the election of the members of the General Assembly, and said commissioners shall 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 next following the election, and said 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 declaring of the results of said election shall be necessary. At said election all qualified voters in favor of the issue of said bonds shall vote a ballot upon which shall be written or printed "For Bridge and Road," and all qualified voters opposed to the issue of said bonds shall vote a ballot upon which shall be written or printed "Against Bridge and Road." In the event a majority of the qualified voters of said county shall vote "For Bridge and Road" at said election, and the result declared and recorded as aforesaid, the said board of commissioners shall be authorized and empowered to issue bonds for the purposes hereinbefore set forth.
- SEC. 12. This act shall be in force from and after its ratification.
- Ratified this the 6th day of March, A. D. 1913.

Power of condemnation.

Proceedings for condemnation.

Bond issue to be approved by voters.

Notice of election.

Law governing election.

Proviso: election officers.

Registration and challenges.

New registration.

Count and return of vote.

Tabulation, declaration, and record of result.

Ballots.

Effect of election.

CHAPTER 455.

AN ACT TO REGULATE FEES OF THE COUNTY SURVEYOR OF THE COUNTY OF STANLY, AND THE PAY OF COMMISSIONERS AND SURVEYOR OF LAND IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county surveyor of Stanly County shall be allowed as fees the sum of three dollars and fifty cents per day for each day actually engaged in work, and pro rata for each fractional part of a day he is actually engaged in going to and returning from any place for the purpose of surveying. That in all cases where surveys are made by order of court, the court may determine what fees the county surveyor for Stanly County shall have for said work, and order the same taxed in the bill of cost.

SEC. 2. That in Haywood County the commissioners appointed to partition land shall be allowed the sum of two dollars per diem and the surveyor employed by them shall be allowed the sum of three dollars per diem.

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 6th day of March, A. D. 1913.

CHAPTER 456.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE PUBLIC ROADS AND HIGHWAYS OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Caldwell County, North Carolina, shall, in order to provide for the better construction, improvement, and maintenance of the public roads of said county, at their regular meeting in June of each and every year after the adoption of the provisions of this act as hereinafter provided, and it is hereby made their duty, to levy a special tax on all property subject to taxation under the State law in said county of not less than five cents nor greater than twenty-five cents on the one hundred dollars worth of property and not less than fifteen cents nor greater than seventy-five cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement, and maintenance of the

public roads of the county, the purchase of such material, imple-
ments, teams, wagons, camp outfit, quarters or stockades for the
use of and safe keeping of the convict force as may be found
necessary in the proper carrying out of this work and for the
employment of such additional labor as may be deemed necessary :
Provided, however, that the moneys raised under this section shall,
as far as possible, be used for permanent improvements.

SEC. 2. That there shall hereafter be elected by the board of com-
missioners of Caldwell County at their regular meeting in the
January following the levying of the tax as aforesaid, and at their
regular meetings in January of each and every year thereafter, a
superintendent of roads, who shall be paid such compensation as
may be fixed by the board of county commissioners, and to be paid
out of the county road fund, and who shall hold office for one year
or until his successor has been elected and qualified, as provided
for in this act: *Provided,* that the said superintendent of roads
may at any time be removed by the board of county commissioners
after having been given ten days notice and a hearing, when in
the opinion of the said board there exists good and sufficient cause
for such action; and for malfeasance or misconduct in office he
may be removed at any time without further notice than may be
necessary in order to give him a hearing. It shall be the duty of
said superintendent of roads, subject to the approval of the board
of county commissioners, to supervise, direct, and have charge of
the maintenance and building of all public roads in the county, and
he shall submit to the board of county commissioners a monthly
report concerning the work in progress and the moneys expended,
and he shall submit quarterly a report on the condition of the
public roads and bridges and plans for their improvement, and he
shall include in this quarterly report an inventory of the tools,
implements, teams, and other equipments on hand. Said road
superintendent, before entering upon the duties of his office, shall
deposit with the board of county commissioners a good and lawful
bond, to be approved by the said board of commissioners, for the
sum of two thousand dollars, as a guarantee of the faithful per-
formance and honest discharge of the duties of his office, which
bond shall be duly registered in the office of the register of deeds
and filed with the clerk of the Superior Court of the said county
of Caldwell. In case of the death or resignation or removal of
said road superintendent, it shall be the duty of the county com-
missioners to elect at their first meeting thereafter a road super-
intendent, who shall hold office at the discretion of said board
of county commissioners or until his successor has been elected and
qualified.

SEC. 3. That the board of county commissioners or the road
superintendent, subject to the approval of said board, shall ap-
point, with power at any time to remove or discontinue, such
guards as may be needed to take charge of the convict force, and

Proviso: perman-
ent improve-
ments.

Superintendent of
roads.

Compensation
and term of office.

Proviso: removal
for cause.

Duty of superin-
tendent.

Monthly reports.

Quarterly reports.

Inventories.

Bond of superin-
tendent.

Vacancies.

Appointment of
guards and town-
ship supervisors.

also one or more persons in each township of the county to be known as township supervisor of roads, who, acting under the road superintendent, shall supervise the road work in the township for which they are appointed or such parts thereof as said superintendent may direct. The said guards and township supervisors shall be paid for such time as they may be required to give to this work such compensation per day during such time as they are actually employed in working on the public roads, as may be agreed upon by said superintendent and approved by the board of county commissioners, the guards to be paid out of the general county road fund and the township supervisors to be paid out of the respective township road funds.

SEC. 4. That all able-bodied male persons of the county of Cald-
well, 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 road supervisor: *Provided*, that the 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 said notice the time and place when and where such work is to be performed, and also designating in such notice the tool or implement, if any, 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 road supervisor, respond to such summons with reasonable promptness: *Provided further*, that any person may, in lieu of working four days on the public roads, pay on or before the first day of May of each and every year to the county treasurer, road superintendent, or road supervisor, as the board of county commissioners may order, the sum of two dollars; and it shall be the duty of said treasurer, road superintendent, or road supervisor, upon the 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 road superintendent or road supervisor, as provided for in this act, shall within fifteen days after being received by him be turned over to the county treasurer and credited to the road fund of the township from which the same was paid, and the same shall be expended in the improvement of the roads in that township. If the road superintendent or the road supervisor fail to turn over to the county treasurer money so collected, within fifteen days, he shall be guilty of a misdemeanor: *Provided further*, that no

Pay of guards and supervisors.

Road duty.

Proviso: warning.

Proviso: emergency work.

Proviso: commutation.

Receipt for commutation.

Moneys credited to road fund.

Failure to pay misdemeanor.

Proviso: location of work.

Boundaries of road districts.
 Proviso: proportionate work.

person liable to 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: *Provided further*, that any person coming of road age or becoming a resident of any township or road district, after the first of May, shall be required to work out the remaining proportionate part of the road labor required in this act for that year, or to pay the proportionate part of the money requirement in lieu thereof.

Failure to appear and work misdemeanor.

SEC. 5. That any person who shall, after being duly notified as provided in section four of this act, fail to appear and work as required to do (after having failed to pay the sum of two dollars), or any person who shall appear as notified, and fail or refuse to perform good and reasonable labor as required by the said road superintendent or road supervisor, shall be guilty of a misdemeanor, and upon conviction 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.

Punishment.

Implements and tools.

SEC. 6. That proper implements and tools for use in working the public roads of the county, as provided in section four of this act, may be supplied by the road superintendent, and shall be paid for out of the road funds of the township in which the said implements or tools are used: *Provided*, that until the county road superintendent shall be able to supply the necessary implements and tools, he may and is hereby empowered to compel any and all persons working on the public roads of the county to provide themselves with such implements as are commonly used, while working on said roads, as the superintendent or supervisor may designate in his notice or summons as being necessary.

Proviso: hands to furnish implements.

Lists of commuters.

SEC. 7. That on or before the fifteenth day of May of each and every year the county treasurer shall furnish to the road superintendent or each township supervisor an alphabetical list by townships of all persons who have paid their money requirement in lieu of the four days of road labor for that year, the said treasurer having as many such lists prepared as shall be needed; and the county road superintendent or treasurer shall furnish each township supervisor a copy of such list of all those who have paid for that year in his township or district provided in section four of this act. That the supervisors shall carefully list all persons of road age within their respective townships or districts, check off the names of all those found on the list who have paid money in lieu of their labor requirement for that year, and furnish to the commissioners or superintendent of roads copies of such lists of persons liable for road duty in each district, and those who have paid in lieu thereof. A list of such persons liable to road duty in each township who have at any time during the year failed to work on the public road after having been duly notified, or to pay as provided for in section four of this act, shall be, within fifteen days,

Lists of road hands.

Lists of delinquents.

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 by any citizen of the county.

Warrants for delinquents.

Proviso: prosecution by citizen.

SEC. 8. That all prisoners confined in the county jail under a final sentence of the court for crime, or imprisonment for nonpayment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for nonpayment of costs, and all persons who would otherwise be 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: *Provided,* that in case the number of such prisoners in said county, at any time, be less than ten, the commissioners of said county may arrange with the commissioners of any neighboring county or counties for such an exchange of prisoners, during alternate months or years, as will enable each county to thereby increase the number of prisoners at work on its public roads at any given time. And upon application of the road superintendent of the county, or that of the chairman of the board of county commissioners, the judge of the Superior Court, the justice of the peace, and the principal officer of any municipal or other inferior court, it shall be the duty of said judge or justice of the peace, or said principal officer, to assign such persons convicted in his court to said road superintendent or road supervisor in any township making provision for the same, for working on the public roads of said county or township; and all such convicts to be fed, clothed, and otherwise cared for at the expense of the county or township, as the case may be: *Provided further,* that in case of serious physical disability, certified to by the county physician, persons in said courts in the said county may be sentenced to the penitentiary or the county jail.

Prisoners subject to road work.

Proviso: exchange of convicts.

Assignment of convicts for road work.

Care and maintenance of convicts.

Proviso: physical disability.

SEC. 9. That when the commissioners of Caldwell County shall have made provision for the expense of supporting and guarding while at work on the public roads of the county, or any township thereof, a larger number of prisoners than can be supplied from said county, upon application of the commissioners of said county to the judges of the Superior and criminal courts, the justices of the peace, and the principal officers of any municipal or other inferior courts presiding in any county or counties which do not provide for the working of their own convicts on their own public roads, shall sentence such able-bodied male persons as are described in section eight of this act from such other counties to work on the public roads of said county or townships applying for the same; and the cost of transporting, guarding, and maintaining such prisoners as may be sent to Caldwell County or township

Convicts from other counties.

Transportation, guarding, and maintenance.

- thereof applying for the same shall be paid by Caldwell County or by the township thereof applying for and receiving them, out of the road fund of Caldwell County or any township thereof so applying: *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 Caldwell County or the township thereof having received and used them.
- Proviso: return of convicts.
- Classification of roads.
- Thoroughfares.
- SEC. 10. For the purposes of this act the roads or ways of the county of Caldwell are hereby classified as follows:
- (a) The thoroughfares 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 by broken stones, gravel, shells, or suitable admixture of sand and clay.
- Neighborhood or branch roads.
- (b) The neighborhood or branch roads are public roads which are confined usually to the limits of one or two townships and generally lead from neighborhoods or settlements to the main thoroughfares.
- Cartways.
- (c) Cartways, which have no general public function, 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 land belonging to other parties in order to reach the public road.
- Information and advice from State highway commission.
- Information and advice concerning the location, relocation, and general improvement of these public roads shall be furnished to the authorities of Caldwell County by the State Highway Commission; and the said highway commission is hereby made the interpreter of and may revise the specifications for road building provided in this act; and it shall prescribe the general regulations for the management of prisoners working on the public roads.
- Commission to interpret and revise act.
- Regulations for management of prisoners.
- Survey and location of thoroughfares.
- 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 improvements on the road or highway to be so improved or constructed, shall be first carefully surveyed and located by an engineer or surveyor trained and experienced in such work, aided by the county road superintendent or supervisor and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county for services and expenses as may be agreed upon by the county commissioners. All such public roads or highways where changed or hereafter located or relocated or widened, shall be given a grade nowhere greater than six 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 obstructions make the grade just described impracticable, the grade may be increased to the extent of
- Grade and width.
- Proviso: increase of grade.

one foot for distances of less than fifty feet in any one place: *Provided further*, that where the roadway must be located on the steep slope of a mountain, its width shall not be less than sixteen feet between ditches, or where blazed 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 roadway within the limits here specified shall be decided by the board of county commissioners of Caldwell County. All such roads shall be thoroughly drained, and wherever it may be necessary to turn water across them, this shall be done by putting in sewer pipe or other forms of covered drains or culverts. They shall cross a railway line only when, in the opinion of such engineer, this shall 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 and 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: variance of width.

Proviso: right of way.

Drainage.

Railway crossings.

Duty of railway company.

SEC. 12. The neighborhood or branch roads, as defined in section ten of this act, shall have a right of way of thirty feet; but the width and grade of the roadway, and the specifications under which these roads shall be built or kept in repair, or both, shall be decided by the county superintendent of roads or the supervisor in that township or district, subject to the approval of the board of county commissioners of Caldwell County; and the said roads may be relocated or otherwise changed in the manner provided for in section fifteen of this act. The amount and nature of the labor to be performed under sections four, five, six, and seven of this act in the maintenance and repair of these roads or part thereof shall be at the discretion of the superintendent or supervisor of roads in charge of said roads.

Neighborhood or branch roads.

Specifications.

Maintenance and repairs.

SEC. 13. Cartways, defined in section ten 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 other persons may file his petition for the same before the board of county commissioners of Caldwell County through the road supervisor of the township or district in which such cartway is to be located, 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 board 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 petition 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

Cartways.

Petition for cartway.

Order for laying off cartway and assessment of damages.

Payment of damage and expenses. Way kept open.	off a cartway of not less than fourteen feet wide, and assess the damages, if any, the owner or owners of such lands 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, or in carts or wagons.
Change or discontinuance.	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 board of county commissioners seem equitable and just; and any person through whose
Gates or bars.	lands a cartway may pass may erect gates or bars across the same: and if any person shall leave open, break down, or otherwise
Forfeit.	injure such gates or bars, he shall forfeit and pay, for every such offense, ten dollars to the person erecting the same or the
Misdemeanor.	owner of the land; and if the offense shall be maliciously done, he
Proviso: cartways by mutual consent.	shall be guilty of a misdemeanor: <i>Provided</i> , that in case a cartway has been granted by mutual consent of the interested parties and without official sanction, the same shall not be closed by any other 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.
Closing a misdemeanor.	
Entry on land for material.	SEC. 14. That for the purpose of carrying out the provisions of this act, the said superintendent of roads and supervisors are hereby authorized to enter upon any lands near to or adjoining any public roads, to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade or fruit; to dig, or cause to be dug and carried away any gravel, sand, clay, or stone which may be necessary to construct, improve, or repair said road, and to enter on any lands adjoining or lying near
Drains or ditches.	the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit, and the drains and the ditches so made shall be conducted to the nearest ditch, drain, water-course or waste ground, and shall be kept open
Penalty for obstructing drains or ditches.	by the said superintendent or supervisor, and shall not be obstructed by the owner or the occupant of such lands or any other person under the penalty of forfeiting a sum not less than five dollars nor exceeding ten dollars, or imprisonment or work on the public roads of the county for not less than ten nor exceeding
Penalty to use of road fund.	twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisor, if in money, and paid over to the county treasurer, and applied to the road fund of the county. If the owner of any lands, or the agent or agents
Presentation and payment of claims.	of such owner, having in charge lands from which timber, stone, gravel, sand, or clay were taken as aforesaid, shall present an account of the same, through the superintendent or supervisor, at any regular meeting of the county commissioners within thirty

days after the taking and carrying away of such timber, stone, gravel, sand, or clay, it shall be the duty of said commissioners to pay for the same a fair price; and before deciding upon this, they may cause to be appointed an impartial jury of three freeholders, one to be selected by the road superintendent or supervisor, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners of Caldwell County their decision for revision or confirmation: *Provided*, that said landowner or his agent shall have the right of appeal as provided for in section sixteen of this act.

Arbitration of amount.

Proviso: right of appeal.

Sec. 15. That, subject to the approval of the board of county commissioners of Caldwell County, the road superintendent or supervisor of roads is hereby given discretionary power, with the aid of a competent engineer, to locate, relocate, widen, or otherwise change any part of any public road where, in his judgment, such location, relocation, or change will prove advantageous to public travel. That when any person or persons on whose lands the new road is located claims damages therefor, and within sixty days after the completion of the road is ordered petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury of three disinterested freeholders to be summoned by the sheriff or constable of Caldwell County or other officer of said county or of any town thereof, as provided by law, who shall give said landowners or their local representatives forty-eight hours notice of the time and place when and where said jury will meet to assess damages, and said jury, being duly sworn, in considering the question of damages, shall also take into consideration the benefits to the owner of the land, and if said benefits shall 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 county commissioners for confirmation or revision: *Provided*, that if said landowner be a nonresident of the county and have no local representative, it shall be deemed sufficient service of such notice for said sheriff or constable or other officer 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 postoffice 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 courthouse door of Caldwell County: *Provided further*, that the damages awarded, if any, shall be paid out of the road fund of the township in which the property concerned is located, at the discretion of the board of county commissioners.

Location and change of roads.

Petition for assessment of damage.

Proceedings for assessment of damage.

Proviso: payment of damages.

Sec. 16. That in case the landowner or his local representative shall be dissatisfied with the findings of the juries provided for in sections thirteen, fourteen, and fifteen of this act, and with the decision of the county commissioners, such dissatisfied party may

Right of appeal.

- appeal from the decision of the county commissioners to the Superior Court of Caldwell County; all such appeals being governed by the law regulating appeals from the courts of justices of the peace, and the same shall be heard *de novo*; but the judge may, in his discretion, require said landowner to give bond when the case is taken by appeal to the Superior Court.
- Bond on appeal.**
- Mile-posts.** SEC. 17. The county commissioners shall cause to be set up along the highways and principal public roads of the county of Caldwell substantial mile-posts on which is indicated the distance from the county-seat and other principal towns of the said county; and at important road crossings and forks the said commissioners shall cause to be erected guideboards, on which are indicated the principal place or places to which these roads lead and the distance to the same. That if any person or persons shall willfully alter, deface, or otherwise injure any such post or guideboard, every person so offending shall, upon conviction thereof before any justice of the peace, be fined any sum not less than five nor more than twenty-five dollars and cost, or imprisoned or sentenced to work on the public roads not less than five nor more than twenty-five days, and the money when collected shall be, by the justice of the peace collecting the same, paid over to the treasurer of the road fund for use in the district where the offense was committed.
- Guideboards.**
- Penalty for injury to mile-posts or guideboards.**
- Penalty to use of road fund.**
- Acts declared misdemeanors.** SEC. 18. That any person or persons who shall willfully obstruct any public road of the county of Caldwell, or who shall cut, girdle, undermine, or in any way weaken and leave standing any tree where it may fall across and obstruct any public road, or who shall interfere with or in any way willfully or without having taken due precaution, damage any public road, culvert, or bridge, or who shall in any way interfere with any officer, laborer, or prisoner working on the same, shall be guilty of a misdemeanor, and shall be fined or sentenced to work on the public roads, at the discretion of the court; and 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, and any person or persons or corporations who shall violate any of the provisions of this act shall in all cases, whether penalties for such failure are or are not prescribed in this act, be guilty of a misdemeanor.
- Punishment.**
- Failure of duty by officers and violations of act misdemeanors.**
- County treasurer treasurer of road fund.** SEC. 19. That the county treasurer of Caldwell County shall be and he is hereby appointed treasurer of the road fund of the said county and of the several townships in the same, and for the faithful keeping and disbursing of said money the bond of such treasurer shall be liable; and for his services in receiving and disbursing such funds he shall receive such a commission as the board of county commissioners of said county may agree upon, not to exceed two per centum on all moneys disbursed thereunder. He shall pay the accounts against the road fund of the county
- Liable on bond.**
- Commission.**
- Payment of accounts.**

and of the several townships when itemized statements of the same have been certified to by the county road superintendent or township supervisor, and approved by the board of county commissioners. The county treasurer shall keep a separate account of the road fund of the county and of each of the several townships therein, and of his disbursements of the same, and he shall make a written report to the board of county commissioners, at their regular meetings on the first Monday in each month; and on the first Monday in July and January of each and every year he shall present to the said board of commissioners a written report, giving a statement of the disbursements from the several road funds during the preceding six months, which reports, or the substance thereof, shall be published by said commissioners in at least one newspaper published at the county-seat for at least one insertion.

SEC. 20. 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 or streets through town in such township.

SEC. 21. That when in the opinion of the board of commissioners of Caldwell County the appointment of a road superintendent is inconsistent with the best interest of said county, the said board shall not be required to comply with the requirements of section two of this act, but may in lieu thereof appoint directly one supervisor of roads in each township, and each such supervisor shall perform the duties and assume the responsibilities in this act otherwise required of the county road superintendent; he shall be subject to dismission under the same terms as laid down for the road superintendent; and he shall give a good and lawful bond, satisfactory to the board of commissioners, for not less than twice the amount of the road tax in his township for any one year, under the same conditions as laid down for said road superintendent, and he shall be paid such remuneration as may be agreed upon by the board of county commissioners.

SEC. 22. That the board of commissioners of Caldwell County be and it is hereby required, upon a petition of the qualified voters of each township in said county, to submit to the qualified voters of Caldwell County at such time as in its discretion it may deem best, the question whether the foregoing provisions shall become law applicable to the county of Caldwell. The said board of commissioners shall at least thirty days before said election give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in said county. The said county commissioners shall, within sixty days after the filing of the said petition, call an election to be held for the purpose of submitting the said question to said voters under the regulations hereinafter set out.

SEC. 23. That any election under the provisions of this act shall be conducted in the same manner as is now or may hereafter be

Separate accounts.

Monthly reports.

Annual reports.

Streets in towns.

Appointment of superintendent optional.

Township supervisors.

Bonds of supervisors.

Pay.

Election on ratification of act.

Notice of election.

Time for calling election.

Law governing election.

- 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 the 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 said election. 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 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.**
- Count and return of vote.**
- Tabulation, declaration, and record of result.**
- Ballots.** SEC. 24. That at said election the ballots tendered and cast by the voters shall have written or printed upon them "For New Road Law" or "Against New Road Law," and all electors who favor the foregoing provisions becoming law applicable to the county of Caldwell shall vote for new road law, and those opposed to the foregoing provisions becoming law applicable to the county of Caldwell shall vote against new road law.
- Effect of election.** SEC. 25. In the event that the majority of the votes cast shall be in favor of the foregoing provisions becoming law applicable to the county of Caldwell, at any election herein provided for, the foregoing provisions shall be law applicable to the said county of Caldwell from and after the time the result has been declared and recorded as aforesaid; and in the event that the majority of the votes cast in any township in the county of Caldwell shall be in favor of the foregoing provisions becoming law, then and in that event the provisions hereof shall become law applicable to the said township or townships so declaring in favor hereof; and in the event of the provisions hereof being adopted by the voters either of the said county or any township or townships therein, then in so far as the provisions of existing law shall conflict herewith, the same are hereby repealed in so far as they affect the territory adopting the provisions of this act; and the declaration of the board of commissioners of said county in declaring carried an election "For New Road Law" in either said county or in any township thereof shall be conclusive as to such repeal: *Provided,* that the provisions of this act shall not apply unless and except the provisions of an act entitled "An act to authorize the commissioners of Caldwell County to submit to the voters of the county the question of issuing bonds to make and improve the public roads of said county," passed at the present session of the General Assembly, shall have been submitted to and rejected by the people as provided in said act.
- Proviso: act not effective unless bond law rejected.**
- SEC. 26. That this act shall be in force from and after its ratification.

Ratified this 6th day of March, A. D. 1913.

CHAPTER 457.

AN ACT TO PROVIDE FOR THE PROTECTION OF GAME IN
BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the closed season for deer, wild turkey, and quail in the county of Bladen shall be as follows: Deer from the first day of December to the first day of November. Wild turkey from the first day of January to the first day of November. Quail from the first day of March to the first day of October. Close seasons.

SEC. 2. That it shall be unlawful for any person to sell or offer for sale any quail or wild turkey or to ship the same, dead or alive, out of said county for the purpose of sale. Selling or shipping game forbidden.

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

SEC. 4. That it shall be unlawful to kill eagles or destroy their eggs within one mile of White Lake. Protection for eagles.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 458.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE
PUBLIC ROADS IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of road supervisors in the several townships in the county of Bladen shall, on or before the first Monday in August, one thousand nine hundred and thirteen, and annually thereafter, divide the public roads in their respective townships into such sections as will enable them to assign, and they are herewith directed to assign, not less than eight hands nor more than fifteen hands to any one section; and that, on the first Monday in August, one thousand nine hundred and thirteen, and annually thereafter, the chairman of the board of road supervisors of the several townships in said county shall furnish or cause to be furnished to the board of county commissioners of said county a report naming said sections of road in their respective townships, together with a true list of names of hands assigned to each section, and defining the boundaries of the territory in which such hands reside; and all able-bodied male persons Division of roads into sections. Report of division. Lists of road hands. Road duty.

now subject to road duty found residing within the boundaries, whether on the list of hands or not, shall be subject to road duty under this act.

Division of county into road districts.	<p>SEC. 2. That the board of county commissioners shall on the first Monday in August, one thousand nine hundred and thirteen, or as early thereafter as is practicable, divide the county into as many road districts as in their judgment may seem wise and proper for the best interests of the county, and shall employ a competent road builder as county superintendent or supervisor of roads, bridges, and ferries, whose duties and compensation shall be prescribed and fixed by the county commissioners. The county commissioners shall also employ an overseer for each road district, fixing their compensation and providing them with such tools and equipment for working the roads in the several districts as in their judgment may seem proper. The overseers throughout the county shall have authority to summon, through the township constable in their respective townships, all hands who under the present law are subject to road duty in their districts; but the hands assigned to any one section of road shall not be required to work more than two days consecutively, and at least thirty days must intervene between workings, except in case of unusual damage caused by storms or unusual weather.</p>
Employment of superintendent.	
Duties and compensation. District overseers.	
Compensation and equipment.	
Warning to road hands.	
Limit of road duty.	
Lists of sections and hands furnished overseers.	<p>SEC. 3. The county commissioners shall furnish each overseer with a list of all sections of roads in their respective districts, together with a list of names of hands assigned to each section, and they shall describe the boundaries in which such hands reside. The overseer shall begin work at such time and places as he may be directed by the county road superintendent. The overseer shall, at least ten days before beginning work in any road district, send to the township constable a list of all hands assigned to the different sections of road in his district, and in writing designate the day, hour, and place on each section at which work will begin, and the tools needed. It shall then be the duty of the constable to summon the hands belonging to each section of road, according to the law which now provides for summoning road hands; all hands shall appear as summoned and work under the direction of the overseer, as the law directs, who shall carry out the work as directed by the road superintendent: <i>Provided</i>, any road hands summoned may, in lieu thereof, furnish an able-bodied man as substitute, or pay one dollar and twenty-five cents (\$1.25) for each day summoned to the constable by twelve o'clock on the day before the day set for beginning work, and any road hand who shall pay seven dollars and fifty cents (\$7.50) to the constable when first summoned shall be relieved of all road duty for the period of one year. The constable shall be paid ten cents (10c.) for each hand summoned to work the roads, and he shall make monthly reports to the board of county commissioners of all hands summoned during the current months, together with all moneys</p>
Beginning of work.	
Lists of hands furnished constables.	
Constables to warn hands.	
Hands to appear and work.	
Proviso: substitutes.	
Commutation.	
Fees of constables.	
Monthly reports.	

collected. All moneys so collected shall be deposited in the county treasury to the credit of the section of road to which the hand paying the moneys was assigned. This money is to be expended on the section of road to which the hand was assigned from which said money was collected, as shall be directed by the county road superintendent. The money shall be drawn upon by warrant issued by the overseer of said section of road and approved by the county road superintendent.

Moneys to credit of road.

Expenditures.

Warrants.

SEC. 4. No county commissioner, county road superintendent or supervisor, or overseer, shall hire his own team or any member of his family for work on the public road.

Teams and relatives of officers.

SEC. 5. It shall be the duty of the county commissioners, before the fourth Saturday of August, one thousand nine hundred and fourteen, and annually thereafter, to furnish the township supervisor of each township with the overseer's reports for the township for the preceding year.

Overseers' reports to be furnished to supervisors.

SEC. 6. In order to provide revenue to supplement the work provided by hands that are summoned to work the roads, the board of county commissioners shall levy annually on the first Monday in May a separate road tax for the county of ten cents (10c.) on the one hundred dollars (\$100) worth of property and thirty cents (30c.) on the poll, and the subject of taxation and the levying of the taxes shall 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 known as the "Good Roads Fund," and shall be expended upon warrants drawn by the chairman of the board of county commissioners.

Separate road tax.

Limit of rate.

Separate fund.

Warrants for expenditures.

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 6th day of March, A. D. 1913.

CHAPTER 459.

AN ACT TO ENABLE BURKE COUNTY TO SUBSCRIBE FOR THE ERECTION OF THE MONUMENT TO CONFEDERATE SOLDIERS ON THE PUBLIC SQUARE AT MORGANTON.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Burke County shall as soon as practicable, after July first, nineteen hundred and thirteen, pay over to Miss Susan Tate, treasurer of the United Daughters of the Confederacy, out of any money in the treasury of the

Payment authorized.

county of Burke not otherwise expressly appropriated, the sum of five hundred dollars, to be applied towards the payment for the erection of the monument to the Confederate soldiers, now partially completed, on the public square in the town of Morganton.

Further payment authorized on condition.

SEC. 2. That as soon as practicable after the first day of July, nineteen hundred and fourteen, the county commissioners of Burke County may pay over to the said treasurer the further sum of five hundred dollars, to be applied for the same purpose, upon satisfactory evidence that individual subscribers have meantime paid over in voluntary subscriptions the sum of one thousand dollars, to be applied for the same purpose.

Former contribution rescinded.

SEC. 3. That chapter five hundred and twelve of the Public-Local Laws of nineteen hundred and eleven be and the same is hereby repealed.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 460.

AN ACT TO AMEND CHAPTER 814, PUBLIC LAWS OF 1907, AND TO ENLARGE THE ROCKY MOUNT ROAD DISTRICT.

The General Assembly of North Carolina do enact:

Territory added to district.

SECTION 1. That part of Number Seven (Swift Creek) Township, that part of Number Twelve (Rocky Mount) Township, that part of Number Thirteen (Cokey) Township, and that part of Number Fourteen (Upper Town Creek) Township, in Edgecombe County, heretofore not embraced or included within the boundaries of Rocky Mount Road District as created and bounded by chapter eight hundred fourteen, Public Laws of one thousand nine hundred and seven, and each and all of them, are hereby expressly added to and declared, from the date of the ratification of this act, to form part of the said Rocky Mount Road District, and as to each and all of them, chapter eight hundred fourteen, Public Laws 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.

Application of road law.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 461.

AN ACT TO FUND THE BONDED INDEBTEDNESS OF
MURFREESBORO TOWNSHIP IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying, settling, and funding the present bonded indebtedness of Murfreesboro Township in Hertford County, created and incurred by reason of an election of the qualified voters of said township at an election held on the twenty-first day of July, one thousand eight hundred and eighty-seven, under and pursuant to chapter 365 of the Acts of the General Assembly of North Carolina, the board of county commissioners of Hertford County are hereby authorized and empowered, and it shall be their duty, upon the request of fifty freeholders of said township in said county, to issue, for and on behalf of said township, bonds to an amount to be named in said written request, not exceeding in the aggregate the full amount of the present judgment indebtedness of said township, said bonds to be payable and redeemable at such period or periods and in such place or places as may be set out in said written request, said bonds to have interest coupons attached, calling for interest at not a greater rate than six per cent, payable annually by the board of county commissioners by the authority of the finance committee of Murfreesboro Township.

Bonds issued on
petition.

Limit of amount.

Limit of interest
rate.

SEC. 2. That to provide for the payment of the interest on said bonds that may be issued under the provisions of section one hereof, the board of county commissioners shall, at the time of levying other taxes and in addition to other taxes computed and levied upon the subjects of taxation in said Murfreesboro Township, levy a special tax sufficient to pay the interest on said bonds as it matures, and to provide for the payment of an amount equal to at least one-fifth of the entire principal of said indebtedness, said tax not to exceed a levy of such an amount on the one hundred dollars valuation of property and a levy of such amount on each poll as will be sufficient to make such an amount and interest as above provided. Said taxes shall be collected as other taxes are collected in said township and by such officer as is intrusted with the collection of other taxes in said township, under the same rules and regulations as are provided for collecting other taxes, and he and the sureties upon his bond shall be liable to the same penalties and subject to the same remedies as are now prescribed for the faithful collection and payment of taxes to the county and State: *Provided*, said tax collector shall not receive a commission of more than one per cent for collecting and paying over the same. The proceeds of the collection of such special taxes shall be paid over to the county commissioners and paid out by them

Special tax.

Collection of tax.

Proviso: com-
mission of tax
collector.
Use of proceeds.

under direction of the finance committee of said township, and shall be applied exclusively to the purpose for which they are collected; and any officer who shall misapply or divert any of the proceeds of said special taxes from the purposes for which they are or may be levied, or any person aiding or abetting any such misapplication or diversion, shall be guilty of a misdemeanor, and shall, upon conviction, be fined one thousand dollars and shall be imprisoned, in the discretion of the court.

Diversion of funds misdemeanor.

Punishment.

Authentication of bonds and coupons. SEC. 3. Said bonds hereinbefore authorized to be issued shall be signed by the chairman of the board of county commissioners of Hertford County and the clerk of the said board, and shall have the corporate seal of said county affixed, and the coupons shall be signed by the chairman alone or shall bear a lithographed facsimile of his signature.

Coupons receivable for taxes. SEC. 4. The coupons on said bonds shall be receivable for taxes due under this act, and it shall be the duty of the officer collecting said taxes to receive such coupons when tendered, if due and payable.

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, A. D. 1913.

CHAPTER 462.

AN ACT TO SECURE PUBLIC HIGHWAYS FOR AVERY COUNTY.

The General Assembly of North Carolina do enact:

Contracts for use of toll roads. SECTION 1. That the board of county commissioners of Avery County is hereby authorized and empowered to enter into negotiations with any person, partnership, or corporation for the purchase, lease, or public use of any private or toll road or highway in the said county, and to secure by contract or otherwise the free and uninterrupted use and enjoyment of any such private or toll road or highway by all the citizens of the county; and whereas the Appalachian Highway Company, a corporation, is building a toll highway in the county, part of which is under a ninety-nine-year lease, the said board of commissioners is hereby authorized and empowered to procure by contract, lease, or otherwise the free use of the said highway to all the citizens of the said county, and to that end may set apart, out of any county bond issue, a fund of twenty-five thousand dollars (\$25,000) which may be paid to the said Appalachian Highway Company, upon the execution and delivery of a contract or lease or other writing,

Contract for use of Appalachian highway.

Amount of payment. Payment on execution and delivery of contract.

made, executed, and delivered by said company to the said board of commissioners for the use and benefit of the said county, giving and granting the free and uninterrupted use of the road or highway owned by it within said county to all the citizens of the said Avery County, for all purposes of travel and traffic, for the full term of its said lease, and subject to the rules and regulations of said company governing travel and traffic on said road and highway. Said contract, lease, or writing shall bind said company, its successors and assigns, and said company shall be bound to keep and maintain said road and highway in good travel condition each entire year, and to keep the highway surfaced with sand-clay, crushed rock, topsoil, or other top dressing, maintaining the said road without cost to the said county.

Obligation of 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, A. D. 1913.

CHAPTER 463.

AN ACT TO REVISE AND CONSOLIDATE THE LAWS RELATING TO THE PUBLIC ROADS OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Durham County, in order to provide for the proper construction, improvement, and maintenance of the public roads of said county, at their regular meeting in June of each and every year shall, and it is hereby made their duty to, levy a special tax on all property subject to taxation under the State law in said county of not less than five (5) cents nor greater than twenty-five (25) cents on the one hundred dollars worth of property, said taxes to be collected as all other taxes are, to be kept separate on the tax books of the county, to be set aside as a special road fund to be used in the construction, maintenance, and improvement of the public roads of the county, for the purchase of such material, implements, teams, wagons, camp outfits, quarters or stockades for the use of and safe keeping of the convict force as may be found necessary in the proper carrying out of this work, and for the employment of such additional labor as may be deemed necessary: *Provided, however,* that the moneys raised under this section shall, as far as possible, be used for permanent improvements.

Special tax for roads.

Limit of rate.

Taxes kept separate.

Use of fund.

Proviso: permanent improvements.

Sec. 2. That there shall hereafter be elected by the board of county commissioners at their regular meeting in January of each and every year a superintendent of roads, who shall be paid such

Election of superintendent.

Compensation and term.

compensation as may be fixed by the board of county commissioners and to be paid out of the county road fund, and who shall hold office for one year or until his successor has been elected and qualified as provided for in this act: *Provided*, that said superintendent of roads may at any time be removed by the board of county commissioners after having been given ten days notice and a hearing, when in the opinion of the board there exists good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by them without further notice than may be necessary in order to give him a hearing. It shall be the duty of said superintendent of roads, subject to the approval of the board of county commissioners, to supervise, direct, and have charge of the maintenance and building of all public roads in the county, and he shall submit to the board of county commissioners a monthly report concerning the work in progress and the moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges and plans for their improvement, and he shall include in this quarterly report an inventory of the tools, implements, teams, and other equipments on hand. Said road superintendent, before entering upon the duties of his office, shall deposit with the board of county commissioners a good and lawful bond, to be approved by the said board of commissioners, for the sum of two thousand dollars (\$2,000), as a guarantee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the Superior Court of the county. In case of the death, resignation, or removal of said road superintendent, it shall be the duty of the county commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office at the discretion of said board of county commissioners or until the regular January meeting of said board and until his successor has been elected and qualified: *Provided*, that when in the opinion of the board of county commissioners the appointment of a road superintendent is inconsistent with the best interests of the county, the said board shall not be required to comply with the requirements of section two of this act, but may, in lieu thereof appoint directly one or more supervisors of roads in each township, and each such supervisor in the township for which he is appointed shall perform the duties and assume the responsibilities of this act otherwise required of the county road superintendent; he shall be subject to dismissal under the same terms as laid down for the road superintendent; and he shall give a good and lawful bond satisfactory to the board of county commissioners, for not less than twice the amount of the road tax in his township for any one year, under the same conditions as laid down for said road superintendent, and he shall be paid such remuneration as may be agreed upon by the board of county commissioners.

Proviso: removal for cause.

Duty of superintendent.

Monthly reports.

Quarterly reports.

Inventories.

Bond.

Vacancies.

Proviso: appointment optional.

Township supervisors.

Bonds of supervisors.

Remuneration.

SEC. 3. That the board of county commissioners or the road superintendent, subject to the approval of said board, shall appoint, with power at any time to remove or discontinue, such guards or other employees as may be needed to take charge of the convict force. The said guards shall be paid for such time as they may be required to give to this work, such compensation per day during such time as they are actually employed in working on the public roads as may be agreed upon by said superintendent and approved by the board of county commissioners, the guards and other employees to be paid out of the general county road fund.

Appointment of guards and other employees.

Pay of guards and employees.

SEC. 4. That all prisoners confined in the county jail under a final sentence of the court for crime, or imprisonment for nonpayment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for nonpayment of costs, and all persons who would otherwise be 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: *Provided*, that in case of serious physical disability, certified to by the county physician, persons convicted in said Superior, criminal, or inferior courts in the county may be sentenced to the penitentiary or to the county jail.

Prisoners subject to road work.

Proviso: physical disability.

SEC. 5. That when the commissioners of the county shall have made provision for the expense of supporting and guarding, while at work on the public roads of the county, a larger number of prisoners than can be supplied from the county, upon the application of the commissioners of Durham County to the judges of the Superior and criminal courts, the justices of the peace, and the principal officers of any municipal or other inferior court presiding in any other county or counties which do not otherwise provide for the working of their own convicts on their own public roads, may sentence such able-bodied male prisoners as are described in section four (4) of this act from such other counties to work on the public roads of Durham County; and the cost of transporting, guarding, and maintaining such prisoners as may be sent to Durham County shall be paid for out of the road fund: *Provided*, that any and all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties at the expense of the county of Durham.

Prisoners from other counties.

Transportation, guarding, and maintenance.

Proviso: return of convicts.

SEC. 6. For the purpose of this act the roads or ways of the county are hereby classified as follows:

Classification of roads.

(a) The thoroughfares 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.

Thoroughfares.

Neighborhood or branch roads.	(b) The neighborhood or branch roads are public roads which are confined usually to the limits of one or two townships, and generally lead from neighborhoods or settlements to the main thoroughfares.
Cartways.	(c) Cartways, which have no general public function, 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 land belonging to other parties in order to reach the public road.
Survey and location of thoroughfares.	SEC. 7. That the thoroughfares or highways as defined above to be improved and constructed in accordance with the provisions of this act. Prior to the inauguration of any such permanent improvements the road or highway to be so improved or constructed shall be first carefully surveyed and located by an engineer, trained and experienced in such work, aided by the county road superintendent or supervisor and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county, for services and expenses, as may be
Survey and profile.	agreed upon by the county commissioners. Such engineer shall make a survey and profile of such road and file the same with the clerk of the board of county commissioners, and if the said board of commissioners shall build a road without first having the same carefully surveyed by such engineer, as aforesaid, each and every member thereof shall forfeit the sum of fifty dollars (\$50), to be
Forfeit on commissioners building roads without survey.	recovered by any person who may sue for the same. All such public roads or highways where changes are made 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, logs, trees, and other obstruction: <i>Provided</i> , that where, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grade just described impracticable, the grade may be increased to the extent of two feet additional in one hundred
Grade and width.	feet: <i>Provided further</i> , that these thoroughfares or highways shall have a right of way of forty-five feet wide (unless for good reasons the board of commissioners order otherwise), but the width of the roadbed within the limits here specified shall be
Proviso: variance in grade.	decided by the board of commissioners. All such roads shall be thoroughly drained, and wherever it may be necessary to turn water across them this shall be done by putting in sewer pipe 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 three hundred (300) feet, except in cases where, in the opinion of an experienced engineer, a nearer approach to said
Proviso: right of way.	railway line for short distance be necessary. They shall cross said railway line only when in the opinion of such engineer this be necessary; and at such crossing, whenever practical, the road-
Drainage.	
Location as to railways.	
Railway crossings.	

way shall be located either over or under 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 and culverts, of such thoroughfares or high-ways across the right of way occupied and claimed by said railway company, this precaution being taken as a proper safeguard to life.

Duty of railway companies.

SEC. 8. The neighborhood or branch roads, as defined in section six of this act, shall have a right of way of thirty (30) feet; but the width and grade of the roadway and the 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 board of county commissioners; and said roads may be relocated or otherwise changed in the manner provided for in section eleven (11) of this act.

Neighborhood or branch roads. Width, grade, and specifications.

SEC. 9. Cartways, defined in section six of this act, are to be kept in repair by parties using the same. Any party desiring a cartway opened up over lands of other persons may file his petition for the same before the board of county commissioners, praying for a cartway to be kept open across such other person's land leading to the nearest public road; and upon his making it appear to the board 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 petition 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 board of county commissioners shall seem equitable and just; and any person through whose land a cartway may pass may erect gates or bars across the same; and if any person shall leave open, 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 to 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, the same 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.

Cartways.

Petition for opening cartways.

Order for laying off cartway and assessment of damages.

Payment of expenses and damages.

Change or discontinuance.

Gates or bars.

Forfeit for leaving open or injuring.

Proviso: cartways by mutual consent.

Closing cartways misdemeanor.

Entry on lands for material.

SEC. 10. That for the purpose of carrying out the provisions of this act, the county superintendent of roads is hereby authorized to enter upon any lands near to or adjoining any public roads, to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay, or stone which may be necessary to construct, improve, or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and 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, water-course or waste ground, and shall be kept open by the said superintendent, and shall not be obstructed by the owner or occupant of such lands, or any other person or persons, under penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent, if in money, and paid over to the county treasurer and applied to the road fund of the county. If the owner of any lands, or the agent or agents of such owner, having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid, shall present an account of the same to the county commissioners at any regular meeting of the county commissioners within thirty days after taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said commissioners to pay for the same a fair price; and before deciding upon this, they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county commissioners, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: *Provided*, that said land-owner or his agent shall have the right of appeal as provided for in section thirteen of this act.

Drains or ditches.

Forfeit for obstructing drains or ditches.

Collection and application of penalty.
Presentation and payment of claims.

Arbitration of amount.

Proviso: right of appeal.

Location and change of roads.

Petition for assessment of damages.

Proceedings for assessment of damages.

SEC. 11. That, subject to the approval of the board of county commissioners, the county superintendent of roads is hereby given discretionary power, with the aid of a competent engineer, to locate, relocate, widen, or otherwise change any part of any public road where, in his judgment, such location, relocation, or change will prove advantageous to public travel. That when any person or persons on whose land the new road or part of the road is located claims damages therefor, and, within sixty days after the change in road is ordered, petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury of three

disinterested freeholders to be summoned by the sheriff or constable or other officer, as provided by law, who shall give said landowners or their local representative forty-eight hours notice of the time and place when and where said jury will meet to assess damages, and said jury, being duly sworn, in considering the question of damages shall also take into consideration the benefits to the owner of the land, and if said benefits be considered equal to or greater than the damages sustained, the jury shall so declare; and it shall report in writing its finding to the board of county commissioners for confirmation or revision: *Provided*, that if said landowner be a nonresident of the county and have no local representative, it shall be deemed sufficient service of such notice for said sheriff or constable or officer 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 postoffice 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 courthouse door of the county: *Provided further*, that the damages awarded, if any, shall be paid out of the road fund of the county.

Proviso: notice by mail.

Proviso: payment of damage.

SEC. 12. That before the board of commissioners shall order the construction of any new road, or change the location of any road now in existence, notice of their intention shall be published in some newspaper in the county of Durham once a week for four successive weeks prior to the meeting at which the decision concerning such construction or change is made: *Provided*, this shall not apply to orders made directing the repairing or resurfacing of roads.

Notice of construction or change of roads.

Proviso: orders for repairs.

SEC. 13. That in case the landowner or his local representative shall be dissatisfied with the finding of the juries provided for in sections nine, ten, and eleven of this act, and with the decisions of the county commissioners, such dissatisfied party may appeal from the decision of the county commissioners to the Superior Court of the county; all such appeals being governed by the law regulating appeals from the courts of justices of the peace, and the same shall be heard *de novo*; but the judge may, in his discretion, require said landowner to give bond when the case is taken by appeal to the Superior Court.

Right of appeal.

Bond on appeal.

SEC. 14. The county commissioners, unless it has already been done, shall cause to be set up along the highways and principal public roads of the county substantial mile-posts on which are indicated the distance from the county-seat; and at important road crossings and forks the said commissioners shall cause to be erected guideboards on which are indicated the principal place or places to which these roads lead and the distances to the same. That if any person or persons shall willfully alter, deface, or otherwise injure any such post or guideboard, every person so offending shall, upon conviction thereof before any justice of the peace, be fined any sum not less than five nor more than twenty-

Mile-posts.

Guideboards.

Punishment for injuring mile-posts or guideboards.

Money paid into road fund.	five dollars and cost, or imprisoned or sentenced to work on the public roads not less than five nor more than twenty-five days, and the money when collected shall be, by the justice of the peace collecting same, paid over to the treasurer of the road fund for use in the district where the offense was committed.
Acts declared misdemeanors.	<p>SEC. 15. That any person or persons who shall willfully obstruct any public road of the county, or who shall cut, girdle, undermine, or in any way weaken and leave standing any tree or trees where they may fall across and obstruct any public road, or who shall interfere with or in any way willfully or without having taken due precaution damage any public road, culvert, or bridge, or who shall in any way interfere with any officer, laborer, or prisoner working on the same, shall be guilty of a misdemeanor, and shall be fined or sentenced to work on the public roads at the discretion of the court. And 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, and any person or persons or corporations who shall violate any of the provisions of this act shall in all cases, whether penalties for such failure are or are not prescribed in this act, be guilty of a misdemeanor. All fines imposed and collected in accordance with the provisions of this act shall be turned over by the person collecting the same to the Treasurer of Durham County, to be deposited to the credit of the road fund.</p>
Punishment. Neglect of duty by officers or violation of act misdemeanors.	
Fines credited to fund.	
Use of traction engines on macadamized roads misdemeanor.	<p>SEC. 16. That it shall be unlawful for any person, firm, or corporation to run, use, operate, or propel or cause to be run, used, operated, or propelled any traction engine, whether propelled by steam or other motive power, upon, along, over, or across any of the macadamized public highways or roads of the county of Durham; and any one 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 for each offense: <i>Provided</i>, that this act shall not interfere with any franchise granted to the Durham Traction Company nor to any franchise granted to any other corporation: <i>Provided further</i>, that the provisions of this act shall not apply to the use and operation of any traction engine upon said macadamized highways or roads when used for the purpose of constructing or repairing any of the said highways or roads by said superintendent of roads of the county of Durham or any one under his direction or control, nor when used upon said highways or roads by any person, firm, or corporation under contract with the board of commissioners of said county of Durham for the construction or repairing of any said highways or roads: <i>Provided further</i>, that this act shall not prevent the use of any traction engine upon said highways or public roads when such traction engine is used</p>
Punishment.	
Proviso: franchises not interfered with.	
Proviso: traction engines in repair or construction of roads.	
Proviso: traction engines with grain threshers.	

in connection with any grain threshing machine, whether such engine be actually drawing any such threshing machine or not at the time of its use in going along, upon, over, or across said highways or public roads to reach the place where grain is to be threshed, nor in returning therefrom.

SEC. 17. That it shall be unlawful for any person or persons, firm, association, or corporation to hereafter locate, construct, or build or cause to be hereafter located, constructed, or built any railroad in, on, or upon any public road or highway in the county of Durham, or to hereafter locate, construct, or build, or cause to be hereafter located, constructed, or built, any railroad nearer than three hundred (300) feet to the outer edge of any public road or public highway of the county of Durham: *Provided*, that this act shall not prevent any railroad from crossing any public road or highway of the county of Durham, as now allowed by law, and in this act hereinbefore provided, when in the opinion of a competent civil engineer such crossing is necessary: *Provided further*, that this section of this act shall not apply to any electric trolley line railroad.

Construction of railroads on or near to highways forbidden.

Proviso: crossings.

Proviso: electric trolley lines.

SEC. 18. That any person, firm, association, or corporation violating section seventeen of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court.

Violation of section misdemeanor.

Punishment.

SEC. 19. That sections seventeen and eighteen of this act shall not apply to any railroad company hereafter building any line of railroad upon its right of way as now established and owned in the county of Durham.

Rights of way heretofore established.

SEC. 20. That any person or persons, firm, association, or corporation hereafter building or causing to be built any railroad across any public road or public highway of the county of Durham shall cause said public road or public highway to be restored as near as may be to its former condition at the time of making such crossing, within thirty days from the time work is begun in making such crossing, and any such person or persons, firm, association, or corporation failing to so restore or cause to be so restored any crossing of any such public road or public highway of the county of Durham within such time shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court; and it shall be a separate offense for each and every day after the expiration of thirty days from the time the work of making such crossing was begun that such crossing of any such public road or public highway shall remain unrestored as near as may be to its former condition at the time of making such crossing.

Duties of railroads crossing highways. Failure misdemeanor.

Punishment.

Separate offenses.

SEC. 21. That at all crossings of any public road or public highway of the county of Durham by any railroad hereafter constructed, the railroad, whenever practicable, unless the cost thereof is prohibitive, shall be located over or under said public road or public highway; and if a surface crossing of said public road or

Crossings hereafter constructed.

Grade of crossings.

Varying grade misdemeanor.	public highway by any railroad hereafter constructed is necessary in the opinion of a competent civil engineer, then it shall be unlawful for any such surface crossing to be made at any grade different from the surface grade of any such public road or public highway; and any person, firm, association, or corporation hereafter building or constructing, or hereafter causing to be built or constructed, any railroad across any such public road or public highway at any surface crossing at a grade different from the surface grade of any such public road or public highway shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court.
Punishment.	
Change of road or highway by railroad misdemeanor.	SEC. 22. That it shall be unlawful for any person, firm, association, or corporation building or causing to be built any railroad to turn or change any public road or public highway of the county of Durham without the consent of the board of commissioners of the county of Durham being first obtained; and any person, firm, association, or corporation violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court.
Punishment.	
County treasurer treasurer of road fund. Liable on bond.	SEC. 23. That the county treasurer shall be and he is hereby appointed treasurer of the road fund of the county and of the several townships in the same, and for the faithful keeping and disbursing of said money the bond of such treasurer shall be liable. He shall pay the accounts against the road fund of the county and of the several townships when itemized statements of the same have been certified to by the county road superintendent and approved by the board of county commissioners. The county treasurer shall keep a separate account of the road fund of the county and of each of the several townships therein, and of his disbursements of the same, and he shall make a written report thereof to the board of county commissioners at their regular meetings on the first Monday of each month; and on the first Monday in July and January of each and every year he shall present to the said board of county commissioners a written report, giving a statement of the disbursements from the several road funds during the preceding six months, which reports, or the substance thereof, shall be published by said commissioners in at least one newspaper published at the county-seat for at least one insertion: <i>Provided</i> , that the board of county commissioners of the county, for the purpose of prosecuting the road work of the county or any township thereof, are hereby authorized and empowered to borrow money at the legal rate of interest until the taxes are levied and collected in accordance with the provisions contained in section one of this act, and the sum so borrowed shall be paid out of the taxes collected for and applicable to the county road fund, or, if borrowed for any township, out of the road fund for the township for which said money is borrowed: <i>Provided further</i> , that the
Payment of accounts.	
Separate accounts.	
Monthly reports.	
Semiannual reports.	
Publication of reports.	
Proviso: power to borrow money.	
Replacement.	
Proviso: limit of amount borrowed.	

said board shall not borrow a sum to exceed one-half of the amount of the taxes to be levied and collected for the said county or township road fund.

SEC. 24. That the board of commissioners of the county of Durham be and they are hereby authorized and empowered to use and expend the road fund of Durham Township, now in hand or which may hereafter come in hand, for permanent road improvement in said county, in such manner as the board may, in its judgment, deem best: *Provided*, that the board of county commissioners of Durham County shall each year cause to be set aside out of the taxes collected under this act a sum not to exceed two per cent on all money disbursed under section twenty-three of this act, which said amount when so set aside shall constitute a part of the fund referred to in section fifteen, chapter five hundred and three of the Public Laws of nineteen hundred and nine, and shall be disbursed in the manner therein provided.

Use of Durham township road fund.

Proviso: school and road fund.

SEC. 25. That said board is authorized and empowered to use and expend and cause to be transferred from said road fund of Durham Township such sum or sums from time to time as it may in its judgment deem necessary for permanent road improvement in any township or townships in said county.

Appointment of fund.

SEC. 26. That all such expenditures and transfers which have been heretofore made by the said board are hereby in all respects ratified, confirmed, and approved.

Former action ratified.

SEC. 27. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 28. That this act shall apply only to the county of Durham, and shall be in force from and after its ratification.

Application of act.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 464.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF CERTAIN ROAD IN MADISON COUNTY, NORTH CAROLINA.

Whereas the State of North Carolina granted a charter to the Western Carolina Railway Company (now Southern Railway Company), allowing said railroad company to confiscate and use as its roadbed and right of way a public highway along the French Broad River through Madison County, which has been kept up and maintained by the people of that county for many years; and whereas the State of North Carolina has realized a large sum of money from said right of way and continues to collect a large annual tax from said railroad company; and whereas the townships in said county which have been deprived of their road as aforesaid are unable to rebuild the same, but stand ready and

Preamble: donation by State of highway to railroad.

Preamble: large amount realized by State.

Preamble: townships willing to aid.

Preamble: moral obligation on State.

Preamble: road of great convenience and advantage.

willing to aid in the construction thereof; and whereas the State is morally obligated to replace said road, for the reasons aforesaid, and of right ought to do so without delay; and whereas the construction of said road will open up a thoroughfare for through travel from all the principal cities of North Carolina to important points in Tennessee and the west, to the great convenience and advantage to all the people of this State: Now, therefore,

The General Assembly of North Carolina do enact:

Survey and location directed.

SECTION 1. That the North Carolina Geological and Economic Survey is hereby authorized, empowered, and directed to forthwith make a survey and to locate a public road in Madison County, to take the place of the road so occupied by the railroad company, and to prepare plans and specifications for the construction of the same.

Plans and specifications.

State to furnish convicts.

SEC. 2. That the Council of State is herewith instructed and directed to furnish as many State convicts as practicable, not less than twenty-five, who shall be used in the construction of said road according to the plans and specifications made by and under the supervision of a highway engineer of the North Carolina Geological and Economic Survey. Said convicts shall be detailed to work on or before the first day of June, one thousand nine hundred and thirteen, and shall construct at least fifteen miles of said road.

Detail of convicts.

Amount of work.

Expenses of convicts.

SEC. 3. That the cost of guarding, keeping, clothing, and all other expenses for the convicts detailed for such work herein provided for shall be paid by the penitentiary authorities.

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 6th day of March, A. D. 1913.

CHAPTER 465.

AN ACT TO PROVIDE FOR AN ISSUE OF BONDS BY EUREKA VOTING PRECINCT IN THE COUNTY OF WAYNE, FOR THE PURPOSE OF ENCOURAGING THE CONSTRUCTION OF A LINE OF RAILWAY TO THE TOWN OF EUREKA.

The General Assembly of North Carolina do enact:

County commissioners to order election.

SECTION 1. That the board of commissioners of the county of Wayne be and they are hereby authorized, empowered, and directed, when petitioned to do so by one-fourth of the whole number of qualified voters of Eureka Voting Precinct, in the county of Wayne, to call an election for the purpose of ascertaining whether or not the bonds provided for in this act shall be issued.

Notice of election.

Notice of such election shall be given by notice printed in some

newspaper published in the county of Wayne once a week for four successive weeks immediately preceding the date of such election, and posted at the courthouse 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 said 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 Eureka Voting Precinct in said county of Wayne, 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 the words shall be written or printed "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.

Law governing election.

Voters.

Ballots.

Ascertainment and return of result.

SEC. 2. If in said election a majority of the qualified voters of said precinct 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 Wayne at once to cause to be lithographed a series of coupon bonds, not exceeding in their aggregate amount the sum of ten thousand dollars, in such denominations as shall be by them determined. Said bonds shall mature twenty years after their date; shall bear interest at a rate not exceeding six per cent 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 precinct 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 Wayne. 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 facsimile of the signature of the said chairman and clerk of the board of commissioners of the county of Wayne: *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.

Issue of bonds.

Denominations.

Maturity.

Interest.

Authentication.

Proviso: condition of issue.

SEC. 3. That W. J. Yelverton, S. J. Martin, and G. E. Yelverton, of Eureka Voting Precinct in said county of Wayne, be and they are hereby appointed a committee to take charge of said bonds, and the said board of commissioners of said county of Wayne 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 execu-

Bond committee.

Delivery of bonds to committee.

Committee to give bond.

- Several liability. tion of the duties imposed upon them by this act, and each member of said committee shall be severally liable for the acts of said committee and of every member of the same in this behalf.
- Negotiation for construction of railway. SEC. 4. That 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 Eureka, said county of Wayne, to some point on the line of railway of the Atlantic Coast Line Railroad Company or of the Norfolk Southern Railway, or any other railway company. 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 donation to the said railroad or any corporation now existing or hereafter to be organized, for such purpose: *Provided, however,* that the said bonds shall not be used in the donation to 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 donated to 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 Eureka and the first train of cars shall have been operated successfully thereon. If the construction of said 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 the donated amount to the corporation constructing the same, equal to the par value of the bonds issued and in their possession, and to give said bonds as a donation to 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 Wayne. The said donation shall be common, fully paid, and nonassessable, and any dividends accruing upon the same shall be paid to the treasurer of said county of Wayne. 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 Wayne County, 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 Wayne at the time of the delivery to him of said certificate of donation. The interest accruing upon such stock, if there be any, shall be held by the treasurer of the county of Wayne 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
- Pledge of bonds.
- Proviso: charter as common carrier.
- Proviso: construction of road before delivery of bonds.
- Donation on completion of line.
- Certificates of stock.
- Minutes of proceedings and record of bonds.
- Delivery of minute-book.
- Interest on stock.

matures; and if there be any surplus of such interest after paying the said interest, it shall become a part of the sinking fund hereinafter provided for.

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 Wayne shall, upon the first Monday of June next succeeding upon the issue of said bonds, and annually thereafter, levy a tax, not exceeding fifteen cents on the hundred dollars of property, upon all property which is subject to taxation in Eureka Voting Precinct, said county of Wayne. The said tax shall be collected as the county general taxes are collected, 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 necessary 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 Wayne shall be required to give a bond, in addition to the other bonds required of him, in a penal sum, to be determined each two years, equal in amount to the sum of money coming into his hands under this act. The sheriff shall likewise be required to give an additional bond, in a penal sum equal 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 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 6th day of March, A. D. 1913.

CHAPTER 466.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF VANCE 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:

SECTION 1. That the board of commissioners of Vance County be and it is hereby directed to submit to the voters of Vance County, County commissioners to call election.

Question to be submitted.	not later than the first day of May, one thousand nine hundred and thirteen, the question whether said county shall issue bonds in the sum of two hundred thousand dollars (\$200,000), with interest coupons attached, the proceeds of which to be used in surveying, laying out, grading, improving, building, macadamizing, or otherwise surfacing 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: <i>Provided</i> , that if a majority of the qualified 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 after twelve months.
Notice of election.	
Proviso: further election.	
Law governing election.	SEC. 2. That any election under the provisions of this act shall be conducted as nearly as may be in the same manner as is now or may hereafter be prescribed by law for holding elections for the General Assembly: <i>Provided, however</i> , 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 shall order a new registration for said election or 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 votes.	
Tabulation, declaration, and record of result.	
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 Bond 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.
Issue of bonds.	SEC. 4. In the event the majority of the qualified voters of the county cast a vote 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 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 commissioners, not exceeding five per cent per annum, with interest coupons attached, payable semiannually during the time the bonds shall run, with the principal payable forty years from their issue, and providing that said commissioners may provide and contract for the payment and redemption of one-half
Denominations.	
Amount.	
Interest.	
Maturity.	
Proviso: call of bonds at twenty years.	

of said bonds at the expiration of twenty years from their issue at par and accrued interest. Said bonds and coupons shall be payable in standard currency of the United States at the office of the Treasurer of Vance County, in the town of Henderson, North Carolina, and some bank in New York. 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 "Vance County Highway Improvement Bonds."

SEC. 5. 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, hereinafter provided for, all of said bonds, without the county seal having been affixed to any of them. The good roads commission shall have the power to advertise and sell any or all of said bonds at such time and place as they may deem best, for the purpose of raising a fund with which to construct 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 Vance County, whose duty it shall be to affix said county seal to the bonds so sold and to keep a record of all bonds to which the seal is affixed, 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 denomination, to whom sold, and the number of coupons attached. Said minutes shall always be open to the inspection of the board of county commissioners and all other persons interested.

SEC. 6. 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 hereinafter provided for, and shall become part of the good roads funds hereinafter provided for. Said treasurer shall annually, before any fund provided for in this act is paid over to him, execute an official bond payable to the

Payable in standard currency.

Authentication.

Entitlement.

Bonds delivered to good roads commission.

Sale of bonds.

Bonds sealed before delivery.

Sale below par forbidden. Specific appropriation.

Proviso: purchasers not responsible for application.

Record of proceedings and bonds.

Minutes open for inspection.

Proceeds paid to road treasurer.

Bond of treasurer.

- county of Vance, 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 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.
- Orders on road funds. Separate road tax. Limit of rate. Collection and application. Sinking fund. Investment of sinking fund. Use of proceeds of bonds. Proviso: compensation of county treasurer. Road duty abrogated.
- SEC. 7. In case the election shall be in favor of issuing bonds as aforesaid, the board of commissioners, in joint session with the justices of the peace of said county, shall levy annually, at the time of levying other State and county taxes, a separate road tax for the county on the one hundred dollars worth of property of not less than five cents nor more than twenty cents, and fifteen to sixty cents on each taxable poll in the county, as recommended by the 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 and justices 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 creation of an adequate sinking fund for the redemption or purchase of said bonds; third, for the maintenance of the roads constructed under this act and of the dirt roads. The sinking fund shall be held by the treasurer of the county under the direction of said 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 or purchase of the bonds sold under authority of this act, at or before their maturity. The balance of the fund raised by the annual road tax, after paying the annual interest on the bonds and setting aside the sinking fund, shall be paid over to the treasurer of the road commission and become part of the good roads fund, to be expended for the maintenance of roads. The said good roads commission shall use the funds derived from the sale of said bonds only for the construction and improvement of the public highways in said county, and not for the maintenance or repair of the highways of said county: *Provided further*, that the county treasurer shall receive for any services required of him under this act such compensation as the highway commissioners may prescribe.
- SEC. 8. If the majority of the qualified voters of Vance County shall vote for the good roads bond issue, then and 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.

SEC. 9. 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 Vance County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

Acceptance of State aid authorized.

SEC. 10. If a majority of the qualified voters of Vance County shall vote for the good roads bond issue, then and in that event David Wrenn, N. D. Morton, John S. Royster, J. Hampton Rice, L. H. Langford, O. S. Faulkner, Alex Owen, D. H. Gill, E. A. Kelly, T. T. Hicks, D. Y. Cooper, F. C. Topleman, S. V. Floyd, G. V. Barnes, James A. Boyd, W. B. Daniels, T. H. Carroll, H. T. Shanks, Hayden Crews, C. M. White, T. V. Bobbitt, J. B. Owen, J. B. Watkins, R. J. Corbitt, J. D. Cooper, T. J. Richardson, Joe Tunstall, A. E. White, John Bullock, Hulett B. Hicks, Charles Capps, H. D. Floyd, L. M. Harris, R. H. Hood, G. B. Harris, S. T. Peace, are hereby appointed as "The Good Roads Commission of Vance County," and shall hold office for two years from the ratification of this act by the said election and until their successors are qualified, and shall have charge of the road work of said county. The said board of county commissioners to fill all vacancies occasioned by death, resignation, or failure to qualify, or any other cause. As soon as practicable after the 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 a secretary, and some other suitable person treasurer. The treasurer shall not be allowed fees, but his salary shall be fixed by the good roads commission.

Commissioners named.

Official title.

Term of office.

Vacancies.

Commissioners to qualify.

Meeting and organization.

Salary of treasurer.

SEC. 11. In order that the road work may be properly and economically carried on, the good roads commission is expressly authorized and instructed to employ a competent road engineer, at a salary to be fixed by it and to be paid out of the road fund as provided for in this act: *Provided*, that the road commissioners are authorized, if proper arrangements can be made, to hire jointly with another county the services of the road engineer, or to employ the road engineer for such part of his time as he deems it necessary to give proper supervision to the work; and *Provided further*, that if the State furnishes to the counties engineering assistance and supervision of their road work, that the acceptance of such service from the State by the good roads commission shall be considered as fulfilling the requirements by the commissioners of this section. The highway engineer shall advise the good roads commissioners regarding the road work, super-

Employment and salary of road engineer.

Proviso: joint employment.

Proviso: acceptance of State aid.

Duty of engineer.

wise the making of plans and specifications for the work, and have general supervision of all road work, and he is expressly authorized to give instructions to the highway superintendent hereinafter provided for.

Election and compensation of superintendent.

SEC. 12. Before proceeding with the road work of Vance County the good roads commission may elect by ballot a competent highway superintendent for the county of Vance and fix his compensation. The result of said election shall be declared and recorded in the proceedings of said good roads commission. The person so elected shall take and subscribe an oath for the faithful performance of his duties 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 the accounting of all money and property which may come

Superintendent to qualify and give bond.

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

Term of office.

Removal for cause.

Direction of work.

Authority and duties.

duties and work when and where directed by said good roads commission or by the highway engineer, and shall have such authority and perform such duties as may be from time to time determined by said good roads commission, except as otherwise provided in this act.

Appointment of township supervisors.

SEC. 13. The highway superintendent shall appoint, by and with the approval of the good roads commission, road supervisors in each township, who shall have direct charge of the road force in their township or portions of township to which they are appointed, but they shall be subject to the authority of the highway engineer and shall carry out his instructions as to the method of construction and maintenance of the road and working of the road forces. They may be discharged at any time, for cause, by the highway superintendent.

Subject to authority of engineer.

Discharge for cause.

Entry on lands for road work.

SEC. 14. 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 cannot agree as to the damages, if any, the good roads commission shall, after six months after said highway is completed, cause to be summoned three 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 further*, 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.

Assessment of damages.

Proviso: notice to landowners.

Right of way.

SEC. 15. The highways in said county constructed or improved under this act shall have a right of way of not less than thirty

- feet, except where the good roads commission deem it impracticable to acquire such width, and in such cases the width shall be at least twenty-five feet, of which not less than twenty feet shall be free from logs, stumps, rocks, and drains, except where ledges of rock are encountered or where the width is considered impracticable by the engineer. The alignment of the road shall be as straight as practicable and with no grade over four and one-half per cent, except as such grade is considered impracticable by the road engineer. The highway commissioners above mentioned residing in each township may designate the order in which the road work of said townships shall be done.
- SEC. 16. Judges of the Superior Court, recorders, justices of the peace, and mayors holding court in Vance County are herewith authorized to sentence to work on the public roads of said county persons convicted in their courts held in said county. Persons thus sentenced shall be assigned by the board of county commissioners to the custody and control of the good roads commission, who may also receive, upon terms to be agreed upon, convicts from other counties to be worked on said roads. Said convicts, while in the custody and under the control of the said good roads commission, shall be employed in the construction or repair or maintenance of highways under the provisions of this act, and the expense of maintaining and guarding such convicts while so employed shall be paid by the good roads commission out of the road fund of the county.
- SEC. 17. The term "highway" shall be understood to mean all public roads where the county owns and controls the right of way.
- SEC. 18. 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 good roads fund provided for by this act.
- 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 good roads 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.
- SEC. 20. The treasurer of the good roads commission shall, on the first Monday of each and every month, post on the courthouse 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 in each year for the said good roads fund; and it may require as often as is 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.
- SEC. 21. Any moneys that are raised by special tax or a bond issue or in any other manner whatsoever by the county officials of

Alignment and grade.

Commissioners to designate order of work.

Convicts to be sentenced to road work.

Assignment of convicts.

Convicts from other counties. Employment of convicts.

Maintenance and care.

Highway defined.

Expenses of commission.

Issuing or paying fraudulent orders felony.

Punishment.

Itemized statements published monthly.

Quarterly accounts.

Reports concerning work.

Moneys constituting good roads fund.

Vance County for the construction or improvement or repair or maintenance of the public roads of Vance County shall become a part of what is herewith designated as the good roads fund, which shall be in the custody of the treasurer of the good roads commission, to be drawn upon as directed by the good roads commission.

Use of good roads fund.

SEC. 23. The good roads commission is herewith authorized to use the good roads fund provided for in section thirteen to construct and improve and repair and maintain the public highways in Vance County, and shall purchase for such work the necessary tools, machinery, implements, and stock: *Provided*, that no such purchases shall be made until the order for same has been approved either by the highway engineer or the highway superintendent, or both, if this is deemed advisable by the good roads commission.

Purchase of equipment,
Proviso: approval of order.

Employees.

The good roads commission is also authorized to employ overseers, supervisors, foremen, and laborers, as it may be necessary for carrying out the purposes of this act, and to pay for the hiring of such out of the good roads fund. The good roads commission is also authorized to let out any of the road work on contract when in the opinion of the highway engineer and highway superintendent this is more economical to the county.

Work let to contract.

Application of act.

SEC. 24. This act shall apply to the whole of Vance County, and any special township road laws of said county are herewith repealed.

SEC. 25. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 26. This act shall take effect from and after its ratification. Ratified this the 6th day of March, A. D. 1913.

CHAPTER 467.

AN ACT TO PROVIDE FOR GOOD ROADS IN MARSH TOWNSHIP AND TO ISSUE BONDS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Commissioners named and incorporated.

SECTION 1. That J. C. Bass, Winston Alberty, L. S. Reese, C. E. Wallace, and their successors in office are hereby incorporated under the name of the Highway Commission of Marsh Township, and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act.

Corporate name.

Corporate powers.

Political affiliation.

Election of successors.

Terms of office.

SEC. 2. That the 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, C. E. Wallace, L. S. Reese shall hold office for four years; J. C. Bass, Winston Alberty shall hold office for two years: *Provided*, that the position of member of said highway commission shall not constitute an office

Proviso: commissioners not officers.

within the meaning of article fourteen, section seven, of the Constitution of North Carolina. Should a vacancy occur by death, resignation, or removal, or otherwise, the same shall be filled by the said commission by choosing some one of the same political belief as was the member whose place became vacant, and such successor so chosen shall hold office until his successor shall be chosen by the Legislature and shall qualify.

SEC. 3. That said commission shall have the same supervision, power, and right in respect to all the public roads in Marsh Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County.

SEC. 4. The said highway commission shall have full power and authority to order the laying out of public roads where necessary in their judgment, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Said commission shall also have power and authority to lay out cartways, church and mill roads, and to order or discontinue the same in the way and manner provided for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width.

SEC. 5. That said commission shall meet in the Marsh Township within ten days after the adoption of this bill at an election herein provided for, and shall organize by electing one of their number chairman, and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission. Said commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said commission, and he shall enter into a bond in such sum as said commission may decide, which bond upon approval by the said commission shall be recorded by the Register of Deeds of Surry County in the book of official bonds, and filed in his office. That the treasurer of said commission shall make payments out of the road funds belonging to the said township only upon the written order of the said commission, signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued.

SEC. 6. That said commission shall authorize the Sheriff of Surry County, or tax collector of said county, to collect all the taxes levied under this act, and he shall be entitled to the same fees as are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act; and the said commission may require the sheriff or tax collector to give an additional bond.

SEC. 7. That all road taxes for Marsh Township which hereafter may be collected by the Sheriff of Surry County, or tax collector

Vacancies.

Powers and rights of commission.

Laying out, discontinuation, and alteration of roads.

Cartways, church and mill roads.

Proviso: width of roads.

Meeting and organization of commission.

Election and bond of treasurer.

Payments from road funds.

Record of orders.

Collection of taxes.

Fees for collection.

Officers liable on bonds.

Additional bonds.

Moneys turned over to road treasurer.

- of said county, shall be paid over to the treasurer of the said commission, who shall give a receipt therefor, and all moneys derived from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in the Marsh Township separate, and shall 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 the twenty-fifth of each year, and shall pay over sooner if same shall be in his hands.
- Settlements.**
- Taxes kept separate.**
- Final settlement.**
- Election, term, and compensation of superintendent.** SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said commission electing him, and 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 terms of such employment shall be during the pleasure of said commission. That the said commission shall have the power to employ such other persons as may be deemed necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads.
- Employment, compensation, and duties of road engineers.**
- Other employees.**
- Equipment.**
- Entry on land for location and material.** SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any land in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads; and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize, sand-clay, topsoil, gravel, or improve the said roads, together with the free ingress and egress from the roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drains or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed.
- Drains or ditches.**
- Proviso: ornamental and fruit trees.**
- Arbitration for assessment of damages.** SEC. 10. That if the owner of any lands upon which said road or roads or any part thereof shall be constructed, altered, or changed, or the owner of any land from which timber, stone, clay, gravel, or sand were taken, as aforesaid, shall claim damages therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as

arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken, and for the timber and materials so taken as aforesaid, the said arbitrators shall take into consideration the special benefits that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the change in the said road. The said damage, both for the land taken and for the timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court, after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The amount of the damages is the only question contemplated in this section.

Payment of damages.

Right of appeal.

Proviso: time for appeal.

Appeal not to delay action.

SEC. 11. That any person who shall obstruct the said commission, its agents or employees, in making a survey, of changing any road, or the opening of a new public road or highway, or the taking of necessary timber or other materials, as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Obstructing officers or work misdemeanor.

Punishment.

SEC. 12. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water in the public roads of Marsh Township, except where 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, upon conviction, fined not exceeding fifty dollars and imprisoned not exceeding thirty days.

Turning water on road forbidden.

Misdemeanor.

Punishment.

SEC. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees and all expenses to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The necessary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the funds provided by this act.

Compensation of employees and payment of expenses. Pay of commissioners.

Office expenses.

SEC. 14. That the board of commissioners of Surry County, upon petition of one-fifth of the voters of Marsh Township, is hereby

Election on bond issue.

- empowered and authorized to submit to the voters of Marsh Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the question whether the said township of Marsh shall issue bonds in a sum not exceeding twenty-five thousand dollars (\$25,000), with interest coupons attached, the proceeds of which to be used for the improvement of the public roads of Marsh Township as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Marsh Township: *Provided*, that if a majority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of four months from time of first election under the regulations hereinafter set out; and *Provided further*, that if a majority of the voters of said township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fourth of the voters of said township shall by petition request it.
- SEC. 15.** 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 election board of Surry County shall appoint the registrars of the election, the judges and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly; and that the board of commissioners of Surry County may or not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election, and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.
- SEC. 16.** That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue"; and at such election those who favor the issuing of the 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. 17.** In the event that a majority of the votes cast shall be for the bond issue at any election herein provided for, after the
- Notice of election.
- Proviso: further election.
- Proviso: further election on petition.
- Law governing election.
- Proviso: election officers.
- Registration and challenges.
- Count and return of vote.
- Tabulation, declaration, and record of result.
- Ballots.
- Issue of bonds.
- Denominations.

result has been declared and recorded as aforesaid, the board of commissioners of Surry 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 not to exceed twenty-five thousand dollars (\$25,000). The said bonds shall bear a rate of interest of not exceeding six per centum per annum, with interest coupons attached, payable semiannually during the time the bonds shall run, the principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Marsh Township, Surry County, provided for in this act, or at any bank or banks which the said highway commission may designate to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Marsh Township Highway Improvement Bonds."

SEC. 18. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the chairman of the said commission of Marsh Township all of said bonds without the seal of the county being affixed to any of them. The chairman of the said commission of Marsh Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Marsh Township; the expenses for such advertising and selling of said bonds, and other expenses necessary in regard thereto, to be paid out of the fund arising from the sale of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Marsh Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County 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 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 funds. The bonds and coupons shall state on their face when due and where payable, and the said bonds show by what authority they are issued. The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and, whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached.

Amount.

Interest.

Maturity.

Standard currency.

Authentication.

Entitlement.

Bonds turned over to chairman of commission.

Sale of bonds.

Seal affixed before delivery.

Sale below par forbidden. Specific appropriation of proceeds.

Proviso: purchaser not liable for application.

Record of bonds.

Special tax.
 Limit of rate.
 Constitutional equation.
 Collection and application of taxes.
 Sinking fund.
 Investment of sinking fund.
 Road duty abrogated.

SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, the first Monday in June, a special tax for the township of Marsh on the hundred dollars worth of property for not less than five cents and not more than twenty-five cents, and on the poll not less than two cents and not more than seventy-five cents, observing the constitutional equation, as recommended by the said commission of Marsh Township; 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 for the township of Marsh. The taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund shall be held by the said commission of Marsh Township in 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 commission of Marsh Township shall manage and invest the funds at the discretion of said commission until paid out for the redemption of the said bonds sold under authority of this act at their maturity.

SEC. 20. If the majority of the voters of Marsh Township 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 the said county, except after conviction for crime, are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 468.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CALDWELL 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:

SECTION 1. That the board of commissioners of Caldwell County be and it is hereby empowered to submit to the voters of Caldwell 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 thousand dollars (\$200,000), with interest coupons attached, the proceeds of which to be used in grading, improving,

County commissioners may call election.

Question submitted.

macadamizing, or otherwise surfacing 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, or, upon petition filed, signed by voters representing ten per cent of the votes cast in the previous election on this question, the said county commissioners shall, within ninety days after the filing of said petition, call an election to be held for the purpose of resubmitting the said question to said voters under the regulations hereinafter set out.

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 county 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.

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 Bond 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 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 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 commissioners, not exceeding five per cent per annum, with interest coupons attached, payable semiannually 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

Notice of election.

Proviso: further election.

Law governing election.

Proviso: election officers.

Registration and challenges.

Count and return of vote.

Tabulation, declaration, and record of result.

Ballots.

Issue of bonds.

Denominations.

Amount.

Interest.

Maturity.

Payable in standard currency.

Authentication.	the United States at the office of the Treasurer of Caldwell County, in the town of Lenoir, 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, after each bond shall have been authenticated by the seal of the county, and they shall be styled "Caldwell County Highway Improvement Bonds."
Entitlement.	
Bonds delivered to chairman of roads commission.	SEC. 5. Immediately upon the preparation and signing of said bonds by the chairman of the board of county commissioners, the said board of county commissioners shall turn over to the chairman of the good roads commission hereinafter provided for all of said bonds, without the county seal having been affixed to any of them. The good roads commission shall have the power to advertise and sell any or all of said bonds at such time and place as they may deem best, for the purpose of raising a fund with which to construct 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 Caldwell County, whose duty it shall be to affix said county seal to the bonds so sold and countersign the same, 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: <i>Provided, however</i> , 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 before delivery.	
Sale below par forbidden.	
Proviso: purchasers not liable for application.	
Record of proceedings and of bonds.	
Minutes open for inspection.	
Proceeds of bonds paid to road treasurer.	SEC. 6. 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 hereinafter provided for, and shall become part of the good roads fund hereinafter provided for. 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 Caldwell, 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
Bond of treasurer.	

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 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.

Orders on road funds.

SEC. 7. In case the election shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, at such time as the general taxes for State and county purposes are levied, a separate road tax for the county on the one hundred dollars worth of property of not less than twenty cents nor more than thirty cents, and on the poll not less than sixty nor more than ninety cents, as recommended by the 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 creation of an adequate sinking fund for the redemption of said bonds; third, for the maintenance of the roads constructed under this act and of the dirt roads. The sinking fund shall be held by said board of county commissioners in 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 the bonds sold under authority of this act, at their maturity. The balance of the fund raised by the annual road tax, after paying the annual interest on the bonds and setting aside the sinking fund, shall be paid over to the treasurer of the road commission and become a part of the good roads fund, to be expended for the maintenance of roads. The said good roads commission shall use the funds derived from the sale of said bonds only for the construction and improvement of the public highways in said county, and not for the maintenance of the highways of said county.

Separate road tax.

Limit of rate.

Collection and application.

Sinking fund.

Investment of sinking fund.

Use of good roads fund.

SEC. 8. If a majority of the voters of Caldwell 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 convictions for crime, are hereby repealed; but not otherwise.

Road duty abrogated.

SEC. 9. 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

Acceptance of State aid authorized.

county commissioners of Caldwell County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

Election of road commissioners.

SEC. 10. That the board of county commissioners of Caldwell County shall at its regular meeting in May following the passage of this act elect seventeen qualified voters of said county, one from each of the voting precincts, except those containing incorporated towns of over twenty-five hundred inhabitants, and two each from them, to be known as "The Good Roads Commission of Caldwell County," who shall hold office for two years from their election, and until their successors are qualified, and shall have charge of the road work of said county; the said board of county 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 five members of said good roads commission shall be of the minority political party casting next to the highest vote at the last election for county officers.

Official title.

Term of office.

Vacancies.

Proviso: political affiliation.

Commissioners to qualify.

Meeting and organization.

Salary of treasurer.

Pay of commissioners.

Proviso: limit.

Employment and salary of road engineer.

Proviso: joint employment.

Proviso: acceptance of State aid.

Duty and authority of engineer.

As soon as practicable after election, the members of the good roads commission shall qualify by taking oath of office before some person authorized to administer oaths, meet and organize by electing one of their members chairman, and another secretary, and another one of their members or some other suitable person treasurer. The treasurer shall not be allowed fees, but his salary shall be fixed by the good roads commission at a sum to be agreed upon by them. 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 not to exceed twelve days in one year.

SEC. 11. In order that the road work may be properly and economically carried on, the good roads commission is expressly authorized and instructed to employ a competent road engineer, at a salary to be fixed by it and to be paid out of the road fund as provided for in this act: *Provided*, that the road commissioners are authorized, if proper arrangements can be made, to hire jointly with another county the services of the road engineer, or to employ the road engineer for such part of his time as he deems it necessary to give proper supervision to the work; and *Provided further*, that if the State furnishes to the counties engineering assistance and supervision of their road work, that the acceptance of such services from the State by the good roads commission shall be considered as fulfilling the requirements by the commissioners of this section. The highway engineer shall advise the good roads commissioners regarding the road work, supervision, the making of plans and specifications for the work, and have general supervision of all road work, and he is expressly authorized to give instructions to the highway superintendent hereinafter provided for.

SEC. 12. Before proceeding with the road work of Caldwell County, the good roads commission shall elect by ballot a competent highway superintendent and fix his compensation. The result of said election shall be declared and recorded in the proceedings of said good roads commission. The person so elected shall take and subscribe an oath for the faithful performance of his duties 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 the accounting of 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 or by the highway engineer, and shall have such authority and perform such duties as may be from time to time determined by said good roads commission, except as otherwise provided in this act.

Election and compensation of superintendent.

Superintendent to qualify and give bond.

Term of office.

Removal for cause.

Direction of work.

Authority and duties.

SEC. 13. The highway superintendent shall appoint, by and with the approval of the good roads commission, road supervisors in each township, who shall have direct charge of the road forces in their township or portions of township to which they are appointed, but they shall be subject to the authority of the highway engineer and shall carry out his instructions as to the method of construction and maintenance of the road and working of the road forces. They may be discharged at any time, for cause, by the highway superintendent.

Township supervisors.

Subject to authority of engineer.

Discharge for cause.

SEC. 14. 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 cannot 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 further*, that before entering upon the 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 for road work.

Assessment of damages.

Proviso: notice to landowners.

SEC. 15. The highways in said county constructed or improved under this act shall have a right of way of not less than forty feet, except where the good roads commission deem it impracticable to acquire such width, and in such cases the width shall be at least twenty-five feet, of which not less than twenty feet shall be free from logs, stumps, rocks, and drains, except where ledges of rock are encountered or where the width is considered

Right of way.

- Alignment. impracticable by the engineer. The alignment of the road shall be as straight as practicable and with no grade over four and one-half per cent, except as such grade is considered impracticable by the road engineer.
- Grade. impracticable by the engineer. The alignment of the road shall be as straight as practicable and with no grade over four and one-half per cent, except as such grade is considered impracticable by the road engineer.
- Convicts sentenced to road work. SEC. 16. Judges of the Superior Court, justices of the peace, and mayors holding courts in Caldwell County are herewith authorized to sentence to work on the public roads of said county persons convicted in their courts held in said county. Persons thus sentenced shall be assigned by the board of county commissioners to 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 be employed in the construction or repair or maintenance of highways under the provisions of this act, and the expense of maintaining and guarding such convicts while so employed shall be paid by the good roads commission out of the road fund of the county.
- Assignment of convicts.
- Employment of convicts.
- Maintenance and care.
- Highway defined. SEC. 17. The term highway shall be understood to mean all public roads where the county owns and controls the right of way.
- Expenses of commission. SEC. 18. 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 good roads fund provided for by this act.
- Issuing or paying fraudulent order felony. SEC. 19. Any good roads commissioners or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said good roads 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.
- Itemized statements published monthly. SEC. 20. The treasurer of the good roads commission shall, on the first Monday of each and every month, post on the courthouse door of said county an itemized statement showing in full an account of his receipts and disbursements for the previous months; and the good roads commission shall require him to account to them quarterly in each year for the said good roads fund; and it may require, as often as is 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.
- Quarterly accounts. Reports as to work.
- Removal of commissioners. SEC. 21. 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.
- Vacancies.
- Moneys constituting good roads fund. SEC. 22. Any moneys that are raised by special tax or a bond issue or in any other manner whatsoever by the county officials of Caldwell County, for the construction, or improvement, or repair, or maintenance of the public roads of Caldwell County shall become a part of what is herewith designated as the good roads fund, which shall be in the custody of the treasurer of the good roads commission, to be drawn upon as directed by the good roads commission.

SEC. 23. The good roads commission is herewith authorized to use the good roads fund provided for in section thirteen to construct and improve and repair and maintain the public highways in Caldwell County, and shall purchase for such work the necessary tools, machinery, implements, and stock: *Provided*, that no such purchase shall be made until the order for same has been approved either by the highway engineer or the highway superintendent, or both, if this is deemed advisable by the good roads commission. The good roads commission is also authorized to employ overseers, supervisors, foremen, and laborers as it may be necessary for carrying out the purposes of this act, and to pay for the hiring of such out of the good roads fund. The good roads commission is also authorized to let out any of the road work on contract when in the opinion of the highway engineer and highway superintendent this is more economical for the county.

Use of good roads fund.

Purchase of equipment. Proviso: approval of purchase.

Employees.

Work let to contract.

SEC. 24. This act shall apply to the whole of Caldwell County, and any special township road laws of said county are herewith repealed.

Application of act

SEC. 25. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 26. This act shall take effect from and after its ratification. Ratified this the 6th day of March, A. D. 1913.

CHAPTER 469.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF CARTERET COUNTY BY TAXATION AND TO ALLOW THE COMMISSIONERS OF SAID COUNTY TO LEVY A SPECIAL TAX FOR THE SAME, AND TO PROVIDE FOR MONEYS TO BUILD NEW ROADS AND FOR THE IMPROVEMENT OF ROADS ALREADY IN EXISTENCE, AND TO PROVIDE FOR THE BUILDING AND REPAIRING OF BRIDGES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Carteret County may levy a special tax annually, observing the constitutional equation, for the purpose of building roads and constructing bridges over any of the streams of said county over which public roads may run and for the purpose of building and keeping in repair and for the improvement of the roads and bridges over any of the streams over which public roads in said county may run, not exceeding twenty-five cents on the hundred dollars valuation of property and seventy-five cents on each poll.

Special tax for roads and bridges authorized.

Limit of rate.

SEC. 2. That the said board of commissioners may in their discretion abrogate and discontinue the present system of working

Discontinuance of present system authorized.

- the public roads of said county, or of any township or townships in said county, and may substitute therefor the working of said roads in the said county or in any of the townships of the same by taxation.
- Work by taxation.**
- Notice of change of system.** SEC. 3. That if the said board of commissioners of said county shall determine and order that the roads of said county or of any township or townships therein shall be worked by taxation, then it shall be the duty of said board to give public notice of such order for at least sixty days before such order shall go into effect, and said notice shall be published in some newspaper or newspapers published in said county.
- Election of township highway commissioners.** SEC. 4. That if the said board of commissioners shall determine and order that said roads of said county as a whole or in any township or townships shall be worked by taxation, then it shall be the duty of said board of county commissioners to appoint one highway commissioner for each township in which said roads are worked by taxation, whose duty it shall be to have charge and supervision of the construction and repair of the roads and bridges of his respective township, and whose compensation shall not exceed two dollars per day while actually engaged in the performance of his duties. The said board of county commissioners shall also appoint a county highway commissioner, whose compensation shall not exceed three dollars per day and actual expenses while in the performance of his duties. Said county highway commissioner shall have charge of the road and bridge work of the county provided for under this act, and shall always be subject to such rules, regulations, and orders as the board of county commissioners may prescribe from time to time.
- Duty of township commissioners.**
- Compensation.**
- Appointment and compensation of county highway commissioner.**
- Powers and duties.**
- Special tax for townships.** SEC. 5. That for the purposes of carrying into effect the provisions of this act, and to provide moneys to carry the same into effect, the said board of commissioners of said county, together and in conjunction with the board of supervisors of any township or townships to be affected, may annually levy a special tax for the purpose of building, maintaining, and keeping in repair the public roads of said township or townships and for the building and keeping in repair the necessary bridges over the streams of said township or townships over which said roads may run; said levy not to exceed twenty-five cents on the hundred dollars worth of property and seventy-five cents on each poll.
- Limit of rate.**
- Further authority for tax levy.** SEC. 6. That the said board of commissioners of said county, in addition to the provisions hereinbefore set out, may from time to time, in their discretion, levy annually a special road and bridge tax to be used in the building, maintaining, and keeping in repair the roads and bridges of said county, and may borrow money for such purposes and pledge the faith and credit of said county by issuing county scrip or other evidences of indebtedness to secure the payments of the money so borrowed; and in the event that said board of commissioners of said county shall borrow any
- Power to borrow money.**
- Sinking fund and interest.**

money for such purposes, they shall provide for a sinking fund to redeem said indebtedness at the time the same becomes due, and shall provide for the payment of the interest annually on said indebtedness; but at no time shall they be allowed to levy a greater tax in any one year for the purposes of this act than twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on each poll. Limit of tax rate.

Sec. 7. That the said board of commissioners of said county, together with the board of supervisors of any township or townships affected, are hereby authorized and empowered to lay out public roads in said county or township or townships and, in conjunction with the said board of supervisors of any township or townships to be affected, may determine the width of any road now in existence or hereafter to be laid out as a public road, upon first giving a notice of thirty days in some one or more newspapers published in said county. Location and width of roads.

Sec. 8. That the board of commissioners of Carteret County are hereby given authority to enter upon any lands in said county for the purpose of making surveys in connection with laying out or widening said roads. Before doing any work or construction, except for the surveys, the said board of commissioners or the board of highway commissioners appointed by the said board of county commissioners shall give to the landowner over whose land the proposed new road or change of road or widening of road may run, at least five days notice in writing of the time and place when and where the board will consider the question of condemning the necessary land. If the landowner is 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 lives. If the landowner be a nonresident or cannot be found within the county, such notice shall be mailed to his last known address, or, if his address is unknown, published in some newspaper in Carteret County once a week for two weeks before the hearing. If the board of commissioners of Carteret County shall find the proposed improvements 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 of said board. Upon the question of condemnation the findings and order of the said board of commissioners of Carteret County shall be subject to review by appeal to the Superior Court. 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; the said commissioners of said county shall have authority through and by the highway commissioners of said township or townships through which said roads run to immediately take possession of the land described in the order and construct or widen the said road. If the landowner shall make claim for damages and shall be unable to agree with either the highway commissioners or the Entry on land for surveys. Notice of proposed condemnation of land. Order for condemnation. Order subject to review. Limit of land condemned. Assessment of damage.

said board of commissioners of said county as to the amount thereof, he shall file with the Clerk of the Superior Court of Carteret County his petition for the assessment thereof, five days notice of which shall be given to the chairman of the board of commissioners of Carteret County. 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; but if said jury fail to so meet, they shall meet at such other time as they fix by giving ten days notice to the chairman of the board of commissioners of Carteret County or to the highway commissioners of the township or townships in which said lands condemned lie. The jurors, after being duly sworn, shall ascertain the amount of damages of the landowner, and after deducting therefrom the special benefits that the landowner will receive by reason of the construction of said road or the widening of the same, shall award the excess, if any, of damages over benefits to be paid by the board of commissioners of Carteret County out of the road funds. Either the said board of commissioners of said county or the landowner may appeal to the Superior Court within ten days from the filing of the report or award of the said jury with the clerk of the Superior Court.

Right of appeal.

SEC. 9. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1913.

CHAPTER 470.

AN ACT TO PROVIDE FOR AN ADDITIONAL BOND ISSUE FOR KINGS MOUNTAIN PRECINCT IN No. 4. TOWNSHIP, CLEVELAND COUNTY, FOR ROAD IMPROVEMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of continuing the work of building, grading, surveying, laying out, and constructing 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 fifteen thousand dollars (\$15,000), in denominations not exceeding one thousand dollars (\$1,000), bearing interest from date thereof at not exceeding five (5) per cent per annum, with interest coupons attached, payable semiannually, 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 issued in such amounts, or in series of such amount, and the principal thereof

Bond issue directed.

Amount.

Denominations.

Interest.

Maturity.

payable at such time or times not exceeding forty-one (41) 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.

Proviso: sale below par forbidden.

SEC. 2. That the bonds herein provided for, if issued, shall be supplemental to the bond issue provided for in chapter four hundred and twenty-nine, Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, and said bonds shall be numbered, issued, sold, and the funds arising from the sale used in the same manner as provided in said chapter four hundred and twenty-nine, Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, for the bond issue therein provided for, which bonds have been issued and sold.

Supplemental bond issue.

Application of former law.

SEC. 3. In order to pay the interest on the bonds herein provided for, create a sinking fund for taking up said bonds at maturity, to compensate laborers employed on the roads of Kings Mountain Precinct in Number Four Township, and for the purpose of carrying into effect the provisions of this act, and of chapter four hundred and twenty-nine, Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, 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 in Number Four Township, 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 taxes on the poll: *Provided*, that there shall not at any time be levied in Kings Mountain Precinct in Number Four Township, Cleveland County, under the provisions of this act, a tax greater than fifteen (15) cents upon the one hundred dollars worth of property and forty-five (45) cents on each poll; this levy supplemental to the tax levy provided in chapter four hundred and twenty-nine, Public-Local Laws of North Carolina, session one thousand nine hundred and eleven: *Provided further*, that it shall be optional with the highway commission of Kings Mountain Precinct in Number Four Township as to what time it shall begin to set aside the funds from the taxes herein provided for the creation of a sinking fund with which to discharge the bond issue hereby provided for, except that the creation of such sinking fund shall begin not later than ten (10) years from the date of issuing said bonds.

Special tax.

Constitutional equation.
Proviso: limit of rate.

SEC. 4. That this act shall not become effective, and the bonds herein provided for shall not be issued, nor the taxes herein authorized levied, unless a majority of the qualified voters of Kings Mountain Precinct in Number Four Township voting at

Proviso: establishment of sinking fund.

Bonds not to be issued nor act to be effective until ratified by election.

Law governing call for and holding of election.

Proviso: effect of election.

Purpose of act.

Management of funds.

said election shall vote, at said election to be held for that purpose, for the issuing of the bonds and the levying of the taxes as herein provided; and said election shall be ordered by the board of commissioners of Cleveland County in accordance with the terms, and said election shall be held as is provided, and the return of elections made, the vote canvassed, and the result declared as is provided by chapter four hundred and twenty-nine, Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, for the bond issue therein authorized: *Provided*, that if a majority of the qualified voters voting at said election so ordered shall vote "For Good Roads," then the bonds herein provided for shall be issued, the taxes levied, and the funds used in accordance with the terms of this act and the provisions of the original act to which this is supplemental.

SEC. 5. That the purpose of this act, if it shall be adopted by the voters of Kings Mountain Precinct in Number Four Township, Cleveland County, is to secure additional funds for the purpose of carrying on and continuing the road work provided in said precinct, and said funds shall be handled in the same manner and expended for the same purpose, and the said highway commission of Kings Mountain Precinct in Number Four Township shall exercise the same rights and privileges in the expenditure of said money and account for same in the same manner, and the Treasurer of Cleveland County shall disburse said fund upon order, and his official bond be responsible for same in like manner, and the Sheriff of Cleveland County shall collect said taxes in the same way as is now provided for all of the foregoing in chapter four hundred and twenty-nine, Public-Local Laws of North Carolina, session one thousand nine hundred and eleven.

SEC. 6. That all laws and clauses of laws in conflict with same, and no farther.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 471.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PITT TO APPROPRIATE THE SUM OF \$1,500 TO THE ERECTION OF A CONFEDERATE MONUMENT ON THE COURTHOUSE SQUARE IN THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

Appropriation authorized.

Amount.

SECTION 1. That in order to perpetuate the memory of the deeds of the heroic men of the county of Pitt who fell in the War Between the States, the board of county commissioners of the county

of Pitt are hereby authorized and empowered, in their discretion, to appropriate an amount not to exceed the sum of fifteen hundred dollars of the revenue of said county to the erection of a Confederate monument on the courthouse square in the town of Greenville, upon the citizens of said county donating a like sum so appropriated to the erection of said monument.

SEC. 2. That the said board of county commissioners shall select and determine the site for said monument on said courthouse square, and a committee of the Daughters of the Confederacy from the Singletary Chapter at Greenville and the Bryan Grimes Camp of Confederate Veterans of Pitt County shall select and determine the style of said monument.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 472.

AN ACT TO CONFER UPON THE PEOPLE OF SAMPSON COUNTY THE RIGHT TO GOVERN ITSELF WITH RESPECT TO STOCK LAW OR NO STOCK LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That if at any time one-fourth of the qualified voters residing in Sampson County shall petition the board of county commissioners for an election on the question of stock law or no stock law, the board of county commissioners shall, and it is hereby made its duty, without discretion, to order an election in said county on the question of stock law or no stock, to be held within sixty days after such petitions are filed; and if at said election a majority of the votes cast shall be in favor of stock law, then at the expiration of nine months following such election it shall be unlawful for any live stock to run at large in any part of said county under the pains and penalties set forth in chapter thirty-five of the Revisal of one thousand nine hundred and five.

SEC. 2. If the election provided for in section one of this act shall result in favor of stock law, the board of commissioners of said county are authorized to dispose of, either at public or private sale, the public fences of said county, the keeping of which may then be rendered unnecessary, and turn over the proceeds remaining after the building of any fences that may be necessary between said county and any adjoining county, to the county fund: *Provided, however,* that it shall not be necessary for the commissioners of Sampson County to build a fence upon the boundaries of said county except such as shall be agreed upon by the commissioners of Sampson County and the commissioners of any adjoining county.

Selection of site.

Selection of monument.

Petition for election.

Duty to call election mandatory.

Effect of election.

Sale of public fences.

Proceeds to county fund.

Proviso: boundary fences.

Law governing election.

Appointment of election officers.

Returns.

Effect of unfavorable result.

SEC. 3. That the election herein provided for shall be conducted and concluded as nearly as possible in accordance with the election for members of the General Assembly, except that registrars and judges of election shall be appointed by the board of county commissioners and returns made to and canvassed by said board, who shall declare the result thereof.

SEC. 4. That if such election shall result unfavorably to stock law, then and in that event the county shall remain as at present as regards the stock law.

SEC. 5. All laws and clauses of laws in conflict with this act, and no further, are hereby repealed.

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

Ratified this 6th day of March, A. D. 1913.

CHAPTER 473.

AN ACT TO PROVIDE A ROAD LAW FOR THE COUNTY OF ROWAN, AND FOR LEVYING TAXES FOR PUBLIC ROADS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Specific road tax.
Limit of rate.

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, including buying road machinery, equipment, and supplies. Said specific tax shall be levied and collected each and every year as other taxes are levied and collected.

Tax annual.

Road tax for townships.

Limit of rate.

SEC. 2. That the board of commissioners of Rowan County may on the first Monday in the month of June, one thousand nine hundred and thirteen, and annually thereafter, levy a tax of not less than fifteen (15) cents and not more than twenty-five (25) cents on the one hundred dollars valuation of property subject to taxation in the several townships of the county of Rowan, property in incorporated towns in the several townships excepted, and not less than forty-five (45) cents and not more than seventy-five (75) cents on each and every poll subject to poll tax in the several townships of the county of Rowan, polls in incorporated towns in the several townships excepted, 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 the said county from other taxes, and shall be known as "Township Road Fund," and said taxes shall be used

Collection of tax.

Township road fund.

Use of funds.

in the construction, improvement, and maintenance of the public roads of the several townships, and each township shall have its own apportionment of the taxes levied and collected therein, and the said taxes levied and collected in the several townships shall be used exclusively in the construction, improvement, and maintenance of the public roads of the township where levied and collected under the direction of the board of commissioners of Rowan County and a committee of three appointed in each township by the board of commissioners for the purpose of consultation with said board as to how the taxes levied hereunder are to be expended in their several townships: *Provided, however*, that no part of "the township road fund" tax levied in this section shall be used in the construction, maintenance, or improvement of the streets of the incorporated towns of the several townships of said county: *Provided, however*, upon the petition of sixty per cent of the freeholders and qualified voters of any one or more townships petitioning against said tax-levy, the board of county commissioners may not levy said tax in said township, and may continue to work roads in said township or townships in accordance with provisions of chapter two hundred and nineteen, Public-Local Laws one thousand nine hundred and eleven.

Township committee.

Proviso: tax not used in towns.

Proviso: petition against tax.

Sec. 3. 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. The said superintendent of roads' compensation to be paid out of the fund derived from the road tax levied under section one of this act.

Election and compensation of road superintendent.

Removal for cause.

Sec. 4. That it shall be the duty of said superintendent of roads to give so much of his time as may be required by the board of commissioners to building, directing, maintaining, and repairing the highways and public roads of Rowan County; he shall have charge of the supervision, maintaining, 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.

Enumeration of duties of superintendent.

Appointment and compensation of guards and employees.

SEC. 5. 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.

Officers not liable for injury to convicts in enforcing discipline.

SEC. 6. 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. 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 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 an 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 that it was necessary to resort to such means in order to make such arrest.

Permitting escape misdemeanor.

Punishment.

Proviso: officers not liable for injuries in preventing escapes.

Power to rearrest escaped convict.

No liability for injuries inflicted in making rearrests.

Prisoners subject to road work.

SEC. 7. That all persons confined in the county jail under a final sentence of the court for crimes, or imprisoned for nonpayment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned for nonpayment of costs, all persons who shall be sentenced to the State's 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 the case of serious physical disability, certified by the county physician, persons convicted in any court may be sentenced to the State's Prison or the county jail.

Care and maintenance of convicts.

Proviso: 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 fund provided in section one of this act.

Convicts from other counties.

Transportation and maintenance.

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.

SEC. 10. The board of county commissioners of Rowan County may in its discretion work said convicts on the streets within the corporate limits of the city of Salisbury and upon the streets within the corporate limits of any other incorporated town in Rowan County.

Work on streets of towns.

SEC. 11. If the board of commissioners of Rowan County elect a superintendent of roads for Rowan County under section three of this act, then and in that event the said board of commissioners shall provide for the superintendent of roads an office where he shall file copies of all correspondence, letters, contracts, proposals, plats, and surveys of roads, and shall keep an accurate record of all accounts and contracts with the supervisors or any other person who is dealing with the said board of commissioners in matters relating to the public roads of said county. The said superintendent of roads shall 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 provision 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 room for superintendent.

Office days.

Employment at other times.

Purchases of supplies or hiring teams by superintendent from himself misdemeanor.

Punishment.

SEC. 12. 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 of the county, 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 the 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

Appointment of township supervisors.

Division of roads into sections.

Plats of sections.

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 also shall be his duty, with the approval of the superintendent of roads, to let by 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.

Roads let to contract. 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 Rowan County to build, maintain, and keep in good repair, free from all holes, ruts, and dangerous places, and also well drained, with good crown upon the road, the section of public road 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 as 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 Rowan County, to faithfully discharge the duties mentioned in his contract and as required of him or them by law; and if 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 Rowan County. The superintendent of roads, upon accepting the above mentioned contract, shall write his approval therein, and file same with the Register of Deeds of Rowan County, and the said contract 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 road 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 completed, 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 indorse said order and send same to the board of commissioners for payment. The said supervisors 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

Contracts to be in writing.

Specifications of contracts.

Bonds of contractors.

Recovery on bond.

Approval and filing of contract.

View of roads.

Orders for payment on contracts.

Indorsement of superintendent.

Pay of supervisors.

of roads, in a sum of not less than two dollars per day. Said accounts shall be itemized, signed, and certified as correct by said supervisor, and be examined and indorsed by the superintendent of roads before payment.

SEC. 13. 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 and teams 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 road 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 Rowan 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 Rowan County. The board of commissioners of said county shall have the right to fix the compensation for the supervisors of the various townships of the county, which shall not be less than two dollars per day for ten hours work. 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 board of county commissioners 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. 14. The said supervisor shall keep a correct and accurate record of the contracts and accounts made, and shall furnish to the county commissioners or the superintendent of roads an itemized statement of all labor 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

Itemized accounts.

Work by hired labor.

Specifications of work.

Direction and control of superintendent.

Bonds of supervisors.

Recovery on bonds.

Compensation of supervisors.

Contracts reported to commissioners.

Neglect of duty misdemeanor.

Punishment.

Record of contracts and accounts.

Itemized statements.

Approval of statements.

- 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 of labor and teams and for material furnished for the building of the various roads in the said county, find the same correct and no overcharge made thereon, they shall order payment of the same.
- Order for payment.**
- Contracts for main-
tenance of bridges.** SEC. 15. The superintendent of roads, with the approval of the 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 same 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 Rowan 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 the bridges and culverts in good repair, the section of public roads 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 Rowan County, to faithfully carry out his contract and discharge the duties as imposed upon him by law as contractor for building roads in Rowan County; and if he shall fail to carry out the terms of his contract, and shall fail to keep up said 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 Rowan 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.
- Contracts to be in
writing.**
- Specifications of
contracts.**
- Bonds of contract-
ors.**
- Suit on bonds.**
- Payments on
contracts.**
- Entry on land for
material.**
- SEC. 16. That for the purpose of carrying out the provisions of this act the said board of commissioners and 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 drains 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
- Drains or ditches.**

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 imprisonment or work 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."

Forfeit for obstructing drains or ditches.

Enforcement of penalties.

Penalties to road fund.

SEC. 17. 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.

Presentation and payment of accounts for material.

Right of appeal.

SEC. 18. The board of county commissioners and the superintendent of roads shall have the power and authority to locate, relocate, widen, or otherwise change any public road or parts of 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 public travel; and they shall have the further right to abandon and discontinue any public road if the same is

Location alteration, or establishment of roads.

Discontinuance.

unnecessary and not advantageous to public travel. But the said superintendent of roads, before locating, relocating, widening, 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, locations, relocations of any public road or the plat for the establishment and opening of a new public road, with a survey of same made 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. Or, if said petition is for the discontinuance and abandonment of a public road, he shall state that the public road mentioned therein is unnecessary and not advantageous to public travel. The said superintendent shall also give to the landowner or landowners on and over whose lands any changes, locations, or relocations 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 in writing of the time and place of hearing of said petition to the said board of commissioners; and said notice shall contain a brief statement of the contents of said

Petition for location or change.

Estimate of cost.

Petition for discontinuance.

Notice to landowners.

Verification of petition.
Persons under disability.

petition. The said petition may be signed and verified as petitions in special proceedings in the Superior Court. If any of the landowners on and over which the proposed changes are to be made or the new road established or any road to be abandoned or discontinued, are minors, idiots, or lunatics, the said notice shall be given to them and their duly appointed guardians, or if no guardian has been appointed, then said notice shall be given to any person with whom they are living; and if any landholder is a nonresident, the said notice shall be mailed to him at his last place of residence, and be published for twenty days before the hearing of said petition at the courthouse door.

Nonresidents.

Order of commissioners.

SEC. 19. 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 establishment of any new public 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 be for discontinuing and abandoning the public road, the said road then described in the order shall be discontinued and abandoned. Any person owning land on and 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 Rowan 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.

Condemnation of lands.

Order for discontinuance.

Right of appeal.

Bond on appeal.
Appeal not to delay work.

Obstructing officers misdemeanor.

SEC. 20. 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 of 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 of the Rowan County court 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

Punishment.

Obstructing work misdemeanor.

Punishment.

Solicitor to prosecute.

Assessment of damages.

public road, any person be aggrieved, and if he and the superintendent of roads, with the approval of the board of commissioners of said county, cannot 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 six months after said change, location, or relocation of the public road, or the opening and establishment 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 damage 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 same 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 said board of 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.

Payment of damages.

Proviso: right of appeal.

Security for costs.

SEC. 21. That all railroads or other incorporated companies shall keep up, at their own expense, upon a specification furnished by any town supervisor to such railroad or other incorporated company, all bridges on or over the public roads, and 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 on the failure to do so shall be guilty of a misdemeanor and fined at the discretion of the Superior Court, and shall forfeit and pay twenty-five dollars for each ten days such railroad or other incorporated company shall fail to perform the duties imposed in 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.

Bridges and crossings to be kept up by railroad companies.

Failure a misdemeanor.
Punishment.

SEC. 22. 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 townships so divided to apportion the said road between the different townships in a just and equitable manner.

Roads dividing townships.

SEC. 23. The board of commissioners of the county shall make two divisions of all the public roads; the first division shall be known as public highways, and shall consist of the main public roads leading from Salisbury to the county line, and be those public roads that said board of commissioners shall set apart for the purposes of grading and macadamizing and the public roads known as public highways; the said board of commissioners shall have a right to let by contract or otherwise the building, grading, and macadamizing as they shall deem best. The other division shall be known as the public roads, and be maintained as required by law. The width of the public highways and public roads of the

Classification of roads.
Main public roads.

Public roads.

Width of highways and roads.

- county shall be forty feet whenever practicable, and in no case shall they be less than twenty-two feet in width. The board of commissioners, whenever practicable or convenient, shall place along beside said macadam road a dirt or clay road. The dirt or clay road to be used by the public whenever the weather permits, for the purpose of saving the wear and tear of the macadam roads.
- Dirt and macadam roads.**
- Orders on road funds.** SEC. 24. That all disbursements for the road fund mentioned in section one shall be made by order upon the county treasurer, issued by said board of commissioners and the superintendent of roads, and the orders of the township supervisor shall not be paid unless approved by said board or the superintendent of roads; the said board of commissioners in the disbursement of said road fund mentioned in section one of this act shall deal in an equitable manner with all the townships of the county. All disbursements of the "Township Road Fund" mentioned in section two of this act shall be made by order upon the county treasurer, issued by said board of commissioners with the approval of a majority of the committee appointed in the township where the road fund is to be disbursed. For the purposes of constructing, improving, and maintaining the roads of the townships as above mentioned, the said "Township Road Fund," with the approval of the majority of committee and the board of county commissioners, may be expended for the purposes set forth under section fifteen, sixteen, seventeen, eighteen, nineteen, twenty-two, and twenty-three of this act: and any superintendent of roads or township surveyor or township committee who shall, under any pretense whatever, approve any order for material not received, or services not rendered, shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the court.
- Disbursements of township road fund.**
- Expenditures from township road fund.**
- Fraudulent approvals misdemeanors.**
- Punishment.**
- Allowances for wide tires.** SEC. 25. 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 county 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.
- Plans and methods for road work.** SEC. 26. That the said board of commissioners may adopt any method, plan, or system for maintaining 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 rules and regulations as they may prescribe.
- Failure to perform duty misdemeanor.** SEC. 27. 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, shall be guilty of a misdemeanor, and upon conviction thereof fined not exceeding ten dollars or imprisoned not exceeding ten days.
- Punishment.**

SEC. 28. 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.

Purchase of equipment.

SEC. 29. That the board of commissioners shall have discretionary power to make any 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 any ordinary expenditure of money or labor by the road hands.

Appropriation for special work.

SEC. 30. 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.

Appointment of superintendent optional.

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.

Operation of traction engines.

Protection of roads, bridges, and culverts.

Violation of act misdemeanor.

Punishment.

SEC. 32. That sections one, twenty-one, twenty-two, twenty-three, and twenty-four of chapter two hundred and nineteen of the Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, be and the same are hereby repealed. That all other sections of chapter two hundred and nineteen of the Public-Local Laws of one thousand nine hundred and eleven that in any way conflict with the provisions of this act are hereby repealed, in so far as they conflict with the provisions of this act. That sections two thousand seven hundred and twenty-five and sections two thousand seven hundred and twenty-six of the Revisal of one thousand nine hundred and five, in so far as it applies to Rowan County, is hereby repealed.

Laws specifically repealed.

Laws partially repealed.

SEC. 33. That all other laws in conflict with this act are hereby repealed.

General repealing clause.

SEC. 34. That this act shall only apply to Rowan County.

Application of act.

SEC. 35. That this act shall be in force and effect from and after the thirty-first day of May, one thousand nine hundred and thirteen.

When act effective.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 474.

AN ACT TO AUTHORIZE No. 6 TOWNSHIP, EDGECOMBE COUNTY, TO ISSUE BONDS FOR ROAD IMPROVEMENT.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That the board of commissioners of Edgecombe County are hereby authorized and directed to issue bonds for Number Six Township, Edgecombe County, to be styled Number Six Township Road Bonds, to an amount not to exceed thirty thousand dollars (\$30,000): *Provided*, a majority of the qualified voters of said 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 to be sold at less than par and to be of denominations 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 numbered and have attached thereto sixty coupons, each coupon to represent the interest that shall become due semiannually 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 Edgecombe County may determine or direct. The said bonds and coupons shall be signed by the chairman of the board of commissioners of Edgecombe County and countersigned by the register of deeds of said county, or it shall be sufficient for the coupons attached to said bonds to bear the facsimile lithographed or engraved signatures of said chairman of the board of commissioners and the register of deeds, instead of requiring them to sign the same, 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 taxes to be levied on the taxable property and polls of Number Six Township, Edgecombe County, in order to pay the interest on any bonds issued under or by virtue of the provisions of this act. The county commissioners of Edgecombe County shall on the first Monday in May after the election at which this bond issue has been voted, and annually thereafter, levy a sufficient tax on the taxable polls and property of said Number Six Township, to be collected by the sheriff or tax collector of Edgecombe County as other taxes are collected, and when collected the taxes shall be kept separate and used only for the payment of interest on said bonds of Number Six Township. Fifteen years after the date of said bonds it shall be lawful for and the duty of the board of commissioners of Edgecombe County to levy, annually, on the taxable property and polls of Number Six

Amount.

Proviso: issue authorized by election.

Interest.

Maturity.

Sale below par forbidden.
Denominations.

Payable in current funds.

Authentication.

Special tax for interest.

Special tax for sinking fund.

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.

SEC. 2. That for the purpose of carrying this act into effect the county commissioners of Edgecombe County are hereby directed and authorized to call an election in Number Six Township, Edgecombe County, and submit to the qualified voters of said township the question of issuing bonds and levying taxes as hereinbefore provided, after first giving thirty days notice of said election by publication in some newspaper published in Edgecombe County, and by posting notices in four public places in Number Six Township, said notices setting forth the objects of the election and the authority by which the same is called.

County commissioners to call election.

Notice of election.

SEC. 3. That for the purpose of holding any election herein provided, the board of commissioners of Edgecombe County shall appoint one registrar and two judges of election for each voting precinct in Number Six Township, Edgecombe County, and the registrars so appointed shall keep the registration books of said township 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 meet at the voting precinct in said township, 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.

Registrar and judges of election.

Registration.

Close of registration. Challenge day.

Hearing of challenges.

SEC. 4. The county commissioners of Edgecombe County shall call the election provided for in this act not later than the fifteenth day of May, one thousand nine hundred and thirteen, and in case the proposition thus submitted shall be rejected, the board of commissioners of Edgecombe County are hereby authorized, empowered, and directed, in their discretion, to resubmit the question of issuing bonds in Number Six Township, Edgecombe County, as provided in this act, to the qualified voters of said township at other elections, to be called by them under the same provisions of this act relating to the first election herein provided for: *Provided*, said other elections shall not be called by the board of commissioners later than the second Tuesday in February, and shall not be held in said township later than the last Monday in April of any year.

Time for election.

Further election.

Proviso: limit of time.

SEC. 5. That at any election held under the provisions of this act the polls shall be opened on the day of the election at eight o'clock in the morning and closed at sundown of the same day, when the registrars and judges of election shall count up the votes and make their return of the same to the county commis-

Opening and close of polls.

Count and return of vote.

- Canvass of returns and declaration of result. such election; and the county commissioners of Edgecombe County are hereby required to meet at the courthouse, in Tarboro, on the third day after the election held under this act and canvass the returns of said election, and declare the result thereof. That the result of said election shall be spread upon the minutes of the board of county commissioners.
- Record of result. SEC. 6. 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."
- Ballots. SEC. 7. That 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: *Provided, however,* that the board of county commissioners in calling the first election hereunder shall order a new registration of the voters of said township in which the election is called, and at any subsequent election the board of county commissioners of Edgecombe County shall in its discretion, if it sees fit to do so, order a new registration of the voters of said township in which the election is called and directed.
- Law governing election. SEC. 8. That if at any election held under and by authority of this act the majority of the qualified voters of said Number Six Township shall vote "For Road Improvement," then the board of county commissioners of Edgecombe County are hereby authorized, empowered, and directed to issue the bonds for said township and sell the same, in such manner and upon such terms, not in conflict with the provisions of this act, as said board shall deem most advantageous.
- Proviso: new registration. SEC. 9. That the board of county commissioners of Edgecombe County shall deliver to the Treasurer of Edgecombe County, to the use and for the credit of Number Six Township, Edgecombe County, the proceeds derived from the sale of said bonds so voted, 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 Edgecombe County: *Provided, however,* before delivering the proceeds of bonds to said treasurer the board of commissioners may require of said treasurer an additional official bond as may seem to said board necessary, and may also require of the road commissioners of Number Six Township such bond as to the said board of commissioners may seem necessary, not to exceed the amount of money in the hands of the treasurer for said township at the time the bond is required.
- Issue of bonds. SEC. 10. The proceeds of sale of said bonds so held by the Treasurer of Edgecombe County to the credit of Number Six Township, Edgecombe County, shall be used and applied to the objects and
- Proceeds of bonds paid to treasurer. Use and application of money.
- Proviso: additional bond of treasurer. Bond of road commissioners.

purposes of building, repairing, improving, and constructing the public roads in Number Six Township, and no part of said sum shall be paid by the treasurer except upon orders signed by the chairman and countersigned by the clerk of the road commission of Number Six Township, Edgecombe County, created by chapter six hundred and forty-one, Public-Local Laws of one thousand nine hundred and eleven, the provisions of which said chapter were made and become effective as to Number Six Township alone, by the approval by the board of commissioners of Edgecombe County of said act as to Number Six Township only, and by the election by said board of commissioners of a road commission residing in and acting for said Number Six Township alone. The treasurer, upon said order, will pay the amount thereof and charge the same to said road fund: *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 been first presented to the board of commissioners of Edgecombe County for its approval and shall have been approved by it.

Orders on funds.

Provide: approval of orders by county commissioners.

SEC. 11. That the bonds herein provided for shall be issued in such sums and at such times as may be directed by the road commissioners of said Number Six Township; and if in the judgment of the road commissioners of Number Six Township the said bonds shall be retired at any time after ten years, then a clause to that effect may be embraced in the face of such bond.

Issue of bonds.

Subject to call after ten years.

SEC. 12. That all expenses for holding any election under the provisions of this act shall be paid for by the county commissioners of Edgecombe County out of the taxes collected in Number Six Township applicable to said township or road district.

Payment of expenses.

SEC. 13. That no bonds shall be issued by virtue of any election held under this act unless a majority of the qualified voters of said township vote "For Road Improvement," and in no event shall any bonds that may be issued by virtue of this act be a debt of Edgecombe County, but only a debt of Number Six Township in said county, for which they are issued.

Majority of qualified voters.

Obligation of bonds.

SEC. 14. That the county commissioners of Edgecombe County shall have authority to loan the sinking fund that may be raised for said 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 Edgecombe County for the use of Number Six Township, to which the sinking fund belongs. All mortgages or deeds of trust that may be taken by virtue of this act shall be executed to the chairman of the board of commissioners of Edgecombe County, with full power of sale embraced in said mortgage or deed of trust.

Investment of sinking fund.

Mortgages.

Renewal of bonds.

SEC. 15. That if at the expiration of thirty years any bonds issued by virtue of this act should be outstanding or unpaid, then the county commissioners of Edgecombe County, or other governing officers of Edgecombe County who may then be performing the duties which are now being performed by the county commissioners of Edgecombe County, shall have authority, after applying all the sinking fund to the payment of said bonds, to renew or refund 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 the same may be done without any further act of the Legislature than this act: *Provided*, that such renewal shall be secured by the polls and property of Number Six Township, and shall not be in any wise or at any time a charge upon the polls or property of Edgecombe County other than Number Six Township.

Proviso: obligation of renewed bonds.

Commissions of sheriff.

SEC. 15a. The Sheriff of Edgecombe County shall be allowed, for his services for collecting and paying over to the county treasurer all sums of money levied for road purposes and performing all duties enjoined upon him by this act, a commission of four per centum on all moneys collected by him under the provisions of this act, and he shall be entitled to retain this sum upon his settlement of said taxes with the county treasurer, and he shall be entitled to receive no compensation upon payments to the county treasurer. The Treasurer of Edgecombe County shall be allowed a commission of two per centum upon all moneys disbursed by him on account of road funds, such sum to be received by him in full for all services enjoined upon him by virtue of the provisions of this act. The said sheriff shall give bond with good and sufficient sureties in such sum as may be designated by the board of county commissioners, not to exceed the amount of road taxes collected for the previous year, conditioned upon the honest and faithful discharge of his duties and for the honest and faithful accounting for all sums which may come into his hands by virtue of the provisions of this act; and the treasurer shall give bond as hereinbefore provided for: *Provided*, that the county commissioners of Edgecombe County may in their discretion allow, in addition to the commissions herein allowed the sheriff and treasurer, a sum sufficient to pay the premiums on surety bonds and other expenses that may be incident to the giving of bonds required under the provisions of this act; and *Provided further*, that nothing herein contained shall be construed to release any bond given by the sheriff or treasurer for the faithful performance of their duties as said officers other than those herein provided for from any liability whatever by reason of the giving of the bonds provided in this act.

Commissions of treasurer.

Bond of sheriff.

Bond of treasurer.

Proviso: premiums on bonds.

Proviso: bonds not released.

SEC. 16. That nothing in this act shall prevent the collection of ^{Present taxes to be collected.} any taxes that may be levied for the public roads in Number Six Township, Edgecombe County, as provided for in chapter six hundred and forty-one, Public-Local Laws of one thousand nine hundred and eleven, but the same shall be collected and disposed of as therein provided for.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 475.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF McDOWELL COUNTY TO ISSUE BONDS FOR THE PURPOSE OF IMPROVING THE PUBLIC ROADS OF NEBO TOWNSHIP IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That upon the presentation of a written petition to the board of commissioners of McDowell County, signed by forty resident taxpayers of Nebo Township, McDowell County, requesting that an election be called for the said township to vote on the question of issuing bonds in an amount not to exceed ten thousand dollars (\$10,000), with interest-bearing coupons, for the purpose of grading, building, constructing of macadam, gravel, sand-clay, or other hard surface, and otherwise improving and maintaining the public roads of Nebo Township, said petition to be recorded in the minutes of said board, it shall be the duty of the commissioners to call an election to be held on the thirteenth day of May, one thousand nine hundred and thirteen, at the regular voting place in said township, and submit to the voters of said township the question of issuing bonds for said purpose, the bonds to be issued upon the terms and conditions hereinafter set out. The said board of commissioners shall, for at least thirty days preceding the said election, give notice of the election and the purpose thereof, by notice posted at ten public places in Nebo Township and in a newspaper published in McDowell County.

SEC. 2. That the said board of commissioners shall appoint the registrar and 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 prescribed by law for holding elections for members of the General Assembly, except as herein otherwise provided; that the registrar and judges of election shall, at the close of the polls, count the votes, certify the result, and on or before the second day after the said election shall make return to the board of county commissioners; and said board shall,

Petition for election.

County commissioners to order election.
Date.

Notice of election.

Election officers.

Registration and challenges.

Count and return of votes.

Canvass of returns.

Declaration and record of result.	on or before the fourth day after the election, canvass and determine the returns, declaring the result, and cause the same to be entered on the minutes of the said board.
Ballots.	SEC. 3. That at said election the ballots tendered and cast by the voters of said township shall have written or printed on them the words "For Better Roads" or "Against Better Roads," and all qualified voters who favor the issue of the said bonds upon the conditions and terms set out in this act shall vote "For Better Roads," and all qualified electors opposed thereto shall vote "Against Better Roads."
Act operative if majority of votes cast.	SEC. 4. In the event that a majority of the votes cast in said election in said township shall be "For Better Roads," this act shall immediately become operative, and it shall be the duty of the said board of commissioners of McDowell County to cause to be prepared bonds in such denominations as the highway commission hereinafter provided for may direct, not to exceed one thousand dollars (\$1,000) each, the total not to exceed the sum of ten thousand dollars (\$10,000), with interest-bearing coupons attached, at a rate to be determined by said highway commission, not to exceed six per centum per annum, payable semiannually during the time said bonds shall run, at such time and place as may be determined by said highway commission, and the principal of said bonds shall be payable thirty years from the date of issue; both the bonds and coupons shall be numbered consecutively, and shall be signed by the chairman of the board of commissioners of said county, and countersigned by the secretary of said board, and the said bonds shall have impressed upon their face the official seal of the Register of Deeds of McDowell County, or the official seal of said board of commissioners, and the said bonds shall express upon their face that they are issued for and on account of Nebo Township, in said county, and payable out of the taxable property and polls of said township.
Issue of bonds.	
Denominations.	
Total amount.	
Interest.	
Maturity.	
Authentication.	
Separate tax.	SEC. 5. That it shall be the duty of the said board of commissioners to levy annually on the taxable property and the polls of said township a separate tax, the proceeds of which shall be applied to the payment of the interest on said bonds, to create a sinking fund for the payment of said bonds at maturity and for keeping the public roads of said township in repair: <i>Provided</i> , said special tax so levied shall not exceed the sum of forty cents on taxable property and one and twenty one-hundredths (1.20) dollars on each poll.
Proviso: limit of rate.	
Governor to appoint highway commission.	SEC. 6. That if a majority of the votes cast at said election shall be "For Better Roads," then it shall be the duty of the Governor of North Carolina to appoint three citizens and residents of said township, who are freeholders therein, not more than two of whom shall be of the same political party, who shall be known and designated as the "Highway Commission of Nebo Township." The members of said commission shall be appointed for a term
Term and pay of commissioners.	

of two years, or until their successors shall be qualified. They shall receive for their services the sum of two dollars (\$2) per day during the time they are actually engaged in the duties assigned them by this act. They shall be allowed all necessary expenses for postage, stationery, attorney's fees, traveling expenses, and such other additional expenses as may be incurred by them in the discharge of their duties. The three men so appointed shall meet within ten days after their said appointment, and elect one of their number chairman and another secretary.

Expenses.

Meeting and organization.

SEC. 7. The highway commission of Nebo Township herein created shall have entire charge of expenditures of the proceeds of the sale of the said bonds herein authorized to be issued, and the expenditures derived from the taxes herein authorized to be levied and collected, less the interest on the bonds issued and sold, and the amount set apart for the sinking fund; and before entering upon the discharge of their duties under this act, each of them shall take and subscribe an oath for the faithful performance of their duties under this act, and shall file a bond with approved sureties to be approved by the Clerk of the Superior Court of McDowell County, payable to the board of commissioners of McDowell County, in the sum of one thousand dollars (\$1,000) each, conditioned for the faithful discharge of their duties under this act; that, upon the taking of the said oath and the filing of said bond and approval of the same, the board of commissioners of McDowell County shall turn over to the said highway commission the bonds so issued.

Expenditures in charge of highway commission.

Commissioners to qualify and give bond.

Bonds delivered to highway commission.

SEC. 8. That when said bonds shall be turned over to said highway commission as herein provided, it shall be the duty of such commission to sell them to the best advantage to such township by securing the lowest rate of interest at which said bonds can be sold, and said bonds shall not be sold for less than their par value. That the money derived from a sale of said bonds shall be paid to the treasurer of said county, who shall disburse the same on the written order of the chairman of said highway commission, countersigned by the secretary thereof. The said treasurer is hereby required and directed to keep a separate account of the money received by him from the proceeds of the sale of said bonds, and the taxes collected under this act, and the disbursements and date therein made by him of the same; and the bond of said treasurer shall be liable for the faithful accounting of the moneys received by him under this act: *Provided*, the said treasurer shall receive as his compensation for receiving and disbursing the moneys derived from the sale of said bonds one-half of one per centum, and shall receive as his compensation for receiving and disbursing the taxes levied and collected under this act the sum of one per centum, said taxes to be collected by the sheriff or tax collector of said county and accounted for as other taxes levied and collected in said county.

Sale of bonds.

Sale below par forbidden. Proceeds paid to treasurer. Orders for disbursements.

Funds and accounts kept separate.

Treasurer liable on bond.

Proviso: compensation of treasurer.

Collection and settlement of taxes.

Appointment and compensation of road builder.

SEC. 9. It shall be the duty of said highway commission herein created, immediately upon their qualification and organization, to appoint some competent and practical road builder to lay out and supervise the building and improving the public roads of said township; to fix his compensation, and to appoint such assistants and overseers as may be necessary. Said highway commission may let the improvement of said roads by contract, or may do the work thereon with hired labor. If the building and improvement of said roads shall be let by contract, then it shall be the duty of such highway commission to require all contractors to execute and deliver a good and sufficient bond to insure the performance of the contract according to the specifications required, and to complete the same within the time required for the performance of the work to be performed.

Assistants and overseers. Alternative methods of work.

Contractors to give bonds.

Road duty.

SEC. 10. That all male persons within the ages of twenty-one and forty-five years of age, except such as shall reside within the corporate limits of the town of Nebo, who shall have resided in said township for thirty days, shall perform five days work annually on the public roads in said township, or in lieu thereof shall pay to the said highway commissioners the sum of five dollars (\$5): *Provided*, that said amount be paid on or before a date fixed by the said highway commission; that when any person liable to perform road duty as aforesaid shall fail or neglect to work when warned by the proper person authorized for that purpose by said highway commission, or shall refuse to work when so warned, he shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

Computation.

Proviso: time for payment. Failure to work misdemeanor.

Punishment.

Overseers and supervisors.

SEC. 11. Said highway commission shall have full power, and it shall be their duty, to appoint such overseers or supervisors as may be necessary to keep the public roads in repair, and assign the duty to such overseer or supervisor that he is required to perform; or they may appoint an overseer or supervisor, whose duties shall be to supervise the working and repairing of all of the roads of said township; and when such overseer or supervisor shall be appointed, or any overseer or supervisor appointed by said highway commission and assigned certain duties to perform on said public roads shall fail, neglect, or refuse to perform the duty assigned him, he shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

Neglect of duty misdemeanor.

Punishment.

Laws reënacted.

SEC. 12. That all laws now pertaining to the public roads of said township, except such as are modified or repealed by this act, are hereby reënacted.

Corporate powers of highway commission.

SEC. 13. That said highway commission herein created shall have the power to sue and be sued in the courts of the State for the enforcement of or for the penalty for any violation of any contract made by said highway commission in the performance of the duties assigned them under this act.

SEC. 14. The width and grade of all roads to be laid out, built, Width and grade of roads. constructed, or improved under the provisions of this act shall be in the discretion of said highway commission. The said highway Bridges. commission is hereby authorized, where a public road crosses a branch, creek, or river, to submit plans and specifications for such bridges, as in their judgment may be necessary, to the board of commissioners of said county, and when such plans and specifications shall be so presented, it shall be the duty of the board of commissioners of said county to cause such bridges to be constructed according to the plans and specifications so presented, and pay for the same out of the funds heretofore or hereafter to be collected for the purpose of building bridges for said county; and it is hereby Repair of bridges. made the duty of the said board of commissioners to keep the bridges in said township in good repair.

SEC. 15. That in the event that a majority of the said votes cast Further election. in said election shall be against better roads, then and in that event it shall be the duty of the board of commissioners of said county, after three months, to order another election for said purpose: *Provided*, it is requested so to do by a petition signed by Proviso: petition for election. one hundred of the voters of said township, and if another election shall be called as aforesaid, it shall be held in the same manner as the election herein provided, and at such time as shall be fixed by the said board of commissioners.

SEC. 16. That all laws and clauses of laws inconsistent with the Repealing clause. provisions of this act shall be repealed when this act shall become operative as hereinbefore provided.

SEC. 17. When a vacancy shall occur in said highway commission, Vacancies. it shall be filled by the members of said commission; when the term for which said commission is appointed shall expire their successors shall be appointed by the board of commissioners of said county.

SEC. 18. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1913.

CHAPTER 476.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF McDOWELL COUNTY TO ISSUE BONDS FOR THE PURPOSE OF IMPROVING THE PUBLIC ROADS OF MARION TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That upon the presentation of a written petition to Petition for election. the board of commissioners of McDowell County, signed by fifty resident taxpayers of Marion Township, McDowell County, requesting that an election be called for the said township to vote

County commis- sioners to order election. Date.	on the question of issuing bonds in an amount not to exceed fifty thousand dollars (\$50,000), with interest-bearing coupons, for the purpose of grading, building, constructing of macadam, gravel, sand-clay, or other hard surface, and otherwise improving and maintaining the public roads of Marion Township, said petition to be recorded in the minutes of said board, it shall be the duty of the said board of commissioners to call an election to be held on the thirteenth day of May, one thousand nine hundred and thirteen, at the courthouse in Marion, and submit to the voters of said township the question of issuing bonds for said purpose, the bonds to be issued upon the terms and conditions hereinafter set out.
Notice of election.	The said board of commissioners shall, for at least thirty days preceding the said election, give public notice of the election and the purpose thereof by notices posted at the courthouse door and six other public places in Marion Township, and in a newspaper published in said township.
New registration. Registration and challenges.	SEC. 2. That the said board of commissioners shall order a new registration of the voters of said township for said election; that the registration and challenge of voters shall be conducted in the same manner as is now prescribed by law for holding elections for members of the General Assembly, except as herein otherwise provided: <i>Provided</i> , that the said board of commissioners shall appoint the registrar and judges of election and any other election officers; that the registrar and judges of election, at the close of the polls, shall count the votes, certify the result, and on or before the second day after the said election shall make return to the board of county commissioners; and said board shall, on or before the fourth day after the said election, canvass and determine the returns, declare the result, and cause the same to be entered on the minutes kept by the said board.
Proviso: election officers.	
Count and return of votes.	
Canvass of returns.	
Declaration and record of result.	
Ballots.	SEC. 3. That at said election the ballots tendered and cast by the voters of said township shall have written or printed on them the words "For Better Roads" or "Against Better Roads," and all qualified voters who favor the issue of the said bonds upon the conditions and terms set out in this act shall vote "For Better Roads," and all qualified electors opposed thereto shall vote "Against Better Roads."
Act operative by majority of votes cast.	SEC. 4. In the event that a majority of the votes cast in said election in said township shall be "For Better Roads," this act shall immediately become operative, and it shall be the duty of the said board of commissioners of McDowell County to cause to be prepared bonds in such denominations as the highway commission, hereinafter provided for, may direct, not to exceed one thousand dollars each, the total amount not to exceed the sum of fifty thousand dollars (\$50,000), with interest-bearing coupons attached, at a rate to be determined by said highway commission, not to exceed six per centum per annum, payable semiannually during the time said bonds shall run, and shall be payable at
Issue of bonds.	
Denominations.	
Total amount.	
Interest.	

such time and place as said highway commission shall determine, and the principal of the said bonds shall be payable thirty years from the date of issue; both the bonds and coupons shall be numbered consecutively and shall be signed by the chairman of the board of commissioners of said county, and countersigned by the secretary of said board, and the said bonds shall have impressed upon them the official seal of the register of deeds of said county or the official seal of the said board of commissioners, and the said bonds shall express upon their face that they are issued for and on account of Marion Township, in said county, and payable out of the taxable property and polls of said township.

SEC. 5. That it shall be the duty of the board of commissioners of said county to levy annually on the taxable property and polls of said township a separate and special tax, the proceeds of which shall be applied to the payment of the interest on said bonds, to create a sinking fund for the payment of said bonds at maturity, and for keeping the public roads of said township in repair: *Provided*, said special tax, so levied, shall not exceed the sum of thirty cents on one hundred dollars of taxable property and ninety cents on each poll.

SEC. 6. That if a majority of the votes cast at said election shall be "For Better Roads," then it shall be the duty of the Governor of North Carolina to appoint three citizens and residents of said township, who are freeholders therein, not more than two of whom shall belong to the same political party, who shall be known and designated as "The Highway Commission of Marion Township." The members of said commission shall be appointed for a term of two years, or until their successors shall be qualified. They shall receive for their services the sum of two dollars per day during the time they are actually engaged in the duties assigned them by this act. They shall be allowed all necessary expenses for postage, stationery, attorney's fees, traveling expenses, and for such other additional expenses as may be incurred in the discharge of their duties. The three men so appointed shall meet within ten days after their appointment and elect one of their number chairman and another secretary; they shall each take and subscribe an oath for the faithful performance of their duty under this act, and shall file a bond, with approved security, said bonds to be approved by the clerk of the Superior Court of said county, payable to the board of commissioners of McDowell County in the sum of three thousand dollars each, conditioned for the faithful performance of their duty assigned them under this act.

SEC. 7. The highway commission of Marion Township, herein created, shall have entire charge of the expenditure of the proceeds of the sale of the bonds herein authorized to be issued, and the expenditures derived from the taxes herein authorized to be levied and collected, less the interest on said bonds issued and

Maturity.

Authentication.

Separate and special tax.

Proviso: limit of rate.

Governor to appoint highway commission.

Term and pay of commissioners.

Expenses.

Meeting and organization.

Commissioners to qualify and give bond.

Expenditures in charge of highway commission.

Bonds and road equipment delivered to commissioners. sold and the amount set apart as a sinking fund herein provided for. That upon the taking of the said oath and the filing of said bond, and the approval of the same, the board of commissioners of said county shall turn over to said highway commission the bonds so issued, together with all of the road machinery and implements belonging to said township.

Sale of bonds. SEC. 8. That when said bonds shall be turned over to said highway commission as herein provided, it shall be the duty of such commission to sell them to the best advantage to said township by securing the lowest rate of interest at which said bonds can be sold, and said bonds shall not be sold for less than their par value. That the moneys derived from the sale of the said bonds shall be paid to the treasurer of said county, who shall disburse the same on the written order of the chairman of said highway commission countersigned by the secretary thereof. The said treasurer is hereby required and directed to keep a separate book of the moneys received by him from the proceeds of the sale of said bonds and the taxes collected under this act, and the disbursements and date thereof made by him of the same; the bond of the said treasurer shall be liable for the faithful accounting of the moneys received by him under this act: *Provided*, the said treasurer shall receive as his compensation for receiving and disbursing the moneys derived from the sale of the said bonds one-half of one per centum of the moneys so received and disbursed, and for the moneys received and disbursed from the taxes levied and collected under this act he shall receive one per centum thereof; said taxes to be collected by the sheriff or tax collector of said county and accounted for as other taxes levied and collected in said county.

Sale below par forbidden. Separate accounts. Treasurer liable on bond. Proviso: compensation of treasurer. Collection and settlement of taxes. Appointment and compensation of road builder. SEC. 9. It shall be the duty of said highway commission, immediately upon their qualification and organization, to appoint some competent and practical road builder to lay out and supervise the building and improving the public roads of said township, to fix his compensation, and to appoint such assistants as may be necessary. Said highway commission may let the building and improvement of said roads by contract, or may do the necessary work by hired labor. If the building and improving of the said roads shall be let by contract, then it shall be the duty of said highway commission to require all contractors to execute and deliver to them a good and sufficient bond to insure the performance of the contract according to the specifications required, and to complete the same within the time required by the contract, said bond to be payable to the said highway commission.

Alternative methods of work. Bonds of contractors. Road duty. SEC. 10. That all male persons within twenty-one and forty-five years of age, except such as shall reside within the corporate limits of the town of Marion, who have resided in said township for thirty days, shall perform five days work, annually, on the public roads of said township, or pay in lieu thereof the sum of five

Commutation.

dollars to said highway commission: *Provided*, said amount to be paid on or before a date fixed by said highway commission. Proviso: time of payment.
 That when any person liable to perform road duty, as aforesaid, shall fail or neglect to work when warned by the proper person authorized for that purpose by said highway commission, or shall refuse to work when so warned, shall be guilty of a misdemeanor, Failure to work misdemeanor.
 and upon conviction shall be punished in the discretion of the court. Punishment.

SEC. 11. Said highway commission shall have full power, and it shall be their duty, to appoint such overseers or supervisors as may be necessary to keep the public roads in repair, and assign the duty of such overseer or supervisor that he is required to perform; or they may appoint a supervisor whose duty it shall be to supervise the working and repairing of all of the roads of said township; and when such supervisor shall be appointed, or any overseer or supervisor shall be appointed by said highway commission and assigned certain duties to perform on said public roads, and any supervisor or overseer shall fail, neglect, or refuse to perform the duty assigned him, he shall be guilty of a misdemeanor, Neglect of duty misdemeanor.
 and upon conviction shall be punished in the discretion of the court. Punishment.

SEC. 12. That all laws now pertaining to the public roads of said township, except such as are modified or repealed by this act, are hereby reënacted and made a part of this act. Laws reënacted.

SEC. 13. That if a majority of the votes cast in said election, herein provided, shall be "For Better Roads," then and in that event it shall be the duty of said highway commission to discontinue the working of convicts on said roads, and may hire the convicts whose terms have not expired to some other county working convicts on the public roads; and it shall be lawful for any county hiring the convicts which have heretofore been assigned to work on the roads of Marion Township, in the county of McDowell, for such unexpired term of each convict so hired, under the same rules and regulations now provided by law for the working of convicts of said county so hiring said convicts; and when said convicts are hired to another county, as aforesaid, it shall be the duty of said highway commission to certify to said county the name of each convict, from where he was sentenced, the time when sentenced, and the time when such shall expire as aforesaid, it shall be the duty of the county so hiring him to discharge said convict. Discontinuance of convict work.
Hire of convicts.

SEC. 14. That said highway commission herein created shall have the power to sue and be sued in the courts of the State for the enforcement of or for the penalty for any violation of any contract made by said highway commission in the performance of the duties assigned them under this act. Certificate to county hiring convicts.
Corporate powers of highway commission.

SEC. 15. The width and grade of all roads to be laid out, built, constructed, or improved, under the provisions of this act shall Width and grade of roads.

- Bridges. be in the discretion of said highway commission. The said highway commission is hereby authorized, where a public road crosses a branch, creek, or river, to submit plans and specifications for such bridges as in their judgment may be necessary, to the board of commissioners of said county, and when such plans and specifications shall be so presented, it shall be the duty of the board of commissioners of said county to cause such bridges to be constructed according to the plans and specifications so presented, and pay for the same out of the funds heretofore or hereafter to be collected for the purpose of building bridges for said county; and it is hereby made the duty of the said board of commissioners to keep the bridges in said township in good repair.
- Repair of bridges.
- Repealing clause. SEC. 16. That all laws and clauses of laws inconsistent with the provisions of this act shall be repealed when this act shall become operative as hereinbefore provided.
- Further election. SEC. 17. That in the event that a majority of the said votes cast in said election shall be "Against Better Roads," then and in that event it shall be the duty of the board of commissioners of said county, after three months, to order another election for said purpose: *Provided*, it is requested so to do by a petition signed by two hundred of the voters of the said township; and if another election shall be called, as aforesaid, it shall be held in the same manner as the election herein provided, and at such time as shall be fixed by the said board of commissioners.
- Proviso: petition for further election.
- Vacancies. SEC. 18. That when any vacancy shall occur in said highway commission, it shall be filled by the remaining members of said commission; when the term of said highway commission shall expire, their successors shall be appointed by the board of commissioners of said county.
- SEC. 19. That this act shall be in force from and after its ratification.
- Ratified this the 6th day of March, A. D. 1913.

CHAPTER 477.

AN ACT TO FIX THE SALARIES FOR THE PUBLIC OFFICERS OF WAYNE COUNTY AND TO INCREASE THE ROAD FUND.

The General Assembly of North Carolina do enact:

- Sheriff to collect taxes. SECTION 1. That the Sheriff of Wayne County shall on and after the first Monday in December, one thousand nine hundred and fourteen, collect all tax of every kind that shall be due or become due Wayne County: that said sheriff may appoint one or more deputies in each township in the county, and may allow such
- Township deputies.

deputies the fees made and collected by them in serving summonses, subpoenas, notices, and processes of all kinds, and all fees and commissions made and collected by them from executions.

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.

Taxes to be collected and paid to county treasurer.

SEC. 3. That the Sheriff of Wayne County shall receive a salary of three thousand five hundred dollars per annum as full compensation for his services and the services of such assistants, deputies, and clerks as he may appoint; he shall have a deputy present at all times while court is in session; said sheriff and his deputies shall account for and pay over to the treasurer of said county all mileage and other allowances paid to him by the State of North Carolina or by State institutions for taking prisoners to State's Prison, deducting from the amount paid to him the actual necessary expense thereof: *Provided further*, the said sheriff's bond shall be paid out of the funds hereinafter created.

Salary of sheriff.

Deputy at sessions of court. Allowances to be accounted for.

Proviso: sheriff's bond.

SEC. 4. The clerk of the Superior Court, register of deeds, and treasurer 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.

Officers to collect and pay in fees.

SEC. 5. The clerk of the Superior Court and register of deeds shall each receive a salary of three thousand dollars per annum in lieu of all other compensation whatsoever; said three thousand dollars is to cover all clerk hire.

Salaries of clerk of court and of register of deeds.

SEC. 6. The Treasurer of Wayne County shall receive a salary of nine hundred dollars per annum in lieu of all other compensation whatsoever; and *Provided further*, the said treasurer's bond shall be paid out of the fund hereinafter created.

Salary of treasurer.

Proviso: bond of treasurer.

SEC. 7. 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.

Sole compensation.

Liability of officers.

SEC. 8. All the money coming into the hands of the Treasurer of Wayne 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 and after paying for the sheriff's and treasurer's bond in some bonding company, the balance of said fund shall be turned over to the general road fund for Wayne County.

Separate fund.

Payment of salaries.

Balance to road fund.

Salaries paid monthly.

Proviso: payments according to need.

Monthly settlements.

Exhibit of books and accounts.

Failure to collect fees misdemeanor.

Appointment of auditor.

Duty of auditor.

Power to administer oaths. Account books.

Accounts open to inspection.

Examination of jail.

Audit of bills and claims.

Pay and bond of auditor.

SEC. 9. 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: *Provided*, that the allowances may be paid in warrants of irregular size, according to the needs of the various officers, but shall never exceed for the year the amounts herein provided.

SEC. 10. The officers hereinbefore required to turn over to the Treasurer of Wayne County moneys coming into their hands shall make settlement with said treasurer on the last day of each and every month; 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.

SEC. 11. Any officer or 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.

SEC. 12. That the board of county commissioners of Wayne County, at a meeting to be held on the first Monday in December, one thousand nine hundred and fourteen, and annually thereafter, may appoint some suitable person to audit and approve monthly the reports of said fees, commissions, profits, and emoluments made by said county officers, and it shall be his duty to act as an accountant for the county in settling with the county treasurer and sheriff; 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 said county which show fees and commissions collected and received by them; to examine at least once a 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 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 books shall be permanently kept as the records of his office and always open to public inspection. He shall likewise visit at least once in every calendar month the county jail and examine the same, also the books and accounts kept by the jailer. It shall likewise be his duty to audit all bills and claims presented to the board of commissioners of said county for payment, which bills and claims shall first be verified on oath by the persons to whom they are due.

SEC. 13. That the board of county commissioners of said county are authorized to pay such compensation, not to exceed the sum of one hundred dollars per month, to the person auditing said accounts and performing the duties of said auditor as in their judgment shall be right and proper; the said auditor shall execute a good and sufficient bond, to be approved by the board of commis-

sioners of said county, in the sum of five thousand dollars, payable to the State of North Carolina, conditioned that he shall diligently, truly, and faithfully perform all the duties of his office; and that he shall be responsible for any penalties or any moneys of other kinds which may be recovered against him for any negligence, default, malfeasance, or misconduct in office.

SEC. 14. That chapter two hundred and seventy, Public Laws of Laws repealed. one thousand eight hundred and ninety-one, and chapter four hundred and twenty-nine, Public Laws of one thousand nine hundred and three, and all other laws and clauses of law in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in full force and effect on and after When act effective. the first Monday in December, nineteen hundred and fourteen.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 478.

AN ACT TO PROVIDE FOR GOOD ROADS IN LONG HILL TOWNSHIP AND TO ISSUE BONDS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That D. F. Needham, Jo Samuels, W. L. Chilton, Highway commis-
Nathan Simmon, and their successors in office, are hereby incor- sioners named
porated under the name of the Highway Commission of Long and incorporated.
Hill Township, and by that name may sue and be sued, make Corporate name.
contracts, and do all things necessary to carry out the provisions Corporate powers.
of this act.

SEC. 2. That the said commission shall always consist of an equal Political affiliation.
number of members of opposite political belief, to be designated Election of suc-
by the General Assembly as their terms expire, except as herein- cessors.
after provided, and of those named. Jo Samuels, W. L. Chilton Terms of office.
shall hold office for four years; D. F. Needham, Nathan Simmon
shall hold office for two years: *Provided*, that the position of Proviso: commis-
member of the said highway commission shall not constitute an sioners not officers.
office within the meaning of article fourteen, section seven, of the
Constitution of North Carolina. Should a vacancy occur by death, Vacancies.
resignation, or removal, or otherwise, the same shall be filled by
the said commission by choosing some one of the same political
belief as was the member whose place became vacant, and such
successor so chosen shall hold office until his successor shall be
chosen by the Legislature, and shall qualify.

SEC. 3. That said commission shall have the same supervision, Powers and rights
power, and right in respect to all the public roads in Long Hill of commission.
Township as has heretofore been vested in either the board of
supervisors of public roads or the board of county commissioners
of Surry County.

Location, discontinuance, and alteration of roads.

SEC. 4. The said highway commission shall have full power and authority to order the laying out of public roads where necessary in their judgment, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Said commission shall also have power and authority to lay out cartways, church and mill roads, and to order or discontinue the same in the way and manner provided for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width.

Cartways, church and mill roads.

Proviso: width of roads.

Meeting and organization of commission.

SEC. 5. That said commission shall meet in Long Hill Township within ten days after the adoption of this bill at an election herein provided for, and shall organize by electing one of their number chairman, and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission; said commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said commission, and he shall enter into a bond in such sum as said commission may decide, which bond upon approval by the said commission shall be recorded by the Register of Deeds of Surry County in the book of official bonds, and filed in his office. That the treasurer of said commission shall make payments out of the road funds belonging to the said township only upon the written order of the said commission, signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued.

Election and bond of treasurer.

Orders for payments.

Collection of taxes.

SEC. 6. That said commission shall authorize the Sheriff of Surry County, or tax collector of said county, to collect all the taxes levied under this act, and he shall be entitled to the same fees as are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act; and the said commission may require the sheriff or tax collector to give an additional bond.

Fees.

Officers liable on bonds.

Moneys paid to road treasurer.

SEC. 7. That all road taxes for Long Hill Township which hereafter may be collected by the Sheriff of Surry County or tax collector of said county shall be paid over to the treasurer of the said commission, who shall give a receipt therefor; and all moneys derived from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in Long Hill Township separate, and shall pay them to the treasurer of said commission as

Settlements.

aforesaid. The sheriff or tax collector shall be required to settle in full with the treasurer of said commission not later than December the twenty-fifth of each year, and shall pay over sooner if same shall be in his hands. Final settlements.

SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said commission electing him, and he shall be entitled to such compensation as may be fixed by said commission. Election, term, and compensation of superintendent.

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 such employment shall be during the pleasure of said commission. That the said commission shall also have the power to employ such other persons as may be deemed necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads. Employment, compensation, and duties of road engineer.
Employees and equipment.

SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any land in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads, and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize, sand-clay, topsoil, gravel, or improve the said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent to or lying near such roads in order to make such drain or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed. Entry on lands for location and material.
Drains or ditches.

SEC. 10. That if the owner of any lands upon which said road or roads or any part thereof shall be constructed, altered, or changed, or the owner of any land from which timber, stone, gravel, or sand were taken, as aforesaid, shall claim damages therefor, and the said owner or his agent cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken, and for the timber and materials so taken as aforesaid, the said arbitrators shall take into consideration the special benefits that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the change in the said road. The said dam- Proviso: ornamental or fruit trees.
Arbitration for assessment of damages.
Payment of damages.

- age, both for the land taken and for the timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court, after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The amount of damages is the only question contemplated in this section.
- Right of appeal.
- Proviso: time for appeal. Appeal not to delay work.
- Obstructing officers misdemeanor.
- Punishment.
- Turning water on lands misdemeanor.
- Punishment.
- Compensation of employees.
- Pay of commissioners.
- Expenses of commission.
- County commissioners to order election. Question to be voted on.
- Notice of election.
- Proviso: further election.
- SEC. 11. That any person who shall obstruct the said commission, its agents or employees, in making a survey, of changing any road, or the opening of a new public road or highway, the taking of necessary timber or other materials, as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- SEC. 12. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water in the public roads of Long Hill Township, except where 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, upon conviction, fined not exceeding fifty dollars and imprisoned not exceeding thirty days.
- SEC. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees and all expenses to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The necessary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc. shall be paid by the order of said commission out of the funds provided by this act.
- SEC. 14. That the board of commissioners of Surry County, upon a petition of one-fifth of the voters of Long Hill Township, is hereby empowered and instructed to submit to the voters of Long Hill Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the question whether the said township of Long Hill shall issue bonds in a sum not exceeding twenty thousand dollars (\$20,000), with interest coupons attached, the proceeds of which to be used for the improvement of the public roads of Long Hill Township as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Long Hill Township: *Provided*, that if a ma-

jority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of four months from time of first election under the regulations hereinafter set out; and *Provided further*, that if a majority of the voters of said township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fourth of the voters of said township shall by petition request it.

SEC. 15. 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 election board of Surry County shall appoint the registrars of the election, the judges and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly; and that the board of commissioners of Surry County may or may not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election, and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.

SEC. 16. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them, "For Good Roads Bond Issue" or "Against Good Roads Bond Issue"; and at such election those who favor the issuing of the 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. 17. In the event that a 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 Surry 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 not to exceed twenty thousand dollars (\$20,000). The said bonds shall bear a rate of interest of not exceeding six per centum per annum, with interest coupons attached, payable semiannually during the time the bonds shall run, the principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Long Hill Township, Surry County, provided for in this act, or

Proviso: further election on petition.

Law governing election.

Proviso: election officers.

Registration and challenges.

Count and return of votes.

Tabulation, declaration, and record of result.

Ballots.

Issue of bonds.

Denominations.

Amount.

Interest.

Maturity.

Payable in standard currency.

Authentication.	at any bank or banks which the said highway commission may designate to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Long Hill Township Highway Improvement Bonds."
Entitlement.	
Delivery of bonds to highway commission.	SEC. 18. Immediately upon the preparation and signing of the said bonds, the said board of county commissioners shall turn over to the chairman of the said commission of Long Hill Township all of said bonds without the seal of the county being affixed to any of them. The chairman of the said commission of Long Hill Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Long Hill Township; the expenses for such advertising and selling said bonds, and other expenses necessary in regard thereto, to be paid out of the fund arising from the sale of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Long Hill Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County 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 purposes than those declared by this act: <i>Provided, however,</i> that the purchaser of said bonds shall not be required to see to the application of the funds. The bonds and coupons shall state on their face when due and where payable, and the said bonds shall show by what authority they are issued.
Sale of bonds.	
Bonds sealed before delivery.	
Sale below par forbidden. Specific appropriation of proceeds.	
Proviso: purchaser not responsible for application.	
Record of proceedings and bonds.	The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and, whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached.
Special tax.	SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, the first Monday in June, a special road tax for the township of Long Hill on the hundred dollars worth of property for not less than five cents and not more than twenty-five cents, on the poll not less than fifteen cents and not exceeding seventy-five cents, as recommended by the said commission of Long Hill Township, 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 for the township of Long Hill. The
Limit of rate.	

taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund shall be held by the said commission of Long Hill Township in 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 commission of Long Hill Township shall manage and invest the funds at the discretion of said commission until paid out for the redemption of the said bonds sold under authority of this act at their maturity.

Collection and application.

Investment of sinking fund.

SEC. 20. If the majority of the voters of Long Hill Township 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 the said township, except after conviction for crime, are hereby repealed.

Road duty abrogated.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 479.

AN ACT TO ESTABLISH A FARM-LIFE SCHOOL IN CHOWAN COUNTY.

Whereas the resources of Chowan County are agricultural, our children are our greatest assets; there are now no public high schools in the county, Edenton Township pays two-thirds of the county tax for all purposes; Edenton Graded School District comprises a large part of Edenton Township; there is located in the town of Edenton a tract of land commonly known as the "Town Commons," the same containing thirty-five acres, more or less; the town of Edenton contains over one thousand and less than one five thousand inhabitants; chapter eighty-four, Public Laws of one thousand nine hundred and eleven, prohibits the location of a farm-life school in or near a town of more than one thousand; the people of Edenton Graded School District are desirous to establish a farm-life school on said property known as "Town Commons"; the councilmen of the town of Edenton will lease for ninety-nine years, donate, or sell to Chowan County Farm-life School the "Town Commons"; the Edenton Graded School District will construct the necessary buildings and furnish equipment for said school: therefore,

Preamble.

The General Assembly of North Carolina do enact:

Establishment and location of school.

Aim of school.

Course of study.

Proviso: practical work.

Control and management of school.
Board of trustees.
County superintendent ex officio trustee.
Quorum.

Trustees to meet and organize.

County commissioners to order election.

Law governing election.
Proviso: new registration.
Notice of election.

Canvass of votes and declaration of result.

Record of returns.

Special tax to be voted on.

Ballots.

SECTION 1. That there shall be established on said "Town Commons" in Edenton Graded School District, in Chowan County, a school to be known as Chowan County Farm-life School. That the aim of said school shall be to prepare boys for agricultural pursuits and farm life and to prepare girls for home-making and house-keeping on the farm. The course of study in said school 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: *Provided*, that the course of study shall include practical work on the farm by the boys and practical work in all subjects relating to housekeeping and home-making by the girls.

SEC. 2. That said school shall be under the control and management of a board of trustees consisting of the board of trustees of Edenton Graded Schools and the county board of education. The county superintendent of public instruction of Chowan County shall be, *ex officio*, a member of said board. That four of the said board shall constitute a quorum for the transaction of business.

SEC. 3. That within ten days after Edenton Graded School District shall have complied with the conditions of this act, as hereinafter set forth, for the necessary buildings and equipment of said school, the superintendent of Edenton Graded Schools shall duly notify the board of trustees of Edenton Graded Schools and the county board of education to meet at the county-seat within ten days after such notice, to qualify and organize.

SEC. 4. That upon written request of the board of trustees of Edenton Graded Schools the board of county commissioners of Chowan County shall order an election in said Edenton Graded School District in accordance with the law governing general elections therein as nearly as may be: *Provided, however*, that a new registration shall be ordered for said election; and not less than thirty days notice of said election shall be given at the courthouse door and three other public places in said Edenton Graded School District, and a notice of said election shall also be published weekly for four successive weeks preceding said election in *The Albemarle Observer*, a weekly newspaper published in Chowan County, and the registrars and poll-holders shall canvass the vote cast, declare the result, and duly certify the returns to the board of county commissioners, and the returns shall be recorded in the county records of said county commissioners. At said election there shall be submitted to the qualified voters of the Edenton Graded School District the question of levying and collecting a special tax on all taxable property and polls of said Edenton Graded School District for the construction and equipment of a county farm-life school therein. At such election those favoring the levying and collection of such a tax for said purpose shall vote a ballot on which shall be written or printed the words "For County Farm-life School," and those opposed shall vote a ballot

on which shall be written or printed the words "Against County Farm-life School." If a majority of the qualified voters shall vote "For County Farm-life School," then all the provisions of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected in the same manner and at the same time as other taxes of the county are levied and collected a tax on all property and polls of the said Edenton Graded School District sufficient to pay the interest on the bonds and to provide a sinking fund for the payment of said bonds when due. The amount levied by said commissioners shall never exceed thirty cents on the one hundred dollars worth of property and ninety cents on polls. The bond of the sheriff or tax collector of said county shall be responsible for said tax to the same extent as it is liable for other taxes collected by him.

Act effective by majority of qualified vote.

Limit of rate.

SEC. 5. The board of county commissioners of Chowan County are hereby authorized and empowered, after a majority of the qualified voters of Edenton Graded School District shall have approved and authorized the same as herein provided, to issue bonds in the name of Edenton Graded School District in such denomination, form, and amount as the board of county commissioners of Chowan County may determine, payable at such time and place as said board of county commissioners may prescribe: *Provided*, that the amount of said bonds shall not be less than twenty thousand nor more than twenty-five thousand dollars; the time of payment shall not exceed twenty-five years, and provision shall be made for a sinking fund for the liquidation thereof. Rate of interest which said bonds shall bear shall not exceed six per cent per annum, payable annually or semiannually. Said bonds shall not be sold, hypothecated, or otherwise disposed of for less than their par value. Said bonds shall be signed by the chairman of the board of county commissioners of Chowan County and attested by the clerk of said board and sealed with the corporate seal of the same. The amount realized from the sale of said bonds shall be used exclusively for construction of buildings and equipment of said farm-life school and for acquiring the title to a portion of the said "Town Commons" heretofore disposed of.

Bond issue authorized.

Proviso: limits on amount and maturity. Sinking fund.

Interest.

Sale below par forbidden. Authentication.

Specific appropriation.

SEC. 6. If a majority of the qualified voters at the election herein provided for shall vote "For County Farm-life School," it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in any amount not to exceed twenty-five thousand dollars for the purpose of providing the necessary equipment prescribed in section seven of this act; and such authority shall be granted to and vested in said board of county commissioners, and said board is hereby authorized and empowered to issue and sell bonds in the name of said Edenton Graded School District to an amount not to exceed twenty-five thousand

Bond issue authorized by majority of qualified vote.

Issue and sale of bonds.

- Proviso: treasurer to receive no compensation. dollars: *Provided, however,* that the treasurer of said county shall receive no compensation for receiving or disbursing the money which may be received from the sale of said bonds.
- Appropriation from county. SEC. 7. For the maintenance of said school the county commissioners of Chowan County shall provide annually out of the general fund, by taxation or otherwise, not less than twenty-five hundred dollars: *Provided,* Edenton Graded School District first provides school building with recitation rooms, laboratories, and apparatus necessary for efficient instruction in the prescribed subjects of study; a barn and dairy building, with necessary equipment; all of said buildings shall be located on said farm of "Town Commons," which farm shall contain not less than twenty-five acres, and shall be constructed in accordance with the plans approved by State Superintendent of Public Instruction, and the entire equipment shall be subject to his approval and acceptance after inspection.
- Proviso: school buildings and equipment. Farm. Construction and equipment. High school course. SEC. 8. That there shall be established and maintained with this county farm-life school such a high school course of study as is prescribed under the Public High School Law of the State for first-grade public high schools; and for the maintenance of said high school department of the county farm-life school there shall be the same county and State apportionments as are now made and required for a first-grade public high school under the provisions of the Public High School Law of the State, and the said public high school shall be merged into and become the high school department of said county farm-life school as an organic part thereof; and the appropriation for the maintenance thereof shall be the same as the appropriations now required for a first-grade public high school under the provisions of the Public High School Law of the State. The requirements for teachers in said high school department of the county farm-life school shall be the same as are now required for high school teachers under the said high school law. Said high school department and course of study, however, and the entire management of the same shall be under the direction and control of the board of trustees and the superintendent of the combined Chowan County Farm-life School and Edenton Graded Schools, and shall be conducted as an organic part of said farm-life school.
- Apportionments from county and State. Requirements for teachers. Direction and control of high school. SEC. 9. That no person shall be employed as instructor in this county farm-life school who does not hold a high school teacher's certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the North Carolina College of Agriculture and Mechanic Arts, stating that he has furnished satisfactory evidence to them of his qualifications by special training and practical experience for said position. And no person shall be employed in the department of said county farm-life school for the special training of girls for home-making and housekeeping on the farm who does not hold a high school teacher's
- Certificates of instructors. Teachers in department of domestic science.

certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the State Normal and Industrial College, stating that such person has furnished to them satisfactory evidence of qualification by special training and practical experience for said position.

SEC. 10. It shall be a part of the duty of the faculty of said county farm-life school to conduct agricultural farm-life extension and demonstration work in Chowan County in coöperation, 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 the county from time to time for farmers and farmers' wives; to coöperate with the county superintendent of public instruction and with the county commissioner of agriculture in stimulating, directing, and supervising practical farm-life work in the public high schools and the elementary schools of the county, and in providing instruction through the county teachers' association.

There may be provided in the courses of study of said county farm-life school short courses in farm-life studies to which shall be admitted adult farmers, men and women; and there shall be held at said county farm-life school, annually, one or more county meetings for the farmers and their wives of said county for instruction and demonstration work.

Extension and demonstration work.

Short courses.

There may be provided in the courses of study of said county farm-life school short courses in farm-life studies to which shall be admitted adult farmers, men and women; and there shall be held at said county farm-life school, annually, one or more county meetings for the farmers and their wives of said county for instruction and demonstration work.

Annual meetings for instruction and demonstration work.

SEC. 11. That the board of trustees of the Chowan County Farm-life School is hereby authorized and empowered to admit students from other counties of the State to said school upon payment of such rate of tuition as said board of trustees may fix; but all students who are residents of the said county shall be admitted to said school without charge for tuition, and said board of trustees shall fix all other charges in said school at actual cost.

Students from other counties.

Free tuition to county students.

Other charges.

SEC. 12. The treasurer of said county shall be the treasurer of the county farm-life school and shall receive and disburse all funds therefor, keeping and rendering annually to the board of trustees of said school a separate account of such receipts and disbursements: *Provided*, that said treasurer, if employed on salary, shall receive no additional compensation for his services, and if employed on commission, he shall receive as compensation not to exceed one per cent on all disbursements and nothing on receipts. The official bond of the county treasurer shall be responsible and held liable for all funds coming into his hands for said school to the same extent as it is liable for other funds received by him as treasurer of said county.

County treasurer treasurer of school.

Annual statements.

Proviso; compensation of treasurer.

Treasurer liable on bond.

SEC. 13. The board of trustees of Chowan County Farm-life School and their successors in office shall be and are hereby constituted a body corporate by the name and style of "The Board of Trustees of the Chowan County Farm-life School," and by that

Trustees incorporated.

Corporate name.

Corporate powers. name sue and be sued, contract and be contracted with, purchase, hold, and sell real estate and personal property, receive donations by gift or otherwise, and exercise such other rights and privileges as are conferred by law upon corporate bodies. The title to all lands and other property of the county farm-life school shall vest in said board of trustees.

Appropriation from State.

SEC. 14. Upon satisfactory evidence furnished to the State Board of Education that all the provisions of this act for the establishment, maintenance, and equipment of the Chowan County Farm-life School have been complied with, the said State Board of Education shall order the State Superintendent of Public Instruction to issue a requisition upon the State Auditor for the sum of two thousand five hundred dollars annually for the maintenance of said school, and the State Auditor shall issue his warrant in favor of the county treasurer of said county for said amount, which shall be paid out of the State Treasury and the money placed by the county treasurer to the credit of the Chowan County Farm-life School; and sufficient moneys to pay said warrants are hereby appropriated out of any funds in the hands of the State Treasurer not otherwise appropriated.

Donation, lease, or sale authorized.

SEC. 15. The board of councilmen of the town of Edenton are hereby authorized to lease for a period of ninety-nine years, donate, or sell to the board of trustees of Chowan County Farm-life School thirty-five acres or so much thereof as is necessary of the "Town Commons" located in said town of Edenton for the establishing of said county farm-life school.

Power to condemn land.

SEC. 16. The board of trustees of the Chowan County Farm-life School are hereby given the right of eminent domain, and may condemn any lands and buildings thereon necessary for school purposes, if said land and buildings cannot be acquired by purchase.

Reversion of property.

SEC. 17. In the event that this property should ever cease to be used as a farm-life school, then it shall be and becomes the property of the trustees of the Edenton Graded School District. In the event it should not be used for public school purposes, it shall revert to the town of Edenton.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 480.

AN ACT TO AUTHORIZER ANY SCHOOL DISTRICT IN GUILFORD COUNTY TO ISSUE BONDS FOR PERMANENT IMPROVEMENTS TO SCHOOL BUILDINGS, AND FURNISHING THE SAME WITH SUITABLE EQUIPMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building, rebuilding, improving, and maintaining the public school houses of the county of Guilford, and furnishing the same with suitable equipment, the board of commissioners of Guilford County and their successors in office shall have the power, and it shall be their duty, if so authorized by the election hereinafter provided for, for any school district of said county in which a special school tax has been levied by virtue of section four thousand one hundred and fifteen of the Revisal of North Carolina, to sell bonds of such school district in an amount not to exceed ten thousand dollars (\$10,000). Said bonds shall not be sold for less than par value; shall be issued in denominations of not less than one hundred dollars (\$100) each, nor more than one thousand dollars (\$1,000) each, and shall be interest-bearing coupon bonds bearing interest at the rate of five (5) per cent per annum, and maturing thirty (30) years from the date of issue. Said bonds shall be prepared and issued by order of the board of county commissioners of Guilford County for and in behalf of the school district voting the same as hereinafter provided, and shall be signed by the chairman of the board of county commissioners and attested by the clerk of said board. Said bonds shall state on their face for which school district they are issued, and that they are public school bonds issued by authority of this act.

SEC. 2. For the purpose of paying the interest on all bonds issued and sold under this act, there shall be levied and assessed each year at the time county taxes are levied and assessed by the tax-levying authorities of Guilford County having the authority to levy taxes for county purposes, upon all taxable property, both real and personal, of every kind and description, and upon all polls of each school district on behalf of which bonds may be issued and sold under this act, a tax sufficient to pay the interest on said bonds so issued and sold and the cost of collecting and disbursing said taxes, and after said bonds shall have been running for ten (10) years said county commissioners, or other tax-levying authority as aforesaid, shall each year until all of said bonds, principal and the interest, shall be paid, compute, levy, and assess upon all taxable property of every kind and upon all polls taxable in such school district, an additional tax sufficient to pay one-twentieth of the

Purpose of bond issues.

Sale of bonds.

Amount.
Sale below par
forbidden.
Denominations.

Interest.

Maturity.

Issue of bonds.

Authentication.

Special tax.

Proviso: constitutional equation.

principal of said district bonds at maturity: *Provided*, that in the levy and assessment of such taxes the constitutional equation shall be preserved between the property and polls.

Bonds exempt from taxation.

SEC. 3. That said bonds issued under this act shall be exempt from all State, county, and municipal tax, and this fact shall appear upon the face of said bonds.

Petition for election.

SEC. 4. Upon a petition of one-fourth of the freeholders within the proposed school district in whose names real estate in such district is listed in the tax list of the current fiscal year, indorsed by the county board of education, the board of county commissioners, after thirty (30) days notice at the courthouse door and three public places in the proposed district, and in some newspaper published in the city of Greensboro, shall hold an election to ascertain the will of the people within the said school district whether bonds to an amount fixed by said board and set forth in said notice (the amount not to exceed \$10,000) shall be issued and sold and the special tax mentioned herein shall be levied to pay the interest on said bonds and to pay the said bonds at maturity.

Notice of election.

At said election those favoring the issuance and sale of said bonds and the taxes herein provided for shall vote a ballot upon which shall be written or printed the words "For School Bonds," and those opposed shall vote a ballot upon which shall be written or printed the words "Against School Bonds." The election shall be held under the law governing general elections in North Carolina as near as may be, except the board of county commissioners shall appoint a registrar and two poll-holders and shall designate the polling place and order a new registration for such district, and the registrar and poll-holders shall make return of the result of said election to the said board, who shall canvass the same and declare the result thereof, and cause the returns from said election and the result thereof to be recorded in the minutes of said board by the secretary of said board. The expenses of holding said election shall be paid out of the general school funds of the county.

Ballots.

Law governing elections.

Election officers.

New registration.

Canvass and record of result.

Expense of election.

Advertisements for sale of bonds.

SEC. 5. That before selling said bonds, the county commissioners of Guilford County shall advertise the same for thirty (30) days immediately preceding the date of sale in a newspaper published in the city of Greensboro, and in such other manner as they shall see fit, giving the time and place when bids shall be opened for the sale of said bonds, and the terms upon which said bonds are issued: *Provided*, the said county commissioners shall have the right in their discretion to reject any and all bids for said bonds.

Proviso: right to reject bids.

Record of bonds.

SEC. 6. It shall be the duty of the said board of county commissioners to provide a suitable permanent record book for the office of the register of deeds, and the register of deeds of said county as clerk to said board of commissioners shall make a fair entry thereon of each and every bond sold, for what school district, where and when payable, both as to principal and interest, and for which school district sold, and amount received for same, and

said record shall have suitable blank spaces in which to enter the various payments when made, which entries the board of county commissioners shall cause to be made so as to show all outstanding bonds, all payments made on same, and shall enter the bonds of each school district separate from those of the other school districts, and provide ample space for all future entries to be made so as to show a correct account of same throughout the period of time said bonds shall be outstanding.

Sec. 7. 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 for the benefit of the school district voting the same, and for the purposes for which said bonds are issued as provided herein; and the county commissioners of Guilford County shall cause the treasurer of the county of Guilford to open and keep separate accounts of said funds, and the said treasurer shall be liable officially to all the requirements of the law now prescribed for other school funds, and the county commissioners shall require the said treasurer to give bond for the faithful and honest performance of his duties in respect to said funds, which bond shall be in amount not less than the aggregate amount of the funds coming into his hands by virtue of this act. The said treasurer shall receive no other compensation than the regular salary paid him for his services as said treasurer for his services in receiving, keeping, and disbursing said funds: *Provided, however,* that if the bond of the treasurer as required by this act shall be executed with corporate surety as now authorized by law, then the board of county commissioners shall pay the reasonable premium which said treasurer may be required to pay for the execution of said bond, the amount to be paid out of the funds arising hereunder.

Use of proceeds of bonds.

Separate accounts.

Treasurer liable on bond.

Bond of treasurer.

No extra compensation.

Proviso: premium on treasurer's bond.

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 requirements of the law now or hereafter to be prescribed for the faithful collection and payment of other county taxes, and the bonds given by said officers for the collection of the county taxes shall include the taxes levied hereunder.

Collection of tax.

Officers liable on bonds.

Sec. 9. That full authority is hereby conferred upon the board of county commissioners of Guilford County to do any and all acts necessary for the performance of the duties and obligations imposed upon said board by this act, whether this authority is specifically hereinbefore conferred or not: *Provided, however,* that such additional authority be not in conflict with any of the provisions of this act.

Authority of county commissioners.

Proviso: compliance with law.

Sec. 10. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 481.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF McDOWELL COUNTY TO ISSUE BONDS FOR THE PURPOSE OF IMPROVING THE PUBLIC ROADS OF NORTH COVE TOWNSHIP IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Petition for election.

SECTION 1. That upon the presentation of a written petition to the board of commissioners of McDowell County, signed by twenty-five resident taxpayers of North Cove Township, McDowell County, requesting that an election be called for the said township to vote on the question of issuing bonds in an amount not to exceed twenty thousand dollars (\$20,000), with interest-bearing coupons, for the purpose of grading, building, constructing of macadam, gravel, sand-clay, or other material a highway from the Marion Township line, south of Woodlawn, across North Cove Township to Linville Falls (village), and otherwise improving and maintaining the public roads of North Cove Township, said petition to be recorded in the minutes of the proceedings of said board, it shall be the duty of said commissioners to call an election to be held on the sixth day of May, one thousand nine hundred and thirteen, at the regular voting place in North Cove Precinct, in said township, and then and there submit to the voters of said township the question of issuing bonds for said purpose, the bonds to be issued upon the terms and conditions hereinafter set out. The said board of commissioners shall, for at least thirty days preceding the said election, give a notice of the election and the purpose thereof by notice in a newspaper published in McDowell County.

County commissioners to order election.
Date.

Notice of election.

Election officers.

Registration and challenges.

Count and return of votes.

Canvass of returns.

Declaration and record of result.

Ballots.

SEC. 2. That the said board of commissioners shall appoint the registrar and 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 prescribed by law for holding elections for members of the General Assembly, except as herein otherwise provided; the registrar and judges of the election shall, at the close of the polls, count the votes, certify the result, and on or before the second day after the said election shall make return to the board of county commissioners, and said board shall on or before the fourth day after the election canvass and determine the returns, declaring the result, and cause the same to be entered on the minutes of the proceedings of the said board.

SEC. 3. That at said election the ballots cast by the voters of said township shall have written or printed on them the words "For Better Roads" or "Against Better Roads," and all qualified voters who favor the issue of the said bonds upon the conditions and

terms set out in this act shall vote "For Better Roads," and all qualified electors opposed thereto shall vote "Against Better Roads."

SEC. 4. In the event that a majority of the votes cast in said election in said township shall be "For Better Roads," this act shall immediately become operative, and it shall be the duty of the said board of commissioners of McDowell County to cause to be prepared bonds in such denominations as the roads commission hereinafter provided for may direct, not to exceed twenty thousand dollars (\$20,000), with interest-bearing coupons attached, at a rate to be determined by said roads commission, not to exceed six per centum per annum, payable semiannually during the time said bonds shall run, at such time and place as may be determined by said roads commission, and the principal of said bonds shall be payable thirty years from the date of the issue; both the bonds and the coupons shall be numbered consecutively, and shall be signed by the chairman of the board of commissioners of said county and countersigned by the secretary of said board, and the said bonds shall, have impressed upon their face the official seal of the Register of Deeds of McDowell County, or the official seal of said board of commissioners, and the said bonds shall express upon their face that they are issued for and on account of North Cove Township, in said county, and payable out of the taxes to be levied upon the taxable property and polls of said township.

SEC. 5. That it shall be the duty of said board of commissioners to levy annually on the taxable property and the polls of said township a separate tax, the proceeds of which shall be applied to the payment of the interest on said bonds, to create a sinking fund for the payment of said bonds at maturity, and for keeping the public roads of said township in repair as hereinafter provided: *Provided*, said special tax so levied shall not exceed the sum of forty cents on taxable property and one and twenty-hundredths dollars (\$1.20) on each poll.

SEC. 6. That if the majority of votes cast at said election shall be "For Better Roads," as soon thereafter as they shall qualify D. C. Bateman, R. J. Lonon, and H. S. Brown shall be and constitute the roads commission for said North Cove Township. Their terms of office shall be, the said D. C. Bateman until the first Monday in December, one thousand nine hundred and fourteen; the said R. J. Lonon until the first Monday in December, one thousand nine hundred and sixteen, and the said H. S. Brown until the first Monday in December, one thousand nine hundred and eighteen, or until their successors shall be elected and shall qualify. The successors of each of said commissioners shall be elected by the qualified voters of their respective voting precinct at the election immediately preceding the expiration of office of each. They shall receive for their services the sum of two dollars (\$2) per day during the time they are actually engaged in the duties

Act operative by majority of vote cast.

Issue of bonds.

Denominations.

Amount.

Interest.

Maturity.

Authentication.

Separate tax.

Proviso: limit of rate.

Commissioners named.

Term of office.

Election of successors.

Pay of commissioners.

Expenses.	assigned them by this act. They shall be allowed all necessary expenses for postage, stationery, attorney's fees, traveling expenses, and such other additional expenses as may be incurred by them
Meeting and organization.	in the discharge of their duties. They shall meet within one week after such election, if a majority of the vote cast shall be "For Better Roads," and shall elect one of their number chairman and another secretary, and shall keep a record of their proceedings.
Expenditures in charge of commission.	SEC. 7. The road commission of North Cove Township herein-before created shall have entire charge of expenditure of the proceeds of the sale of the said bonds herein authorized to be issued, and the expenditure of all moneys derived from the taxes herein authorized to be levied and collected, less the interest on the bonds issued and sold and the amount set apart for the sinking fund, which funds shall be disbursed by orders of said commission, signed by its chairman and secretary, upon the county treasurer;
Commissioners to qualify and give bonds.	and before entering upon the discharge of their duties under this act, each of them shall take and subscribe an oath for the faithful performance of their duties under this act, and shall file a bond with approved sureties to be approved by the Clerk of the Superior Court of McDowell County, payable to the board of commissioners of McDowell County, in the sum of two thousand dollars (\$2,000) each, conditioned for the faithful discharge of their duties under this act. That upon the taking of the said oath, and the filing of said bond, and approval of the same, the board of commissioners of McDowell County shall turn over to the said road commission the bonds so issued.
Delivery of bonds to commissioners.	
Sale of bonds.	SEC. 8. That when said bonds shall be turned over to said road commission as herein provided, it shall be the duty of such commission to sell them to the best advantage to said township by securing the lowest rate of interest at which said bonds can be sold: <i>Provided</i> , said bonds shall not be sold for less than their par value. That the moneys derived from a sale of said bonds shall be paid to the treasurer of said county, who shall disburse the same on the written order of the chairman of said road commission, countersigned by the secretary thereof. The said treasurer is hereby required and directed to keep a separate book of the moneys received by him from the proceeds of the sale of said bonds and the taxes collected under this act, and the disbursement and date of disbursement by him of the same; and the bond of said treasurer shall be liable for the faithful accounting of the moneys received by him under this act: <i>Provided</i> , the said treasurer shall receive as his compensation for receiving and disbursing the moneys derived from the sale of said bonds one-half of one per centum, and shall receive as his compensation for receiving and disbursing the taxes levied and collected under this act the sum of one per centum; said taxes to be collected by the sheriff or tax collector of said county, and accounted for as other taxes levied and collected in said county.
Sale below par forbidden. Proceeds paid to treasurer.	
Orders on funds.	
Separate accounts.	
Treasurer liable on bond.	
Proviso: compensation of treasurer.	
Collection and settlement of tax.	

SEC. 9. It shall be the duty of said road commission herein created, immediately upon their qualification and organization, to employ or secure some competent and practical road engineer to lay out and locate said highway, and provide specifications as to width, grade, and all other requirements for the building of said highway across said township: to inspect, from time to time, the same as it shall be built, and to finally approve the road when completed according to the specifications made by him; to fix the compensation of such engineer. Said road commission shall let to the lowest bidder the building of said highway, in such sections or portions as they shall, with the advice of said engineer, decide upon, at such price as said engineer shall approve, and may, upon the estimates of the engineer made not oftener than once per month of work done, advance to contractors as the work progresses not exceeding seventy-five per cent of the contract price for work done: *Provided*, all such contractors shall give bond to said road commission with approved security in such sum as said commission, with the advice of said engineer, shall fix; and *Provided further*, that any and all bids may be rejected, and that any portion of said highway may be built by said commission, if satisfactory bids are not received, in such manner as shall be determined upon by said commission and said engineer.

Employment and duties of road engineer.

Compensation of engineer.
Road let to contract.

Payments on contract.

Proviso: bond of contractors.

Proviso: rejection of bids.

Alternative method of work.

SEC. 10. That all male persons within the ages of twenty-one and forty-five years of age, who shall have resided in said township for thirty days, shall perform four days work annually on the public roads in said township, or in lieu thereof shall pay to the said road commission the sum of four dollars: *Provided*, that said amount be paid on or before a date fixed by the said road commission; that when any person liable to perform road duty as aforesaid shall fail or neglect to work when warned by the proper person authorized for that purpose by said road commission, or shall refuse to work when so warned, he shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

Road duty.

Commutation.

Proviso: payment of commutation.

Failure to work misdemeanor.

Punishment.

SEC. 11. Said road commission shall have full power, and it shall be their duty, to appoint such overseer or employ such supervisors as may be necessary to keep the public roads in repair, and assign the duty to such overseer or supervisor that he is required to perform: or they may appoint or employ a supervisor whose duties shall be to supervise the working and the repairing of all of the roads of said township; and when such overseer or supervisor shall be appointed or employed, or any overseer appointed or supervisor employed by said road commission and assigned certain duties to perform on said public roads shall fail, neglect, or refuse to perform the duty assigned him, he shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court; and said commission shall have the power to fix the compensation of any supervisor so employed at not exceeding two dollars (\$2) per day.

Overseers and supervisors.

Neglect of duty misdemeanor.

Punishment.

Compensation.

Corporate powers
of commissioners.

SEC. 12. That said road commission herein created shall have the power to sue and be sued in the courts of the State for the enforcement of or for the penalty for any violation of any contract made by the said road commission in the performance of the duties assigned them under this act.

Width and grade
of roads.

SEC. 13. The width and grade of all roads to be laid out, built, constructed, or improved under the provisions of this act shall be in the discretion of said road commission. The said road commission is hereby authorized, where a public road or said highway which is being constructed or graded crosses a branch, creek, or river, to submit plans and specifications for such bridges, as in their judgment may be necessary, to the board of commissioners of said county, and when such plans and specifications shall be so presented, it shall be the duty of the board of commissioners of such county to cause such bridges to be constructed according to the plans and specifications so presented, and pay for the same out of the funds heretofore or hereafter to be collected for the purpose of building bridges for said county; and it is hereby made the duty of the said board of commissioners to keep the bridges in said township in good repair.

Bridges.

Repair of bridges.

Further election.

SEC. 14. That in the event that a majority of the said votes cast in said election shall be "Against Better Roads," then and in that event it shall be the duty of the board of commissioners of said county, at any time after three months, to order another election for said purpose: *Provided*, it is requested so to do by a petition signed by fifty of the voters of said township; and if another election shall be called as aforesaid, it shall be held in the same manner as the election herein provided, and at such time as shall be fixed by the said board of commissioners, to be not later than two months after the filing of such petition.

Proviso; petition
for election.

Vacancies.

SEC. 15. When a vacancy shall occur on said road commission, it shall be filled by the members of said commission.

Contracts for
maintenance of
road.

SEC. 16. That when and as said highway across said township shall be completed it shall be let out to the lowest bidder by contract, to be kept up and maintained according to the specifications to which it is built, for terms of not exceeding two years, all contracts to expire at one date, and on the first day of August and at the expiration of each term it shall be relet. The contractor shall be required to give bond, with at least one good and solvent surety, who shall be a freeholder in this State, and who shall be satisfactory as a surety to said commission, said bond to be in the penal sum of double the contract price, and payable to said roads commission. Between the fifteenth and last day of July, immediately preceding the expiration of such contracts, said road shall be inspected by a civil engineer, and before the bonds of any contractor shall be surrendered to him and his liability thereon shall cease such engineer shall indorse thereon, if upon his inspection he shall find such contractor's section to be in condition

Bond of contractor.

Inspection of road.

as required by the specifications for said highway, the words "O. K.," with his signature and the date of inspection, which indorsement shall entitle such contractor to the surrender of his bond and his discharge from all liability thereon.

SEC. 17. That the persons allotted to work upon said highway as upon public roads in said township generally shall be subject to work upon said highway when warned by the contractor of the section to which they may be assigned as if such contractor were an overseer of such section, and such contractor shall be the overseer of the section let to him. ^{Discharge of road duty.}

SEC. 18. That the civil engineer provided for in this act shall be selected, or his selection and employment shall be approved, by Dr. Joseph Hyde Pratt, State Geologist for this State, or his successors in office. ^{Selection of engineer.}

SEC. 19. That the tax provided for in this act shall be applied, first, to the payment of the interest on said bonds, and, second, to the maintenance of said highway, and the remainder to a sinking fund for the payment of said bonds and for assistance in the maintenance of other public roads of said township, in the discretion of said roads commission. ^{Application of tax.}

SEC. 20. That all laws and clauses of law in conflict with the provisions of this act shall be repealed when this act shall become operative by a majority of the vote cast at said or any subsequent election being cast "For Better Roads."

SEC. 21. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1913.

CHAPTER 482.

AN ACT TO AMEND AN ACT OF THIS GENERAL ASSEMBLY RATIFIED FEBRUARY 15, 1913, ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF DAVIDSON 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:

SECTION 1. That section one of said act be and it is hereby amended by striking out the word "twelve" following the word "after" and before the word "months" and inserting in lieu thereof the word "three." ^{Time changed.}

SEC. 2. That section four of said act be and it is hereby amended by adding after the word "Thompson" the words "and E. G. Westmoreland," and by striking out the word "five" after the word "the" and before the word "men," and inserting in lieu thereof the word "six." ^{Additional commissioner.}

SEC. 3. That after section fifteen a new section shall be inserted as follows:

Entry on land for material or location.

"SEC. 15½. That whenever the highway commissioners of Davidson County, or their agents, cannot 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 road, 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 needed to maintain and operate crusher plants or convict camps on such lands 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 summon 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: procedure for condemnation of land.

Right of appeal.

Proviso: notice of appeal.

Payment of damages.

Purchase of material and rights of way.

SEC. 4. The said highway commission is hereby empowered to purchase in the name of Davidson 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.

Proviso: special tax in Boon township.

SEC. 5. That section twenty-one of said act shall be amended as follows: "*Provided*, that nothing in this act shall repeal or in any way interfere with the special road tax now in force in Boon Township."

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

Ratified this 6th day of March, A. D. 1913.

CHAPTER 483.

AN ACT TO VALIDATE CERTAIN PROBATES OF P. O. PETWAY, A NOTARY PUBLIC OF HALIFAX COUNTY.

Whereas P. O. Petway, an acting notary public, resident at Enfield, in the county of Halifax and State of North Carolina, since the fourth day of March, one thousand nine hundred and eight, and while an officer of the Commercial and Farmers Bank, a corporation duly chartered and organized under the laws of the State of North Carolina, has taken the acknowledgment and probate of certain deeds, deeds of trust, mortgages, and other instruments in which the said the Commercial and Farmers Bank was interested: therefore,

Preamble: probates by bank officer.

The General Assembly of North Carolina do enact:

SECTION 1. That all such acknowledgments, examinations, and probates so taken by the said P. O. Petway 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.

Pending actions.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 484.

AN ACT RELATING TO THE DUMPING OF SAWDUST INTO CERTAIN STREAMS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any owner of a sawmill or other woodworking machinery, or any one operating such machinery, to put, throw, or allow sawdust from such mill to be put or thrown in Cranberry Creek, or Linville River above the gorge, Upper Creek, Steeles Creek, or their tributaries above the mill near Smyrna Church. That any person violating any of the provisions of this section of this act shall be guilty of a misdemeanor, and upon conviction for such violation shall be fined not less than twenty dollars or imprisoned, or both, in the discretion of the court, one-half of the said fine to go to the person informing or furnishing the evidence for such conviction. That this section of this act shall apply to Burke County only.

Enumeration of streams.

Misdemeanor.

Punishment.

One-half fine to informant.
Application of section.

SEC. 2. That it shall be unlawful for any person owning or operating any sawmill, planing mill, or other woodworking machinery

Streams in Caldwell, Mitchell, Avery, Forsyth, and Richmond counties.

to throw or allow to be thrown the sawdust, shavings, or other refuse from such mills into any of the streams or water-courses in Caldwell, Mitchell, Avery, Forsyth, and Richmond counties, or to so place the same in such close proximity to such streams that high water will wash and carry it therein: *Provided*, this act shall not apply to water mills in Mitchell County that saw less than three thousand feet per day. That any person or persons violating any of the provisions of this section 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.

Proviso: water mills in Mitchell county.

Misdemeanor.

Punishment.

Punishment in Jackson county.

SEC. 3. That chapter two hundred and sixty-seven of the Public Laws of nineteen hundred and nine, relating to the dumping sawdust into the streams of Jackson County, be and the same is hereby amended by striking out all after the word "fined," in line three of section two of said chapter, and inserting in lieu thereof the words "not exceeding fifty dollars, or imprisoned not more than thirty days": *Provided*, it shall not be unlawful to allow sawdust to fall in streams from sawmills run by water in Jackson County.

Proviso: water mills.

Streams in Harnett county.

Misdemeanor.

Punishment.

SEC. 4. That it shall be unlawful for the owner or operator of any sawmill in Harnett County to dump sawdust into any of the running streams of said county, except the Cape Fear River. That any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 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 6th day of March, A. D. 1913.

CHAPTER 485.

AN ACT TO PROVIDE FOR AND REGULATE THE NUMBER, PAY, AND DUTIES OF COUNTY COMMISSIONERS OF CHATHAM, DAVIDSON, WARREN, WATAUGA, WILKES, PASQUOTANK, BLADEN, AND McDOWELL COUNTIES, AND FIXING PAY FOR BOARD OF EDUCATION OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Chatham county.

SECTION 1. That the county commissioners of Chatham County shall 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 for each session they may attend of such board.

SEC. 2. That the county commissioners of Davidson County shall be paid the sum of three dollars per diem and mileage at five cents per mile while in attendance at regular or special meetings of the board, and while acting as committee under the authority of the board: *Provided*, that mileage shall be allowed for only one day for one and the same meeting of the board.

Davidson county.

Proviso: limit of mileage.

SEC. 3. That the members of the board of county commissioners of Warren County shall be allowed and shall be paid by the treasurer of the aforesaid county the sum of four dollars per day for each day they are in actual attendance on their duties as such commissioners, and no more, and that they shall receive the further sum of five cents per mile to and from their places of meetings on the first day of each session, and no mileage on other days.

Warren county.

SEC. 4. That the county commissioners of Watauga and Wilkes counties be allowed three dollars per day for the days actually in session, and mileage as provided by law.

Watauga and Wilkes counties.

SEC. 5. That the board of county commissioners of Pasquotank County shall consist of seven members, elected by the qualified voters of the county at the next general election. There shall be only one resident citizen from each township entitled to membership on said board: *Provided*, there shall be two members on said board from the resident citizenship of Elizabeth City Township. Said commissioners shall assume the duties of their office on the first Monday in December after their election, and continue to meet on the first Monday of each month thereafter during their term of office, and as often thereafter as shall be necessary to transact the business of the county. The said commissioners shall receive as salary two dollars per day and mileage at the rate of ten cents per mile one way.

Pasquotank county.

Residence of commissioners.

Proviso: members from Elizabeth City township.

Beginning of term.

Meetings.

Per diem and mileage.

SEC. 6. That it shall be the duty of the chairman of the board of county commissioners of Bladen 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. That he shall personally examine into all petitions for bridges, roads, etc., and inspect from time to time the construction of all steel bridges, or bridges of any kind, and all roads and dams that cost as much or more than one hundred dollars, that may be built across the rivers, creeks, and swamps of said county, and report in writing to said board his findings of facts and recommendations. 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 findings of facts and recommendations, to the end that any property now escaping taxation or not bearing an equitable proportion of taxation may be properly taxed. That the said chairman of the board of county commissioners shall be allowed

Bladen county.

Duty of chairman as to claims and accounts.

Duty as to roads and bridges.

Duty as to tax lists.

Salary of chairman.

a salary of two hundred dollars per annum, payable in equal monthly installments for said extra service, and in lieu of per diem and mileage now allowed by law.

McDowell county. SEC. 7. That the board of commissioners of McDowell County be and it is hereby authorized to remain in session for three days in each month, whenever it shall become necessary for the proper transaction of the business of the county.

Halifax county,
board of education. SEC. 8. That each member of the board of education 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.

Repealing clause. SEC. 9. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

When act effective. SEC. 10. That this act shall be in effect from and after its ratification, except section one thereof, which shall be in effect from and after the regular meeting of the board of county commissioners of Chatham County on the first Monday in April, one thousand nine hundred and thirteen.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 486.

AN ACT TO AMEND CHAPTER 286 OF THE PUBLIC LAWS OF 1899. RELATING TO THE PUBLIC ROADS OF WATAUGA, ASHE, AND ALLEGHANY COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended as follows: Add to the end of section six of the said chapter the following words: "in keeping in repair roads already constructed." In section eight strike out the word "two," in line five, and insert in lieu thereof the word "three," and in line nineteen of said section strike out the words "sixty-five cents" and insert in lieu thereof the words "one dollar"; and in section ten strike out the words "sixty-five cents" and insert in lieu thereof the words "one dollar"; in section twenty-eight strike out all after the word "than" in last line and insert in lieu thereof the words "six days in one year in constructing roads."

Application of
act. SEC. 2. That this act shall apply only to Watauga County.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 487.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF TRANSYLVANIA COUNTY TO LEVY A SPECIAL TAX TO PROPERLY EQUIP AND MAINTAIN THE CHAIN-GANG OF SAID COUNTY AND TO WORK PRISONERS THEREON.

Whereas the commissioners of Transylvania County have, upon petition of a large number of the citizens of said county, established under the general law a system of working prisoners upon the public roads of the county; and whereas the said commissioners are desirous of being empowered by the General Assembly of North Carolina to establish a chain-gang for the purpose of working certain convicts on the public highways and bridges of said county: Now, therefore,

Preamble: system of correct labor.

Preamble: power to establish chain-gang desired.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons confined in the county jail either by sentence of the court for crime or imprisonment for the non-payment of fines or costs shall be available to the county commissioners for the purpose of working them upon the highways and public roads and bridges of the county, and upon application of any superintendent or overseer of convicts, having an order from the county commissioners, it shall be the duty of the sheriff or jailer having such prisoners in custody to deliver them to such superintendent or overseer of roads, who shall be responsible for their safe keeping and return, and the sheriff of the county or jailer shall be exonerated in case of the escape of such prisoners.

Prisoners subject to road work.

Delivery of prisoners.

SEC. 2. That the county commissioners are hereby authorized to accept convicts from other counties sentenced by the Superior Court judges, whenever in their judgment it is deemed convenient and wise to do so; and the judges of the Superior Court are hereby authorized to sentence prisoners from any other county for misdemeanors and felonies not capital; but said prisoners shall not be received except upon formal application of the commissioners of Transylvania County.

Convicts from other counties.

Application for convicts.

SEC. 3. That upon the application of the county commissioners of the county, it shall be lawful for and the duty of judges holding courts in said county, also the recorder of said county and the justices of the peace in said county, and the mayors of incorporated towns, to sentence to imprisonment and hard labor on the public highways and bridges of said county for such terms as are prescribed by law for their imprisonment in the county jail, or in the State's Prison, the following class of prisoners, to wit: all persons convicted of offenses the punishment whereof would be in whole or in part imprisonment in the county jail or imprisonment in the State's Prison for a term not exceeding ten years.

Courts to sentence prisoners to road work.

Control of convicts.

SEC. 4. That the convicts sentenced under the provisions of this act shall be under the control of the county commissioners of the said county, and the said authorities shall have the power to enact and enforce all needful rules for the working of all convicts, and such guards or other employees as may be necessary, and they may authorize and empower such guard or overseer as they may appoint to use such discipline as may be necessary to carry out the rules and regulations in the working of the highways and public roads, or any public works on which the convicts may be put by order of the commissioners to the same extent as is allowed by law to the authorities of the penitentiary in the control of convicts committed to the State's Prison, and the board of county commissioners in their discretion may work said convicts upon the public works in said county or for the improvement of the county home.

Discipline.

Employment on public works.

Special tax.

Limit of rate.

SEC. 5. That for the purpose of equipping and maintaining the said convict system, the board of commissioners of Transylvania County are hereby authorized and empowered to levy a special tax of not more than ten cents on each one hundred dollars worth of real and personal property in Transylvania County, North Carolina, the fund arising from the collection of said tax to be known and designated on the tax list as "Chain-gang Fund," and the said funds shall be kept separate and apart from any other funds of said county and spent for the equipment, operation, and maintenance of the chain-gang of said county, and for none other; and the Sheriff of Transylvania County, in giving his receipt for the payment of the aforesaid tax, shall state on such receipt that the tax was paid for the "Chain-gang Fund." That the sheriff or tax collector shall not receive more than three per centum as his commission for collecting the said tax, and the county treasurer shall receive no more than two per centum as his commission for disbursing the same, and shall receive no commission for the receipt thereof.

Funds kept separate.

Commissions of sheriff and treasurer.

Safe keeping and maintenance of convicts.

SEC. 6. The said commissioners may use the county jail for the safe keeping of said prisoners, or build or maintain a convict camp or camps and provide for the keeping and maintaining of said convicts and transporting them to and from their work. The rules and regulations enacted and enforced by the county commissioners must be in accord with the rules and regulations governing the use of convicts on public roads laid down and published by the State Highway Commission.

Rules and regulations.

Arrangements with townships.

SEC. 7. The county commissioners may make whatever arrangement they may think proper, consistent with law, with any township as to working said convicts upon the roads thereof, and the overseer of said convicts shall freely consult with the road officials of said township as to the character and scope of the work in said township. And the prisoners working the public roads, in default of payment of fines or costs, shall be allowed so much per

Allowance on fines and costs.

day as in the opinion of the county commissioners their services are worth, which amount shall be credited to them on the account charged against them. If any prisoner shall escape, he shall be guilty of a misdemeanor. Escapes misdemeanors.

SEC. 8. *Provided*, this act shall not be deemed to repeal, or affect in any manner the road law of Transylvania County as it now exists, or as it may be amended by amendatory acts thereto by the General Assembly of nineteen hundred and thirteen. Proviso: existing road laws.

SEC. 9. That all laws or clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 10. That the Secretary of State shall upon the ratification of this act transmit a certified copy thereof to the county commissioners of Transylvania County. Secretary of State to furnish copy of act.

SEC. 11. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1913.

CHAPTER 488.

AN ACT AMENDING CHAPTER 451, PUBLIC LAWS OF 1909, AS RE-ENACTED BY CHAPTER 457, PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO TAX LEVY FOR REPAIRING AND CONSTRUCTION OF PUBLIC ROADS IN SPRING HILL TOWNSHIP, SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and fifty-one, Public Laws of North Carolina, session one thousand nine hundred and nine, reenacted by chapter four hundred and fifty-seven, Public-Local Laws of one thousand nine hundred and eleven, be and the same is hereby amended by adding to the end of section thirteen of said Public Laws of one thousand nine hundred and nine, chapter four hundred and fifty-one, the following provision: "*Provided*, that in so far as this section applies to Spring Hill Township, Scotland County, the same is hereby repealed in so far, and only in so far, as the same conflicts with the terms of this act, and the following provisions shall be substituted therefor, to wit: It shall be the duty of the road commission of Spring Hill Township, Scotland County, on or before the day fixed by law for the levying of taxes for general county purposes, to file annually with the board of county commissioners of Scotland County a recommendation for the levy and collection of a special tax, which special tax shall not be at a smaller rate than ten cents nor a greater rate than forty cents on the one hundred dollars worth of property, real and personal, and not less than sixty cents nor more than one dollar and fifty cents on polls, to be known and used as a special road repair and construction fund for said township; and

Proviso: repeal as to Spring Hill township.

Road commission to recommend tax rate.

Limit of rate.

County commissioners to levy tax.

Limit of rate.

it shall be the duty of the said board of county commissioners of Scotland County, upon such recommendation and request, and said board of county commissioners is hereby authorized and directed to levy and collect annually in said Spring Hill Township a special tax in accordance with such recommendation, which tax shall not be at a smaller rate than twenty cents nor a greater rate than fifty cents on the one hundred dollars worth of property, real and personal, of whatever description, in said township, and not less than sixty cents nor more than one dollar and fifty cents on polls in said township, to be known and used by the road commission of Spring Hill Township as a special road repair and construction fund.

Special road repair and construction fund.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 489.

AN ACT FOR THE BETTER CONSTRUCTION, WORKING, AND KEEPING IN REPAIR THE PUBLIC ROADS OF SNOWHILL TOWNSHIP, GREENE COUNTY, AND AUTHORIZING THE ISSUING OF BONDS FOR PERMANENT IMPROVEMENT OF SAID PUBLIC ROADS.

The General Assembly of North Carolina do enact:

Township made road district.

SECTION 1. That from and after the passage of this act said Snowhill Township, in Greene County, shall constitute a road district, and the public roads in said township shall be under the management of three road trustees as hereinafter provided.

Appointment of road trustees.

SEC. 2. That on the first Monday in April, one thousand nine hundred and thirteen, the board of commissioners of Greene County shall appoint three capable, competent freeholders, in said township, who shall be known and designated as the road trustees of Snowhill Township. Said trustees shall be residents of the township for which they are duly elected or appointed; one of these trustees shall be elected for a term of three years, one for two years, and one for one year, and annually thereafter on the first Monday in April the said board of county commissioners shall elect or appoint a successor to the trustee whose term expires at that time.

Term of commissioners.

Election of successors.

Vacancies.

SEC. 3. Vacancies occurring during the term of office of any trustee by death, refusal to qualify, or otherwise, shall be filled by election by board of county commissioners at any general or special meeting of said board held subsequent to the happening of such vacancy, and any one so elected shall fill the unexpired

term. Any trustee may be removed from office by the board of Trustees subject to removal for cause.
 county commissioners, for malfeasance in office or neglect of duty,
 upon ten days notice by said board of commissioners.

SEC. 4. Each trustee before entering upon the duties of his office Bonds of trustees.
 shall execute a bond with security to be approved by the board
 of county commissioners in such penal sum as said board of county
 commissioners may fix, which shall in no event be less than the
 aggregate amount of the tax fund derived and to be used for road
 purposes in said township for one year, and not to exceed double
 such amount, said bond conditioned for the faithful performance
 of his duties and the faithful and honest accounting for all moneys,
 property, machinery, etc., coming into his hands belonging to or
 due to said township for the purpose of working and repairing the
 public roads thereof.

SEC. 5. It shall be the duty of the road trustees in said township Semiannual reports.
 to make a written report to the board of county commissioners
 on the first Monday of July and January in each and every year,
 showing the number of miles of public roads in said township, the
 number of days work done on said roads since last report, and the
 actual outlay and expenditure of the township funds therefor, the
 condition of said roads and the nature and extent of the work done
 and which may be deemed necessary or essential for the further
 improvement of said roads, the amount and kind of machinery,
 tools, and property on hand belonging to said township, together
 with such other and further information as may be necessary for
 the better understanding of the condition and work of the roads
 of said township; which said report shall be filed with the said Report open for inspection.
 clerk of the said commissioners, and open to the inspection and
 consideration of the public.

SEC. 6. It shall be the duty of the road trustees in said township Employment of labor.
 to employ such labor to work, construct, and make the necessary
 repairs to said public roads in their respective township as they
 shall deem necessary as the available funds and moneys of said
 township will pay for; said trustees shall keep an accurate state- Accounts of expense and labor.
 ment of the expense and labor of such employees and hands em-
 ployed because thereof, time employed and amount of work and
 kind of labor performed, which statement or statements shall be
 certified to by said trustee or trustees before some one authorized
 to administer oaths; and upon such verified and itemized state- Warrants for payment.
 ment of expense being filed with the chairman of the board of
 county commissioners, he shall issue and he is authorized to issue
 his warrant upon the county treasurer to pay said amount of the
 account for such work, labor, or expense out of the funds belong-
 ing to that township.

SEC. 7. That said township road trustees shall be paid for such Pay of road trustees.
 time as each of them shall give to the working, repairing, con-
 structing, and maintaining of the public roads of their respective

Accounts and sworn statements.	townships, compensation not exceeding three dollars per day for such time actually employed by them in working hands, obtaining material, procuring hands, and inspecting the roads of their township, to be paid out of the funds belonging to their respective townships. They shall each keep an accurate account of the time necessarily employed by them and the expenses necessarily incurred by them, with the date thereof, and render a sworn statement thereof to the board of county commissioners, who shall
Order for payment.	order the payment thereof out of the funds due to and belonging to the township of said trustees. No trustee shall employ any
Employment of relatives and hiring team from self forbidden.	member of his immediate family as laborer, nor shall any trustee hire any of his own teams in doing the work in his township.
Width of roads.	SEC. 8. That all public roads in said township, where they are not already so, shall be at least twenty-five feet wide clear of trees, stumps, and all undergrowth and ditches.
Entry on land for material.	SEC. 9. That the road trustees in said township shall have the right and are hereby authorized to enter upon the lands adjacent to the road and place desired to be improved, widened, or straightened, as the case may be, to procure dirt, sand, or clay for building, improving, repairing, or constructing said public road: <i>Provided</i> , that such dirt, sand, or clay shall not be removed from cultivated lands while there is a crop of any kind growing upon said place where the dirt, sand, or clay is to be taken from; and <i>Provided further</i> , that the owner of the land from which said dirt, sand, or clay is taken may file a claim for damages and for the value of the dirt, sand, or clay so taken, with the board of county commissioners, who shall be authorized in proper cases to reimburse the said landowner for said material by paying for the same out of the funds belonging to said township roads fund.
Proviso: cultivated land.	SEC. 10. That the road trustees in said township shall have the right and authority to enter upon the lands where it may be necessary to enter upon lands for the purpose of making, extending, or procuring any ditch or drain for the purpose of properly and efficiently draining said public road for the benefit of the said road; said trustees, however, shall do as little injury or damage as possible to the landowner over or through whose land said ditch or drainage is done, and shall thereafter keep said ditch or drain so constructed, made, and dug by them open and free of obstruction; that all ditches and drains across the public roads shall be properly tiled with tiling of sufficient size and capacity to afford ample and sufficient free flowing of the water through same; that any person who shall injure, interfere with, or injure any ditch, drain, or tile so placed by said road trustees without their consent shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.
Proviso: presentation and payment of claims for damages.	SEC. 11. That the road trustees in said township shall erect or cause to be erected at each cross-roads of the public roads in their township and at each mile along said public roads proper and
Entry on land for ditches or drains.	
Ditches and drains across roads.	
Injury to ditches or drains misdemeanor.	
Punishment.	
Signboards and mile-posts.	

suitable signs or mile-boards, giving the direction and distance to the county town in said county, and such other information as they may deem proper, to be placed in legible letters on said signboards. Any person or persons who shall injure, remove, or deface any of said signboards when so erected and placed shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

Injury to or defacement of signboards misdemeanor. Punishment.

SEC. 12. That for the purpose of ascertaining the wishes of the voters in said township in said county of Greene upon the question of issuing bonds to raise money for the purpose of working, repairing, constructing the public roads of said township, and also ascertaining whether or not said bonds shall be issued for the purpose of macadamizing the roads or whether the said public roads shall be constructed of sand and clay, the board of county commissioners of said county, upon the petition being presented to them duly signed by one-third of the qualified voters of said township in said county, asking for an election to be held for any of the purposes provided by this act, shall call an election to be held in said township presenting such petition, at which election there shall be submitted to the qualified voters of said township the question of that township issuing bonds for the purpose of constructing, working, and repairing the public roads of that township; said election to be held under the same rules and regulations as those prescribed by law for holding election to elect members of the General Assembly. All those favoring the issuance of bonds shall vote a ballot on which shall be printed or written "For Good Roads," and those opposing shall vote a ballot on which shall be printed or written "Against Good Roads": *Provided*, that the expense of holding such an election shall be paid out of the general funds of the county: *Provided further*, that the amount of said bonds to be voted for shall in no event be in said township for more than fifty per centum of the assessed value of the property listed for taxation in said township for the year one thousand nine hundred and twelve, and that the petition which shall be presented to the board of county commissioners asking for such election shall specify the amount of bonds to be voted for said election and the purpose for which the money is to be used; and it shall be used for no other purpose.

County commissioners to order election.

Question to be voted on.

Law governing election.

Ballots.

Proviso: expense of election.

Proviso: limit of amount of bonds.

Specifications of petition.

SEC. 13. That if the majority of the qualified votes cast in said township at such election shall be "For Good Roads," then and in that event the board of county commissioners are hereby authorized, empowered, and directed to issue bonds against said township so voting in the amount specified in said petition, said bonds to be issued in such denominations as may be deemed best, and to bear interest at five per cent, payable semiannually, to run for a period of not less than thirty or more than fifty years, and being redeemable in annual periods after twenty years in such amount as may be proportionately apportioned by said commis-

Issue of bonds.

Denominations.

Interest.

Maturity.

Proviso: sale below par forbidden. Specific appropriation.

sioners: *Provided*, that none of said bonds shall be sold for less than par value by said commissioners; and the money derived to be accredited to said township only and used only for the purpose specified in said petition.

Special tax.

SEC. 14. That if said bonds are issued and sold as provided for in this act, then the board of county commissioners at their meeting on the first Monday in July thereafter and annually thereafter shall levy a sufficient tax on the property, real and personal, and such other property as is now or may hereafter become taxable by the laws of the State of North Carolina and upon the polls in said township to meet and pay the annual or semiannual interest on said bonds so issued and sold, and also to raise a sinking fund which may be by annual payments, with accumulated interest, sufficient to pay off and discharge said bonds as they may become due: *Provided*, that in the levying of said tax the constitutional equation between polls and property be observed by said commissioners. The said tax, when levied, shall be collected by the sheriff of said county as other taxes are collected, and shall be kept separate by said sheriff as collected, and shall be by him turned over and paid to the treasurer of said county, who shall keep said fund separate and distinct from any other funds, and paid out by him only upon the warrant duly and lawfully signed by the chairman of the board of county commissioners, as provided by this act, for the benefit of the public roads of that township to which it properly belongs under this act; that the county commissioners, together with the road trustees of the township to which said funds belong, shall have and make proper division for safe and secure investment of the sinking fund of said township, and to procure the legal rate of interest on all of said sinking fund loaned out: *Provided*, the compensation of the treasurer under this act shall not exceed the sum of one-half of one per cent ($\frac{1}{2}\%$) for all services rendered for handling said road funds.

Proviso: constitutional equation.

Collection and settlement.

Fund kept separate.

Warrants.

Investment of sinking fund.

Proviso: compensation of treasurer.

Roads dividing townships.

SEC. 15. That if any public roads shall be the dividing line between two or more townships, then and in such event the county commissioners shall fix and define the portion of such dividing public road to be worked by said township.

Application of act.

SEC. 16. That the provisions of this act shall be effective and operative only in said Snowhill Township, in Greene County, by which an election held shall vote for the issuance of bonds in accordance with this act, and when said voters of said township in said county shall so vote for bonds as herein provided for, then this act shall immediately become effective and in operation in that said township, and all other laws and acts in conflict herewith shall then be of no effect, null and void.

When act effective.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 490.

AN ACT TO ESTABLISH AND MAINTAIN A SCHOOL OF CORRECTION AND DETENTION FOR JUVENILE OFFENDERS OF THE CITY OF ASHEVILLE, BEING CHAPTER 459, PRIVATE LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter four hundred and fifty-nine, Private Laws of one thousand nine hundred and eleven, be amended by inserting between the word "school" and the word "for," in line five thereof, the following: "to be known as Buncombe County Training and Industrial School"; and by inserting between the word "Asheville" in line six and the word "under" in line seven of said section the words "Buncombe County."

Name and management of school.

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

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 491.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY TO LEVY SPECIAL TAX AND TO CONSTRUCT CERTAIN BRIDGES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Madison County are hereby authorized and empowered, and, subject to the conditions hereinafter named, specifically directed to build an iron or steel bridge across the French Broad River at each of the following places, to wit:

Building of bridges directed.

(a) Whenever, either by an issue of bonds or a sufficient special tax, the citizens of Number Seven Township, Madison County, have provided funds for the construction of an improved public road from the French Broad River to a point on Little Pine Creek at least five miles from the mouth thereof, on the best practicable location and grade obtainable, and the completion of said road as aforesaid is assured, then the board of county commissioners of Madison County are hereby authorized, empowered, and directed to build a substantial iron or steel bridge across the French Broad River at or near Redmen or the mouth of Sweetwater; said bridge not to cost the county more than five thousand dollars.

At or near Redmen or the mouth of Sweetwater.

Limit of cost.

(b) That whenever provision has been made for the construction of a public road from the line of Number One Township in Madison County, to Hot Springs, via Stackhouse, and the completion of said road, on the best practicable location and grade

At or near Stackhouse.

obtainable, has been assured, thereupon the board of commissioners of said county are hereby authorized, empowered, and directed to build an iron or steel bridge across the French Broad River at or near Stackhouse, North Carolina; said bridge not to cost the county more than ten thousand dollars.

Limit of cost.

At Marshall.

(c) That the board of county commissioners of Madison County, in their discretion, are hereby authorized and empowered to build a double-track bridge across the French Broad River at Marshall; the total cost of said bridge not to exceed ten thousand dollars. The county commissioners may, if practicable, enlarge the present bridge, elevating same above high-water mark, or sell and dispose of the same to the best advantage, or, if in their judgment they can move said bridge to Sweetwater or Redmen or any other place in Madison County to advantage, they are hereby authorized and empowered to do so.

Limit of cost.

Enlargement or removal of present bridge.

Joint construction of bridge at Paint Rock.

(d) That should the people of Tennessee hereafter build or improve the roads in Greene County leading from Greenville, Tennessee, via Paint Rock, North Carolina, to points in Madison County, and agree to bear not less than one-half of the expense of building a bridge across the French Broad River at Paint Rock, the board of commissioners of Madison County are hereby authorized and empowered, in their discretion, to pay out of the bridge fund arising from the special tax authorized by this act not more than one-half of the cost of said bridge: *Provided*, the total cost to the people of Madison County shall in no event exceed the sum of two thousand five hundred dollars.

Proviso: limit of cost.

Special tax authorized.

SEC. 2. For the purpose of building the bridges mentioned in section one of this act, and any other bridges across any stream in Madison County which may become necessary in the course of building a system of improved public roads and highways in said county under the supervision and direction of the Madison County Highway Commission, or any bridge that may in the judgment of the board of county commissioners be necessary for the convenience or safety of the traveling public, the said board of commissioners of Madison County are hereby authorized and empowered to levy a special tax of not less than eight and one-third cents nor more than fifteen cents on each one hundred dollars worth of taxable property in said county. The said board of county commissioners shall levy said special tax at the time of levying taxes for general State and county purposes in the year of one thousand nine hundred and thirteen, and annually thereafter, until all the bridges built under this act have been paid for, and the said special tax so levied shall be collected in the same manner and at the same time as other taxes, and shall be paid over by the sheriff or tax collector to the Treasurer of Madison County, who shall keep a separate and distinct account of the same, to be known as the "Bridge Fund," to be used for the purpose of this act, and not for other purpose.

Limit of rate.

Levy and collection.

Separate accounts.

Specific appropriation.

SEC. 3. That the board of county commissioners of Madison County are hereby authorized and empowered, in their discretion, to proceed with the construction of any bridge or bridges authorized by this act, and give in payment therefor county notes or scrip or bonds, to run for such time as the board of county commissioners may determine, not exceeding ten years: *Provided*, said notes or bonds shall be accepted at their par value and shall bear a rate of interest not exceeding five per cent per annum.

Notes, scrip, or bonds in payment for work.

Proviso: acceptance at par; interest.

SEC. 4. That the bridges authorized by this act shall be built to conform to the location of the improved roads of Madison County and in accordance with plans and specifications prepared by a competent engineer.

Location and specifications of bridges.

SEC. 5. That whenever it is necessary to build any bridge across any stream in Madison County the highway commission shall cause plans and specifications for the same, together with a careful estimate of the cost thereof, to be prepared by a competent engineer and filed with the board of county commissioners, and copies of such plans and specifications shall be open to the inspection of prospective bidders for at least thirty days before any contract for the construction of any bridge is awarded. Whenever such plans have been approved and the construction of the bridge therein prescribed has been authorized, it shall be the duty of the board of county commissioners to advertise for at least thirty days for competitive bids for the same. Such advertisement shall appear at least twice in some daily paper having a general circulation, and in each advertisement said commissioners shall reserve the right to reject any and all bids. All bids shall be sealed, shall be opened by the commissioners at a regular or special meeting open to the public, and all bids shall remain on file in the office of the register of deeds for public inspection, and for better bids, for at least ten days before any award is made to a competitive bidder. Should no better bid be received within ten days, the county commissioners may enter into a written contract with the responsible contractor or contractors submitting the best bid: *Provided*, no contract shall be let at a higher price than that named in the engineer's estimate. In every instance the commissioners shall require the contractor or the contractors to execute a good and sufficient bond in some bonding company authorized to do business in this State, conditioned upon the faithful observance of all the terms and conditions of such contract, and the completion of said bridge in accordance with the plans and specifications thereof within the time named in said contract.

Plans, specifications, and estimates.

Plans and specifications for inspection of bidders.

Advertisement for bids.

Opening of bids.

Bids filed for inspection.

Written contracts.

Proviso: limit of price.

Bond of contractors.

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 6th day of March, A. D. 1913.

CHAPTER 492.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF ROBESON TO CHANGE THE BOUNDARY LINES OF SPECIAL-TAX DISTRICTS.

The General Assembly of North Carolina do enact:

Special authority to change boundary.

Property to be transferred.

General power to change boundary lines.

SECTION 1. That the board of education of Robeson County be and it is hereby authorized and empowered to change the boundary lines between Special-tax Districts Number Nine and Number Ten, Thompson's Township, so as to transfer all the taxable property of C. T. Pate and John Bridges from Special-tax District Number Ten to Special-tax District Number Nine.

SEC. 2. That the said county board of education of Robeson County is hereby authorized and empowered to make any other changes in the boundary lines of said districts or in the boundary lines of any other special-tax district of Robeson County whenever in the opinion of said board such changes are necessary for the convenience and the best interest of the taxpayers of said special-tax districts.

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 10th day of March, A. D. 1913.

CHAPTER 493.

AN ACT TO CREATE AND ESTABLISH AN AUDITOR'S OFFICE FOR THE COUNTY OF NEW HANOVER.

The General Assembly of North Carolina do enact:

Office of auditor established.

Qualification and term.

Exclusive employment.

Office open daily.

SECTION 1. That in order to perform the duties heretofore performed by the finance committees of New Hanover County, clerk to the auditing committee of New Hanover County, and certain other duties as fixed by this act, there is hereby created and established the office of "Auditor of New Hanover County." The said auditor shall be a citizen of New Hanover County and an expert accountant, and the term of office of said auditor shall be for two years and until his successor is elected and qualified as provided by this act.

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 New Hanover County shall furnish to said officer a suitable room in the county courthouse, together with necessary furniture, fixtures, and supplies, stationery, postage, etc., the same to be paid for out of the general county fund. The Office room and equipment.

SEC. 3. If for any cause there shall be a vacancy in said office, the resident judge of the Superior Court of the judicial district of North Carolina in which New Hanover is situate shall appoint some fit and suitable citizen, who shall be an expert accountant, to fill such vacancy, and the person so chosen shall fill 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 judicial district of North Carolina in which New Hanover County is situate 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 resident judge of the said 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 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 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. Resident judge to have power of suspension or removal. Preferment of charges.

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 thereon, which said judge 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 New Hanover 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 Copy to auditor and notice of hearing. Powers in securing evidence.

and the Hearing on charges. Findings and judgment filed. Judgment final. Further powers of judge.

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 appointment of the successor of such auditor shall be filed with the Clerk of the Superior Court of New Hanover County and spread upon the minutes of said court: *Provided, however,* that the said judge of the said 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.

Proviso: action without charges preferred.

Bond of auditor.

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 (\$5,000), 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 New Hanover County, and when approved shall be filed with the register of deeds of said county as other official bonds.

Auditor to be sworn.

SEC. 6. Before entering upon the discharge of his duties the said auditor, in addition to his oath to support the Constitution and laws of the United States and the State of North Carolina, shall take before the Clerk of the Superior Court of New Hanover County the following oath of office, which said oath shall be signed by such auditor, attested by the 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 New Hanover County to the best of my knowledge, skill, and ability, without fear, favor, reward, or hope of reward: so help me, God."

Form of oath.

Personal interests forbidden.

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, except as provided by law, 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 misdemeanor, 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 (\$200), to be recovered by any person suing for same in any court of competent jurisdiction.

Misdemeanor.

Punishment.

Penalty.

Salary.

SEC. 8. The auditor of New Hanover County shall receive for his salary the sum of two thousand two hundred and fifty dollars (\$2,250) per annum, twelve hundred and fifty dollars (\$1,250) of which salary and allowance herein made shall be paid to said auditor, in equal monthly installments, upon warrants drawn by

Apportionment from county.

the board of commissioners of said county and countersigned by the clerk of said board, and said warrants, when paid, shall be charged to the general county fund of New Hanover County and shall be paid out of such general fund, and the balance thereof shall be charged to the school fund of said county and paid by the board of education of said county: *Provided*, that the board of county commissioners of said county are hereby authorized to furnish an assistant to said auditor or other clerical assistance from time to time to said auditor, whenever it shall appear that such assistance is necessary to enable said auditor to perform the duties of his office, which salary of the assistant or clerical assistance shall be paid by the county of New Hanover out of the general county fund.

Apportionment from school fund.

Proviso: clerical assistance.

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, 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 New Hanover 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 New Hanover, 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 courthouse 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 fund.

Inquiry into and investigation of finances and accounts.

Reports and records.

Publication of annual statements.

SEC. 10. It shall be the duty of said auditor to act as accountant for the county of New Hanover in making settlement with the sheriff; to supervise, scrutinize, and examine 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 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, to the county solicitor, 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 office.

Auditor to act as accountant.

Supervision of books and accounts.

Reports to solicitor.

SEC. 11. It shall be the duty of said auditor to audit and approve for final settlement the accounts of all public officers, and to cancel all vouchers included in such settlement by a proper can-

Audit and approval of accounts.
Cancellation of vouchers.

- cellation 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.
- Deposit of canceled vouchers.
- Duties imposed by salary act. 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 New Hanover County upon a salary basis," and he shall investigate the condition in the office of all public officers of said county and report to the board of commissioners of said county, county solicitor, 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.
- Investigations and reports as to officers.
- Duties of finance committee.
- Manner of keeping books and 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.
- Books furnished by county commissioners.
- Notice to officers to appear and make settlements. SEC. 14. If any clerk of the Superior Court, sheriff, register of deeds, or any other public officer who may hold any county or public money shall fail to account for 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 (\$200), 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.
- Forfeit for failure.
- Misdemeanor.
- Punishment.
- Proviso: release of forfeiture.
- Auditor's power to compel evidence. Failure to produce evidence misdemeanor.
- Punishment. 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 the said auditor or to the public affairs of New Hanover 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 (\$200), 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 the attorney's fee in any one year shall not exceed the sum of one hundred dollars (\$100), 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 New Hanover which are chargeable against the public funds of said county shall, before being paid by the board of commissioners of said county, 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 the auditor; and it shall be the duty of said auditor to investigate the said claim or account and ascertain whether the same be correct, and, if found correct, to indorse 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 reason 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 New Hanover, 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 careful investigation thereof, that said claim is just and proper and should be paid.

SEC. 18. The said auditor shall act as purchasing agent for the county of New Hanover 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

Forfeit.

Employment of counsel.

Proviso: limit of fees.

Verification of accounts.

Investigation and indorsement.

Examination of disapproved claims.

Proviso: payment of disapproved claims.

Purchasing agent.

Requisitions for and purchase of supplies.

Bills and accounts.

auditor and he shall indorse the same with his approval or disapproval, and if he disapprove any such claim, he shall attach thereto a statement of his reasons therefor, 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.

Proviso: payment of disallowed 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 New Hanover County in their meeting 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 as 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 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 service, not specifically set forth in this act, as said board of commissioners may deem necessary for the public interest.

Orders for investigations and reports.

Supervision of tax listing.

Recommendation for list takers.

SEC. 20. It shall be the duty of said auditor of New Hanover 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: recommendations not binding.

Examination and approval of tax lists.

SEC. 21. It shall be the duty of said auditor to examine the tax lists so 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.

Investigation for and report of delinquents.

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 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.

SEC. 23. It shall be the duty of the 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 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, and such valuations, 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 fully 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 (\$200), 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.

Investigations as to valuations.

Power to compel evidence.

Failure to furnish evidence misdemeanor.

Punishment.

Penalty.

SEC. 24. Beginning with the first Monday in June, one thousand nine hundred and thirteen, and weekly thereafter, it shall be the duty of the said auditor to examine the records of the office of the Register of Deeds of New Hanover County and 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

Lists of transfers of real estate.

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 transferred, the date of the transfer and the consideration; and the said information shall be available to the tax listers and assessors of the following year so as to assist them in the discharge of their duties and to avoid double listing.

Copies of tax lists.

SEC. 25. It shall be the duty of said auditor to make out two copies of the tax list of each township as revised and settled by the tax lister according to a form to be furnished to them by the State Auditor, and such other forms as the auditor of New Hanover may think proper. 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 New Hanover 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 October in each year, and he shall receipt for same.

Forms of lists.

Disposal of copies.

Duties and liabilities under machinery act.

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 New Hanover County by virtue of the provisions of the act commonly known as the "Machinery Act," or which may hereafter be imposed upon said register of deeds under similar sections of any machinery act, and the said auditor shall be subject to all the pains and penalties in said sections for neglect of duty as is provided by said sections to be imposed upon the register of deeds, and the Register of Deeds of New Hanover 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, all said duties being hereby imposed upon the auditor of New Hanover County.

General supervision over tax books.

SEC. 27. It shall be the duty of the said auditor to exercise a general supervision over the tax books of said county with a view to prevent the double listing of property and similar errors, and in connection with the board of commissioners of said county, omissions or mistakes which may appear therein. All applications for rebate 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 re-

Applications for rebate.

Statement of applications.

bate should be allowed or disallowed, and thereupon it shall be the duty of the board of commissioners to take such action upon each application for rebates as may be just and proper.

SEC. 28. It shall be the duty of the mayors of each incorporated town in the county of New Hanover to report to the auditor of said county, on or before the first Monday in June, one thousand nine hundred and thirteen, 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 said sheriff of any duties connected with said taxes as are now or may hereafter be imposed upon him by law. It shall also be the duty of said auditor, on or before the first Monday in May in each year, to mail to the mayor in each incorporated town in New Hanover 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.

SEC. 29. It shall be the duty of the mayors of the several towns within the county of New Hanover, and all justices of the peace within the said county, and the clerk of the recorder's court of New Hanover County, to report to the said auditor, on the first Mondays in each and every month beginning with the first Monday in June, one thousand nine hundred and thirteen, a statement of all fines and 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 the clerk of the recorder's court, 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 thirteen, and yearly thereafter, to transmit by mail to all mayors and justices of the peace and clerk of recorder's court of New Hanover 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 or clerk of recorder's court shall fail to make reports required by this section to the auditor, or fail to turn over and ac-

Reports from
mayors of towns.

Report to sheriff.

Proviso: liability
of sheriff.

Notice to mayors.

Neglect of mayor
misdemeanor.

Punishment.

Statements of
fines and
penalties.

Auditor to enforce
payments.

Notice for returns
of fines and
penalties.

Failure to report
misdemeanor.

- Punishment. count for any fine or penalty as provided by law, the person offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50) or imprisoned not more than thirty days, and shall also forfeit and pay the sum and penalty of fifty dollars (\$50), 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 said auditor to prosecute all violations of this and the next preceding sections of this act.
- Auditor to prosecute. **SEC. 30.** Any person who shall be elected and appointed as auditor of New Hanover County who shall willfully fail or neglect to perform any duty required of him, 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.
- Failure in duty misdemeanor. **SEC. 30½.** It shall be the duty of the board of commissioners of New Hanover County to audit or have audited the books of the county auditor, as Treasurer of New Hanover County, at such times as they may desire or require. The board of commissioners of said county may appoint a clerk to its board, in which event so much of section one thousand three hundred and twenty-four of the Revisal of one thousand nine hundred and five making the register of deeds *ex officio* clerk to said board is hereby repealed.
- Punishment. The auditor of New Hanover County, as treasurer, shall receive no commission, emoluments, or compensation from the school fund of New Hanover County other than the salary allowed him in section eight of this act.
- Audit of books of auditor. **SEC. 31.** That at the next election held in New Hanover County for the election of county officers, and each two years thereafter, there shall be elected a county auditor, who shall be inducted into office on the first Monday in December, one thousand nine hundred and fourteen, who shall hold office for two years or until his successor is elected and qualified; and that John A. Orrel be and he is hereby appointed auditor of New Hanover County, who shall serve until the first Monday in December, one thousand nine hundred and fourteen, or until his successor is elected and qualified.
- Clerk to board of commissioners. **SEC. 32.** That all laws or clauses of laws in conflict with this act be and the same are hereby repealed.
- Pay of auditor as treasurer. **SEC. 33.** This act shall be in full force and effect from and after the first day of May, one thousand nine hundred and thirteen.
- Election of auditor. Ratified this the 6th day of March, A. D. 1913.
- Term of office.
- First auditor named.
- Repealing clause.
- When act effective.

CHAPTER 494.

AN ACT TO PROVIDE FOR GOOD ROADS IN WESTFIELD TOWNSHIP AND TO ISSUE BONDS IN WESTFIELD TOWNSHIP THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That D. F. Love, R. K. Simmons, Dr. Thomas Smith, and J. H. Chilton, and their successors in office, are hereby incorporated under the name of the Highway Commission of Westfield Township, and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act.

SEC. 2. That 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 John H. Chilton, R. K. Simmons shall hold office for four years; D. F. Love and Dr. Thomas Smith shall hold office for two years; *Provided*, that the position of member of the said highway commission shall not constitute an office within the meaning of article fourteen, section seven of the Constitution of North Carolina. Should a vacancy occur by death, resignation, or removal or otherwise, the same shall be filled by the said commission by choosing some one of the same political belief as was the member whose place became vacant, and such successor so chosen shall hold office until his successor shall be chosen by the Legislature, and shall qualify.

SEC. 3. That said commission shall have the same supervision, power, and right in respect to all the public roads in Westfield Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County.

SEC. 4. The said highway commission shall have full power and authority to order the laying out of public roads where necessary in their judgment, to discontinue such roads as shall be found useless, and to alter roads so as to make them more useful. Said commission 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 for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width.

SEC. 5. That said commission shall meet in the Westfield Township within ten days after the adoption of this bill at an election herein provided for, and shall organize by electing one of their number chairman, and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission. Said commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said com-

Highway commissioners named and incorporated.

Corporate name.

Corporate powers.

Political affiliations.

Election of successors.

Terms of office.

Proviso: commissioners not officers.

Vacancies.

Powers and rights of commission.

Location, discontinuance, and alteration of roads.

Cartways, church and mill roads.

Proviso: width of roads.

Meeting and organization.

Election and bond of treasurer.

Orders for payment of road funds.

mission, and he shall enter into a bond in such sum as said commission may decide, which bond upon approval by the said commission shall be recorded by the Register of Deeds of Surry County in the book of official bonds, and filed in his office. That the treasurer of said commission shall make payments out of the road funds belonging to the said township only upon the written order of the said commission, signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued.

Collection of taxes.

Fees.

Officers liable on bonds.

SEC. 6. That said commission shall authorize the Sheriff of Surry County, or tax collector of said county, to collect all the taxes levied under this act, and he shall be entitled to the same fees as are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act, and the said commission may require the sheriff or tax collector to give an additional bond.

Moneys paid over to road treasurer.

Settlements.

Final settlement.

SEC. 7. That all road taxes for Westfield Township which hereafter may be collected by the Sheriff of Surry County, or tax collector of said county, shall be paid over to the treasurer of the said commission, who shall give a receipt therefor, and all moneys derived from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in the Westfield Township separate, and shall 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 the twenty-fifth of each year, and shall pay over sooner if same shall be in his hands.

Election and compensation of superintendent.

Employment, compensation, and duties of engineer.

Employees and equipment.

SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said 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 such employment shall be during the pleasure of said commission. That the said commission shall also have the power to employ such other persons as may be deemed

necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads.

SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any land in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads, and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize, sand-clay, topsoil, gravel, or improve the said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drains or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed.

Entry on land for location and material.

Drains or ditches.

Proviso: ornamental or fruit trees.

SEC. 10. That if the owner of any lands upon which said road or roads or any part thereof shall be constructed, altered, or changed, or the owner of any land from which timber, stone, clay, gravel, or sand were taken, as aforesaid, shall claim damages therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken, and for the timber and materials so taken as aforesaid, the said arbitrators shall take into consideration the special benefits that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the changes in the said road. The said damage, both for the land taken and for the timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court, after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damage. The amount of the damages is the only question contemplated in this section.

Arbitration for assessment of damages.

Payment of damages.

Right of appeal.

Bond on appeal.

Proviso: time for appeal.
Appeal not to delay action.

SEC. 11. That any person who shall obstruct the said commission, its agents or employees, in making a survey, or changing any road, or the opening of a new public road or highway, or the tak-

Obstructing work or officers misdemeanor.

- ing of necessary timber or other materials therefor shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- Punishment.
- Turning water on roads misdemeanor.
- SEC. 12. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water in the public roads of Westfield Township, except where 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, upon conviction, fined not exceeding fifty dollars and imprisoned not exceeding thirty days.
- Punishment.
- Pay of employees.
- SEC. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees, and all expenses, to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The necessary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the funds provided by this act.
- Pay of commissioners.
- Payment of expenses.
- SEC. 14. That the board of commissioners of Surry County, upon a petition of one-fifth of the voters of Westfield Township, is hereby empowered and instructed to submit to the voters of Westfield Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the question whether the said township of Westfield shall issue bonds in a sum not exceeding thirty thousand dollars (\$30,000), with interest coupons attached, the proceeds of which to be used for the improvement of the public roads of Westfield Township as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Westfield Township: *Provided*, that if a majority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby authorized to submit the said question to the said voters at the expiration of six months from time of first election under the regulations hereinafter set out; and *Provided further*, that if a majority of the voters of said township shall not vote to issue bonds at the election so held, the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fourth of the voters of said township shall by petition request it.
- Petition and order for election on bond issue.
- Amount.
- Notice of election.
- Proviso: further election.
- Proviso: further election on petition.
- SEC. 15. 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 election board of Surry County shall
- Law governing elections.
- Proviso: appointment of election officers.

appoint the registrars of the election, the judges and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly; and that the board of commissioners of Surry County may or may not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election, and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.

Registration and challenges.

Count and return of votes.

Tabulation, declaration, and record of result.

SEC. 16. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue," and at such election those who favor the issuing of the 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."

Ballots.

SEC. 17. In the event that a 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 Surry 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 not to exceed thirty thousand dollars (\$30,000). The said bonds shall bear a rate of interest of not exceeding six per centum per annum, with interest coupons attached, payable semiannually during the time the bonds shall run, the principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Westfield Township, Surry County, provided for in this act, or at any bank or banks which the said highway commission may designate to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners; and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Westfield Township Highway Improvement Bonds."

Issue of bonds.

Denominations.

Amount.

Interest.

Maturity.

Payable in standard currency.

Authentication.

SEC. 18. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the chairman of the said commission of Westfield Township all of said bonds without the seal of the county being affixed to any of them. The chairman of the said commission of Westfield

Bonds turned over to highway commission.

Sale of bonds.

Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads, for the purpose of raising funds with which to construct and improve the public roads of the said Westfield Township, the expenses for such advertising and selling said bonds and other expenses necessary in regard thereto to be paid out of the fund arising from the sale of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Westfield Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County 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 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 funds. The bonds and coupons shall state on their face when due and where payable, and the said bonds shall show by what authority they are issued. The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and, whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached.

SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commissioners shall levy annually, the first Monday in June, a special road tax for the township of Westfield on the hundred dollars worth of property for not less than five cents and not more than twenty-five cents, and a poll tax of not less than five cents and not exceeding seventy-five cents, observing the constitutional equation, as recommended by the said commission of Westfield Township, the subjects 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 for the township of Westfield. The taxes so levied shall be collected as herein provided for, and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund shall be held by the said commission of Westfield Township in special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof nor the interest thereof shall be used for any other purpose. The said commission of Westfield Township shall manage and invest the funds at the discretion of said commission until paid out for the redemption of the said bonds sold under authority of this act at their maturity.

Bonds sealed before delivery.

Sale below par forbidden.

Proviso: purchaser not liable for application.

Record of proceedings and bonds.

Special tax.

Limit of rate.

Constitutional equation.

Collection and application.

Sinking fund.

Investment of sinking fund.

SEC. 20. If the majority of the voters of Westfield Township 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 the said county, except after conviction for crime, are hereby repealed. Road duty abrogated.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1913.

CHAPTER 495.

AN ACT TO AUTHORIZE THE COUNTY OF BRUNSWICK TO ISSUE AND SELL BONDS FOR THE PURPOSE OF BUILDING A BRIDGE OVER BRUNSWICK RIVER, CONNECTING WITH EAGLE ISLAND.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Brunswick County are hereby empowered and directed to issue bonds bearing a rate of interest not exceeding six per cent per annum, interest payable semiannually, and running for a term of years not exceeding forty, in an amount not exceeding forty thousand dollars, for the purpose of building, equipping, and maintaining a first-class bridge of iron, steel, or concrete, connecting a public road of Brunswick County with a public road of New Hanover County upon Eagle Island, leading to the city of Wilmington, which bridge is of great importance to the people of both counties and is a public necessity. Bond issue authorized. Interest. Maturity. Amount. Purpose of issue.

SEC. 2. That the bonds issued under this act shall be numbered and 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 affixed, and the coupons shall bear the engraved or lithographed signature of the chairman of said board. They shall be of such denominations as the board of county commissioners shall prescribe, and shall not be sold, exchanged, or hypothecated for less than their par value. That said commissioners, in their discretion, shall provide for the registration of said bonds, and shall have power to make the principal and interest of said bonds, or either of them, payable at such place or places as they may determine. Authentication. Denominations. Sale below par forbidden. Registration of bonds.

SEC. 3. In order to pay the interest on said bonds, the board of commissioners of Brunswick County shall annually compute and levy, at the time of levying other public taxes, a special tax on the polls and the real and personal property and other subjects of taxation in said county, always observing the constitutional equation between the levy on property and polls. Special tax for interest. Constitutional equation.

SEC. 4. That after ten years from the date of the issue of said bonds the said board of commissioners shall annually compute and Special tax for sinking fund.

Limit of rate.	levy, in addition to the levy of the special tax to pay the interest on said bonds, a special tax not exceeding thirty cents on each poll and ten cents on each 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 the same at maturity. In the event the said bonds cannot be purchased at a price deemed advantageous by the said commissioners, the sinking fund shall be invested by them either in bonds of the United States, North Carolina State bonds, or in any other stocks or bonds in which fiduciary funds are or may be authorized to be invested by the laws of the State of North Carolina.
Investment of sinking fund.	
Proceeds of bonds paid to treasurer. Vouchers for disbursements. Deposits.	SEC. 5. The proceeds of the sale of said bonds shall be paid over to the county treasurer, to be disbursed by him upon proper vouchers issued by order of county commissioners, and the said proceeds shall be deposited in such banks as may be designated at such rate of interest as may be agreed upon: <i>Provided, however,</i> that the said commissioners shall have power to increase the bond of the treasurer to an amount deemed sufficient to protect said fund, and if said bonds be given in surety company, shall authorize the payment of the premium for such bond out of the proceeds of the sale of said bonds.
Proviso: increase of treasurer's bond.	
Premium on increased bond.	
Expenses of bond issue.	SEC. 6. All the expenses incident to the preparation, issue, and sale of said bonds shall be paid by the said board of county commissioners out of the proceeds of the sale of said bonds.
Commission of treasurer.	SEC. 7. That for all services rendered by the county treasurer in relation to the said money derived from the sale of said bonds he shall receive a commission not exceeding one-half of one per cent upon the total amount disbursed by him.
Bond issue to be voted on.	SEC. 7½. That before said bonds or any part thereof shall be issued, the same shall be submitted to the qualified voters of Brunswick County at an election to be held on Tuesday, July eighth, one thousand nine hundred and thirteen. 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: <i>Provided, however,</i> 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 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 votes 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. That at said election the ballots tendered and cast by the qualified electors shall have written or printed upon them "For Bridge" or
Date for election.	
Law governing election.	
Proviso: appointment of election officers.	
Count and return of votes.	
Tabulation, declaration, and record of result.	
Ballots.	

"Against Bridge." All qualified electors who favor the issue of said bonds shall vote "For Bridge"; all qualified voters who are opposed to the issue of said bonds shall vote "Against Bridge." In the event that a majority of the votes cast shall be "For Bridge" 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 amount not to exceed that provided for in the first section of this act.

Effect of election.

Denomination of bonds.

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

Ratified this 6th day of March, A. D. 1913.

CHAPTER 496.

AN ACT TO REQUIRE AND REGULATE PRIMARY ELECTIONS IN LEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every political party, organization, or association desirous of nominating candidates for office to be voted for by the qualified voters of Lee County shall do so by primary elections held and conducted under the provisions of this act. The primary elections of every political party, organization, or association shall be held at the same time and place at every voting precinct in the county, and the time for holding the same shall be uniform for all the county. The polls shall be kept open for six hours between the hours of seven o'clock in the forenoon and six o'clock in the afternoon upon the day on which said elections are held. The time and places for the holding of the primary elections shall be fixed by the county board of elections at least thirty days before the holding thereof, and advertised by poster at the courthouse door and at at least one public place in each precinct, not less than twenty days preceding the said elections: *Provided*, that no election shall be held invalid hereunder for want of advertisement or defect therein, but the members of the county board of elections shall be guilty of a misdemeanor for any willful failure or neglect to comply with this act.

Candidates to be nominated by primary elections.

Time and place of elections uniform.

Hours of election.

Selection and advertisement of time and place.

Proviso: want of advertisement not to vitiate election. Officers guilty of misdemeanor.

SEC. 2. A political party, organization, or association, hereafter called "party" or "political party," within the meaning of this act, is defined as a political party, organization, or association, which, at the preceding general election for Governor of North Carolina, cast at least ten thousand ballots, in the State, for its candidate for Governor. The chairman of the county executive committee of every political party desiring to nominate candidates, as herein

Definition of terms.

Notice of desire to hold primary.

Certificate from
Secretary of State.

Notice in default
of executive com-
mittee.

Appointment of
managers.

Proviso: discretion
of county board of
elections.

Managers to be
sworn.

Vacancies.

Recommendation
of managers.

Law governing
elections.

provided, shall give notice in writing to the chairman of the county board of elections in apt time to permit a compliance with this act, and it shall be the duty of said county board of elections to convene for said purpose upon call of its chairman. The county board of elections may require a certificate of the Secretary of State to be produced by any party desiring to hold a primary election, to the effect that said party cast at the preceding election for Governor at least ten thousand ballots for Governor, as herein required. In the event that any political party shall have no chairman of the county executive committee of the party, the notice herein required to the county board of elections may be given by any other person thereto duly authorized by that party, or by petition of at least one hundred and fifty qualified voters, certifying that they belong to such party and desire that a primary election be held therefor.

SEC. 3. At the time of fixing the time and place of holding such primary elections the county board of elections shall appoint three managers each therefor, on behalf of every political party for which such elections are held; the said managers, with respect to each party, to be members of the political party for which the primary election is held, and distributed, as far as may be, amongst the several factions of that party, if such factions exist, or amongst the friends of the opposing candidates: *Provided*, that if in any precinct no members can be found of the political party for which the primary election is held, of which fact the county board of elections shall judge, managers may be appointed at the discretion of the county board of elections; but no person shall be compelled to serve as manager of an election for a political party to which he does not belong; and if no persons can be found to act as managers of any primary election because of a want of members of that party in the precinct, the election shall be omitted. Such managers, before entering into the discharge of the duties of their offices, shall take an oath, each for himself, before a notary public, justice of the peace, or other person authorized to administer the same, or, in case no such person can be conveniently found, before one of the managers of the political party for which the election is held, that they will faithfully, impartially, and honestly conduct the election in accordance with the regulations of this act, and make due and accurate returns thereof as herein required. In case one or more of the managers of the election shall fail to attend at the time fixed for such election, the vacancy so caused shall be filled by the remaining manager or managers of the primary for the party for which such manager or managers were appointed. The chairman of the county executive committee or managing body of the political party desiring to hold a primary election shall recommend to the county board of elections suitable persons to be appointed as managers for the various precincts.

SEC. 4. That the said primary elections shall be conducted, as far as practicable, in all things and in all details, in accordance

with the general election laws of the State, unless otherwise provided in this act, and all the provisions of chapter ninety, Revisal of one thousand nine hundred and five, and amendments thereto, or other laws which govern elections, not inconsistent with this act, shall apply as fully to such primary elections and the acts and things done thereunder as to the general elections, unless different provision is made under this act; that all acts made criminal if committed in connection with a general election shall likewise be criminal, with the same punishment, if committed with reference to a primary as herein provided for.

SEC. 5. At any such primary election any person who is a qualified voter under the laws of this State and is a member of and affiliated with the political party in the primary election of which he seeks to vote (meaning thereby that he usually supports the principles of said party and votes for its candidates), and who, upon being challenged, shall take the oath hereinafter set out, and who is properly registered in the registration book of the precinct in which the election is held, shall be permitted to vote: *Provided*, that any person claiming the right to vote whose name does not appear on the registration book of the precinct may be permitted to vote upon satisfactory evidence to the managers that he is a qualified voter having the right to registration; and *Provided further*, that the managers may allow any person, otherwise qualified, to vote if he may become qualified to vote at the general election for which such primary is held, and who is not, at the date of such primary election, qualified by reason of want of age or residence. Any person whose right to vote is challenged shall, before being permitted to vote, take an oath that he is a qualified voter in the precinct in which he desires to vote; that he is a member of and affiliates with the political party in the primary election of which he desires to vote (meaning thereby that he usually supports the principles of the party and votes for its candidates), and that he has the present intention of continuing his affiliation with the said party and of voting for the candidates selected by the primary. Any voter may be challenged by any other qualified voter, the grounds of the challenge being given; and a written memorandum, containing the name or names of the persons challenged, and the grounds therefor, given to the managers during the election or prior thereto, shall be sufficient to constitute a challenge. The managers shall decide all challenges, and for such purpose may permit witnesses inside the prohibited spaces of the polling place while such matter is pending. It shall be the duty of the managers to challenge such persons as they may have good reason to believe have no right to vote in any primary in which they propose to vote.

Persons permitted to vote.

Proviso: voters not registered.

Proviso: voters in anticipation of qualification.

Oath to be taken by persons challenged.

Challenges.

Decision of challenges.

Challenges by managers.

SEC. 6. Any person desiring to become a candidate for election to any office as the nominee of any such primary may become a candidate before the primary by filing with the chairman of the

Declarations of candidacy.

- county board of elections a written statement to that effect, stating therein the office for which he becomes a candidate, and the political party of which he is a member and of which he desires the nomination; which statement shall be filed at least twenty days before the time fixed for the primary election, and must be accompanied by the following fees, to be used in defraying the expenses of the primary election: candidates for State, district, and county offices, other than county commissioner, ten dollars; candidates for county commissioner and township offices, five dollars: *Provided*, that in case a second primary is necessary to be held, the fees for the candidates remaining to be nominated shall be, for candidacy in said second primary, not less than fifteen dollars for candidates for State, district, and county offices other than county commissioner, and ten dollars for any candidate for county commissioner or a township office, which shall be paid at least ten days before the time fixed for said second primary. The chairman of the county board of elections shall indorse on each notice of candidacy received by him the day and hour at which the said notice was received (provided the same be accompanied with the required fee), and preserve the same subject to inspection of electors.
- Fees.**
- Proviso: fees at second primary.**
- Indorsement and filing.**
- Polling places.** SEC. 7. At the polling place during any primary election a space of not more than fifty feet and not less than twenty-five feet shall be kept clear of all persons except the election officers herein provided for, which space, if so directed by the county board of elections, or the managers of any precinct election, shall be railed or roped off, with a narrow passage leading to and from the polls; and each elector may be required to approach the polls from one direction through the 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 elector shall enter the passage leading to the polls at one time. After the elector has entered the passage no person except the election managers or challengers permitted by this act shall be permitted to speak to him or make any signs to him until he has deposited his ballot in the box and passed out of the passage or inclosure. The railed or roped space shall at all times during the hours for voting be kept open and cleared of all persons except the election officers and the elector then balloting; and the managers of the election are constituted police officers, with power to keep such space clear and open. The managers of the primary may appoint one or two discreet persons at the respective precincts as challengers, who may be permitted within said inclosure. At each polling place there shall be a booth, inclosure, or separate table so arranged as to secure to the elector privacy in preparing his ballot, and furnished with necessary pencils for marking his ballot. There shall be one ballot box for each party participating, conspicuously marked with the name of the political party to which it belongs,
- Passages to and from polls.**
- Sole admittance.**
- Interference forbidden.**
- Space kept cleared.**
- Police powers of managers.**
- Challengers.**
- Polling booths.**
- Ballot boxes.**

for the deposit of the ballots of that party. The managers of election for the respective parties shall have charge of the official ballots of their respective parties, and shall furnish the elector, upon request, and only at the time of his voting, with a ballot containing the names of the candidates of the party with which he declares himself to be affiliated and with which he desires to vote, and none other; and no ballots shall be permitted outside of said inclosure or in the hands of any other person. The elector shall be required to prepare his ballot after he has come to the polls and into the inclosure described for the immediate purpose of voting, and shall not be permitted to cast any ballot prepared elsewhere or previously thereto. The managers of election, of the respective parties, after the elector has indicated the party whose ballot he desires, shall be permitted to give him such information as will enable him to properly mark his ballot for voting for the persons or candidates for whom he desires to vote, but shall not indicate any preference on their part or make any other statement relative thereto. The managers shall give necessary information to secure to the elector the deposit of his ballot in the box to which it belongs, and may, at his request, deposit it.

SEC. 8. There shall be but one form of ballot for each political party participating in such primary elections, and each ballot shall contain the names of all the candidates of the respective parties who have given notice of candidacy as herein provided, arranged in the order of the filing of such notice with the chairman of the county board of elections; that is to say, that all the names of the candidates of each political party shall be put on each ballot of that party. The ballots shall be conspicuously headed with the printed name of the party to which it belongs, and the names of the candidates shall be printed in a column or columns underneath, and shall be on white paper, without device. Opposite the name of each candidate shall be printed a small square, and the elector desiring to vote for any candidate shall make a cross mark, (X), in the square opposite the name of such candidate, and only the names of candidates thus crossed on the ballot shall be counted. Where a greater number of names are crossed for candidates for the same office than the elector is allowed to vote for, none of the names of the candidates so crossed shall be counted. The ballots shall have printed upon them, over the names of the candidates for each particular office, a simple direction as to the number of candidates for that office the elector is entitled to vote for—as, for example, "Vote for one," or "Vote for two," as the case may be. Before the deposit of any ballots the managers shall open the boxes and publicly exhibit the same to show they are empty, and shall immediately close and lock or seal them, and shall open them no more until the time for depositing ballots has expired.

Official ballots.

Preparation of ballot.

Information to voters.

Deposit of ballots.

Form of ballots.

Arrangement of names.

Headings.

Marking ballots.

Directions for marking.

Opening, exhibition, and closing of boxes.

Poll lists.	SEC. 9. The managers shall keep an accurate poll list of the persons voting in the primary, this duty pertaining to the managers for each political party respectively, and requiring a different poll list for each party, the names of the voters being set down therein
Return of poll lists.	at the time and in the order of their voting; and such poll lists shall be returned to the county board of elections with the returns
Count and preservation of ballots.	of the election. At the conclusion of the election, and when the polls have been closed, the managers shall proceed to count the
Tally-sheets.	ballots cast, preserving the ballots in bundles, and also preserving
Count of ballots.	the tally-sheets, which shall accompany the election returns. The friends of the respective candidates may witness the counting of
Record, declaration, and return of result.	the ballots, but the managers shall preserve a sufficient space clear of all persons to enable them to proceed with order and dispatch. At the conclusion of the counting a record shall be made of the result and the same there declared, and returns thereof shall be made over the signature of at least two of the managers of the respective parties, within three days, to the chairman of the county board of elections, who shall within seven days after the primary election convene his board for the purpose of canvassing the returns.
Canvass, ascertainment, and declaration of result.	SEC. 10. The county board of elections shall canvass and ascertain the result from the returns of the primary elections made to them, and shall thereupon declare the result by publication at the courthouse door. The candidates of the respective parties receiving a majority of the votes cast for the offices sought by them shall be declared to be the candidates of their respective parties
Persons declared nominated.	for the said offices, and in case there should be instances in which no candidate has received a majority of the votes cast, it shall be the duty of the county board of elections to order another primary election, as to such candidate or candidates, to be held within fifteen days under the same laws, rules and regulations in all respects as the first. At such second primary, where there is only one candidate to be voted for at the general election for that particular office, only the names of the two candidates receiving the highest number of votes shall be submitted at the primary; and in the event that there has been no nomination by a majority vote as herein defined as to two or more candidates for an office where more than one person may be voted for at the general election, the board of county elections shall select the names of the candidates having the highest number of votes for the particular office sufficient to complete the list of candidates to be voted for at the general election, and a corresponding number of names receiving the next highest number of votes for that office, which shall constitute the new candidates to be voted for at the second primary. The returns from the second primary shall be made within three days, as above required, and the county board of elections shall canvass the same and ascertain and declare the
Order for second primary.	result as in the first instance, and immediately thereafter shall
Candidates at second primary.	
Returns and canvass.	
Lists of candidates.	

publish the list of the candidates for the respective parties by poster at the courthouse door. It shall be the duty of the county board of elections to have the ballots for said primary elections printed as herein provided for, and a sufficient number thereof distributed to the managers in apt time for their use on the day of the primary election; and no person except the managers and the elector shall be allowed the possession or use of the same, except as herein provided; and any other person having possession thereof, except as herein permitted, shall be guilty of a misdemeanor.

Printing and distribution of ballots.

Unauthorized possession of ballots misdemeanor.

SEC. 11. Any person who shall violate any of the provisions of this act, or who shall be guilty of any unlawful neglect of his duties hereunder, shall be guilty of a misdemeanor, and shall be fined or imprisoned, or both, in the discretion of the court: *Provided*, that if the unlawful act or conduct be one that is already made an offense by the Revisal of one thousand nine hundred and five and amendments thereto, or the general election law, as herebefore made applicable to the primaries held hereunder, the proceeding and punishment therefor shall be as therein prescribed.

Violation of act or neglect of duty misdemeanor.

Punishment.

Proviso: offenses under general law.

SEC. 12. Any manager who shall be guilty of fraud or corruption in the discharge of his office or who shall attempt while in the discharge of the duties of his office in any manner to deceive or influence any elector, shall be guilty of a misdemeanor, and fined or imprisoned, or both, at the discretion of the court.

Acts by managers declared misdemeanors.

Punishment.

SEC. 13. Any person who shall swear falsely in taking the oath herein prescribed shall be guilty of perjury, and any person who shall fraudulently participate in a primary in which he has no right to vote or who shall after having voted in one primary fraudulently vote in another for the nomination of a candidate for the same office, shall be guilty of a misdemeanor, and shall be punished in the discretion of the court.

False swearing perjury.
Fraudulent voting misdemeanor.

Punishment.

SEC. 14. Any person who shall "electioneer" or solicit votes, either for himself or for any other person, within twenty-five feet of any polling place or places where balloting is being carried on during any primary election, shall be guilty of a misdemeanor, and shall be punished in the discretion of the court. Any person who shall attempt to intimidate any voter by threats or otherwise or in any manner fraudulently to prevent any elector from casting his ballot according to his own will and desire, shall be guilty of a misdemeanor, and shall be punished in the discretion of the court.

Electioneering at polls misdemeanor.

Punishment.
Intimidation misdemeanor.

Punishment.

SEC. 15. It shall be the duty of each candidate, within ten days after the primary election, to file with the clerk of the Superior Court a verified itemized statement of the expenses of his campaign, in which he shall set out all sums of money and other things of value by him expended, or expended for him to his knowledge by any other person, and to whom paid, and for what purpose; and it shall be the duty of any person acting as manager

Candidates to file statements of expenses.

Managers to file statements.

Misdemeanor. Punishment. for any candidate, or expending money for or against the candidacy of any person, to file a like statement; and any person violating this section shall be guilty of a misdemeanor, and punished in the discretion of the court.

Use of liquor and bribery forbidden. SEC. 16. If any person shall attempt to influence the vote of another by the use of any intoxicating liquor, or by any bribe, or reward, or thing of value given or promised to be given, or if any person shall accept any bribe or reward given him to control his vote or influence in said primary election, such person shall be guilty of a misdemeanor and punished in the discretion of the court.

Misdemeanor. Punishment.

Delegates to conventions to obey instructions. SEC. 17. Every delegate selected by any party or the members thereof to any State or district convention shall faithfully discharge the duties of such appointment, and at any convention assembled to nominate candidates to be voted for by the people shall faithfully carry out his instructions and vote in accordance with the primary election for said candidate, and shall so vote until a majority of the delegates present shall vote that there is no further use in abiding by such instruction, and may then vote as he may see proper.

Arrangement of polling places and passages. SEC. 18. This act, in so far as the arrangement and roping off of the polling place and passages thereto is concerned, shall be deemed to have been complied with if the primary election be held in a building or room to which none except the election officers herein referred to shall be admitted, and the electors, who shall be admitted singly and shall leave said room before another is admitted.

SEC. 19. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1913.

CHAPTER 497.

AN ACT TO ESTABLISH STOCK LAW IN A CERTAIN PORTION OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Date when stock law shall become effective. SECTION 1. That from and after the first day of March, one thousand nine hundred and fourteen, it shall be unlawful for any owner 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 another within the territory hereinafter described in section two of the act.

Territory. SEC. 2. That this act shall apply to all that part of Harnett County lying on the east side of the Cape Fear River.

Fence commissioners. Contracts for erection and maintenance of fences. SEC. 3. That A. B. Currin, W. H. Turlington, and W. B. Warren 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 inclosing 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: *Provided, however,* that the Cape Fear River be and the same is hereby declared a lawful fence for the purpose of this act.

Gates.

Proviso: Cape Fear river lawful fence.

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; 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 collection of State taxes, and he shall pay over same to the chairman of the fence commissioners.

Annual reports.

Fence tax.

Collection.

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; that the chairman shall execute a justified bond in the sum of one thousand dollars, 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 fence commissioners.

Election and duties of chairman of fence commission.

Bond of chairman.

Removal for cause.

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 cannot be found, pay said surplus to the chairman of the fence commissioners, to be applied to the keeping up of 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 impounded.

Sale of stock.

Disposal of proceeds.

Proviso: release of stock on payment of charges.

SEC. 7. That it shall be unlawful for any person or persons to injure or destroy said fence or gates, or for any person or persons

Injury to fence or gates misdemeanor.

Punishment. 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.

Violation of act 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.

When act effective. SEC. 9. That sections three, four, and five of this act shall be in force on and after its ratification, and the remaining sections of this act shall be in force on and after the first day of March, one thousand nine hundred and fourteen.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 498.

AN ACT TO REPEAL CHAPTER 345, PUBLIC-LOCAL LAWS OF 1911, RELATING TO THE WORKING OF THE PUBLIC ROADS IN ELLENDALE TOWNSHIP, ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Law repealed. SECTION 1. That chapter three hundred and forty-five, Public-Local Laws one thousand nine hundred and eleven, entitled "An act for the working of the public roads in Ellendale Township, Alexander County," be and the same is hereby repealed.

When act effective. SEC. 2. That this act shall be in force from and after the first day of August, one thousand nine hundred and thirteen.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 499.

AN ACT TO AMEND CHAPTER 598 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO THE RECORDER'S COURT OF THE TOWN OF DUNN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and ninety-eight of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended as follows:

Sessions to be held in Duke.

Add at the end of section five the following words: "Except that it shall be the duty of the recorder or vice-recorder to hold one session of said court in each week within the village of Duke, in Duke Township, for the trial of such causes as shall be set or made returnable before him within said village, and said recorder or vice-recorder and any justice of the peace who shall issue a warrant returnable before said recorder as hereinafter provided

for, and any sheriff, constable, or other lawful officer who shall make any arrest under such warrant, shall be authorized to make such warrant returnable and to summon all witnesses before the recorder within the village of Duke upon Friday of each week for the trial of causes within said village.”

SEC. 2. That said chapter be further amended by striking out the word “exclusive” at the beginning of subsection two in section six. Jurisdiction.

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 7th day of March, A. D. 1913.

CHAPTER 500.

AN ACT TO AMEND CHAPTER 611 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO THE TERMS OF OFFICE OF THE BOARD OF COUNTY COMMISSIONERS OF JONES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the term of office of J. H. Bell, W. H. Hammond, and J. R. Lowry, members of the board of county commissioners of Jones County, shall expire on the first Monday in December, one thousand nine hundred and fourteen, and their successors shall be elected at the general election in November, one thousand nine hundred and fourteen; and the term of office of J. W. Wooten and L. O. Pollock, members of the board of county commissioners of Jones County, shall expire on the first Monday in December, one thousand nine hundred and sixteen, and their successors shall be elected at the general election in November, one thousand nine hundred and sixteen. Terms to expire in 1914.
Election of successors.

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

Ratified this the 7th day of March, A. D. 1913. Terms to expire in 1916.
Election of successors.

CHAPTER 501.

AN ACT TO PROTECT DEER IN BRUNSWICK AND CUMBERLAND COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall hunt with gun or chase with a dog, or shall kill or destroy any deer running at will in the woods from the first day of April, one thousand nine hundred Killing deer forbidden.

and thirteen, until the first day of September, one thousand nine hundred and eighteen, unless in an inclosure surrounded by a good fence at least four feet high and when such person shall have a lawful right so to do, shall pay a fine of twenty-five dollars for each offense to any person suing for the same, one-half for his use and the other half for the use of the public school of the district wherein the offense is committed, and shall also be guilty of a misdemeanor.

Penalty.
Disposal of fine.
Misdemeanor.
School committee to sue for fine and prosecute offenders.

SEC. 2. In the event that no one has brought a prior suit, and prosecuted the same in good faith for the penalty described in the preceding section, it shall be the duty of the school committee of any district where the said offense shall be committed to sue for the same, and the whole of the recovery shall be to themselves for the use of their school district; and they shall cause any person so offending to be prosecuted by indictment for such offense.

Application of act.

SEC. 3. That this act shall apply only to Brunswick and Cumberland counties.

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

.Ratified this the 7th day of March, A. D. 1913.

CHAPTER 502.

AN ACT TO VALIDATE CERTAIN OFFICIAL ACTS OF JAMES W. HAYS, A NOTARY PUBLIC IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Preamble.
Preamble.
Preamble.

Whereas James W. Hayes, a citizen of Wilson County, is now and has been for many years a notary public; and whereas the said James W. Hays is now and has been for several years cashier of the Toisnot Banking Company, located at Elm City; and whereas the said James W. Hays, as notary public, has probated certain papers in which the said Toisnot Banking Company is interested, and some question has been raised as to the validity of the official acts of the said James W. Hays as notary public with reference to the said papers: Now, therefore,

The General Assembly of North Carolina do enact:

Probates validated.

SECTION 1. That all deeds, mortgages, and other papers in which the Toisnot Banking Company is interested, the execution of which was probated by the said James W. Hays, notary public, be and the same are hereby validated to the same purpose and effect as if the said James W. Hays at the time of the probate of the same was not an officer in the said Toisnot Banking Company.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 503.

AN ACT TO PROVIDE FOR THE CONSTRUCTION, REPAIR,
AND MAINTENANCE OF THE PUBLIC ROADS OF HOKE
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing, repairing, and maintaining public roads in Hoke County, the board of county commissioners of said county are hereby authorized to levy annually, at the session of their board when the general levy is made for State and county purposes, a sum not exceeding fifteen cents on the one hundred dollars worth of property and a sum not exceeding forty-five 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 in the annual taxes, the same, when collected, to be turned over to the county treasurer by the sheriff and kept by the treasurer as a special road fund, separate and apart from other funds in said treasurer's charge, and paid out by said treasurer upon order of the board of county commissioners.

Levy of special road tax.

Limit of rate.

Fund kept separate.

SEC. 2. That in order that the public road work may be carried on properly and economically, the board of county commissioners is hereby authorized to employ a competent road superintendent for the county of Hoke, and to fix his compensation. The person so employed shall take and subscribe an oath for the faithful performance of his duties and shall execute a bond acceptable to the board of county commissioners in a sum not less than twenty-five hundred dollars for the faithful performance of his duties and for the accounting of all money and property which shall come into his hands as road superintendent. The road superintendent shall work under the general supervision of the board of county commissioners, and shall submit written reports on his road work to said board at each regular meeting thereof, and oftener if said board so requires: *Provided*, that the board of county commissioners may discharge said road superintendent at any time without being subjected to action therefor at the instance of such person discharged.

Employment and compensation of road superintendent.

Oath and bond.

Work under supervision of county commissioners.
Reports.

Proviso: superintendent subject to discharge.

SEC. 3. That the road superintendent, subject to the general supervision of the board of county commissioners, shall have charge of all the public road work in the county of Hoke; and the said road superintendent is hereby authorized to enter upon any lands not encumbered by crops, near to or adjoining the public roads, and cut such timber as is necessary within thirty feet of the public road, and to dig or cause to be dug and carried away any gravel, sand, clay, or stone which may be necessary to construct, repair, or maintain said roads, doing as little injury to said lands and improvements thereon and timber as the nature of the case and

Charge of road work.

Entry on land for material.

Entry on land for location and construction.

the public good will permit; and in opening and constructing new public roads and in widening and straightening old ones and repairing the same, the road superintendent is hereby authorized to enter upon any land and locate and build the same thereon, doing as little injury to said lands and the improvements thereon as the nature of the case and the public good will permit; and if the road superintendent and the owner or owners of said lands cannot agree as to the damages occasioned by opening and constructing new public roads, and in widening and straightening old ones, the disagreement shall be reported by the said owner or owners to the board of county commissioners, and the said board, before they commence to open and build said road, shall cause to be summoned three responsible freeholders of Hoke County, who shall go upon said lands and assess damages and benefits under the general road law as it now exists: *Provided*, that before entering upon lands for the purpose of opening, constructing, straightening, or widening roads as authorized under this section, it shall be the duty of the road superintendent to notify the owner or owners of said lands that a public road is to be opened, constructed, straightened, or widened on said lands under authority of this act.

Procedure for assessment of damages.

Proviso: notice to landowners.

Road duty.

SEC. 4. That all able-bodied male persons residing in Hoke County between the ages of eighteen years and forty-five years, except such persons as shall be declared exempt by the board of county commissioners because of physical or mental infirmities, and such as are exempt under section two thousand seven hundred and twenty-six of Pell's Revisal of one thousand nine hundred and eight, shall be liable annually to do and perform, in the townships wherein they reside, six days labor on the public roads of the county under the direction of the road superintendent or his agents: *Provided*, that if any such person shall pay to the county treasurer on or before March first the sum of two dollars, the same shall be received and receipted for in lieu of the said six days labor, and shall be turned over by the road superintendent to the county treasurer, to be placed with the special road fund, or if such person shall pay to the road superintendent or his agents, after being notified or summoned to work as hereinafter provided, the sum of one dollar or more, the same shall be received and receipted for in lieu of labor at the rate of one dollar per day, but only the sum of one dollar or a sum that is a multiple of one dollar shall be received in lieu of labor, and the money so received shall be paid over to the county treasurer.

Proviso: commutation.

Warning out hands.

SEC. 5. That it shall be the duty of the road superintendent, by himself or by his agents, to summon every such person liable to road work as aforesaid between the first day of March and the first day of December annually, except during the months of May and June, to do and perform the work aforesaid on the public roads, but no person so summoned shall be required to work con-

Limit of continuous work.

tinuously for a longer time at any one time than two days, and at least fifteen days shall intervene between workings, except in case of special damage to roads from storms; and if any such person, being personally summoned by the road superintendent or by his agents, or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days notice, to attend by himself or an able-bodied substitute acceptable to the road superintendent or his agents, equipped as directed, when summoned, or, having attended, shall refuse to obey the directions of the road superintendent or his agents, or shall spend the time in idleness and inattention to 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 nonattendance to the amount of labor required under that summons by the road superintendent, the same to be recovered in an action by the road superintendent, or his agents, before any justice of the peace of Hoke County, and shall also be guilty of a misdemeanor, and fined not exceeding five dollars or imprisoned not exceeding ten days; and any person summoned to perform any of the labor upon the public roads under any provision of this act shall by himself or substitute, as above provided, appear at the time and place designated by the road superintendent or his agents in his summons, and shall work not less than seven hours a day and not more than ten hours a day, except in cases of special damages to the public roads from storms; and the road superintendent, by himself or his agents, if necessary for the improvement of the public roads, may order any person who is summoned to perform road labor and who does not pay in lieu of labor as provided in the fourth section of this act, owning the same or having the same in his possession and under his control for his own use, to furnish a team of horses, mules, or oxen, wagon, cart, or scraper to be employed or used on said roads under the direction of the road superintendent: *Provided*, that one day's use of a team of horses, mules, or oxen shall be counted as one day's labor by the person furnishing same, and one day's use of a wagon, cart, or scraper shall be counted as one-half day's labor by the person furnishing the same.

Forfeit for failure to appear and work.

Misdemeanor. Punishment.

Day's work.

Teams and implements.

Proviso: allowance for teams and implements.

SEC. 6. That on the first Monday in January each year the county treasurer shall furnish to the board of county commissioners a list of persons liable to road labor under this act, and this list shall be *prima facie* evidence that the persons whose names appear thereon are liable to road labor under this act: *Provided*, that sections four, five, and six of this act shall not go into effect until the first Monday in January, one thousand nine hundred and fourteen, and then only by order of the board of county commissioners of said county.

Lists of road hands.

Proviso: sections not effective.

SEC. 7. That the public roads in Hoke County shall have a right of way of not less than twenty-four feet, except where the road

Width of rights of way and roads.

superintendent shall deem it impracticable to acquire such width, and in such cases the width shall be at least twenty-four feet, of which not less than twenty feet shall be free from logs, stumps, rocks, and drains, except where such width is considered impracticable by the road superintendent.

Convict road force.

SEC. 8. That the board of county commissioners of Hoke County are hereby authorized to establish and maintain, under suitable guards and in suitable quarters, a convict road force to be used in constructing, repairing, and maintaining the public roads of said county: *Provided*, that the board of commissioners, when said convict force or any part thereof is not needed for road work, may use the same for any public county work which said board may deem proper.

Proviso: use of convicts on other work.

Judges to sentence convicts to roads.

SEC. 9. That the judges holding the Superior Court of Hoke County and the judges of any criminal court held therein are hereby authorized, on the request of the board of county commissioners, to sentence to be worked on the public roads of said county, under the control and keeping of the said board 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, rape, or arson, and 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 or imposing fines only in such cases as to them shall appear right and proper.

Proviso: suspension of judgments and imposition of fines.

Mayors to sentence convicts to roads.

SEC. 10. That the mayor of the town of Raeford and the mayors of all other incorporated cities and towns and justices of the peace in Hoke County are hereby authorized and empowered to sentence to work on the said roads as herein provided for convicts of the Superior and criminal courts all such persons as they shall try and convict of offenses of which they have final jurisdiction, and also all persons, including those charged with bastardy, who may be by them sentenced to pay a fine and costs or either.

Convicts from other counties.

SEC. 11. That the judges holding the Superior and criminal courts of any and all counties of the State not working the convicts thereof and therein on the public roads of such county or counties or in any other county under some other act of the General Assembly, are hereby authorized and empowered to sentence to work upon the public roads of Hoke County all such convicts in said courts as shall be worked upon the public roads under and by the eighth section of this act: *Provided*, that the courts mentioned in this section shall not so sentence such convicts until and unless the board of county commissioners of Hoke County shall make application for such convicts for the purpose of working them on the public roads of Hoke County.

Proviso: application by county commissioners.

SEC. 12. That in the event that any person shall be adjudged to work upon the public roads under the provisions of this act for failure to pay costs and fines, or either, such persons shall be credited for the sum of twenty-five cents for every day they shall work, and shall remain at work until such costs and fines or either shall have been fully discharged at that rate: *Provided*, that all such persons shall be credited with that amount per day for and on such day or days as they shall have been prevented from work by reason of sickness: *Provided further*, that no woman shall be worked on said roads.

Allowances on
fines and costs.

Proviso: credits in
case of sickness.

Proviso: women
not worked on
roads.

SEC. 13. That during the time that no road superintendent is employed under this act the authority conferred by this act on said road superintendent and the duties prescribed in this act to be performed by him shall vest in and be performed by agents or employees of the board of county commissioners duly authorized by said board to exercise and perform the same.

Work in default of
employment of
superintendent.

SEC. 14. That any moneys that are raised by a special tax or a bond issue or in any other manner whatsoever by the county officials of Hoke County, for the construction, improvement, repair, or maintenance of the public roads of said county shall become a part of the fund hereinbefore designated as the special road fund.

Moneys consti-
tuting road fund.

SEC. 15. That the board of county commissioners shall publish during the months of January and July of each year in some newspaper published in Hoke County a detailed statement showing moneys received and disbursed for public roads since the date of the next preceding publication of the same.

Semiannual
publication of
statements.

SEC. 16. That no person shall cultivate or plow or dig for the purpose of cultivating public roads within ten feet of the center of said road, and all persons who cultivate or cause to be cultivated land adjoining any public road shall place or cause to be placed on said cultivated land nearest the road at least two rows or furrows ten feet from the center, running parallel with the road, except where the manner of cultivating does not require the running of rows or furrows. Any violation of this section shall be a misdemeanor, and shall subject the offender to a fine of ten dollars or imprisonment for twenty days: *Provided*, that section three thousand seven hundred and eighty-four of the Revisal of one thousand nine hundred and eight shall continue to be law in Hoke County.

Cultivation of land
adjacent to roads.

Misdemeanor.

Punishment.

Proviso: general
law.

SEC. 17. That nothing in this act shall prevent the board of county commissioners from letting out the construction, repair, and maintenance of the public roads by contract.

Work let to con-
tract.

SEC. 18. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 19. That this act shall take effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 504.

AN ACT TO AMEND PUBLIC-LOCAL LAWS OF 1911, CHAPTER 684, RELATING TO PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Proviso: Per-
quimans county
excepted.

SECTION 1. That section five, chapter six hundred and eighty-four, Public-Local Laws one thousand nine hundred and eleven, be amended by adding after the word "act," in the last line of said section, the following: "Provided, this act shall not apply to Perquimans County."

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 505.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WARREN COUNTY TO LEVY A SPECIAL TAX AND DONATE A SUM TO THE CONFEDERATE MONUMENT FUND.

The General Assembly of North Carolina do enact:

Appropriation
authorized.

Amount.

Donation of site.

Special tax
authorized.

Limit of rate.

Appropriation by
town authorized.

SECTION 1. That the county commissioners of Warren County be and are hereby authorized and empowered to appropriate a sum of money not to exceed fifteen hundred dollars to aid in the erection of a monument to be erected upon the courthouse square in the town of Warrenton, North Carolina, in memory of the Confederate soldiers of Warren County; and said commissioners are further authorized and empowered to donate a site upon said courthouse square for the said monument.

SEC. 2. That the said commissioners of Warren County are hereby authorized and empowered to levy and assess for the year A. D. one thousand nine hundred and thirteen, at the time county taxes are levied and assessed, if the said commissioners deem it necessary in order to make the appropriation authorized in section one, two cents upon every one hundred dollars valuation of said property and six cents upon every taxable poll in the said county of Warren.

SEC. 3. That the board of town commissioners of Warrenton, North Carolina, are hereby authorized and empowered to donate a sum of money not to exceed five hundred dollars, to aid in the erection of a monument upon the courthouse square in Warrenton, North Carolina, in memory of the Confederate soldiers of Warren County.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 506.

AN ACT TO PREVENT THE SALE OF INTOXICATING LIQUORS, WINES, AND CIDERS WITHIN TWO MILES OF MOUNT PLEASANT BAPTIST CHURCH IN BUFORD TOWNSHIP, UNION COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to sell or offer for sale any cider, wine, or other intoxicating drinks within a radius of two miles of Mount Pleasant Baptist Church in Buford Township, Union County, North Carolina. Prohibition.

SEC. 2. That it shall be unlawful for any person to exhibit himself in a drunken condition on the public highways within a radius of two miles of Mount Pleasant Baptist Church in Buford Township, Union County, North Carolina, on those days that services are regularly held at said church. Public drunkenness forbidden.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and punished in the discretion of the court. Misdemeanor. Punishment.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 507.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE IN PENSACOLA TOWNSHIP, YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to allow live stock to run at large off his own premises in Pensacola Township, Yancey County. Allowing live stock to run at large unlawful.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall forfeit one dollar for each head of stock allowed to run at large: *Provided*, that no person shall be convicted under this act unless it shall be proved that he willfully allowed his stock to run at large. Misdemeanor. Forfeit. Proviso: proof necessary to conviction.

SEC. 3. Any person allowing his stock to run at large shall be required to pay actual damage done to any person in addition to the forfeiture required in section two of this act. The amount of damage done shall be determined by some justice of the peace in the township, and the stock running at large may be retained by the person damaged until damage assessed shall be paid. Liability for damages. Determination of damage. Stock held for damages.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 508.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF PENDER COUNTY, NORTH CAROLINA, TO AID IN THE ERECTION OF A MONUMENT ON THE COURTHOUSE SQUARE, IN THE TOWN OF BURGAW, TO COMMEMORATE THE VALOR AND HEROISM OF THE CONFEDERATE SOLDIERS.

The General Assembly of North Carolina do enact:

Appropriation authorized.

SECTION 1. That the board of commissioners of Pender County, North Carolina, be and the same are hereby authorized and empowered to appropriate out of the general funds belonging to the county of Pender such sum as in their opinion shall be proper, not exceeding, however, the sum of five hundred dollars (\$500), to aid in the expense of erecting on the courthouse square in the town of Burgaw, Pender County, North Carolina, a suitable monument to commemorate the valor and heroism of the Confederate soldiers, and to have placed thereon such inscription or inscriptions as may be selected by the Pender County Chapter, number seven hundred and sixty-one, North Carolina Division, United Daughters of the Confederacy.

Amount.

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

Inscription on monument.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 509.

AN ACT PERTAINING TO THE METHOD OF HOLDING ELECTIONS IN NEW HANOVER COUNTY AND IN THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Report and approval of proposed expenditures.

SECTION 1. That it shall be unlawful for any candidate seeking the nomination or an election to any political office, or for any person, firm, corporation, or association in behalf of any candidate to expend any money or thing of value unless the same and the purposes for which it is to be expended shall first have been submitted to and have been approved by the county board of elections.

Advertisement of authorized expenditure.

SEC. 2. That the county board of elections shall within twenty-four hours after any such approval post a notice at the courthouse door of the county, setting forth the amount approved, or the thing of value allowed, the purposes for which such expenditure or distribution, the name of the person, firm, corporation, or association making the application, and who shall make the expenditure or distribution.

SEC. 3. That it shall be unlawful for any candidate seeking the nomination for an election to any public office to spend a greater aggregate amount than two hundred dollars, in which amount shall be included all money or things of value spent by any person, firm, corporation, or association in behalf of any candidate. Limit of expenditures.

SEC. 4. That all candidates and persons making any expenditure whatsoever in any election shall submit to the county board of elections under oath an itemized statement of such expenditure or expenditures, and the person, firm, corporation, or association who receives the same, together with the purposes for which such expenses were incurred, within ten days after every election, and in whose behalf such expenditure or distribution is made. Sworn itemized statements of expenditures.

SEC. 5. That any person, firm, corporation, or association violating this act shall be guilty of a misdemeanor, and fined not less than two hundred and fifty dollars, or be imprisoned in the county jail not less than three months. Misdemeanor. Punishment.

SEC. 6. That this act shall apply only to New Hanover County and the city of Wilmington. Application of act.

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 7th day of March, A. D. 1913.

CHAPTER 510.

AN ACT RELATING TO COURT STENOGRAPHER IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be appointed by the board of commissioners of Johnston County, upon the recommendation of the bar of said county, a competent stenographer for said county, to be designated as official court stenographer, who shall hold office at the pleasure of said board of commissioners. Appointment of stenographer.

SEC. 2. Said stenographer shall be appointed after an examination as to speed, accuracy, and neatness. Examination.

SEC. 3. That said stenographer shall receive the sum of thirty-five dollars (\$35) per week, or fraction of week, for each court in which he or she serves, the said sum to be paid by the county. Salary.

SEC. 4. Before entering upon the discharge of his or her duties such stenographer shall take and subscribe an oath to faithfully, correctly, honestly, and conscientiously discharge the duties of his or her office as official court stenographer as defined by this act. Stenographer to be sworn.

SEC. 5. That in order to reimburse the county treasury for any and all amounts paid out under the provisions of this act there Tax fees.

shall be taxed as a part of the costs in the case for stenographer's service the following: In all criminal actions where costs are not taxed against the county, two dollars; in civil actions where a jury is impaneled and the demand does not exceed two hundred dollars, two dollars; where the amount demanded exceeds two hundred dollars, three dollars.

Collection and settlement of tax fees.

Reports of stenographer.

Record on appeals.

Verified bills for services.

Vouchers.

Services dispensed with.

SEC. 6. That such fees to be taxed in the costs as provided in section five (5) of this act shall be faithfully collected as other costs, and paid over to the county treasurer, to go into the county fund. It shall be the duty of said stenographer to be present at all cases tried, and report under direction of the trial judge. Said stenographer, in cases on appeal to the Supreme Court, shall file with the clerk of the Superior Court a duplicate copy of the evidence, exceptions, judge's charge, judgment, verdict, or whatever is necessary for preparation of cases on appeal, and this work shall not be considered as extra work, which report shall be filed with said clerk before said stenographer leaves Smithfield at any time.

SEC. 7. Said stenographer shall make out bill of services, at the end of each week or part of week, file the same, duly verified before the register of deeds, who as clerk to the board of county commissioners shall issue voucher for said payment.

SEC. 8. That the services of any stenographer appointed pursuant to this act may be dispensed with owing to unfitness or incompetence, or if it appears that the gross fees arising hereunder do not approximately equal the salary authorized to be paid out by the county commissioners from the county treasury.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 511.

AN ACT TO REGULATE THE SALE OF SEED COTTON IN DAVIDSON TOWNSHIP, IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Application of law.

SECTION 1. That chapter five hundred and eighty-eight of Public Laws of one thousand nine hundred and one, as amended by chapter two hundred and sixty-five, Public Laws of one thousand nine hundred and seven, be amended by striking out the period after the word "Mecklenburg," in section seven, and adding the following words at the end of said section, to wit: "and Davidson Township, Iredell County."

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, A. D. 1913.

CHAPTER 512.

AN ACT TO AMEND SECTION 1, CHAPTER 439 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO ROAD TRUSTEES IN RIVER TOWNSHIP, WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one and in line five be amended by striking out all after the name "Pope" and insert in lieu thereof "H. L. Salmon and S. E. Rogers."

Road trustees
named.

SEC. 2. That no greater number of road trustees shall be allowed in River Township than those mentioned in section one of this act.

Number of trustees.

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, A. D. 1913.

CHAPTER 513.

AN ACT TO PREVENT BIRD DOGS FROM RUNNING AT LARGE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons in Rutherford County owning bird dogs to allow them to run at large from May fifteenth to August fifteenth of each year. Any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not to exceed thirty days.

Allowing bird dogs
to run at large
unlawful.
Time limit.
Misdemeanor.
Punishment.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 514.

AN ACT TO AMEND CHAPTER 343, PUBLIC-LOCAL LAWS 1911, ENTITLED "AN ACT TO ESTABLISH A SPECIAL COURT IN THE TOWN OF PLYMOUTH AND THE COUNTY OF WASHINGTON."

The General Assembly of North Carolina do enact:

SECTION 1. That section eight, subsection "1." of chapter three hundred and forty-three, Public-Local Laws one thousand nine hundred and eleven, be and the same is hereby amended by striking

Call and selection of jury.

Prosecuting attorney.

out all in line two of said section after the word "law," and inserting in lieu thereof: "The sheriff shall, when a jury is demanded, call in sixty bystanders, and the same challenges shall apply as in the Superior Court, and said jury, when so selected, shall be paid in the discretion of the court, not to exceed one dollar per day." The county commissioners shall have authority to employ a prosecuting attorney in said court, who shall receive same fees and in the same manner as solicitors in the Superior Court.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1913.

CHAPTER 515.

AN ACT TO AMEND CHAPTER 67, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1911.

The General Assembly of North Carolina do enact:

Sale days.

SECTION 1. That chapter sixty-seven (67), Public Laws of North Carolina, session one thousand nine hundred and eleven, be amended by inserting in line forty-five (45) of section twelve (12) of said chapter sixty-seven, after the word "March" and before the word "succeeding," the words "and the first Monday in May."

Application of act.

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

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 516.

AN ACT TO AMEND SECTION 2802, REVISAL ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO COMPENSATION OF COUNTY SURVEYOR OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Per diem of surveyor.

SECTION 1. Amend section two thousand eight hundred and two of the Revisal of one thousand nine hundred and five by adding at the end thereof the following: "and the fees of the county surveyor of Richmond County shall be five dollars per day for all services done by him in his official capacity."

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 517.

AN ACT TO AMEND SECTION 2802 OF THE REVISAL, RELATING TO THE COMPENSATION OF THE SURVEYOR OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section (2802) twenty-eight hundred and two Revisal extended. of the Revisal of North Carolina be and the same is hereby amended by adding after the word "Rowan," in line twenty-six of said section, the word "Cleveland."

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 518.

AN ACT TO AMEND THE SCHOOL LAW OF NORTH CAROLINA IN ITS APPLICATION TO BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The county board of education of Buncombe County shall hold a regular meeting on the first Monday in each month, to continue as long as it is necessary to dispose of the business which shall properly come before said board. In addition to said regular meetings, called meetings of said board of education may be held at any time upon the call of the chairman, and any business may be transacted at such called meeting which may, and could under the law, be transacted at a regular meeting. Regular meeting of board of education. Called meetings.

SEC. 2. The county board of education of Buncombe County, at their meeting on the first Monday in April of each and every year, shall apportion the school funds to the various school districts in Buncombe County, which apportionment shall be made in accordance with the provisions of section four thousand one hundred and sixteen of the Revisal of one thousand nine hundred and five, and the amendments thereto. Apportionment of school funds.

SEC. 3. The county board of education of Buncombe County shall, at the regular meeting on the first Monday in April, one thousand nine hundred and thirteen, and biennially thereafter, appoint in each of the townships of the county of Buncombe three intelligent men of good business qualifications, who are known to be in favor of public education, who shall serve for two years from the date of their appointment as school committeemen in their respective townships and until their successors are elected and qualified. If a vacancy shall occur at any time, by death, resignation, or otherwise, it shall be the duty of the said county Appointment of school committeemen. Term of office. Vacancies.

- Application of general school law. board of education to fill such vacancy. Such committeemen shall be subject to all the rules, regulations, and laws of the State as laid down by the general school law of the State of North Carolina where the same has not been specifically changed in its application to Buncombe County in said State.
- Employment of relatives forbidden. SEC. 4. That no teacher shall be employed to teach in any of the public schools of Buncombe County who shall be nearer akin to any member of the committee employing such teacher than first cousin.
- Election of county board of education. SEC. 5. That at the next regular election to be held on the first Tuesday in November, one thousand nine hundred and fourteen, there shall be elected in Buncombe County three members of the county board of education, one of whom shall be elected for a term of two years, one of whom shall be elected for a term of four years, and one of whom shall be elected for a term of six years; and biennially thereafter there shall be elected by the people of said county one member of the county board of education, whose term of office shall continue for six years.
- Elections on special tax. SEC. 6. Any school district in Buncombe County, either a district under the general law or any special-tax school district, may hold an election as hereinafter provided, to decide and determine the question as to whether such district will vote a special tax not to exceed ten cents on the one hundred dollars in value of property and thirty cents upon each poll in such district for the purpose of erecting, maintaining, and repairing any public school building or buildings in such school district. All moneys raised by taxation for this special purpose shall be kept by the treasurer of the county board of education of Buncombe County as a separate fund, to the credit of the particular district in which such election is held and such tax is voted, and shall be exclusively devoted and appropriated by the county board of education to the erection, maintenance, and repair of school buildings in the district or districts in which said special tax is voted and levied by vote of the people in such school district. The election for this purpose shall be held under the following terms, provisions, and regulations: If one-half of the voters of any school district, either a district under the general law or special school-tax district, shall present a petition to the county board of education of Buncombe County, signed by one-half of the qualified voters of such school district, then it shall be the duty of the county board of education to request and demand that an election be held in such school districts, and the board of county commissioners of Buncombe County shall, upon the request and demand of said county board of education, order an election to be held in such district under the same rules, regulations, and provisions as are now provided in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, with the amendments thereto, except as herein modified, providing for the election in
- Limit of rate.
- Fund kept separate.
- Exclusive use.
- Petition for election.
- Order for election.

special school-tax districts; with this limitation and qualification, however, that the taxes so voted in any school district under the provisions of this act shall be levied and collected annually for a sufficient length of time to pay off and discharge any debt or debts made and incurred for the erection, maintenance, and repair of any building or buildings in any school district in said county where such special school tax shall be voted and levied. The taxes voted and levied under the provisions of this act shall be collected in the same manner as now prescribed by law for the collection of taxes in special-tax districts.

SEC. 7. That the county board of education of Buncombe County shall have the privilege and power, and the power is hereby expressly granted to it, to cooperate with the board of county commissioners of Buncombe County, to the extent that such board of education shall deem it wise, prudent, and proper, in the employment of a physician, or other person or persons, to investigate, examine, and care for the sanitary and hygienic conditions of children attending public schools, public school houses and public school grounds and drinking-water supplies of public schools of Buncombe County; and said board shall have the power to pay, out of the general school fund of Buncombe County, such reasonable sum or sums as shall be necessary to carry out the provisions of this section.

SEC. 8. The county board of education of Buncombe County shall have the privilege and power, and the power is hereby expressly granted to it, to borrow money upon such terms as in its discretion shall be wise and prudent, to execute notes, bonds, coupon bonds, or other evidences of debt for such borrowed money, and to pay interest upon such bonds, notes, or other evidences of debt not to exceed six per cent per annum, payable semiannually, which notes, bonds, or other evidences of debt for borrowed money shall be signed by the chairman of the county board of education and countersigned by the secretary of said board of education, and shall have the corporate seal affixed thereto.

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

Ratified this 7th day of March, A. D. 1913.

CHAPTER 519.

AN ACT TO FIX SALARIES OF THE SHERIFF, CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS, AND TREASURER OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Sheriff of Iredell County may appoint all necessary deputy sheriffs for said county, and may allow said deputies the fees earned and collected by them in serving summons, sub-

Limitation and qualification.

Collection of tax.

Employment of physician.

Payment.

Power to borrow money.

Notes and bonds.

Interest.

Execution of notes and bonds.

Deputy sheriffs allowed fees.

Proviso: office deputy.	<p>poenas, notices, and processes of all kinds, except executions: <i>Provided</i>, that the office deputy or assistant shall receive no fees, but shall be paid by the sheriff out of the salary hereafter allowed said sheriff.</p>
Fees to be collected and paid over to treasurer.	<p>SEC. 2. All other fees, commissions of five per cent on taxes collected, and all other commissions, profits, and emoluments of all kinds now belonging or appertaining to, or hereafter by law belonging to 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.</p>
Fees allowed jailer.	<p>SEC. 3. The jailer shall be appointed by the sheriff and shall receive the fees now allowed by State and Federal law, and such others as the board of county commissioners may from time to time fix and allow for the keep and care of prisoners confined in the common jail of said county.</p>
Salary of sheriff.	<p>SEC. 4. The sheriff shall receive a salary of three thousand dollars per annum in lieu of all other compensation whatever, and out of said salary shall pay his office deputy, or assistants, as above provided. The sheriff shall use all means now provided by law or which may be hereafter provided by law to collect all taxes turned over to him for collection, and for this purpose shall hold the tax book for each year until the first Monday in December of the next succeeding year. That on the first Monday in December of each year all taxes levied for the preceding year remaining unpaid shall be turned over to the board of commissioners of Iredell County, and there shall be added to the amount due on each tax so remaining unpaid the sum of ten per cent, which sum of ten per cent shall constitute a lien to the same extent as the original tax levied. Upon receiving said tax books, the board of commissioners shall place the same in the hands of such person or persons as it may select, for collection, and said person or persons so designated and selected by the board of commissioners shall have the same power to enforce the collection of said tax and the added ten per cent that the sheriff now or may hereafter have for the collection of taxes. Said board of commissioners may allow the said collectors an amount not exceeding the added ten per cent for all taxes collected by them, and the said collectors shall be subject to all the provisions of this act as to the collection and accounting for taxes collected by them.</p>
Collection of taxes.	
Penalty for non-payment of tax.	
Collection of arrears.	
Allowance to collectors.	
Notice of unpaid tax and accretion of penalty.	<p>SEC. 5. That on the first Monday in October and again on the first Monday in November of each year the sheriff shall mail to the last known address of each delinquent taxpayer of Iredell County a printed notice showing the amount due and unpaid on taxes levied and charged against said taxpayer for the preceding year, and calling attention to the fact that unless same is paid before the time fixed in this act the sum of ten per cent will be added, stating the amount thereof. The expense of printing and mailing these notices shall be paid by the county.</p>
Expense of notices.	

SEC. 6. The clerk of the Superior Court and register of deeds of said county shall faithfully collect and pay over to the treasurer of said county 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 of court and register of deeds to collect and pay over fees, etc.

SEC. 7. The clerk of the Superior Court shall receive a salary of three thousand dollars per annum, and the register of deeds shall receive a salary of twenty-five hundred dollars, and the treasurer shall receive a salary of fifteen hundred dollars per annum, said salaries respectively to be in lieu of all other compensation whatever, and out of said salaries each of the officers shall pay their deputies and clerks.

Salary of clerk.

Salary of register.

Salary of treasurer.

SEC. 8. The officers hereinbefore mentioned, to wit, the sheriff, clerk of the Superior Court, register of deeds, and treasurer, respectively, shall faithfully perform all the duties of their several offices as now imposed by law or that may hereafter be imposed by law, and shall receive no other compensation or allowance whatever for any extra or additional service rendered to the county or State or other governmental agency, and each of said officers 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.

Exclusive compensation.

SEC. 9. Each of said officers shall be provided with a book in which shall be entered an itemized statement of all fees, commissions, profits, or other compensation, the services performed, and the amount charged and received therefor.

Account books.

SEC. 10. The treasurer is hereby charged with the duty of auditing and approving monthly the reports of fees, commissions, and profits received by the sheriff, clerk of the Superior Court, and register of deeds, and it shall be his duty to examine all books, papers, and records of every kind kept by said officers, and to see that all fees, commissions, and profits earned by any of said officers are properly charged and collected by them and turned over to the treasurer of said county.

Monthly audit and report of fees.

SEC. 11. The treasurer's books and records shall be examined and audited monthly by the chairman of the board of county commissioners and the attorney of the board of county commissioners.

Audit of treasurer's books.

SEC. 12. The salaries herein allowed and provided for shall be paid by the treasurer of said county to each of said officers in monthly installments, and the receipt of said officer shall be a voucher in the hands of said treasurer in making his settlement with the county authorities.

Payment of salaries.

SEC. 13. Any officer mentioned in this act who shall willfully fail or refuse to collect the full fees, commissions, or emoluments of any kind belonging to his office, or who shall willfully fail or refuse to keep the records provided in this act, or shall willfully fail or refuse to make a full and accurate settlement of all fees, commissions, profits, and emoluments of his office as herein pro-

Failure to collect and account for fees misdemeanor.

- Punishment. vided, shall be guilty of a misdemeanor, and upon conviction be punished by a fine or imprisonment, in the discretion of the court; and all such fees, commissions, profits, and emoluments must be collected in advance and before the service is rendered, except in suits or proceedings where bonds for costs are required and given, or when an order allowing the plaintiff or defendant to sue, or defend, *in forma pauperis* has been made, and fees of a defendant in a criminal action or proceeding.
- Fees collected in advance. SEC. 14. All fees, commissions, profits, and emoluments of the sheriff, clerk of the Superior Court, register of deeds, and treasurer, except when otherwise herein provided, shall be paid into the general fund of Iredell County.
- Fees paid into general funds. SEC. 15. Upon the expiration of the term of office of any officer mentioned in this act, all the records, books, process and papers shall be turned over to his successor in office, who shall execute a receipt therefor, and said officer so receiving said records, books, process and papers shall have the same authority in reference to all of said books, records, process and papers as his predecessor or predecessors had.
- Officers to turn over books and papers. SEC. 16. All laws and clauses of laws in conflict with this act are hereby repealed.
- Repealing clause. SEC. 17. This act shall be in force and effect on and after the first Monday in December, one thousand nine hundred and fourteen.
- When act effective. Ratified this 7th day of March, A. D. 1913.

CHAPTER 520.

AN ACT TO AMEND CHAPTER 382 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO GAME IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

- Fox hunting season. SECTION 1. That section one of chapter three hundred and eighty-two of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out the word "September," in line three of said section, and inserting in lieu thereof the word "October."
- License tax. SEC. 2. That section two of the said act be and the same is hereby amended by striking out the words "ten dollars," in line three of said section, and inserting in lieu thereof the words "twenty-five dollars."
- SEC. 3. That this act shall be in force from and after its ratification.
- Ratified this the 7th day of March, A. D. 1913.

CHAPTER 521.

AN ACT TO AMEND CHAPTER 103 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, 1911, ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF CHATHAM COUNTY TO CONTEST FOR AND RESERVE PAY FOR SPECIAL SERVICE."

The General Assembly of North Carolina do enact:

SECTION 1. Amend by adding section five: "That this act shall Law extended. also apply to Pender County."

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 522.

AN ACT TO AMEND CHAPTER 420 OF THE PUBLIC LAWS OF 1909, RELATIVE TO THE IMPROVEMENT OF THE PUBLIC ROADS IN CERTAIN TOWNSHIPS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter four hundred and twenty Interest rate. of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out the word "five," in line fifteen thereof, and inserting the word "six."

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 523.

AN ACT TO AMEND AND ENFORCE THE STOCK LAW IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Poplar Township in Mitchell County is hereby Poplar township made stock-law territory. declared to be in stock-law territory, subject to the provisions of chapter two hundred and ninety-two of the Public Laws of nineteen hundred and one, and to such other provisions as govern other stock-law territory in Mitchell County.

SEC. 2. That for the purpose of carrying out and enforcing the State and county lines made lawful fences. provisions of this act, the adjoining State line and the adjoining

county lines are hereby declared a lawful fence for all stock-law territory in Mitchell County, and all territory in Mitchell County that may hereafter become stock-law territory under the provisions of this act.

Pasture and range by consent.

SEC. 3. That any person owning stock in stock-law territory may pasture or range his cattle on the lands of another by the consent of the owner of the land, if said stock be confined to the same.

Petition for election on stock law.

SEC. 4. That if any township or townships, territory or territories in Mitchell County that has heretofore voted out of stock-law territory, or is now out of stock-law territory by legislative act or otherwise, and shall at any time desire to come in under the provisions of stock-law territory, shall petition the board of county commissioners of Mitchell County, asking for an election to be held to determine the matter.

County commissioners to order election.

SEC. 5. That the board of county commissioners, upon receiving a petition signed by a majority of the qualified voters of any township or territory in Mitchell County, asking for an election on "Stock Law" or "No Stock Law" to be held, shall order an election to determine the same. The date of election shall be fixed by the board of county commissioners, and the county commissioners shall furnish such township or territory with ballots for said election, and those desiring free-range territory shall vote a ballot with the words "Against Stock Law" on it, and those desiring stock-law territory shall vote a ballot with the words "For Stock Law" on it. If a majority of the ballots cast contain the words "For Stock Law" on them, then such township or territory shall be stock-law territory, subject to the provisions of this act, and subject to the provisions of chapter two hundred and ninety-two of the Public Laws of nineteen hundred and one; but if a majority of the ballots cast shall contain the words "Against Stock Law," then such township or territory shall remain as free-range territory; but such township or territory, if it desires, at any time after a period of twelve months shall have elapsed, proceed in the same way and manner and have another election. All such elections shall be held under the same rules and regulations as are other elections.

Date of election.

Ballots.

Effect of election.

Further election.

Law governing elections.

Boundary of stock-law territory lawful fence.

SEC. 6. That for the purpose of enforcing the stock law in Mitchell County, all boundary lines of stock-law territory, or stock-law territory that may hereafter be established, is hereby declared a lawful fence.

Gates across roads.

SEC. 7. Persons living in free-range territory, at their own expense when it becomes necessary, may erect and maintain in good condition a gate across any public road on a line between free-range territory and stock-law territory.

Live stock impounded and held for damages.

SEC. 8. That in addition to the penalty provided against persons for allowing stock to run at large, as set forth in section two, chapter two hundred and ninety-two, Public Laws of nineteen

hundred and one, live stock may be impounded and held for damages and expense of feeding, and the same may be recovered by civil action.

SEC. 9. That chapter two hundred and ninety-two of the Public Law revived. Laws of nineteen hundred and one be and the same is hereby revived, except such part as may conflict with this act.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 11. That this act shall apply to Mitchell County only. Application of act.

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

Ratified this 7th day of March, A. D. 1913.

CHAPTER 524.

AN ACT TO APPOINT A JUSTICE OF THE PEACE IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Julius H. Yelton of Golden Valley Township, Rutherford County, is hereby appointed a justice of the peace for said county for a term of six years. Appointment. Term.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 525.

AN ACT FOR THE RELIEF OF THE SHERIFF OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Charles L. Johnson, former Sheriff of Nash 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 ten, one thousand nine hundred and eleven, and one thousand nine hundred and twelve, under the same rules and regulations now provided by law for the collection of taxes in Nash County. Collection of arrears authorized.

SEC. 2. That the power and authority herein conferred shall cease and determine on January first, one thousand nine hundred and fifteen. Termination of authority.

SEC. 3. That no person shall be compelled to pay any taxes under this act who holds the sheriff's tax receipt for said taxes, Persons not compelled to pay.

or who shall make affidavit that such taxes have been paid, nor shall any purchaser for value, *cestui que trust*, or mortgagee, without notice of such arrears of taxes due on the lands, be compelled to pay any arrears of taxes under this act.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 526.

AN ACT TO AMEND SECTION 2786 OF THE REVISAL OF 1905, RELATIVE TO THE COMPENSATION OF MEMBERS OF THE BOARD OF EDUCATION OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and eighty-six of the Revisal of one thousand nine hundred and five be amended by striking out the word "two" between the words "receive" and "dollars," in line two of said act, and inserting in lieu thereof the word "four."

Per diem.

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

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 527.

AN ACT TO PROVIDE A TOWNSHIP ROAD LAW FOR SILVER CREEK TOWNSHIP, BURKE COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

SECTION 1. That the inhabitants within the territory of the lines and boundaries of Silver Creek Township in Burke County as now constituted and established are for the purposes of this act hereby created a body politic and corporate under the name and style of Silver Creek Township, and in that name and for that purpose shall have perpetual succession, may sue and be sued, plead and be impleaded within any of the courts of this State.

Corporate name.

Corporate powers.

Supervisors named.

SEC. 2. That W. Lyerly, N. O. Pitts, and John Waters, their successors to be elected as hereinafter provided, are hereby named, constituted, and appointed the board of supervisors in and for said Silver Creek Township for the purposes hereinafter stated. The said W. Lyerly shall serve and hold office until December first, one thousand nine hundred and fourteen; the said John Waters

Terms of office.

shall serve and hold office until December first, one thousand nine hundred and sixteen; and the said N. O. Pitts shall serve and hold office until December first, one thousand nine hundred and eighteen, and until their successors are elected and qualified.

At the general election for State and county officers in the year one thousand nine hundred and fourteen and at each succeeding general election thereafter there shall be elected by the qualified voters of said township one member of said board of supervisors, whose term of office shall begin on December first next succeeding said election, and who shall serve for a term of six years. Vacancies in said board of supervisors shall be filled by the members of the said board for the unexpired term.

SEC. 3. Said board of supervisors shall have full power and authority to construct, operate, and maintain the public roads of Silver Creek Township; to change the location of the same; to lay off and construct new roads; to divide the public roads of said township into sections and to appoint road overseers for the same; to let the construction, alteration, repair, or maintenance of said roads to contract; to engage, in their discretion, and pay out of the road fund hereinafter provided a superintendent of roads and a skilled engineer, experienced in road work, to survey the same, which offices may be held by one person, if deemed advisable; and to purchase and pay for out of said road fund all necessary road machinery, tools, and equipment; and for the purposes of making changes in existing roads, repairing and improving the same, and for locating or constructing new roads, or for the purpose of obtaining the necessary stone, gravel, topsoil, or other material necessary for the construction or repair of any road, may exercise the right of eminent domain. Before any private property is taken by said board for road purposes five days written notice shall be served on the owner by the board, stating the property the board is determined to take, the extent of same, and the purposes for which it is to be taken. If damages are asked by the owner for said right of way over said property the owner, within any time within sixty days after such work has been completed or material taken, but not before such completion or taking, may file his petition with the board of supervisors, asking for the appointment of a jury of not more than three freeholders to assess the damages he has sustained by reason of the taking of his property. Upon the filing of said petition, the owner of the property shall select one man, the board of supervisors one, and these two a third, all of whom shall be disinterested freeholders and of no relation to any of the parties, who shall view the premises and ascertain the damages, if any, sustained by the said owner; and in doing so they shall take into account the advantage, if any, said road or improvements will be to said owner of the premises, and if they find the advantages are worth more than the amount of damages, they shall so state, giving the amount. They shall file their report

Election of successors.

Vacancies.

Location, construction, and maintenance of roads.

Road sections and overseers.

Roads let to contract. Superintendent and engineer.

Equipment.

Right of eminent domain.

Notice for condemnation of property.

Procedure for assessment of damage.

- with the Clerk of the Superior Court of Burke County within ten days after viewing said premises. From the assessment of damages so made either the petitioner or the board of supervisors may appeal to the Superior Court, said appeal to be docketed at the next regular term of Burke Superior Court and to stand for trial in its order on the docket. It shall be the duty of the township supervisors within thirty days to transmit to the Clerk of the Superior Court of Burke County the original petition and all other papers in its possession connected with the proceeding. The cost of all such proceedings for condemnation up to the entry of the appeal shall be paid by the board of supervisors out of the road fund, but if upon the trial of said appeal in the Superior Court the jury should find that the advantages to the petitioner by reason of the change or improvement in the road equal or exceed the damages which he has or shall sustain thereby, then all costs accruing subsequent to the appeal shall be paid by the petitioner. All damages assessed or agreed upon between the owner and the supervisors hereunder shall be paid out of the road fund of said township, but the filing of petition for damages or the prosecution of an appeal shall not prevent the board of supervisors from entering upon lands and surveying and changing or constructing roads or from taking material for road construction: *Provided, nevertheless*, that without the consent of the owner no material shall be taken from any cultivated field or garden, and no ornamental or shade trees shall be cut for road material within three hundred feet of any dwelling. Nothing herein contained, however, shall prevent the cutting or removing of such trees as may interfere with the proper construction or repair of the roads of the township.
- Right of appeal.**
- Record on appeal.**
- Payment of costs.**
- Payment of damages.**
- Appeal not to delay action.**
- Proviso; property not subject to condemnation.**
- Trees cut for protection of road.**
- Construction and maintenance of bridges.**
- Special road tax.**
- Limit of rate.**
- Supervisors to fix amount.**
- SEC. 4. All bridges in said township shall be constructed and maintained by the said board of supervisors, except the bridges over the Catawba River, the cost of the necessary repair and maintenance of which shall be borne equally by Silver Creek Township one-half and county of Burke one-half.
- SEC. 5. The board of commissioners of Burke County shall during the month of June, one thousand nine hundred and thirteen, and annually thereafter, levy a special road tax on all the property subject to taxation in Silver Creek Township, which tax shall not exceed in any event twenty-five cents on one hundred dollars worth of taxable property in said township, and no poll tax for road purposes shall be levied in said township by said board of county commissioners. The board of supervisors of Silver Creek Township shall during the month of May, one thousand nine hundred and thirteen, and annually thereafter, fix the amount which shall be levied by the county commissioners, not exceeding the amount aforesaid for the ensuing year; shall certify the same to the board of commissioners of Burke County, and the amount so certified shall be the amount of special tax which said board

of commissioners shall annually levy. The board of supervisors may elect a tax collector to collect such special tax, and may fix his compensation not to exceed a commission of five per centum of the amount of taxes collected, and said tax collector shall enter into bond to the State of North Carolina in such sum, not less than the aggregate amount of taxes to be collected, as the board of supervisors may fix, conditioned for the faithful performance of his duties as tax collector. Said board of supervisors may in its discretion arrange with the sheriff to collect such special road tax, and in that event the official bond of said sheriff shall be liable for the faithful performance of his duties as said special collector of road taxes. The tax so collected shall be deposited by the tax collector in such bank or banks as the board of supervisors may designate, and shall be applied to the construction and maintenance of the roads and bridges of Morganton Township, to the purchase of road-building materials, tools, machinery, and supplies, to paying such damages as may be awarded or agreed upon where property is taken for road purposes; for paying the expenses of holding elections provided for in this act, and for the necessary costs of surveys and the payment of salaries authorized by said board of supervisors and other expenses incident to the location, construction, and maintenance of the roads of said township: *Provided*, that upon petition of ten per cent of the qualified voters of said township, made to the board of county commissioners of Burke County, an election shall be called by order of said board, who shall name judges and registrar for an election, to be held upon thirty days notice, at which those favoring such road tax shall vote a ticket with words "For Road Tax," and those opposed shall vote a ticket with words "Against Road Tax," and until and unless a majority of the vote so cast shall be "For Road Tax," no tax shall be levied hereunder.

SEC. 6. All road funds raised by taxes collected as aforesaid shall be deposited in the bank or banks designated by said board of supervisors, and shall be payable only upon warrants signed by the chairman and secretary of said board of supervisors, which warrants shall state upon their face the purpose for which issued and to whom payable, and which shall not be paid by the depository bank until properly indorsed by the payee named therein. No other taxes for road purposes shall be levied or collected on the property or polls in Silver Creek Township than such as is herein provided, except such taxes or assessments as may be collected by the town of Glen Alpine for street purposes: *Provided*, nothing herein contained shall prevent the commissioners of Burke County from levying a road tax on the other townships of Burke County which have not adopted the provisions of this act in the manner hereinafter provided, to be expended in maintaining the public roads of said townships.

Election and compensation of tax collector.

Bond of tax collector.

Collection by sheriff.

Liability on bond.

Deposit and application of tax.

Proviso: election on road tax.

Election officers.

Notice of election.

Tickets.

Deposit of road funds..

Warrants for expenditures.

Tax exclusive.

Proviso: road tax in other townships.

Streets in Glen
Alpine part of
road system.

SEC. 7. For the purposes of this act all the streets leading from the depot in the town of Glen Alpine, other than the sidewalks, and connecting with the public roads or highways of Silver Creek Township, are hereby declared to be parts and parcels of the public roads or highways of said township and are to be worked and improved with the funds hereinafter provided for working the public roads and highways in the other portions of said township, except that the working, improvement, construction, and maintenance of said roadways in the town of Glen Alpine is to be done under the supervision and direction of the public authorities of said town having control of said streets. Nothing herein contained shall be construed as preventing the town authorities of Glen Alpine from cooperating with the said board of road supervisors in the working of said roadways in said town and in the expenditure thereon of the taxes levied in said town for street purposes, or from making assessments upon abutting landowners in said town for the improvement of the streets and sidewalks thereof.

Supervision and
direction of street
work.

Coöperation in
work.

Apportionment of
tax.

SEC. 8. An amount equal to one-half of all road taxes collected upon property within the corporate limits of the town of Glen Alpine shall annually be expended upon working and maintaining the streets of said town leading from the depot and connecting with the township roads, and the remaining one-half to which said town would be entitled shall be expended on the roads of said township outside of said town. It shall be the duty of the supervisors, at the time taxes are levied as aforesaid, to ascertain the aggregate value of the property assessed for taxation inside of the limits of the town of Glen Alpine.

Assessment of
property.

Establishment of
chain-gang.

SEC. 9. The said board of supervisors shall have power, in its discretion, to establish and maintain a chain-gang for working the roads of the township, and for that purpose may build the necessary stockades or may use the county jail for keeping prisoners; may purchase the necessary tools and equipment and employ and pay the necessary guards and other employees for such purpose; and they may make such rules and regulations for the management of the convict force as may be consistent with the regulations governing the use of the convicts in the State's Prison. All persons confined in the county jail of Burke County under final sentence for crime, or in prison for nonpayment of costs or fines, or under final judgment in cases of bastardy, or under the vagrancy act, and all persons who shall be sentenced to the State's Prison for a term of not more than ten years, and all insolvents who shall be imprisoned for nonpayment of costs, whether sentence may be imposed by the Superior Court or the recorder's court or any other court of competent jurisdiction, may be worked on said roads of Silver Creek Township in the event said board of supervisors shall establish a chain-gang, and all such convicts shall be fed, clothed, guarded, and otherwise cared for

Equipment.

Guards and
employees.
Management of
force.

Prisoners subject
to road work.

Care and main-
tenance of convicts.

out of the road fund of said township. The said board of supervisors is hereby authorized to accept convicts from other counties sentenced by Superior Court judges or other courts of competent jurisdiction, upon such terms with the commissioners of said counties or the authorities of cities and towns as may be agreed upon; and in the event said board of supervisors shall at any time after establishing such chain-gang not have immediate use for the work of said chain-gang, they may arrange with the board of commissioners of Burke County or with the supervisors of other townships in said county for working said convicts upon the roads of other townships than Silver Creek.

Convicts from other counties.

Work in other townships.

SEC. 10. Said board of road supervisors shall cause all the roads of said township to be surveyed and mapped by a competent engineer, experienced in road construction, the survey so made to show any necessary changes or relocation of said roads that may be necessary to secure a good grade and roadbed, and the expenses of said survey shall be paid out of the road fund. The map of said roads shall be filed in the office of the supervisors and shall be open to the inspection of the public.

Survey and map of roads.

Map filed for public inspection.

SEC. 11. That sections six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight of chapter one hundred and ninety-two, Public Laws of one thousand nine hundred and three, so far as not inconsistent with the specific provisions of this act, shall be in force and shall apply to the public roads of Silver Creek Township: *Provided*, that the duties therein imposed upon the board of county commissioners shall devolve upon the board of supervisors of Silver Creek Township, and that all reports therein required to be made to the county commissioners shall be made to said board of supervisors, and that all moneys collected or received under the terms of said sections of said act in Silver Creek Township shall be paid over to said township supervisors.

Laws applicable to township.

Proviso: duties devolved on road supervisors.

SEC. 12. In order to expedite the work of the improvement of the public roads of Silver Creek Township the said board of supervisors of Silver Creek Township is hereby authorized to borrow money during the year one thousand nine hundred and thirteen, or any succeeding year, on notes to be executed in the corporate name of the township, which notes shall be signed by the chairman and countersigned by the secretary of said board, the amount of said notes not to exceed in the aggregate two thousand dollars (\$2,000), and the money so borrowed to be placed in the bank to the credit of said board, to be disbursed only upon warrants as hereinbefore provided. The money so borrowed shall be repaid out of the proceeds of taxes levied in said township for road purposes during the year one thousand nine hundred and thirteen.

Power to borrow money.

Execution of notes.

Limit of amount.

Repayment.

SEC. 13. Said board of supervisors shall publish quarterly during the months of January, April, July, and October, in each year, in some newspaper published in Burke County, a statement show-

Statements published quarterly.

ing the receipts and disbursements of the board during the quarter, which statement shall show the sources from which the funds were derived and the purposes for which the same were disbursed, and shall show the balance of road funds on hand and unexpended.

Supervisors paid expenses.

SEC. 14. The members of said board of road supervisors shall serve without salary, but may charge and collect for their personal expenses incurred in the discharge of their duties as provided in this act, a sum not exceeding ten dollars to each supervisor for any one year during their respective terms of office.

Extension of act to other townships.

SEC. 15. Any township in Burke County (other than Morganton Township) may adopt the provisions of this act for working its roads in the following manner: Upon petition filed with the board of commissioners of Burke County and signed by a majority of the registered voters of the township desiring to adopt the provisions of this act, asking that this act be declared in effect in said township, and naming three citizens of said township

Petition for extension.

Order for extension.

to be appointed as road supervisors therein, the board of commissioners of Burke County shall at their next regular monthly meeting enter an order declaring the provisions of this act in force in said township and appointing the board of township supervisors named in said petition. Upon the entry of said order, all the provisions of this act, except such as by their terms can apply only to Silver Creek Township, shall immediately become of full force and effect in the township filing such petition. One of the road supervisors so appointed shall hold office until December first succeeding the next general election for State and county officers after the filing of said petition; one of said supervisors shall hold office until December first after the second general election after the filing of the said petition, and one of the supervisors shall hold office until December first after the third general election succeeding the filing of said petition, and the board of county commissioners shall designate the respective terms of the supervisors appointed in their order making the appointment. At each general election, beginning with the first general election held after the first of such petitions, the qualified voters of said township shall elect one member of the board of supervisors, whose term of office shall begin on December first next succeeding said election and who shall serve for a term of six years. Vacancies in such board shall be filled by the members thereof for the unexpired term.

Law extended on entry of order.

Terms of supervisors.

Election of successors.

Vacancies.

Townships adopting act incorporated.

SEC. 16. The citizens of any township of Burke County adopting the provisions of this act in the manner aforesaid shall from the date of the entry of the order of the county commissioners declaring this act in effect as to said township, be and constitute a body politic under the name of Township, for the purposes of this act, and as such shall exercise all the powers, enjoy the same exemptions, and may incur indebtedness and levy taxes in like manner and to the same extent as herein-

Corporate name.

Corporate powers.

before provided as to Silver Creek Township: *Provided*, that no township in Burke County shall issue bonds or incur indebtedness for road purposes to an amount in excess of ten per cent of the aggregate value for taxation of the real and personal property in said township. Proviso: limit of debt.

Sec. 17. All laws or clauses of laws in conflict with this act are hereby repealed.

Sec. 18. This act shall be in effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 528.

AN ACT TO CHANGE THE BOUNDARY BETWEEN STERLINGS AND ORRUM TOWNSHIPS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line between Sterlings and Orrum townships in Robeson County be changed so as to make the following line the boundary line between said townships: Beginning in Hog Swamp, J. G. Lewis's corner, and runs as his southern line; thence with R. A. Hedgpeth's southern line; thence with Mode Warwick's southern line; thence with D. R. Hardin's southern line; thence with Elijah Haynes' southern line; thence in an easterly line to Round Hole, in Lumber River. Line changed.
New line.

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, A. D. 1913.

CHAPTER 529.

AN ACT TO FIX THE COMPENSATION OF MEMBERS OF THE BOARD OF COMMISSIONERS OF COLUMBUS COUNTY WHEN ENGAGED IN COMMITTEE WORK, AND TO RELIEVE CERTAIN CITIZENS OF COLUMBUS COUNTY FROM PAYING TO THE COUNTY AMOUNTS HERETOFORE RECEIVED BY THEM WHEN SO ACTING.

The General Assembly of North Carolina do enact:

SECTION 1. That on or after the first day of March, one thousand nine hundred and thirteen, any member of the board of commissioners of Columbus County selected by the said board for the purpose of committee work for the benefit of said county shall Per diem and mileage for committee work.

for all services rendered while engaged on said committee work receive not more than the same per diem and mileage he would receive if attending a regular meeting of said board, same to be approved and allowed by the board of commissioners of said county.

Relief for former commissioners.

SEC. 2. That F. B. Pierce, E. J. Grimsley, and L. C. White, former members of the board of commissioners of Columbus County, and J. N. Cox and R. Q. Powell, present members of said board, be and they are hereby relieved from repaying to Columbus County the amounts received by them for services rendered said county in the capacity of special committeemen. The said amounts being as follows: F. B. Pierce, one hundred twenty-nine dollars and seventy cents; E. J. Grimsley, one hundred forty-nine dollars and twenty-five cents; L. C. White, seventy-one dollars and seventy cents; J. N. Cox, sixty-four dollars and eighty cents, and R. Q. Powell, one hundred eighteen dollars and forty cents.

Amounts.

Allowance to chairman.

SEC. 3. That C. C. Pridgen, chairman of the board of commissioners of Columbus County, be allowed the same per diem and mileage for services heretofore rendered in the capacity of special committeeman as he is allowed when acting as a member of said board of commissioners. Said amount to be paid by order of the board of commissioners of Columbus County.

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, A. D. 1913.

CHAPTER 530.

AN ACT TO GIVE EACH VOTER IN PRIMARIES IN GUILFORD COUNTY AN EQUAL OPPORTUNITY, AND TO REQUIRE THE PROPER HOLDING OF PRIMARIES IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Nominations by primaries mandatory.

SECTION 1. That the manner provided for the holding of political primaries in Guilford County, North Carolina, as set out in chapter four hundred and five of the Acts of one thousand nine hundred and seven, and acts amendatory thereof, be and the same is hereby made mandatory on all political parties in the said county as to candidates for State Senator, for the House of Representatives, and for all county officers.

County board of elections to fix date and publish notices.

SEC. 2. That the county board of elections shall fix the day on which such primaries shall be held, and shall give notice thereof by publishing, at the expense of the county, notice thereof in

some newspaper published in Greensboro, and also in a newspaper published in High Point. Said notice to be published for at least ten days immediately preceding the fortieth day prior to the date fixed for holding such primary.

SEC. 3. That the said county board of elections shall make and publish, at the expense of the county, all necessary rules to enable them to carry out the provisions of this act, and of the said primary act now applicable to Guilford County, and said rules and regulations shall be as binding on all persons as if they were a part of this act; and all expenses of said primary shall be paid by the county of Guilford.

County board to make and publish rules.

Expense of primary.

SEC. 4. That only in the manner provided by this act shall persons be nominated by any political party for such offices, or for any of them, and the name of no person shall be published on the ticket as a candidate of any political party for any such office unless he be so nominated.

Exclusive mode of nominating.

SEC. 5. That within the meaning of this act any party having a candidate who was voted for, for the office of Governor at the election of one thousand nine hundred and twelve, is deemed to be a political party.

Political party defined.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 531.

AN ACT AUTHORIZING AND REQUIRING THE TREASURER AND COMMISSIONERS OF MADISON COUNTY TO DEPOSIT COUNTY FUNDS ON INTEREST.

The General Assembly of North Carolina do enact:

SECTION 1. The commissioners of Madison County shall at their first meeting in December, one thousand nine hundred and fourteen, and annually thereafter, designate as depositaries for the funds for the county coming into the treasurer's office, the banks of Madison County.

County commissioners to designate depositaries.

SEC. 2. That any banks so designated desiring to receive on deposit and pay the usual rate of interest on daily balances, shall qualify as such depositary by executing a good and sufficient bond, payable to the State of North Carolina, with sureties to be approved by said board and the treasurer, conditioned that such bank or banks will safely keep and account for and pay over said money on demand on checks or vouchers signed by any person or persons duly authorized to issue same.

Bond of depositaries.

SEC. 3. The said Treasurer of Madison County shall forthwith upon his induction into office deposit all moneys in his hands as such treasurer belonging to any fund, deposit the same in the banks designated by the board of commissioners, on interest at

Treasurer to deposit moneys.

Proviso: banks excluded.

the usual rate on daily balances: *Provided*, that no money shall be placed in any bank of said county which has not qualified as provided in section two of this act and agreed to pay the usual rate of interest on said daily balances.

Daily deposits.

SEC. 4. It shall be the duty of said Treasurer of Madison County to make daily deposits of all public funds coming into his hands by virtue of his office and maintain as nearly as practicable an equal balance in each bank so qualifying as a depository of public funds.

Equal balances.

Interest on deposits.

SEC. 5. It shall be the duty of the treasurer of said county to collect all interest on the funds so deposited by him and credit same to the fund which earned said interest.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1913.

CHAPTER 532.

AN ACT TO PREVENT THROWING TIMBERS, SLABS, OR SAWDUST IN CREEKS AND STREAMS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Throwing timber, slabs, or sawdust in streams forbidden.

SECTION 1. That it shall be unlawful for any person, firm, or corporation to throw timbers, slabs, or sawdust in any creek or stream.

Misdemeanor. Punishment.

SEC. 2. That any person, firm, or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not to exceed thirty days or fined not to exceed fifty dollars: *Provided*, that this act shall apply only to Anson County.

Proviso: application of act.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 533.

AN ACT PROTECTING FUR-BEARING ANIMALS IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Open season.

SECTION 1. That it shall be unlawful for any person or persons to kill, take by trap, snare, baiting, or any other way, any fur-bearing animal of any kind whatever during any time of the year except from November first to March fifteenth of any year, and

then only with dog and gun, or either: *Provided*, this act shall not apply to minks and muskrats, which may be killed in any way and at any time of year. Provide: minks and muskrats.

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 be imprisoned not more than thirty days. Misdemeanor. Punishment.

SEC. 3. That this act shall apply to Watauga County only. Application of act.

SEC. 4. That this act shall take effect on May first, one thousand nine hundred and thirteen. When act effective.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 534.

AN ACT TO FIX THE SALARIES OF THE OFFICERS OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff, clerk of the Superior Court, register of deeds, 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 Monday of every calendar month in to the Sheriff of Camden 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. Officers to collect and pay over fees.

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 destroying, concealing, or misapplying the same shall be guilty of a felony, and upon conviction shall forfeit their said office and be punished as now provided by law in cases of embezzlement by public officers. Collection of fees and emoluments. Salaries and allowances. Destruction, concealment, or misapplication of money 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 be 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 and accounts. Books open to inspection. Safe keeping of books.

Monthly transcripts of books.

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 Camden 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.

Details of transcripts.

Transcripts to be verified.

Salary of sheriff.

SEC. 5. That the Sheriff of Camden County shall receive one thousand and eighty dollars per annum. Said sheriff shall not receive any other compensation or allowance whatever; *Provided, however*, that when it so happens that the sheriff of the county is not the tax collector, he shall receive for his official services the sum of twenty-five dollars per month, and the retiring sheriff who retains the tax books and collects the taxes shall receive the sum of sixty-five dollars per month until the expiration of the tax collecting year: *Provided further*, that the tax collector who shall have in charge the collection of taxes at the time this act goes into effect shall collect the said taxes and receive for the collection the same fees and emoluments as are now allowed by law for collecting taxes.

Proviso: apportionment as sheriff and as tax collector.

Proviso: pay of tax collector when act takes effect.

Salary of register of deeds.
Register to make out tax books.

SEC. 6. That the register of deeds shall receive a salary of seven hundred and eighty dollars per annum. Said register of deeds shall receive no other compensation or allowance whatever. 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.

Salary of clerk of superior court.

SEC. 7. The clerk of the Superior Court shall receive a salary of seven hundred and twenty dollars per annum. Said clerk shall receive no other compensation or allowance whatsoever.

Bonds of officers.

Premiums on bonds.

SEC. 8. 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 costs thereof shall be paid by them individually.

Sections of Revisal not repealed.

SEC. 9. That nothing in this act shall be construed to repeal or abrogate any of the provisions of sections one thousand three hundred and eighty-nine, one thousand three hundred and ninety, one thousand three hundred and ninety-one, one thousand three hundred and ninety-two, and one thousand three hundred and ninety-three of the Revisal of North Carolina of one thousand nine hundred and five.

Office of treasurer abolished.
Duties devolved on sheriff.

SEC. 10. That the office of county treasurer of Camden County is hereby abolished, and the duties heretofore performed by the said treasurer shall devolve upon and be incumbent on the Sheriff of Camden County: *Provided, however*, that the sheriff shall receive no other allowance or compensation than that provided for in section five of this act.

Proviso: no other allowance.

SEC. 11. That the salaries herein provided for the officers of Camden County shall be paid by the sheriff of said county upon warrants issued by the board of county commissioners in favor of said officers in monthly installments. Payment of salaries.

SEC. 12. Any officer herein mentioned who shall willfully fail or refuse to collect the fees, commissions, or emoluments of any kind belonging to his office shall be guilty of a misdemeanor. Failure to collect fees misdemeanor.

SEC. 13. The commissioners of Camden County shall allow, in addition to the salaries of the officers prescribed in this act, the postage incidental to the discharge of the duties of their several offices. Postage allowed officers.

SEC. 14. The chairman of the board of commissioners of Camden County is hereby authorized and empowered to administer the oaths prescribed. Chairman of commissioners to administer oaths.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 16. That this act shall be in full force and effect from and after the first Monday in December, one thousand nine hundred and fourteen. When act effective.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 535.

AN ACT TO PREVENT THE SPREAD OF RABIES IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any owner or keeper of any dog or dogs, or any animal of the dog kind, to permit such dog or dogs to run at large off the premises of said owner or keeper from the first day of April to the first day of October in each and every year, unless such dog or dogs be muzzled in such a manner that they will be unable to bite or in any way do damage with their mouths or teeth. Permitting unmuzzled dogs to run at large forbidden.

SEC. 2. That any owner or keeper of any dog or dogs, or animal of the dog kind, who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars or imprisoned for a term not to exceed seven days, in the discretion of the court. Misdemeanor. Punishment.

SEC. 3. That any and all fines derived under the provisions of this act shall be turned into the public school fund of the county in which said offense is committed. Fines to public school fund.

SEC. 4. That this act shall apply to Randolph County only. Application of law.

SEC. 5. That this act shall be in full force and effect on and after the first day of April, nineteen hundred and thirteen. When act effective.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 536.

AN ACT TO AUTHORIZE THE ALDERMEN OF THE CITY OF SOUTHPORT TO APPROPRIATE AND PAY THE SUM OF \$250 TO A FUND FOR A MONUMENT TO THE CONFEDERATE SOLDIERS OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Appropriation.

SECTION 1. That the board of aldermen of the city of Southport be and are hereby authorized and empowered to appropriate and pay out of the general funds of the said city, not otherwise appropriated, the sum of two hundred and fifty dollars as a contribution from the said city to a fund for the erection of a monument in Franklin Square in said city to the memory of the Confederate soldiers of Brunswick County.

Amount.

Payment of appropriation.

SEC. 2. That said sum of two hundred and fifty dollars shall be paid to the treasurer of the monument committee of Brunswick Camp, Confederate Veterans, when so appropriated, the said committee having been appointed in May, one thousand nine hundred and twelve, at the meeting of said camp, and the order of the said board of aldermen, together with the receipt of said treasurer, shall be a proper voucher in the hands of the treasurer of the city of Southport.

Voucher.

Use of appropriation.

SEC. 3. That no part of said two hundred and fifty dollars shall be used for any other purpose than the purchase and erection of said monument.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 537.

AN ACT TO AMEND CHAPTER 44 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1911, ENTITLED "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 section one, chapter forty-four of the Public-Local Laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out in line three thereof the words, "the board of commissioners of said county," and substituting in lieu thereof the words, "Eli Taylor, James G. Staton,

Road trustees named.

and B. F. Godwin, hereby appointed and constituted a board of road trustees for said township," and striking out the word "commissioners" in line nine and inserting in lieu thereof the words "board of road trustees."

Board of road trustees.

SEC. 2. That the word "commissioners," in line four, section two of said act, be stricken out, and the words "road trustees" substituted therefor; and that the word "commissioners," in line seven, be stricken out, and the words "road trustees" substituted therefor; and that all of lines eight and nine of said section are hereby stricken out and the following words inserted in lieu thereof: "secretary of said board of trustees, and bear the corporate seal of said board of road trustees of Williamston Township."

Maturity of bonds.

Authentication of bonds.

SEC. 3. That the word "commissioners," in line four, section four of said act, be stricken out, and the words "road trustees" substituted therefor.

Special tax.

SEC. 4. That section five be amended by striking out the word "commissioner," in line three of said section, and inserting in lieu thereof the words "road trustee."

Division of funds.

SEC. 5. That section six be amended by striking out the word "commissioners" wherever it may appear in said section, and inserting in lieu thereof the words "road trustees."

Investment of sinking fund and sale of bonds.

SEC. 6. That all of section eight of said act be stricken out and the following substituted therefor: "That the said board of road trustees for Williamston Township shall organize immediately upon the ratification of this act, and elect one member of their board as chairman and one member as secretary and treasurer.

Organization of road trustees.

It shall be the duty of the treasurer of the said board of trustees to receive all moneys from the sale of bonds, from taxes, or otherwise, belonging to the said Williamston Township road fund and to keep a record of the same and to pay the same out upon the warrant of the chairman of said board of trustees, countersigned by the secretary of said board. That the treasurer of said board of trustees shall give such bond as may be necessary to cover any amounts that may come into his hands at any one time. That all taxes levied by the said board of road trustees shall be collected by the sheriff of the county of Martin and paid over to the treasurer of said board of trustees, and the sheriff shall receive the same compensation for said collection as is allowed for the collection of general county funds."

Duty of treasurer.

Bond of treasurer.

Collection of taxes.

Pay of sheriff.

SEC. 7. That sections nine and ten of said act be amended by striking out the word "commissioners" wherever it appears in said sections and inserting in lieu thereof the words "road trustees."

Powers and duties delegated.

SEC. 8. That section eleven of said act be and the same is hereby repealed.

Road supervisor.

SEC. 9. That section twelve of said act is hereby amended by striking out the word "supervisor" in line one and inserting in

Delegation of powers.

lieu thereof the words, "road trustees," and that the words "county treasurer" in lines seven and eight of said section be stricken out and the words "treasurer of said board of trustees" substituted therefor.

Supervisor.

SEC. 10. That section thirteen of said act is hereby repealed.

Work of convicts.

SEC. 11. That section fourteen of said act be amended by striking out the words "county commissioners," in line one, "commissioners of Martin County," in line five, and "county commissioners," in line six, and inserting in lieu thereof the words "road trustees." The same is hereby further amended by adding to the said section the following: "That the said board of road trustees of Williamston Township may work the convicts of Martin County or any other county by making satisfactory arrangements with the proper authorities of said county or counties."

Convicts from other townships and counties.

Sale of bonds.

SEC. 12. That section fifteen of said act be amended by striking out the words "commissioners of Martin County," in line one of said section, and inserting in lieu thereof the words "road trustees."

Treasurer's commissions.

SEC. 13. That section sixteen of said act is hereby repealed.

Term of trustees.

SEC. 14. That the term of office of said board of road trustees shall be as follows: "Eli Taylor for the term of two years, J. G. Staton for the term of four years, and B. F. Godwin for the term of six years." And there shall be one member of said board elected at each general county election by the qualified voters of Williamston Township, who shall serve for the term of six years.

Election of successors.

Quarterly meetings.

SEC. 15. That the said board of road trustees shall meet at least quarterly and at such other times as they may be called by the chairman or upon request of any two members of said board.

Pay of treasurer.

That the secretary and treasurer of said board shall receive for his compensation for keeping all records and other duties connected with his office as may be necessary for properly carrying out this law, the sum of fifty dollars per annum. The said board of trustees shall annually, on the first day of January, publish in some newspaper published in Williamston Township a full statement of all receipts and disbursements of the Williamston Township road fund. No member of the said board except the secretary and treasurer to receive any compensation.

Publication of annual statements.

Trustees to receive no pay.

Deposit of funds.

SEC. 16. That said board of road trustees may require the treasurer of said board to deposit any funds belonging to the Williamston Township road fund in any good and safe bank at the best rate of interest obtainable for the account of said road fund.

Settlement of existing fund.

SEC. 17. That immediately upon the qualification of said road trustees under the provisions of this act the treasurer of said county will turn over to them all the funds remaining in his hands belonging to said road fund.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 538.

AN ACT TO ENLARGE A CERTAIN STOCK-LAW TERRITORY
IN COLUMBUS COUNTY AND PREVENT LIVE STOCK
FROM RUNNING THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for the following live stock, Permitting stock to run at large unlawful.
to wit, horses, mules, jacks, jennets, mares, colts, calves, sheep, goats, and all other cattle, swine, and geese, to run at large in that territory in Columbus County bounded and described as follows, viz.: Beginning at the point where William Ward's line connects with the present stock-law fence in the western portion of Chadbourn Township, and run south with Will Ward's west line to G. O. Hardie's west line; thence about south so as to include G. O. Hardie's cleared land; thence about southeast a direct line to where the Ward's and Cerro Gordo County road crosses the stake road; thence south with the east margin of the public road, leading to Ward's Station to Bradley Strickland's east line; thence south with Bradley Strickland's east line to the north margin of Beaver Dam Swamp; thence east with the north margin of Beaver Dam Swamp to the east margin of Betty Bay Branch; thence up said branch to the east line of A. L. Seller's home place; thence north with the said A. L. Seller's east line to the northeast corner of A. L. Seller's home tract; thence direct to what is known as the old road, leading from Ward's Station to the east margin of the Chadbourn and Pine Level Road; thence north with the east margin of said road to the south margin of the road leading from J. T. Fipps to John J. Thompson's; thence with the south margin of said road to Mrs. Maggie Thompson's west line; thence with her west and north line to connect with the present stock-law fence. Boundary of territory.

SEC. 2. That the territory described in section one of this act which is contiguous to the west portion of the present stock-law territory in Columbus County shall be and the same is hereby added to the said stock-law territory known as Whiteville and Chadbourn stock-law territory in Columbus County, and fully described in acts passed by the General Assembly of North Carolina, Public Laws of one thousand nine hundred and five, chapters four hundred and sixty-one and seven hundred and ninety-six, and Addition to stock-law territory.
Law extended.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 539.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF THE
HICKORY NUT GAP ROAD.

The General Assembly of North Carolina do enact:

Road declared
State road.

SECTION 1. That that part of the Hickory Nut Gap Road extending from Rutherfordton to Asheville, and lying in Henderson County from a point where said road intersects the Henderson-Rutherford County line to the point where said road intersects the Henderson-Buncombe County line in or near Hickory Nut Gap, is herewith declared to be a State road, to be under the supervision of a board of commissioners hereinafter provided for after said road has been located and constructed.

Supervision.

Location of roads.

SEC. 2. That the location of said portion of the Hickory Nut Gap Road lying in Henderson County within the boundaries as described in the preceding section shall be made by the highway division of the North Carolina Geological and Economic Survey, and said highway division shall also prepare plans and specifications for the construction of said road; and the Council of State is herewith instructed and directed to furnish as many convicts as practicable, and not less than thirty, who shall be used in the construction of said road according to the said plans and specifications, and under the supervision of a highway engineer of the North Carolina Geological and Economic Survey. Said convicts shall be detailed for this work on or before July first, one thousand nine hundred and thirteen.

Plans and speci-
fications.
State to furnish
convicts.

Detail of convicts.

Expense of convict
force.

SEC. 3. That the cost of guarding, keeping, clothing, and all other expenses of the convicts detailed for such road work herein provided for shall be paid by the penitentiary authorities.

Appointment of
road commis-
sioners.

SEC. 4. That as soon as the said road has been completed, and such fact is certified by the highway division of the North Carolina Geological and Economic Survey to the boards of county commissioners of Buncombe, Henderson, and Rutherford counties, it shall then be and herewith becomes the duty of the boards of county commissioners of said counties to appoint one man each from their respective counties, who shall be a member of the Hickory Nut Gap Road Commission, which is herewith created, whose duties shall be to provide the means for and supervise the maintenance of said road. As soon as practicable after their appointment, the said members of the said commission shall meet at Bat Cave, Henderson County, and organize by electing one of their members chairman and another secretary and treasurer. The said commission shall meet at such times and places as may become necessary in attending to their duties and in carrying out the provisions of this act. The said commission shall meet on the first Monday in March of each year and estimate the probable

Meeting and
organization.

Annual meetings.
Estimate and
apportionment of
cost of main-
tenance.

cost for maintaining the said road for the current year, and apportion this amount equally between the counties of Buncombe, Henderson, and Rutherford, which apportionment shall be certified by the secretary of said Hickory Nut Gap Road Commission to the chairman of the board of county commissioners of each of said counties, and thereupon it shall become the duty of the boards of county commissioners of said counties to appropriate out of the general treasury of their respective counties the amount certified by the secretary of the Hickory Nut Gap Road Commission, and they shall forward the same to said secretary. That the members of said commission shall be men who are favorable and friendly to said road, and who shall serve without compensation. The method of maintaining said highway shall be determined by the said Hickory Nut Gap Road Commission. That the funds in the hands of said commission shall be paid out by the treasurer on warrant signed by the chairman.

Appropriation by counties.

Qualification of members.

Method of maintenance.
Warrants on funds.

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 7th day of March, A. D. 1913.

CHAPTER 540.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HAYWOOD COUNTY TO REFUND THE SHORT-TIME BONDS OF HAYWOOD COUNTY, AND TO IMPROVE THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying off and discharging the short-time bonds or notes now amounting to thirty-five thousand dollars (\$35,000) issued by the board of county commissioners of Haywood County under and by virtue of chapter seven hundred and seventy-one of the Public Laws of one thousand nine hundred and five, to pay the public indebtedness of Haywood County incurred for necessary expenses prior to March the fourth, one thousand nine hundred and three, and for the purpose of improving the public roads of said county, the said board of county commissioners are hereby authorized and empowered to issue the bonds of said county in the sum of not more than thirty-five thousand dollars (\$35,000), in denominations of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000); the said bonds shall be payable within thirty years from the date of the issue, and shall bear interest at a rate of not more than five per centum per annum, payable semiannually at a place to be designated by the said board of commissioners and the purchaser or purchasers of said bonds.

Bond issue authorized.

Amount.

Denominations.

Maturity.
Interest.

Payment of out-
standing bonds.

SEC. 2. The board of county commissioners out of the proceeds of said bonds shall pay off and discharge the bonds herein referred to, and shall immediately cancel and destroy the said old bonds.

Cancellation.

Special tax.

SEC. 3. That the said board of commissioners of said county are hereby authorized to annually levy a special tax on all property subject to taxation in said county of not more than twenty cents on the one hundred dollars worth of property and sixty cents on each poll subject to taxation in said county, to pay the interest on said bonds and the principal at maturity, and the remainder shall be used by the said board of county commissioners to construct, improve, and maintain the public roads and bridges of said county.

Limit of rate.

Advertisement for
sale of bonds.

SEC. 4. That the said board of county commissioners, before disposing of said bonds, shall advertise them for sale in some newspaper, to be sold to the highest bidder: *Provided*, that they shall not be sold for less than par.

Proviso: sale below
par forbidden.

Laws repealed on
issuance of bonds.

SEC. 5. That if the board of county commissioners shall issue said bonds or any of them as authorized in this act, then all of section one down to and including the word "discharged," in line nineteen, and all of section two of chapter seven hundred seventy-one, Public Laws of one thousand nine hundred and five, are hereby repealed, and all other laws and clauses of laws in conflict with this act are hereby repealed.

Taxes expended on
roads.

SEC. 6. That the board of county commissioners of Haywood County are hereby authorized to expend on the public roads of Haywood County all taxes heretofore levied for the paying off of the interest and indebtedness for which the bonds herein provided for to pay: *Provided further*, that the amount of any levy heretofore made on property in Waynesville Township for said purpose shall be turned over to the road commissioners of Waynesville Township, to be expended by them in the improvement of the public roads of said township.

Proviso: expendi-
ture for Waynes-
ville township.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 541.

AN ACT TO PROTECT CERTAIN GAME IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Killing or catching
foxes forbidden.

SECTION 1. It shall be unlawful for any person or persons to shoot, kill, trap, catch, or take in any manner fox in Edneyville Township in Henderson County: *Provided*, that between the first

Proviso: open
season for hunting
with dogs.

day of September and the first day of March of each year it shall be lawful to hunt and catch fox with dogs, and in no other manner and at no other time.

SEC. 2. Any person or persons violating any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding twenty dollars or imprisoned not exceeding ten days.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 542.

AN ACT TO ALLOW THE BOARD OF COUNTY COMMISSIONERS OF NORTHAMPTON COUNTY TO APPROPRIATE COUNTY FUNDS TO ASSIST IN THE BUILDING OF A CONFEDERATE MONUMENT IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Northampton County be and they are hereby authorized to pay as much of the county money as in their discretion they may deem proper, not exceeding one thousand dollars, to the Harry Burgwyn Chapter of the United Daughters of the Confederacy of Northampton County, to assist in the building of a Confederate monument in Northampton County.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 543.

AN ACT TO FORBID THE TOWNS OR CITIES OF BEAUFORT COUNTY TO CHARGE LICENSE TAX FOR THE SALE OF MEATS OF ANY KIND.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for the aldermen or commissioners or mayor of any town or city in Beaufort County to charge license tax for the retail of meats of any kind, chickens, eggs, fish, or oysters. Any person violating the provisions of this act shall be guilty of a misdemeanor, and punished by fine or imprisonment.

SEC. 2. That this act shall be in force from and after June first, one thousand nine hundred and thirteen.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 544.

AN ACT TO REGULATE THE WORKING OF THE CONVICTS
OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Convict force and
equipment loaned
to Waynesville
township.

SECTION 1. The board of commissioners of Haywood County are hereby authorized and empowered to deliver the entire convict force and equipment of Haywood County to the road commissioners of Waynesville Township, within sixty days after being so requested by said road commissioners, for a period of not less than three months, during the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, leaving it in the discretion of said board of commissioners whether they use the said convict force and its equipment six weeks each year or whether they use the same the entire period of three months or the time so allotted in one year, to be worked on the public roads in said township.

Discretion of
commissioners.

Expense of main-
tenance.

SEC. 2. That the said road commissioners of Waynesville Township shall pay all the expenses of maintaining said convict force and equipment while under their control.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 545.

AN ACT TO PLACE PUBLIC OFFICERS ON SALARIES AND
CREATE AND ESTABLISH AN AUDITOR'S OFFICE IN
UNION COUNTY.

The General Assembly of North Carolina do enact:

Township deputies
to be paid fees.

SECTION 1. That the Sheriff of Union County shall appoint at least one deputy in each township in the county, except Monroe Township, and may allow such deputies the fees made and collected by them in serving summons, subpoenas, notices, and processes of all kinds in their respective townships, and all fees and commissions made and collected by them from executions in their respective townships; and the said deputies so appointed shall not receive any compensation for serving summons, subpoenas, notices, and processes of all kinds in Monroe Township, and such fees shall be turned over to the Treasurer of Union County by the sheriff and deputies residing in Monroe Township, as hereinafter provided.

Monroe township
excepted.

Bonds of deputies.

SEC. 2. That each deputy appointed by the Sheriff of Union County shall forthwith execute a bond payable to the State of

North Carolina in the sum of five hundred dollars, which bond shall be approved by the county commissioners of Union County, the form of which shall be the same as that required of sheriffs in section two hundred and ninety-eight of the Revisal of one thousand nine hundred and five, and the said deputies shall take the same oath of office as is required of the sheriff. Oath of office.

SEC. 3. That all fees, commissions, profits, and emoluments of all kinds, together with fees for serving summons, subpoenas, and processes of all kinds in Monroe Township, together with all commissions on taxes collected and all other commissions and profits now belonging or appertaining to or hereafter by any law belonging to or appertaining to the sheriff by virtue of his office and not excepted in section one of this act, shall be faithfully collected by him and turned over to the treasurer of said county as hereinafter prescribed, to be disposed of by said treasurer as hereinafter provided. Sheriff to collect and pay over fees.

SEC. 4. The said sheriff shall receive a salary of eighteen hundred dollars per annum, payable monthly upon the order of the board of county commissioners, countersigned by the auditor, drawn on the treasurer of said county, which shall be in lieu of all fees and commissions due him for services rendered by virtue of his office as Sheriff of Union County: *Provided*, that the said sheriff shall receive, in addition to the salary above mentioned, the allowance made to him by the county commissioners of Union County for the board of prisoners where the sheriff boards the prisoners: *Provided furthermore*, that said sheriff shall receive the regular mileage allowed him by law for conveying prisoners outside of the county. Salary of sheriff.
Provide: allowance for keeping prisoners.
Provide: mileage in transporting prisoners.

SEC. 5. That the said the Sheriff of Union County shall appoint a deputy sheriff who shall reside in Monroe Township, and the said deputy shall receive a salary of eight hundred and forty dollars per annum, payable monthly, and all fees, commissions, and profits earned by the said deputy sheriff residing in Monroe Township shall be accounted for by the Sheriff of Union County to the treasurer in the same manner as the sheriff is required to turn over the fees and commissions due him, and the sheriff shall be responsible for all fees and commissions collected by the said deputy and shall see to it that the same are turned over to the treasurer. Deputy for Monroe township. Salary.
Fees to be accounted for.

SEC. 6. That the county commissioners may make an allowance of not more than five hundred dollars to the Sheriff of Union County, to be expended by said sheriff in collecting taxes. Allowance for collecting taxes.

SEC. 7. The sheriff may require his deputy residing in Monroe Township to bond in such a sum as the county commissioners may fix, for the faithful performance of their duties and all trusts reposed in them. Bond of deputy.

SEC. 8. The register of deeds of said county shall faithfully collect, account for, and turn over to the treasurer of said county, to Register of deeds to collect and account for fees.

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 him by virtue of his office.

Salary of register. SEC. 9. The Register of Deeds of Union County shall receive a salary of eighteen hundred dollars per annum, payable monthly, 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, the said salaries to be paid in the same manner as the sheriff's salary is paid.

Allowance for deputy.

Salary of treasurer. SEC. 10. The treasurer of said county shall in lieu of any and all compensation whatsoever receive a salary of one thousand dollars per annum, payable monthly.

Office of auditor created.

Salary of auditor. SEC. 11. The office of auditor for Union County is hereby instituted and created. The auditor of said county shall receive a salary of eighteen hundred dollars per annum, payable monthly, 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 Union, 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.

Bond.

Accountability.

Auditor to assist in making tax lists. SEC. 12. It shall be the duty of the auditor to assist the register of deeds for Union 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 and see that the same are published; 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 for the same; to instruct tax listers and assessors; 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 county officers which show fees and commissions collected and received by them; to examine at least once each year the dockets of all justices of the peace of said county, and he is hereby empowered to require the said justices of the peace to bring their books to his office at least once per year for inspection, and said justices of the peace shall not be required to make report to the grand jury, and he is hereby authorized to administer oaths on verification of claims which may be filed against the county or to parties filing reports with him of any kind, and it shall furthermore be his duty to require the board of supervisors of each township in Union County to file semi-annually with him sworn itemized statements of receipts and disbursements by them made, together with vouchers therefor, and shall also require the same report of the board of education and the board of road supervisors of Monroe Township, and he shall

Annual statements.

Delinquent lists.

Record of real estate transfers.

Instructions to tax listers.

Accountant for county.

Monthly audits.

Examination of justices' dockets.

Verification of claims.

Statements of township supervisors.

Account books.

furthermore be required to open a set of account books in which may be shown the total monthly receipts of fees and commissions of the sheriff, treasurer, clerk of the court, and register of deeds for Union County, and shall keep said books 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 public inspection. He shall likewise visit the county jail and other county institutions and examine the same, together with 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, the board of education of said county, the board of road supervisors of Monroe Township, which bills are presented for payment, and no bill or claim filed with the board of county commissioners, the board of education, the board of road supervisors of Monroe Township 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, board of education, or board of road supervisors for Monroe Township shall be countersigned and approved by said auditor before they shall be honored or paid by the treasurer of said county.

Books open for inspection.
Examination of county institutions.

Audit of bills and claims.

Warrants countersigned by auditor.

SEC. 13. The said auditor shall keep a detailed record of all fees and fines received through the channels of the recorder's court of the city of Monroe. Shall see to it that the county of Union and city of Monroe receive their proportionate share of the costs from said court and that all fines and penalties are turned over to the Treasurer of Union County as by law prescribed, and shall keep a record of the receipts and disbursements in said court.

Fees and fines of recorder's court.

Record of receipts and disbursements of court.

SEC. 14. That it shall be the duty of said auditor to familiarize himself with the market prices and assist in buying the supplies for the county, and shall report all moneys collected by him to the commissioners every first Monday. That it shall be the duty of the said auditor to make a written report to each and every sitting of the grand jury of Union County of the condition of his office, what he has done, together with condition of the different offices of the county and the different county institutions, and to make report of any and all matters concerning the county's welfare and any recommendations that he may see fit, which recommendations shall be embodied in said report to the grand jury, filing a copy of said report with the board of county commissioners of Union County for their consideration.

Duties as purchasing agent.

Monthly reports to commissioners.
Reports to grand jury.

SEC. 15. That on the Tuesday next after the first Monday in November in the year of our Lord one thousand nine hundred and fourteen, and every two years thereafter, an election shall be held in the several precincts in Union County for an auditor for Union County. That the term of office of said auditor so elected shall begin on the first Monday in December, one thousand nine hundred and fourteen.

Election of auditor.

Term of office.

- Office room. SEC. 16. That the said auditor shall open and keep an office to be selected and furnished by the board of commissioners of said county in the courthouse, or some other convenient and public place in the city of Monroe, in which office he shall safely and securely keep the records of his office; and said auditor shall keep any additional records that may be required of him by the county commissioners, shall make a study of the road problem in Union County, attend in person, if possible, all meetings of the Union County Good Roads Association, and do any and all things looking to the welfare and interest of Union County that is required of him by the county commissioners.
- Additional records.
- Duties in respect to roads.
- Moneys kept separate.
- Monthly settlements.
- Exhibit of books and accounts.
- Inspection of books.
- Failure to collect fees or allow inspection of books misdemeanor.
- Punishment.
- Service of process.
- Salary of clerk of superior court.
- Selection and salary of deputy.
- Deputy clerk of chain-gang and recorder's court.
- SEC. 17. All the moneys coming into the hands of the Treasurer of Union 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 be turned over to the general fund of said county. The officers hereinbefore named, including the Clerk of the Superior Court of Union County, are hereby required to turn over to the Treasurer of Union County all moneys coming into their hands, and shall make settlement with said treasurer on the last day of each and every month (unless it be Sunday, then on the day following); and the county commissioners or auditor 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, and the said auditor shall have the right and it shall be his duty to inspect any of the books of the officers herein placed on salaries, together with the office of clerk of the court, at any time he shall see fit.
- SEC. 18. Any officer, deputy, clerk, or assistant herein mentioned, including the office of clerk of the court and his deputies, who shall willfully fail or refuse to collect the full fee, commission, or emolument of any kind belonging to his office, or shall willfully refuse to permit the auditor to examine his books when requested, shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court.
- SEC. 19. That this act shall not be construed as relieving the sheriff from the duty of serving processes of all kinds in townships other than Monroe, but he may, if not otherwise requested, turn over all summonses, subpoenas, notices, and processes in said townships to his township deputies.
- SEC. 20. That the Clerk of the Superior Court of Union County, in lieu of all fees due him by virtue of his office, shall receive a salary of eighteen hundred dollars per annum, payable monthly, drawn upon the order of the county commissioners on the county treasurer, countersigned by the auditor; and it shall be the duty of said clerk to select a competent deputy, who shall receive a salary of six hundred dollars per annum and paid in the same manner and time as the clerk is paid; that the said deputy clerk shall be *ex officio* clerk of the chain-gang and recorder's court.

Sec. 21. The officers herein named 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.

Officers to perform duties.

Sole compensation.

Sec. 22. That the county commissioners of Union County shall call an election which shall be held in the county of Union on Tuesday after the first Monday in November, one thousand nine hundred and thirteen, for the purpose of ascertaining the will of the people of Union County, and at said election all qualified voters who favor this act shall cast a ballot on which shall be written or printed "For Salary and Auditor," and those opposed to this act shall cast a ballot on which shall be written or printed the words "Against Salary and Auditor"; and if a majority of the votes cast in said election shall be "For Salary and Auditor," then the provisions of this act shall be in full force and effect from and after December first, one thousand nine hundred and fourteen, except that part of said act as to the time of electing an auditor, which part shall be in full force and effect from and after ratification by the people as herein provided.

Act to be submitted to vote.

Date of election.

Ballots.

Act effective on majority vote.

Sec. 23. That the election herein provided for shall be held under the general laws relating to election of members of the General Assembly.

Law governing election.

Sec. 24. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 546.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GASTON COUNTY TO ISSUE BONDS TO FUND INDEBTEDNESS AND MONEYS INCURRED AND EXPENDED IN BUILDING A COURTHOUSE AND JAIL IN GASTON COUNTY, AND IN PURCHASING SITES FOR SAME.

Whereas, by reason of the removal of the county-seat from Dallas to Gastonia, it became necessary to build a new courthouse and jail for said county and purchase sites for same; and whereas, by chapter seven hundred and seventy-two of the Public Laws of North Carolina of one thousand nine hundred and nine the commissioners of said county were authorized and empowered to issue bonds of said county to defray the expense of building said courthouse and jail and purchase sites for same; and whereas the said commissioners being of the opinion that by using funds of said county in the amount of thirty thousand dollars, which were collected for other necessary expenses and purposes of said county, the necessity for issuing said bonds under said act could

Preamble.

Preamble.

Preamble. be avoided; and whereas the taxes since collected by said county have been insufficient to replace and refund said amount so used as aforesaid; and whereas the said amount of thirty thousand dollars is needed to meet the necessary expenses of said county: Now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That for the purpose hereinafter expressed, the board of commissioners of Gaston County is hereby authorized and empowered to issue negotiable coupon bonds in an amount not exceeding thirty thousand dollars (\$30,000), and said bonds shall be made payable thirty (30) years from the date thereof, and shall be in such form and of such denomination and payable at such place as the board of commissioners may determine. The said bonds and coupons shall be numbered, and the chairman of the board of county commissioners for Gaston County shall sign the same and affix thereto the corporate seal of the county of Gaston, and the execution of same shall be attested by the register of deeds of said county in his capacity as clerk to said board. The said bonds shall bear interest at the rate of not over five per cent per annum.

Amount.

Maturity.

Denominations.

Authentication.

Interest.

Special tax.

SEC. 2. That said board of commissioners of the county of Gaston is hereby required and directed to levy and collect, in addition to all other taxes in said county, a tax not exceeding five cents on every hundred dollars upon all the taxable property and not exceeding fifteen cents upon each taxable poll of said county of Gaston, sufficient to pay the interest on said bonds as the same becomes due and to pay the principal when said bonds mature. The said tax so levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and property to be in the proportion required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time as other tax upon the property and polls of said county.

Limit of rate.

Ad valorem tax.

Constitutional equation.
Levy and collection.

Sale of bonds.

SEC. 3. That the said bonds, or such portion thereof as the county commissioners may deem necessary, shall be sold by said board of county commissioners at public or private sale, with or without notice, as the said board may determine, and for sums not less than their par value and accrued interest, and the proceeds of said bonds shall be paid over to the treasurer of said county, and the same shall be expended by the board of county commissioners of said county in funding indebtedness or moneys used and expended by the said board of county commissioners for the erection of a courthouse and jail in the said county of Gaston, and in purchasing sites for such courthouse and jail.

Sale below par forbidden.
Use of proceeds.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 547.

AN ACT TO PROTECT FISHING IN ENO RIVER, ORANGE
AND DURHAM COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any one to seine or catch with nets any fish in Eno River between the corporate limits of Hillsboro, in Orange County, and the dam of the Durham water-works at the pump house, situate in Durham County. Use of seines or nets forbidden. Locality affected.

SEC. 2. That any one violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined more than fifty dollars or imprisoned not more than thirty days. Misdemeanor. Punishment.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1913.

CHAPTER 548.

AN ACT TO CREATE THE OFFICE OF PROSECUTING ATTORNEY FOR THE RECORDER'S COURT IN THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. The office of "prosecuting attorney" for the recorder's court of Durham be and the same is hereby created and established, and the said prosecuting attorney shall represent the State in any and all actions in said recorder's court of Durham and prosecute the same. Office established. Duty of attorney.

SEC. 2. That at the next general election to be held on the first Tuesday after the first Monday in November, one thousand nine hundred and fourteen, and every two years thereafter, the "prosecuting attorney" for the recorder's court of Durham shall be elected by the qualified voters of Durham Township, in Durham County, and at said election the said prosecuting attorney shall be voted for on the same ballot with the recorder and clerk of the recorder's court of Durham, and the ballots and ballot boxes and blanks for the return 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 election for the prosecuting attorney of said court shall be made and canvassed and the results of said election be determined in the same way and under the same rules as are prescribed for the election of other township officers in said township, and the person receiving the highest number of votes at said election shall be declared duly elected prosecuting attorney by the canvassing board. Election of attorney. Returns and canvass. Person declared elected. Term of office.

term of office of said prosecuting attorney shall begin on the first Monday in December following the election, and continue for two years or until his successor is elected and qualified.

Salary. SEC. 3. The salary of said prosecuting attorney shall be seventy-five dollars per month, payable monthly, and in the same manner and out of the same funds as is provided for the payment of the recorder's salary in section eight, chapter fifty-nine of the Public Laws of one thousand nine hundred and nine.

Tax fees. SEC. 4. That in making out the bill of costs in any case (in the recorder's court of Durham) in which the defendant has been adjudged guilty, the clerk shall tax, as part thereof, a fee of fifty cents for each defendant adjudged guilty, in all cases where the punishment prescribed by law does not exceed a fine of fifty dollars or imprisonment does not exceed thirty days, and in other cases a fee of one dollar for each defendant adjudged guilty. That said fees when collected shall be paid to the treasurer of the county of Durham, to be kept and used in the manner provided for other costs and fees in section eight of chapter fifty-nine of the Public Laws of one thousand nine hundred and nine (including payment of salary herein authorized for the prosecuting attorney for the recorder's court of Durham).

Tax fees paid to county treasurer.

Election of first attorney.

SEC. 5. That until the first Monday in December, one thousand nine hundred and fourteen, the city attorney of the city of Durham shall be elected and prosecute any and all actions before the said recorder's court of Durham, as provided in chapter fifty-nine, Public Laws of one thousand nine hundred and nine.

SEC. 6. 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 7th day of March, A. D. 1913.

CHAPTER 549.

AN ACT TO AMEND CHAPTER 469, LAWS OF 1909.

The General Assembly of North Carolina do enact:

Establishment of drainage districts.

SECTION 1. That section one of said act be amended by striking out of lines one and two the words "clerk of the Superior Court" and inserting in lieu thereof the word "board of county commissioners"; in line ten thereof by striking out the word "court" and inserting in lieu thereof the word "board"; by striking out of lines eleven and twelve thereof the words "clerk of the Superior Court" and inserting in lieu thereof the words "board of county commissioners"; and by striking out of line eighteen thereof the word "he" and inserting in lieu thereof the word "it."

SEC. 2. That section two of said act be amended by striking out of line two thereof the word "clerk" and inserting in lieu thereof the word "board"; and by striking out of the last line of said section two the words "clerk of the Superior Court" and inserting in lieu thereof the words "board of county commissioners."

Meeting and organization of drainage commissioners.

SEC. 3. That section four of said act be amended by striking out of lines two and three the words "clerk of the Superior Court" and inserting in lieu thereof the words "board of county commissioners"; by striking out of line fifteen of said section four the words "clerk of the Superior Court" and inserting in lieu thereof the words "board of county commissioners"; and adding at the end of said section four the following: "and publication of such notice in one issue of some newspaper published in the county, and posting the same at four public places within or adjacent to such drainage district shall be legal notice; and if no such newspaper be published in the county, then the posting of such notice at the courthouse door and four other public places within or adjacent to such drainage district shall be sufficient."

Estimate and assessment of lands.

Notice by publication.

SEC. 4. That section five of said act be amended by striking out of lines one and two the words "clerk of the Superior Court" and inserting in lieu thereof the words "board of county commissioners"; inserting between the words "landowner" and "to," in line four of said section five, the words "as provided for notice to landowners in section four as amended"; by striking out of line seven of said section five the word "clerk" and inserting in lieu thereof the word "board"; and by striking out of line eight of said section five the word "his" and inserting in lieu thereof the word "its."

Hearing on report of assessors.

SEC. 5. That all of section fifteen of said act be stricken out and the following inserted in lieu thereof:

"SEC. 15. That any county or any number of counties to which this act applies, collectively, are hereby authorized to purchase a dredge or dredges, if necessary to perform the work provided for in this act; and in any county or counties where a dredge is purchased, drainage commissioners appointed under this act may require landowners to remove timber or other obstructions, at their own expense, from the banks of streams as far as may be necessary for the proper drainage of such streams through their lands; and if any landowner refuses or fails to comply with such requirement, then such work may be done and judgment for costs of same entered as provided in sections three, four, and five of said act."

Purchase of dredges.

Requirements on landowners.

SEC. 6. That section sixteen of said act be stricken out and the following be inserted in lieu thereof:

"SEC. 16. That the drainage commissioners named under this act shall have the power to investigate the conditions of any milldam or other dam across any stream or creek, and if in their opinion or judgment such milldam or dam obstructs the natural flow of water so as to prevent the proper drainage of the stream or its tributaries, and thereby injures lands abutting upon the stream or

Investigations as to dams.

its tributaries, rendering the lowlands less valuable and useful for cultivation, or if the health of the citizens living adjacent to or in the neighborhood is injured by reason of the maintenance of such dams, then the drainage commissioners are authorized and empowered and it shall be their duty to file a petition before the board of county commissioners, naming the parties alleged to be injured by reason of the maintenance of such milldam or dam, setting forth in the petition the injuries complained of, whether to the citizens or whether such injury is to landowners along the streams above said dam; and if to the landowners, the amount of damages each landowner claims to have sustained respectively for three years prior to the filing of said petition before the board of county commissioners; and said commissioners may also set forth in said petition that the dam complained of is a nuisance to the citizens and landowners adjacent thereto. Where said petition is filed before the board of county commissioners said board shall issue a notice to the party or parties owning said dam to appear and answer said petition within twenty days. Upon the hearing, if the board of county commissioners shall find from the evidence there is probable cause for the complaint, it shall issue an order to the sheriff commanding him to summon six disinterested freeholders, who, first being sworn by the sheriff, shall go upon the premises where said dam is located, and also upon such land as may be alleged to be injured by the maintenance of said milldam or dam; and they shall, also, investigate the health of the citizens adjacent to or in the neighborhood of said dam or milldam and ascertain and report if the maintenance of said dam is injurious to the health of the citizens adjacent thereto. Said jury shall have the power to fully investigate all conditions surrounding the milldam or dam, the lands alleged to be injured, the health of the citizens living along the creek and its tributaries above the dam; and said jury shall have the power to find as a fact as to whether the maintenance of said dam is a nuisance to the citizens living adjacent to and around said dam by reason of injury to the health and damage to lands; that said jury is further empowered to ascertain and report the damages, if any, which the respective landowners have sustained by reason of the maintenance of said dam for the three years immediately preceding the filing of the petition before the board of county commissioners. Said jury is further authorized and empowered to recommend a removal of said dam if they shall find the maintenance of the same to be a nuisance, or if they shall find the maintenance of the same to be injurious to the parties owning land above the dam, and by reason of the maintenance of the same the lowlands are injured and rendered less valuable for cultivation, or if the jury shall find the health of the citizens injured by reason of the maintenance of said dam. Said jury are further authorized and empowered, in case they recommend a removal of the dam, to ascertain and report what damage, if any,

Petition for condemnation.

Notice to owners of dam.

Order for jury of view.

Finding of jury.

Ascertainment and report of damages.

Recommendations.

Report as to damages for removal of dam.

the owner of the dam will sustain from such removal, and in ascertaining the amount of damage to the owner because of a removal they shall take into consideration any benefit or benefits that may come to the owner should said dam be removed. The jury, after investigation, shall make its report to the board of county commissioners in thirty days after selection, setting forth in said report their findings upon the different allegations of the petition, which allegations may be submitted to the jury in the form of issues arising in the pleadings. Upon the report of the jury being filed with the board of county commissioners the same may be heard upon exceptions, and after hearing said exceptions the board of county commissioners shall render such judgment as to them may seem just and proper, and from such judgment either party may appeal to the Superior Court, where the trial shall be *de novo*. In case the report of jury has awarded damages to all or any one of the parties claiming damages, and has also awarded damages to the owner of the dam, then and in that event the board of commissioners shall have the power to enter up judgment for the difference—that is, in case the damages assessed in favor of the landowners shall exceed the damages assessed in favor of the dam owner, then judgment shall be entered in favor of the landowner or owners for the difference, and for removal of the dam. And in case the damages assessed in favor of the dam owner resulting from the removal ordered shall exceed the damages assessed for injury to the owner or owners of the land, then and in that event the judgment shall be entered in favor of the owner of the dam, to be paid when said dam shall be removed by the owner. In case the jury shall find the maintenance of said dam is a nuisance to the citizens because of injury to health, or because of damage to lands on the stream or its tributaries above the dam, then the board of county commissioners shall have the power to enter judgment directing the removal of the dam. The board of county commissioners shall have the power to attach for contempt any party disobeying its orders or judgments or decrees. The jurors shall be allowed the sum of two dollars (\$2) per day, to be taxed in the bill of costs, which, with other costs, shall be paid as directed by the board of county commissioners. Bonds shall be given for costs in such sum as ordered by the board of commissioners.”

SEC. 7. That section sixteen of said act be amended by striking out the words “Sec. 16” at the beginning of line one, and inserting in lieu thereof the words “Sec. 17,” and after the word “only” in last line of said section, as amended, “and this act as amended shall apply to Forsyth County only.”

SEC. 8. That section seventeen of said act be amended by striking out the words “Sec. 17” at the beginning of line one and inserting in lieu thereof the words “Sec. 18.”

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

Ratified this the 7th day of March, A. D. 1913.

Report within thirty days.

Hearing and judgment on report.

Right of appeal.

Judgment for excess of damages.

In favor of owners of land.

In favor of owners of dam.

Judgment for removal of dam.

Attachment for contempt.

Pay of jurors.

Bonds for costs.

Section re-numbered.

Application of act.

Section re-numbered.

CHAPTER 550.

AN ACT TO SECURE BETTER DRAINAGE OF SOUTH POTTS CREEK IN BOONE TOWNSHIP, DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Drainage commis-
sioners named.

SECTION 1. That S. D. Barnes, M. L. Feezor, W. B. Meares, D. L. Wilson, and H. C. Grubb of Davidson County be appointed to supervise and enforce the better drainage of South Potts Creek in Davidson County from Robert Easter's farm in Boone Township, and passing through the lands of L. C. Grubb, Alex. Barnes, *et al.*, to where said creek empties into the Yadkin River.

Locality affected.

Vacancies.

SEC. 2. That in case a vacancy occurring, by death or otherwise, of either or all of said commissioners, it shall be the duty of the county commissioners of Davidson County, upon application of any interested landowner on said creek, to appoint some suitable person owning land on said creek to fill such vacancy.

Appointment and
term of overseer.

SEC. 3. That said commissioners shall appoint an overseer who shall serve for a term of one year from his appointment and until his successor be qualified.

Semiannual
inspection and
direction of work.

SEC. 4. It shall be the duty of said commissioners, at least twice a year, to examine said stream and notify the said overseer of any alteration or changes that should be made in the channel of said stream, and also notify said overseer of any and all work necessary and proper to be done in order to keep said stream free from obstructions. It shall be the duty of the said overseer, upon such information received from said commissioners, within fifteen days thereafter to notify the respective landowners of what work is needed along said stream.

Notice to overseer.

Notice to land-
owners.

Work to be done
by landowners.

SEC. 5. That each landowner along said stream shall keep the bed of the stream adjoining his land clean from logs, brush, and other obstructions, and also widen and straighten and change the channel of said stream when deemed necessary by the commissioners.

Beginning and
prosecution of
work.

SEC. 6. That each landowner shall, within thirty days after notification by said overseer, begin and continue until he has completed any work required of him in accordance with the direction of the overseer.

Implements for
work.

SEC. 7. That each landowner shall be required to furnish such implements and means for working, cleaning, and moving obstructions and straightening and changing the channels of said stream as are necessary and proper for such work.

Refusal to perform
work misde-
meanor.

Punishment.

SEC. 8. That any person who shall willfully refuse to perform the work required of him for the space of thirty days after such notification shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50): *Provided*, that if any person or persons so offending shall

Proviso: payment
before presentment.

pay the penalty herein mentioned to the overseer before a presentment is made of the same, he or they shall not be liable for indictment for said offense.

SEC. 9. That any overseer who shall fail or neglect to perform the duties required by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50): *Provided*, no person shall be required to serve as such overseer, without his consent, for more than one term of one year at any time.

Neglect of duty by overseer misdemeanor.
Punishment.
Proviso: limit of liability to serve as overseer.

SEC. 10. That nothing herein shall be so construed as to prevent persons herein mentioned from working on the public roads.

Road duty not discharged.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 551.

AN ACT TO AUTHORIZE THE ISSUE OF TOWNSHIP BONDS FOR THE IMPROVEMENT OF ROADS IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Halifax County are hereby authorized and directed to submit to the qualified voters of any township of Halifax County, upon a petition of one-fourth of the voters of said township, at such time as the board of commissioners may deem best, the question of whether or not such township shall issue bonds to make improvements of public roads in said township. Said board of commissioners shall for at least thirty days preceding such election give public notice thereof by publication in one or more newspapers in such county: *Provided*, that if a majority of those voting in such election shall vote not to issue said bonds at the election so held, another election may be called at any time after the expiration of six months. The said election may be for the issue of bonds to any amount not exceeding seventy-five thousand dollars (\$75,000), the amount to be voted upon being fixed by the board of commissioners and stated in the notice of said election.

Order for election upon petition.

Notice of election.

Proviso: further election.

Limit of amount.

SEC. 2. That said election shall be held and conducted in the same manner as is now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly, and the said county commissioners may in their discretion order a new registration for said election. 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 county commissioners shall tabulate and declare the result

Law governing election.

Count and return of votes.

Tabulation, declaration, and record of 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.

Ballots. SEC. 3. That at said election the ballots shall have written or printed on them "For Good Roads" and "Against Good Roads." All qualified electors who favor the issue of said bonds shall vote "For Good Roads," and all those opposed to the issue of said bonds shall vote "Against Good Roads."

Appointment and term of highway commissioners.

SEC. 4. In the event that the majority of voters voting in said election shall vote for "Good Roads" at said election, and the result shall be recorded and declared as aforesaid, the board of commissioners of Halifax County shall appoint three residents of said township to be known as the highway commission of said township, whose term of office shall be for two years, and the said board of commissioners shall fill any vacancy occurring on said commission. As soon as practicable after their election the said highway commission shall organize and adopt such rules for their regulation as they may deem best.

Organization.

Issue of bonds.

SEC. 5. In the event the majority of the votes cast at said election shall be "For Good Roads," the board of county commissioners of Halifax County shall have prepared bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount to be that provided for in said election, and the said bonds shall pay a rate of interest not exceeding six per cent, payable 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, as such board of commissioners of Halifax County may determine. Said bonds and coupons shall be payable at the office of the Treasurer of Halifax County and shall be signed by the chairman of said board of county commissioners and countersigned by the clerk of said board, and shall have upon them the seal of Halifax County.

Denominations.

Amount.

Interest.

Maturity.

Authentication.

Bonds turned over to highway commission.
Sale of bonds.

SEC. 6. Immediately upon the preparation and signing of said bonds they shall be turned over to said highway commission of said township, without the county seal having been affixed, and the said highway commission shall have power to advertise and sell any or all of them for the purpose of raising a fund for the building and maintaining the public highways of said township: *Provided*, that before delivering any of said bonds sold by the provisions of this section, the chairman of the highway commission shall apply to the custodian of the seal of Halifax County, whose duty it shall be to have affixed the said county seal to the bond or bonds so sold, and the bonds shall be of no value until said seal is so affixed.

Proviso: bonds to be sealed before delivery.

Sale below par forbidden.

SEC. 7. That none of the bonds shall be sold or disposed of for less than their face value, nor shall the proceeds thereof be used for any other purpose than as declared by this act.

SEC. 8. When said bonds are sold, the proceeds shall be paid to the Treasurer of Halifax County, who shall keep the same separate from other funds, and shall be paid out upon the order of the highway commission of said township.

Proceeds paid to county treasurer.

Orders for payment.

SEC. 9. That in case said election shall be in favor of issuing said bonds as aforesaid, the board of county commissioners of Halifax County shall levy annually, at the same time that they levy other taxes, a separate road tax for said township, not exceeding thirty cents on the one hundred dollars worth of property and ninety cents on each poll. The tax so levied shall be collected as other taxes, and shall be a separate fund, to be applied: first, to the payment of the interest on said bonds; second, to the creation of a sinking fund for the redemption of said bonds, said sinking fund to be placed and invested in such manner as the township highway commission shall direct.

Separate road tax.

Limit of rate.

Collection and application.

SEC. 10. That the township highway commission in any township voting such bonds shall use the funds derived from them for the purpose of constructing and maintaining the public highways of said township, and for the purchase of, such tools, machinery, implements, material, stock, and other things necessary for the conduct of such work: *Provided, however,* that said highway commissioners shall have authority to have such work done by contract, and may employ such engineers, surveyors, or other help as they may deem necessary.

Use of proceeds of bonds.

Proviso: work may be let to contract.

SEC. 11. That in opening new highways or improving old ones the said highway commission or their agents in charge of such work shall have authority to enter upon any land or lands and build and locate such highway, and if the said highway commission and the owner or owners of said land cannot agree as to the damages, if any, the said highway commission shall within sixty days after said highway is completed cause to be summoned five freeholders to view the premises and assess the damage and benefits occurring by reason of such location, to be paid by the said highway commission out of the proceeds of said bonds.

Entry on land for location.

Assessment of damages.

SEC. 12. That the said township highway commission shall have entire control and supervision of the working, constructing, and maintaining the public roads in said township, and shall have power to appoint such officers for that purpose as they may deem best; to fix their compensation, and to direct when and how such roads shall be worked, and to provide for the employment of necessary labor for that purpose.

Control and supervision of work.

SEC. 13. That said highway commission shall receive two dollars per day each for the time actually and necessarily spent in the discharge of the duties of their office.

Pay of commissioners.

SEC. 14. That this act shall be in force from its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 552.

AN ACT TO PLACE CERTAIN OFFICIALS OF MECKLENBURG COUNTY UPON A SALARY.

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 of the county of Mecklenburg shall collect, receive, and account for all fees and commissions to which they shall be entitled by virtue of their respective offices under the laws of North Carolina relative to salaries and fees or such as may be hereafter enacted, and shall pay same on the first day of each calendar month, or within five (5) days thereafter, to the Treasurer of Mecklenburg County, and said officers and each of them shall be responsible for and chargeable with all moneys paid into their respective offices on account of fees, commissions, or other charges, and shall be held to strict account therefor; and the moneys so paid by them to the treasurer of said county shall be kept by him in a separate fund, to be known as the "Salary Fund."
- Monthly settlements. Moneys chargeable to officers. Salary fund. SEC. 2. That the Sheriff of Mecklenburg County may appoint one or more deputies in each township in said county outside of Charlotte Township, and shall allow such deputies full fees charged and collected by them for serving all legal processes which may come into their hands in their respective townships, and one-half the fees and commissions made and collected by them from executions which may be placed in their hands by the sheriff. The sheriff and his other deputies hereinafter provided for shall serve all legal processes of whatsoever kind in Charlotte Township which shall be directed to such sheriff, and shall turn over the fees charged and collected for such services to the Treasurer of Mecklenburg County for the purposes set forth in section one of this act: *Provided*, that nothing herein contained shall be construed to prevent said sheriff or any of his deputies from serving any legal process that may be directed to him in any part of Mecklenburg County, and said sheriff is required to serve, or to have served, all legal processes which may be addressed to him.
- Township deputies allowed fees. Charlotte township excepted. Proviso: service of process. Sheriff to collect and pay over fees. SEC. 3. All fees, commissions, profits, and emoluments of every kind 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.
- Jailer and office deputies. Salaries. Limit of amount. SEC. 4. The said sheriff shall appoint a jailer and at least two (2) deputies in Charlotte Township, whose salaries shall be fixed by the board of commissioners of said county upon the recommendation of said sheriff, and shall be payable monthly; the aggregate shall not be more than two thousand two hundred and twenty dollars per annum. The said jailer so appointed, besides dis-

charging the duties of a jailer, shall also act as deputy to the sheriff. The sheriff shall collect the taxes for Charlotte Township which it is now his duty to collect, or such as may be his duty to collect hereafter in said township, and said sheriff and his bond shall be liable for the faithful performance of the duties of their office on the part of the several deputies and jailer hereinbefore provided for, and nothing herein contained shall be taken or construed to relieve the sheriff or his bond of any liability heretofore existing or imposed by law. The said sheriff shall receive a salary of two thousand seven hundred and fifty dollars (\$2,750) per annum as sheriff, and shall be allowed not exceeding the sum of two thousand two hundred and twenty dollars (\$2,220) to be expended in the payment of the salaries of such deputies as he shall appoint, as hereinbefore provided, in order to enable him to faithfully and efficiently discharge the duties of his office: *Provided*, that the number of said deputies to be so appointed by said sheriff and the salary to be received by each shall first be approved by the board of commissioners of said county. The premiums on the official bond or bonds of said sheriff shall be paid by the county of Mecklenburg upon the approval of the board of commissioners of said county out of the fund or funds hereinafter created.

Taxes for Charlotte township.

Salary of sheriff.

Allowance for deputies.

Proviso: approval of appointment and salaries.

Premiums on bonds.

SEC. 5. That 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 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 respective offices; that the said clerk of the Superior Court shall receive a salary of two thousand seven hundred and fifty dollars (\$2,750) per annum, to be paid in equal monthly installments; that said clerk shall appoint one deputy clerk, who shall receive a salary of one thousand five hundred dollars (\$1,500) per annum, payable in equal monthly installments of one hundred and twenty-five dollars (\$125) per month. Said clerk shall, subject to the approval of the board of commissioners of said county, appoint such other deputies or assistants as shall be necessary to enable him to faithfully and efficiently discharge the duties of his said office: *Provided*, that the total amount expended by him for such additional deputies or assistants shall not exceed fifteen hundred dollars (\$1,500) per annum, and the number of such deputies or assistants and the salary to be paid each shall be first approved by the board of commissioners of said county. The said register of deeds shall receive a salary of two thousand seven hundred and fifty dollars (\$2,750) per annum, and he shall appoint one deputy register of deeds, who shall receive a salary of nine hundred dollars (\$900) per annum, payable in equal monthly installments of seventy-five dollars per month, and such additional deputies or assistants as shall be necessary to enable him to faithfully and

Clerk of superior court and register of deeds to collect and account for fees.

Salary of clerk.

Appointment and salary of deputies.

Proviso: limit of amount.

Salary of register of deeds.

Appointment and salaries of deputies.

Proviso: limit of amount.

efficiently discharge the duties of his said office: *Provided*, the total amount expended in the employment of said additional deputies or assistants shall not exceed one thousand three hundred and twenty dollars per annum, the number of said additional deputies or assistants and the salary to be received by each to be first approved by the board of commissioners of said county. That the premium on the bond of the said clerk of the Superior Court and register of deeds shall be paid by the county of Mecklenburg, upon the approval of the board of commissioners of said county, out of the funds hereinafter provided.

Premiums on bonds.

Officers to perform duties.

SEC. 6. That the officers hereinbefore mentioned shall perform all of the duties of their several offices imposed on them by law, and shall receive no other compensation or allowance than that which is hereinbefore provided; and they and their several official 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.

Sole compensation.

Account books.

SEC. 7. That the officers hereinbefore mentioned 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 auditor of Mecklenburg County, or to the board of commissioners of said county, or to any other person appointed by said board of commissioners to inspect or investigate said books. Said books shall be safely and accurately kept, so as to prevent loss or destruction thereof.

Itemized accounts.

Books open for inspection.

Fund kept separate.

SEC. 8. That all moneys coming into the hands of the Treasurer of Mecklenburg County from the fees, commissions, and emoluments of the several officers hereinbefore mentioned shall be held by him as a separate and distinct fund for paying the salaries and allowances provided for in this act. The balance of said fund shall be quarterly paid by the Treasurer of Mecklenburg County to the highway fund and the school fund of said county, to be used on the permanent improvement of the highways or in schools of said county; said balance to be equally divided between the said highway fund and the said school fund: *Provided*, that said treasurer may retain in his hands such amount as he may deem necessary to pay the salaries and allowances hereinbefore provided for.

Appropriation of surplus.

Proviso: reserve for salaries.

Payment of salaries.

SEC. 9. The salaries and allowances herein provided for shall be paid by the treasurer of said county upon warrants issued by order of the board of commissioners of said county, in equal monthly installments.

Monthly settlements of fees.

SEC. 10. That the officers hereinbefore referred to shall pay over to the Treasurer of Mecklenburg County all fees, commissions, emoluments, and moneys coming into their hands, respectively,

and shall make settlement with said treasurer within the first five days of each and every month; and the said board of commissioners may at any time require said officers, or any of them to exhibit all books and accounts, showing all moneys received and paid over to the treasurer under the provisions of this act.

Exhibit of books and accounts.

SEC. 11. That any officer, clerk, deputy or assistant hereinbefore mentioned who shall willfully fail or refuse to collect all fees, commissions, or emoluments of any kind belonging to the respective offices hereinbefore mentioned shall be guilty of a misdemeanor, and any deputy or assistant to the clerk of the Superior Court, register of deeds, or sheriff of said county who shall willfully fail to carry out the foregoing provisions of this section, or to faithfully and effectually discharge the duties of his office or employment shall be subject to removal by the board of commissioners of said county, upon written complaint made by the chief officer of such deputy, and the decision of said board to remove such deputy or assistant shall rest in the sound discretion of the board, and shall be final and conclusive upon the rights of such deputy or assistant.

Failure to collect fees misdemeanor.

Deputies and assistants subject to removal.

SEC. 12. That all laws or clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 13. That this act shall be in force from and after the first Monday in December, one thousand nine hundred and fourteen.

When act effective.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 553.

AN ACT TO PROVIDE FOR GRADING, BUILDING, AND REPAIRING CERTAIN ROADS IN GRASSY CREEK TOWNSHIP, MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Mitchell County shall employ or engage a competent engineer to lay off and put on a grade not exceeding seven per cent the following roads in Grassy Creek Township, viz.: the road beginning at the steel bridge across Toe River at Spruce Pine, and leading thence to the top of Chalk Mountain, the same to be laid out and surveyed as near as practicable to where the old road is now located; and the road leading from the said bridge to Gillespie Gap in Mitchell County, the same not to be laid out over two hundred yards from the present roadbed in any one place.

Employment of engineer.

Roads to be laid off.

SEC. 2. That the said road shall be surveyed and constructed as soon as the road funds of Grassy Creek Township will admit of the same, and that the said commissioners are hereby authorized

Time for survey and construction.

Funds applied to roads.

ized and empowered, at their discretion, as soon as practicable, to use other funds that they are now allowed by law to use for such purposes on the said roads, the same being given preference to any other roads in said township.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 554.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GATES 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:

County commissioners to order election.
Date of election.

SECTION 1. That the board of commissioners of Gates County be and it is hereby required to submit to the voters of Gates County, on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, the question whether said county shall issue bonds in the sum of not to exceed one hundred thousand dollars, with interest coupons attached, the proceeds of which to be used in grading, improving, macadamizing, or otherwise surfacing public roads of said county. The said board of county 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, the board of county commissioners may submit the said question to said voters at any other time or times, under the regulations hereinunder set out.

Notice of election.

Proviso: further election.

Law governing elections.

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 and inspectors, and any other election officers, and registration and challenges 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 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 shall tabulate and declare the results

Proviso: appointment of election officers.
Registration and challenges.

Count and return of votes.

Tabulation, declaration, and record of 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.

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 Road Bond Issue" or "Against Good Road Bond Issue," and all electors who favor the issuing of said bonds shall vote "For Good Road Bond Issue" and those opposed to the issuing of the bonds shall vote "Against Good Road Bond Issue."

SEC. 4. 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 denominations of one thousand dollars, five hundred dollars, and 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 commissioners, not exceeding five per cent per annum, with interest coupons attached, payable semiannually 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 Gates County, in the town of Gatesville, 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 treasurer, and each bond shall be authenticated by the seal of the county and each bond shall be styled Gates County Highway Improvement Bonds.

SEC. 5. 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, hereinafter provided for, all of said bonds without the county seal having been affixed to any of them. The good roads commission shall have the power to advertise and sell any or all of said bonds at such time and place as they may deem best, for the purpose of raising a fund with which to construct and improve the public highways of said county as aforesaid; the expense of said advertising and selling and all 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 Gates 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

Ballots.

Issue of bonds.

Denominations.

Amount.

Interest.

Maturity.

Payable in standard currency.

Authentication.

Entitlement.

Bonds turned over to highway commission.

Sale of bonds.

Payment of expenses.

Bonds to be sealed on delivery.

Sale below par forbidden.

Specific appropriation.

Proviso: purchaser not responsible for application.

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 funds. 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 the coupons attached. Said minutes shall always be open to the inspection of the board of county commissioners.

Record of proceedings and bonds.

Minutes open for inspection.

Proceeds paid to treasurer of road commission.

SEC. 6. 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 hereinafter provided for, and shall become part of the good roads fund hereinafter provided for. Said treasurer shall, annually, before any fund provided for in this act is turned over to him, execute an official bond, payable to the county of Gates, 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 bonds 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 for 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.

Bond of treasurer.

Orders on road funds.

Separate road tax.

SEC. 7. 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 on the one hundred dollars worth of property not less than twenty cents nor more than twenty-five cents, and not less than sixty cents nor more than seventy-five cents on the poll, the constitutional equation to be preserved at all times, as recommended by the board of 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 of said bonds; second, to the creation of an adequate sinking fund for the redemption of said bonds; third, for the maintenance of the roads constructed under this act and of the dirt roads. The sinking fund shall be held by said board of county commissioners in special trust for the payment of the bonds issued under the provisions of this act,

Limit of rate.

Constitutional equation.

Collection and application of tax.

Sinking fund.

and neither the principal thereof nor the interest thereon shall be used for any other purpose. The Gates County Good Roads Commissioners shall manage and invest the funds at their discretion until paid out for the redemption of the bonds sold under authority of this act, at their maturity. The balance of the fund raised by the annual road tax, after paying the annual interest on the bond and setting aside the sinking fund, shall be paid over to the treasurer of the road commissioners and become part of the good roads fund, to be expended for the maintenance of roads. The said good roads commission shall use the funds derived from the sale of said bonds only for the construction and improvement of the public highways in said county, and not for the maintenance or repair of the highways of said county.

Management and investment of fund.

Surplus to road fund.

Use of proceeds of bonds.

Sec. 8. If the majority of the voters of Gates 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.

Road duty abrogated.

Sec. 9. 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 loans, then the board of county commissioners of Gates County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

Acceptance of State aid authorized.

Sec. 10. That the board of county commissioners of Gates County shall, at its regular meeting in June following the passage of this act, elect seven qualified voters of said county, one from each of the townships, except those containing incorporated towns of over twenty-five hundred inhabitants, and two each from them, to be known as "The Good Roads Commission of Gates County," who shall hold office for two years from their election and until their successors have qualified, and shall have charge of the road work of said county; the said board of county commissioners to fill all vacancies occasioned by expiration of term of office, death, resignation, or failure to qualify, or any other cause.

Election of good roads commissioners.

Terms of office.

Vacancies.

As soon as practicable after the 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 the county treasurer shall be treasurer of the road fund. The

Commissioners to qualify, meet, and organize.
Organization.

treasurer shall not be allowed fees, but his salary shall be fixed by the good roads commission at a sum not to exceed three hundred dollars per annum in addition to annual premiums on his bond. The members of the good roads commission shall each be paid out of the road funds of the county the same per diem and mileage as those of the county commissioners: *Provided*, that they shall be paid not to exceed twelve days in one year.

Salary of treasurer.

Pay of commissioners.

Proviso: limit.

Employment of engineer and superintendent.

Salary.

Proviso: joint employment.

Proviso: acceptance of assistance from State.

Duties of engineer.

Election and compensation of superintendent.

Oath of office and bond.

Term of office.

Removal for cause.

Direction of work.

Authority and duties.

Township supervisors.

Construction and maintenance of roads.

Supervisors subject to discharge.

SEC. 11. In order that the road work may be properly and economically carried on, the good roads commission is expressly authorized and instructed to employ a competent road engineer, who may also be elected county superintendent of roads at a salary to be fixed by it and to be paid out of the road funds as provided for in this act: *Provided*, that the road commissioners are authorized, if proper arrangements can be made, to hire jointly with another county the services of the road engineer or to employ the road engineer for such part of his time as he deems it necessary to give proper supervision to the work; and *Provided further*, that if the State furnishes to the county engineering assistance and supervision for their work, that the acceptance of such services from the State by the good roads commission shall be considered as fulfilling the requirements by the commissioners of this section. The highway engineer shall advise the good roads commissioners regarding the work, supervise the making of plans and specifications for the work, and have general supervision of all road work, and he is expressly authorized to give instruction to the highway superintendent hereinafter provided for.

SEC. 12. Before proceeding with the road work of Gates County, the good roads commission shall elect by ballot a competent highway superintendent of the county of Gates and fix his compensation. The result of said election shall be declared and recorded in the proceedings of said good roads commission. The person so elected shall take and subscribe an oath for the faithful performance of his duties 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 the accounting of 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 or by the highway engineer, and shall have such authority and perform such duties as may be from time to time determined by said good roads commission, except as otherwise provided in this act.

SEC. 13. The highway superintendent shall appoint, by and with the approval of the good roads commission, road supervisors in each township, who shall have direct charge of the road forces in their township or portions of township to which they are appointed, but they shall be subject to the authority of the highway engineer or superintendent and shall carry out his instructions as to the method of construction and the maintenance of the road and the working of the road forces. They may be discharged at any time, for cause, by the highway superintendent or engineer.

SEC. 14. 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 lands and locate and build such highways and to secure needed material for building and repairing said roads or highways from said right of way or any other contiguous or remote lands. If the good roads commission and the owner or owners of said land cannot agree as to the damages, if any, the good roads commission shall, after sixty days after said highway is completed or material removed, cause to be summoned five indifferent freeholders of said county, who shall go upon the land and assess all damages: *Provided further*, that before entering upon the 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 the authority of this act.

Entry on lands for material.

Assessment of damages.

Proviso: notice to landowners.

SEC. 15. The highways in said county constructed or improved under this act shall have a right of way of not more than twenty-four feet, except where the good roads commission deem it impracticable to acquire such width, and in such cases the width shall be at least twenty feet, which shall be free from logs, stumps, rocks, and drains, except where ledges of rock are encountered or where the width is considered impracticable by the engineer. The alignment of the road shall be as straight as practicable, and with no grade over four and one-half per cent except where such grade is considered impracticable by the road engineer.

Rights of way.

Alignment and grade.

SEC. 16. The term highway shall be understood to mean all public roads where the county owns and controls right of way.

Highway defined.

SEC. 17. All expenses, including annual premium on treasurer's bond, 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 good roads fund provided for by this act.

Payment of expenses.

SEC. 18. Any good roads commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said good roads fund, or any treasurer knowingly paying 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 relieved from office.

Issuing or paying fraudulent order felony.

Punishment.

SEC. 19. The treasurer of the good roads commission shall, on the first Monday of each and every month, post on the courthouse door of said county an itemized statement showing in full an account of his receipts and disbursements for the previous months, and the good roads commission shall require him to account to them quarterly in each year for the said good roads fund, and it may require as often as is 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.

Itemized statements published monthly.

Quarterly accounts.

Reports.

Road commis-
sioners subject to
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 a vacancy or vacancies shall be filled as provided in this act.

Moneys constitut-
ing good roads
fund.

SEC. 21. Any moneys that are raised by special tax or a bond issue or in any other manner whatsoever by the county officials of Gates County, for the construction, or improvement, or repair, or maintenance of the public roads of Gates County, shall become a part of what is herewith designated as the good roads fund, which shall be in the custody of the treasurer of the good roads commission, to be drawn upon as directed by the good roads commission.

Use of fund.

SEC. 22. The good roads commission is herewith authorized to use the good roads fund provided for in section seven to construct and improve and repair and maintain the public highways in Gates County, and shall purchase for such work the necessary tools, machinery, implements, and stock: *Provided*, that no such purchase shall be made until the order for same has been approved either by the highway engineer or the highway superintendent, or both, if this is deemed advisable by the good roads commission.

Purchase of equip-
ment.
Proviso: approval
of purchase.

Employees.

The good roads commission is also authorized to employ overseers, supervisors, foremen, and laborers as it may be necessary for carrying out the purposes of this act, and to pay for the hiring of such out of the good roads fund. The good roads commission is also authorized to let out any of the road work on contract when in the opinion of the highway engineer and highway superintendent this is more economical for the county.

Work may be let
to contract.

Application of act.

SEC. 23. This act shall apply to the whole of Gates County, and any special township road laws of said county are herewith repealed.

SEC. 24. All former laws and clauses of laws in regard to Gates County roads are hereby repealed.

SEC. 25. This act shall take effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 555.

AN ACT TO VALIDATE CERTAIN PROBATES OF HIRAM BENSON, A NOTARY PUBLIC OF NASH COUNTY.

Preamble:
employers parties
in interest.

Whereas, Hiram Benson, an acting notary public, resident at Nashville in the county of Nash and State of North Carolina, and while a clerk and employee of Ricks, Alford & Batchelor, a corporation duly chartered and organized under the laws of the State of North Carolina, has taken the acknowledgment and pro-

bate of certain deeds of trust, mortgages, agricultural liens, and other instruments in which the said Ricks, Alford & Batchelor was interested: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all such acknowledgments, examinations, and probates so taken by said Hiram Benson be and the same are hereby validated, confirmed, and made legal, regular, and binding. Probates validated.

SEC. 2. That this act shall not in any way affect any action now pending. Actions pending.

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

Ratified the 7th day of March, A. D. 1913.

CHAPTER 556.

AN ACT TO PROTECT QUAIL AND PARTRIDGE IN RUTHERFORD 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 quail or partridge in Rutherford County. Sale or offering to sell forbidden.

SEC. 2. Any violation of any provision of this act shall constitute a misdemeanor and shall be punishable by a fine not to exceed fifty dollars or imprisonment in the county jail not to exceed thirty days. Misdemeanor. Punishment.

SEC. 3. That all laws and clauses of laws relating to Rutherford County in conflict with this act are hereby repealed.

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

Ratified this 7th day of March, A. D. 1913.

CHAPTER 557.

AN ACT TO EMPOWER AND AUTHORIZE THE BOARD OF COMMISSIONERS OF BEAUFORT COUNTY TO APPOINT A STANDARD KEEPER.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Beaufort County be and they are hereby authorized and empowered to appoint a standard keeper, who shall examine all weights, measures, scales of every description, water meters, gas meters, and electric light meters in Beaufort County four times in each year. Any Appointment. Duties.

Use of nonstandard implements misdemeanor.
Punishment.
Compensation.

person who shall use weights, measures, or meters that are not up to the standard shall be guilty of a misdemeanor, and shall be punished by fine or imprisonment, in the discretion of the court. Said standard keeper shall receive compensation as prescribed by section two thousand seven hundred and eighty of the Revisal of one thousand nine hundred and five, to be paid by owner of scales, weights, measures, and meters.

Bond of standard keeper.

SEC. 2. The standard keeper shall give bond in the sum of five hundred dollars, satisfactory to the board of commissioners of Beaufort County.

When act effective.

SEC. 3. That this act shall be in force from and after July first, one thousand nine hundred and thirteen.

Ratified this 7th day of March, A. D. 1913.

CHAPTER 558.

AN ACT TO PROTECT GAME IN NEW HANOVER COUNTY.

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 to take in any manner whatsoever, by trap, net, or otherwise, any quail, partridge, dove, lark, robin, or squirrel between the fifteenth day of February and the fifteenth day of November of each year.

Sale during close season misdemeanor.

SEC. 2. That no quail, partridge, or squirrel shall be sold or offered for sale between the fifteenth day of February and the fifteenth day of November, and any person so selling or offering for sale any quail, partridge, or squirrel shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Punishment.

Application of act.

SEC. 2½. That this act shall only apply to New Hanover County.

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

Ratified this 7th day of March, A. D. 1913.

CHAPTER 559.

AN ACT TO AMEND SECTION 2721, CHAPTER 65 OF THE REVISAL OF 1905, RELATIVE TO WORKING PUBLIC ROADS IN CLEVELAND TOWNSHIP, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Warning to road hands.

SECTION 1. That section two thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five, in so far as it relates to Cleveland Township, Johnston County, be

amended by striking out the words "three days" in line eight of said section and inserting in lieu thereof the words "thirty-six hours," and by inserting in line eighteen of said section, after the words "one dollar," the words "and fifty cents."

SEC. 2. This act shall only apply to Cleveland Township in Application of act. Johnston Township.

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

Ratified this 7th day of March, A. D. 1913.

CHAPTER 560.

AN ACT TO REGULATE HUNTING AND PROTECT GAME IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section eighteen hundred and eighty-seven of Ashe county. the Revisal of North Carolina of one thousand nine hundred and five be amended as follows, by adding to the end of said section the following: "Ashe County from the first day of November until the first day of January."

SEC. 2. That it shall not be unlawful to shoot or kill squirrels in Chocowinity Precinct of Beaufort County from October first to March thirty-first in each and every year. Chocowinity precinct.

SEC. 3. That section one of chapter five hundred and sixty-three of the Public-Local Laws of one thousand nine hundred and eleven, relating to hunting in Catawba County, be and the same is hereby amended by inserting the word "and" before the word "squirrels" in line two, and by striking out the words "opossum and rabbit" in lines two and three. Catawba county.

SEC. 4. That section thirty-four eighty-one of the Revisal of one thousand nine hundred and five be amended by inserting the word "Cumberland" between the word "Hertford" and the word "Rowan" in line four of said section, and that said section of the Revisal of one thousand nine hundred and five be further amended by adding the word "Cumberland" after the word "Hertford" and before the word "and" in line twenty-six of said section. Cumberland county.

SEC. 5. That chapter three hundred and seventy-eight of the Public-Local Laws of one thousand nine hundred and eleven, as to the better enforcement of the game laws of Currituck County, be and the same is hereby repealed. Currituck county.

SEC. 6. That it shall be unlawful for any person or persons to shoot, kill, or catch or in any manner destroy partridges or quail in Currituck County from the first day of February until the first day of November of each and every year after the passage of this act. That it shall be unlawful for any person or persons to shoot, Feathered game. Fur-bearing animals.

kill, or catch with dogs, trap, or gun any fur-bearing animals, namely, otter, coon, opossum, mink, muskrat, in Currituck County from the first day of April until the first day of November in each and every year. That any person or persons violating any of the provisions of this section of this act shall be guilty of a misdemeanor, and upon conviction shall pay a penalty of ten dollars, two of which shall be paid to the one giving information upon which a conviction is secured, and eight dollars to the public school fund of Currituck County.

Misdemeanor.

Penalty.

Division of penalty.

Currituck sound.

Sec. 7. That it shall be unlawful for any person or persons, firm or corporation, to make or erect any box, blind, or post above the water in the waters of Currituck Sound, or tributaries thereof, for the purpose of shooting wild fowl, and that any person or persons, firm or corporation, violating any of the provisions of this section of this act shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not exceeding thirty days, in the discretion of the court.

Duplin county.

Sec. 8. That it shall be unlawful for any person or persons to hunt or kill squirrels in Duplin County from the first day of March until the fifteenth day of October, and any person or persons violating this section of this act shall be fined not less than twenty dollars nor more than thirty dollars for each offense, or be imprisoned for not less than twenty nor more than thirty days. Any person reporting the same, upon conviction of the accused shall receive one half of the fine imposed, and the other half shall go to the school fund of Duplin County.

Division of fine.

Franklin county.

Sec. 9. That section one thousand eight hundred and eighty-two of the Revisal of one thousand nine hundred and five be amended by striking out the words "first day of September" in line ten, and inserting in lieu thereof the words "fifteenth day of November"; and that section one thousand eight hundred and eighty-five be amended by inserting in line seven, between the word "Wilson" and the word "from," the word "Franklin."

Graham county.

Sec. 10. That chapter fifty-three of the Public Laws of one thousand nine hundred and seven, relating to the killing of panthers, wolves, and wild cats in Graham County, be and the same is hereby repealed.

Hyde county.

Sec. 11. That chapter one hundred and ninety-four of the Public-Local Laws of one thousand nine hundred and eleven, relating to hunting wild fowl in Hyde County, be and the same is hereby repealed.

Henderson county.

Sec. 12. That chapter five hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out section one thereof and substituting therefor: "That with the exception of wild cats, opossums, and moles, it shall be unlawful to trap or kill any fur-bearing animal in the county of Henderson, except during the period between November fifteenth and March fifteenth."

SEC. 13. That chapter one hundred and eighty-four of the Public- Henderson county.
Local Laws of one thousand nine hundred and eleven, relating to the game laws of Henderson County, be and the same is hereby amended by striking out the words "in the months of January and February" in lines one and two of section one of said act, and inserting in lieu thereof the words "from the fifteenth day of November to the fifteenth of January of each year"; that said act be further amended by striking out sections two and ten thereof; that said act be further amended by striking out the word "unlawful" in line three in section twelve, and inserting in lieu thereof the word "lawful"; and that said act be further amended by striking out the words "five dollars" in line four of section thirteen of said act, and inserting in lieu thereof the words "ten dollars."

SEC. 14. That chapter one hundred and seventy-four of the Henderson county.
Public Laws of one thousand nine hundred and three be amended by inserting in line three, after the word "snipes," the words "except in Henderson County."

SEC. 15. That chapter seventy-seven of the Public Laws of one thousand nine hundred and five be and the same is hereby amended by adding at the end of section six thereof the following: "Provided, however, that this act shall not apply to White Oak Township, Jones County."

SEC. 16. That section one of chapter sixty-seven of the Public- Montgomery county.
Local Laws of one thousand nine hundred and eleven, relating to protecting game in Montgomery County, be amended by striking out the word "fifteenth" in line three and inserting in lieu thereof the word "first," and by striking out the word "fifteenth" in line four and inserting in lieu thereof the word "thirty-first"; and that section two of said chapter be amended by striking out the clause, "for a period of two years after the ratification of this act," it being all of line three.

SEC. 17. That chapter two hundred and eighty of the Public- Troy township, Montgomery county.
Local Laws of one thousand nine hundred and eleven, relative to the destruction of quail or partridge in Troy Township, Montgomery County, be and the same is hereby repealed.

SEC. 18. That it shall be unlawful for any person or persons Pasquotank county.
to hunt, shoot, or trap, or otherwise kill partridge or quail in Pasquotank County and offer for sale or cause them to be sold in or out of the State of North Carolina, and that any person or persons violating this section of this act shall be guilty of a misdemeanor, and fined not exceeding ten dollars nor less than five dollars for each and every offense.

SEC. 19. That section three of chapter seven hundred and fifty- Rockingham county.
six of the Public-Local Laws of one thousand nine hundred and eleven, relating to protecting game in Rockingham County, be and the same is hereby amended by striking out in line three

thereof the words "the first day of December" and inserting in lieu thereof the words "the fifteenth day of November."

Warren county.

SEC. 20. That section two of chapter sixty-one of the Public-Local Laws of one thousand nine hundred and eleven be amended by striking out all of said section and inserting in lieu thereof, "that it shall be unlawful for any person to hunt, shoot, kill, capture, or destroy any quail, partridge, pheasant, wild turkey, or woodcock in the county of Warren, except between the first day of December and the first day of March in each year, and rabbits, squirrels, and opossums from October first to January first; open season for fox all the year."

Yancey county.

SEC. 21. That section one of chapter two hundred and ninety of the Public-Local Laws of one thousand nine hundred and eleven be stricken out and the following inserted in lieu thereof: "It shall be unlawful for any person to hunt quail in Yancey County except during the period between November fifteenth and January first of each year. Any person violating this section shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days."

Burke county.

SEC. 22. That chapter one hundred and thirty-seven, Public-Local Laws of one thousand nine hundred and eleven, entitled "An act to regulate fishing and hunting in Burke County," be and the same is hereby repealed. That it shall be unlawful to hunt quail between the first day of February and the fifteenth day of November of each year; and it shall be unlawful to hunt or fish upon the lands of another without the permission of such landowner or his agent any season of the year. That it shall be unlawful to net quail at any season of the year. That the possession of quail at any time between the first day of February and the fifteenth day of November of any year shall be *prima facie* evidence that such quail was unlawfully taken. That any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction for said violation shall be fined not less than twenty dollars or imprisoned not more than thirty days, or both, in the discretion of the court, one-half of the said fine to go to the person informing or furnishing the evidence for such conviction. That this section shall apply to Burke County only.

New law for Burke county.

Alamance county.

SEC. 23. That it shall be unlawful for any person to hunt wild ducks and robins with gun or dogs, or trap, between the first day of April and the fifteenth day of November. That any person violating this section of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars or imprisoned not more than twenty days. That this section shall only apply to Alamance County.

Avery county.

SEC. 24. It shall be unlawful for any person to hunt with dog or gun on the lands of another without the permission of the owner or his agent. That it shall be unlawful for any person to kill or

trap any gray or pine squirrels: *Provided*, they may be killed by shooting during the months of October and November. That it shall be unlawful for any person to shoot, trap, or net any kind of birds or wild fowls or to destroy their nests or eggs: *Provided*, that this section shall not apply to hawks, owls, crows, and English sparrows: *Provided further*, that partridges, quails, and larks may be killed by shooting only for three months in the year, namely, from the first day of November to the first day of February. That it shall be unlawful for any person to sell or export birds, game, or wild fowls mentioned in this act at any season of the year. That any person or persons who violate any of the provisions of this section shall be guilty of a misdemeanor, and shall pay a fine of not over sixty dollars or be imprisoned not to exceed thirty days, or both, in the discretion of the court. That it shall be the duty of the judge of the Superior Court holding criminal court in Avery County, in his charge to the grand jury at each and every term of the court, to call the attention of the grand jury to this section, so that there may be a strict and prompt enforcement of the same. This section of this act shall apply only to Avery County.

Sec. 25. That it shall be unlawful for any person or persons to hunt with gun or dog, chase or kill opossums or rabbits in Forsyth County from the first day of February to the first day of October, or squirrels from the first day of February to the first day of September.

Sec. 26. That chapter six hundred sixty-seven, Public Laws of one thousand nine hundred and nine, relative to hunting and the protection of game in Harnett County, be amended by striking out the words "one thousand nine hundred and fourteen," in line four of section one, and inserting in lieu thereof "one thousand nine hundred and eighteen"; by striking out all after the word "misdemeanor" in line two of section two of said chapter, and inserting in lieu thereof "and upon conviction shall be fined the sum of fifty dollars for each and every offense, one-half of said fine to be paid to the informer and the remaining one-half to the public school funds of Harnett County," and by striking out all after the word "not" in line four, section seven of said chapter, and inserting in lieu thereof, "less than ten dollars for each and every offense, one-half of said fine to be paid to the informer, the remaining one-half to the public school funds of said county."

Sec. 27. That chapter one hundred and thirty-one, Public-Local Laws of one thousand nine hundred and eleven, relative to hunting deer and squirrel in Currituck Township, Hyde County, be and the same is hereby amended by striking out all of section one of said chapter, and inserting in lieu thereof the following: "That it shall be unlawful for any person to chase with dogs, hunt or kill deer between the first day of February of each year to the first day

of August, or to hunt or kill deer at any time for the purpose of shipping, or to ship any deer out of Currituck Township, Hyde County."

Pamlico county.

SEC. 28. That section one of chapter seven hundred and ten of the Public Laws of one thousand nine hundred and nine, relating to hunting and killing deer in Pamlico County, be amended by striking out the word "first" in line three of said section and insert the word "fifteenth" in lieu thereof, and by striking out the word "September" in line three of said section and inserting the word "July" in lieu thereof.

Washington county.

SEC. 29. That chapter twenty-six of the Public-Local Laws of one thousand nine hundred and eleven, relating to hunting in Washington County, be and the same is hereby amended by striking out the word "fifteenth" in line one, section one, and inserting the word "first," and by striking out the word "November" in line two, section one, and inserting the word "October."

Mitchell county.

SEC. 30. That on and after the first day of April, one thousand nine hundred and thirteen, it shall be the duty of the Clerk of the Superior Court of Mitchell County to pay to the bearer the sum of twenty-five cents for each and every hawk scalp taken in Mitchell County: *Provided*, that sparrow hawks are exempted. That the Clerk of the Superior Court of Mitchell County shall make an itemized statement or account of his expenditures under this act to the county commissioners of Mitchell County at their regular monthly meeting, and it shall be the duty of the said commissioners to reimburse the said clerk to the amount of the bounties paid by virtue of this act. That the said clerk shall take the affidavit of the bearer of any hawk scalp that to the affiant's own knowledge hawk from which the scalp was taken was killed and taken in Mitchell County; any one swearing falsely in regard to such matters shall be punished as provided for such offenses by the laws of North Carolina. The Clerk of the Superior Court shall be allowed ten cents for each affidavit of a bearer of a hawk scalp and the same shall be allowed him by the board of county commissioners at their monthly meeting. The said clerk shall keep in a separate book a list of the names of all persons to whom he pays rewards for said scalps.

Ashe county.

SEC. 31. That it shall be unlawful for any person to catch, trap, or kill any fur-bearing animal in Ashe County between the first day of February and the first day of November in each year, and any person violating this section shall be guilty of a misdemeanor.

Alleghany county;
feathered game.

SEC. 32. (a) That it shall be unlawful for any person to hunt or kill any quail, pheasant, or robin in Alleghany County between the first day of March and the fifteenth day of October of each and every year; and it shall be further unlawful for any person to sell or purchase said birds after the same are killed between the first day of March and the first day of November in each year. Any person violating the provisions of this subsection shall be

fined not more than fifty dollars and not less than two dollars, or shall be imprisoned not exceeding thirty days, at the discretion of the court.

(b) That it shall be unlawful to hunt, trap, shoot, or kill with gun or dog any squirrel in the said county of Alleghany from the first of March until the first of August of each year, and any one violating the provisions of this subsection shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Alleghany county; squirrels.

(c) That it shall be unlawful for any person to fish or hunt on the lands of another in Alleghany County without permission of the owner of the land or his agent, and any one violating the provisions of this subsection shall be fined not more than fifty dollars and not less than two dollars, or may be imprisoned not exceeding ten days, in the discretion of the court. Fishing and hunting without permission.

SEC. 33. That it shall be unlawful for any person or persons to set any trap, snare, net, spring pole, deadfall, or other device on any lands other than his or her own for the purpose of catching or killing any fox, coon, opossum, squirrel, fur-bearing or hair-bearing animals. That this section shall not apply to boys setting rabbit gums or boxes on their parents' land, or land where they may secure written permission. That any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars for each offense, and the setting of each separate device, trap, snare, deadfall, net, or spring pole shall constitute a separate and distinct offense. This section shall apply only to Buncombe County. Buncombe county.

SEC. 34. That it shall be unlawful to hunt rabbits with a gun or guns in Cabarrus County from the first day of March until Thanksgiving day in each and every year. Any person violating the provisions of this section shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Cabarrus county.

SEC. 35. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 561.

AN ACT TO PLACE THE OFFICERS OF NEW HANOVER 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 their several deputies and clerks, shall collect, receive, and account for all the fees to which they become entitled Officers to collect and account for fees.

- 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 auditor of New Hanover 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 money so paid shall be kept by the auditor of New Hanover County in a separate fund, to be known as the "Salary Fund."
- Officers to collect.** 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.
- Failure to collect fees misdemeanor.** SEC. 3. Any officer of New Hanover 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, being collected, shall be turned over to the auditor of New Hanover County as provided by this act.
- Account books.** SEC. 4. That each and all of said officers shall open and keep a separate set of account books, consisting of a cash book 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 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 was paid, and the amount thereof. The auditor of New Hanover 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 as prescribed by said auditor.
- Verified statements filed monthly.** SEC. 5. At the end of each calendar month, or within five days thereafter, a true and accurate statement shall be transmitted by
- Monthly settlements.
- Moneys chargeable to officers.
- Salary fund.
- Salaries.
- Abstraction, concealment, or misapplication felony.
- Punishment.
- Punishment.
- Fees to be collected in advance.
- Books open to inspection.
- Items of accounts.
- Auditor to prescribe forms, rules and regulations.

each of said officers, and under oath, to the auditor of said county, said statement to contain and show in detail all the entries made upon said book during the preceding calendar month, and upon receipt of such 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 is 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 auditor of New Hanover County, 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 actions against such officer and his official bond in the Superior Court or other court of competent jurisdiction in the county of New Hanover and to prosecute such action to final judgment, and to collect the amount due by such officer and pay over the same to the auditor of New Hanover County.

Audit of statement.

Report to county attorney.
Action for recovery on bond of officer.

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 or making false statement misdemeanor.
Punishment.

SEC. 7. The Sheriff of New Hanover County shall receive for his salary the sum of thirty-five hundred dollars per annum. He shall be allowed one office deputy, who shall receive the sum of twelve hundred dollars per annum, and two field deputies, who shall each receive the sum of nine hundred dollars, respectively, and shall also receive the amount of his actual expenses for conveying prisoners from the place of trial to jail, 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 amount thereof, and thereupon, if the board of commissioners be satisfied that the amount submitted is correct, then the amount thereof shall be paid to the sheriff by the board of commissioners out of the "Salary Fund" herein provided for: *Provided, however,* if any judge of the Superior Court shall be of the opinion that the sheriff and his deputies, as provided by this act, are unable to perform the duties necessary to the proper dispatch of the business of the courts held in the county, then it shall be lawful for the sheriff to appoint such deputies as the judge may desig-

Salary of sheriff.
Deputies.

Allowance for expenses.

Monthly statement of expenses.

proviso: additional deputies.

nate, and the county commissioners shall pay them such sums as the judge may direct, and amounts to be charged upon the "Salary Fund" provided for in this act.

Commissions on tax collections.

SEC. 8. The Sheriff of New Hanover County shall retain, for the benefit of the "Salary Fund" herein provided for, any and all commissions allowed him by law for the collection of taxes.

Settlements of sheriffs on expiration of term.

SEC. 8½. Whenever any tax lists or tax books have been turned over to any sheriff of New Hanover County for collection before the term of office of any such sheriff shall have expired according to law, it shall be the duty of the auditor of New Hanover County, at the expiration of such term of office, to settle with said sheriff and give him a receipt in full for all taxes collected by him, which said settlement shall be approved by the board of commissioners of New Hanover County, and thereafter said tax books and lists shall be turned over to the newly elected sheriff to collect the remaining items of taxes appearing upon said lists and books, and said newly elected sheriff shall be required to collect said items remaining upon said books and lists in the same manner and under the same penalties as if the said tax lists and books had been delivered to him at the time they were delivered to the retiring sheriff.

Collection by incoming sheriff.

Appointment and salary of jailer.

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 sixty 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 for by law, as well as the salary of the said jailer; and it shall be the duty of said jailer to serve such process and to perform such duties as is usually required of deputy sheriffs, whenever it does not interfere with his duties as jailer.

Jail expenses.

Jailer to act as deputy sheriff.

Salary of clerk of superior court.

SEC. 10. The Clerk of the Superior Court of New Hanover County shall receive for his salary the sum of twenty-seven hundred and fifty dollars per annum. He shall be allowed a deputy clerk at a salary of twelve hundred dollars per annum and another clerk at a salary of six hundred dollars per annum. That in addition to the duties now required by law to be performed by the clerk of the Superior Court, he shall be *ex officio* clerk of the recorder's court of New Hanover County, and shall perform the duties of clerk of said court either by himself or deputy, with no extra compensation therefor than as allowed him in this act: *Provided, however*, that no deputy appointed by the clerk of the Superior Court shall practice law; and *Provided further*, that no part of the salary of the Clerk of the Superior Court of New Hanover County for himself or his deputies shall be charged against the fund derived from the funds of the recorder's court of New Hanover County in the divisions of the net proceeds of said court between the city of Wilmington and the county of New Hanover;

Deputies.

Ex officio clerk of recorder's court.

Proviso: deputy not to practice law.

Proviso: salaries not charged against recorder's court.

and *Provided further*, that all fees to which said clerk or his deputy might be entitled to by reason of his acting as clerk of the recorder's court of New Hanover County shall be paid over and accounted for as provided in the act creating the recorder's court of New Hanover County.

Proviso: fees as clerk to recorder's court.

SEC. 10½. The constable of Wilmington Township shall receive a salary of seven hundred and twenty dollars per year, which shall be in lieu of all fees and emoluments to which he may now or hereafter be entitled to by law. He shall collect and pay over to the auditor of New Hanover County, for the credit of the salary fund described in this act, all fees, commissions, and emoluments coming in to him by virtue of his office. He shall, if required by the judge of the Superior Court, attend all sessions of said court and execute all processes delivered to him by the court, and perform such other duties as the said judge may prescribe: *Provided further*, that if said constable shall in any month turn into the salary fund from the fees and emoluments of his said office more than sixty dollars, then said constable shall be paid by the county, in addition to his regular salary, so much in excess of his said regular salary up to seventy-five dollars.

Salary of constable.

To collect and pay over fees.

Duties as of deputy sheriff.

Proviso: fees in excess of salary.

SEC. 11. The Register of Deeds of New Hanover County shall receive for his salary the sum of twenty-five hundred dollars per annum. He shall be allowed one chief deputy, who shall receive a salary of twelve hundred dollars per annum, and a clerk, who shall receive the sum of six hundred dollars per annum.

Salary of register of deeds.

Deputy and clerk.

SEC. 12. That the office of Treasurer of New Hanover County be and the same is hereby abolished, and all duties, powers, and authorities imposed by law upon said treasurer are hereby assigned and conferred upon the auditor of New Hanover County: *Provided, however*, it shall be the duty of the board of commissioners of New Hanover County to require of said auditor a bond in the amount fixed by law, in some bonding company, and the premium thereon to be paid for as is required by section nineteen of this act.

Office of treasurer abolished. Duties devolved on auditor.

Proviso: bond of auditor.

SEC. 13. That in addition to the salaries herein provided and the allowance herein set forth, the board of county commissioners of New Hanover 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 New Hanover out of the general county fund thereof.

Office supplies.

SEC. 14. That the salaries and allowances herein provided for the several officers shall be in lieu of all other compensation now allowed by law, but they shall each continue to collect and pay over to the auditor of New Hanover County, for the credit of the "Salary Fund" prescribed in this act, all fees, commissions, and emoluments coming into their hands by virtue of their office.

Sole compensation.

SEC. 15. If it shall appear at any time to the board of commissioners of New Hanover County that the allowance made by this act to the several officers for deputies or clerical assistance is

County commissioners may allow additional deputies and clerks.

insufficient, either in amount or in the number of deputies or clerical assistance, to provide for the prompt and efficient transaction of the public business, and the public interests require that other assistance be provided, or that the allowance for clerical assistance be increased, then the board of commissioners shall have power and it shall be their duty, upon ascertaining such facts, to provide such other and further deputies or clerical assistance for any of said officers or for the auditor of New Hanover County as may be reasonably necessary to promptly and efficiently carry on the public business, or to increase the amount of the allowance 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 no increase whatsoever shall be made except upon the recommendation and approval of the county auditor and the county attorney.

Action spread on minutes.

Proviso: recommendation and approval of increase.

Payment of salaries.

SEC. 16. All the salaries herein provided for shall be paid by the auditor of New Hanover 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 of said board, and said warrant when paid shall be charged to the "Salary Fund" herein provided.

SEC. 17. All moneys coming into the hands of the auditor of New Hanover County 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 allowance herein provided for. The auditor shall open up 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 each officer, and the said accounts shall be at all times open to the public.

Application.

Accounts with officers.

Accounts open to inspection.

Annual statement.

SEC. 18. On the first Monday in December, each and every year, it shall be the duty of said auditor 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 December of 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 of salary fund to general fund.

Bonds of officers.

SEC. 19. All officers of New Hanover County who are now or may be hereafter required to give bond for the faithful performance

of their duties shall give bond in some bonding company authorized by the laws of the State of North Carolina to do business in this State, and the premiums upon said bonds shall be paid by the county of New Hanover out of the "Salary Fund" provided for herein.

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 for all the pains and penalties now or hereafter provided for failure to perform the duties of their said offices.

Payment of premiums.

Officers to perform duties.

No additional compensation.

SEC. 21. That all laws or clauses of laws in conflict with this act be and the same are hereby repealed.

Repealing clause.

SEC. 22. That this act shall apply only to the county of New Hanover.

Application of act.

SEC. 23. That this act shall be in full force and effect from the first day of May, one thousand nine hundred and thirteen.

When act effective.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 562.

AN ACT TO WORK THE PUBLIC ROADS OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing, repairing, improving, and maintaining the public roads in the various townships in Hertford County there shall be a special board of three members in each township, who shall be known as the board of road supervisors for their respective townships, which boards shall have the entire supervision and jurisdiction of all the public roads of their townships, 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.

Township road supervisors.

Supervision and jurisdiction of roads.

Powers and duties devolved.

SEC. 2. That the following parties are hereby appointed and constituted road supervisors for the various townships, viz.:

Supervisors named.

Maneys Neck.—T. E. Vann, R. A. Majette, E. T. Darden.

For Maneys Neck.

Murfreesboro.—J. E. Parker, E. Brett, J. J. Parker.

For Murfreesboro.

Winton.—J. W. Boone, A. C. Vann, Dr. C. F. Griffin.

For Winton.

St. Johns.—T. J. Teaster, M. R. Sumner, T. E. Futrell.

For St. Johns.

Harrellsville.—B. N. Sykes, S. Hare, Dr. R. P. Thomas.

For Harrellsville.

Ahoskie.—J. R. Garrett, F. G. Tayloe, A. E. Garrett.

For Ahoskie.

Term of office.	They shall hold their offices and perform its duties until the second Monday in June, one thousand nine hundred and fourteen, and until their successors are appointed and qualified. A majority shall constitute a quorum. That the board of county commissioners for Hertford County shall at their regular meeting the first Monday in June, one thousand nine hundred and fourteen, and annually thereafter, appoint a board of road supervisors for each township in the county, who shall qualify on or before the second Monday in June following their appointment; any vacancy occurring shall be filled by the board of road supervisors for the township at any regular meeting, a quorum being present. If for any cause a vacancy has not been filled within sixty days, the board of county commissioners shall fill the same.
Quorum.	
Appointment of successors.	
Vacancies.	
Boards to qualify.	SEC. 3. That the members of said board named in section two shall qualify on or before the second Monday in March, one thousand nine hundred and thirteen, and they shall meet in their various voting places in rooms to be provided by the county commissioners, on the third Monday in March, one thousand nine hundred and thirteen, and organize by electing one of their number as chairman and by electing a secretary, who may or may not be a member 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. The compensation of the secretary shall not exceed two dollars per day, and that of the board shall not exceed two dollars per day. Said board shall meet quarterly on the second Monday in March, June, September, and December, and oftener, if necessary, upon a call of the chairman or a majority of the board. At all their meetings, a quorum being present, they are authorized to transact any business with reference to the roads of their townships.
Meeting and organization.	
Secretary to keep record.	
Pay of secretary and supervisors.	
Meetings.	
Supervisors to fix tax rate.	SEC. 4. At or before their meeting in June of each year the board of road supervisors shall consult together as to the amount of money reasonably necessary to purchase suitable tools, machinery, teams, and supplies, equipment, etc., or to pay guards for the proper working and improving the public roads in their townships, 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 their respective townships for the purpose of raising said amount, which rate shall not be more than thirty cents on the one hundred dollars thereof and not more than ninety cents on the poll for any year, and said board of road supervisors shall report the rate of taxation thus ascertained and determined by them to the board of county commissioners of said county not later than their July meeting in each and every year, and it shall be the duty of said board of county commissioners of Hertford County, at their regular meeting in either June or July, one thousand nine hundred and thirteen, and annually thereafter, to levy a special tax as determined by
Limit of rate.	
Report of rate.	
County commissioners to levy tax.	

said board of road supervisors within their several townships for said purposes, observing at all times the constitutional equation; said taxes to be collected as all other taxes of said townships, to be kept separate in the tax books of the townships and county, to appear separate on the tax receipts and to be set aside as a special road fund to the credit of the township in which it was collected, and to be used in the construction and improvement and in keeping in repair the public roads of said townships, the rent or purchase of teams, equipment, material, and implements, and the employment of such labor or guards as will be found necessary to properly carry out this work.

Constitutional equation. Taxes kept separate.

Use of fund.

SEC. 5. The supervisors of any township in Hertford County, or two or more townships conjointly, through the board of county commissioners of Hertford County, may arrange to work county or State convicts on the public roads, and are hereby empowered to use the road fund of the township or townships so arranging for the working of convicts, to buy the necessary equipment, to properly care for such convicts, and to hire the necessary guards to look after them.

Convict work.

SEC. 6. That after March tenth, one thousand nine hundred and thirteen, every able-bodied male person between the ages of twenty-one and forty-five years, residing in Hertford County, shall be liable to perform annually six days labor of not more than ten hours upon the roads of said county and upon the roads to which they may be assigned, within the township in which they live, under the supervision and direction of the road supervisor, or other officer appointed by the board of road supervisors: *Provided, however*, that any such person shall be discharged from such labor for one year upon the payment to the proper officer of three dollars per annum in lieu thereof: *Provided*, that such sum shall be paid to the secretary of each township on or before the regular meeting of the board in June of each year; said secretary is required to publish notices of the time to pay this tax, in not less than three public places in the township. Any one refusing to work or pay the money as above shall be guilty of a misdemeanor, and punished as the law now provides for failure to work the roads: *Provided*, that nothing in this section shall apply to any *bona fide* resident of any incorporated town in the county.

Road duty.

Proviso: commutation.

Notice for payment of commutation.

Refusal to work or pay commutation misdemeanor.

Proviso: residents of incorporated towns.

SEC. 7. That the county treasurer shall be and he is hereby appointed treasurer of the road funds of the said townships, and for the faithful keeping and disbursing of said money the bond of the treasurer shall be liable. For his services in receiving and disbursing this money he shall receive such commissions as the board of road supervisors may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall keep in a separate book, which shall be labeled "Road Funds," a separate account for the funds levied and collected under this act, and credit the same to the township road fund in which it was collected, and he

County treasurer treasurer of road funds.

Liable on bond.

Commission of treasurer.

Separate books and accounts.

Warrants on road funds.

shall pay out said money upon the order or warrant of the board of road supervisors of the various townships, they having been signed by the chairman and secretary.

Use of special road fund.

SEC. 8. That the taxes and other revenues raised by virtue of this act in any township shall constitute a special road fund of the 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 hiring guards to guard convicts while working the roads within the county, and shall be expended according to the judgment and discretion of the board of road supervisors.

Superintendent of roads.

SEC. 9. That said board of road supervisors may annually elect one superintendent of roads within their respective townships, who may be a member of the board of road supervisors, and may also appoint road overseers for the several roads in their township, which said superintendent or overseers shall work the road hands of the township on said roads as may be assigned to them, giving legal notice of such time and working according to law, and for such time as they may deem necessary, not exceeding six days in any one year, and any superintendent or overseer failing or refusing to warn the hands assigned to him shall be guilty of a misdemeanor. The superintendent shall be paid in the discretion of the board of supervisors. The said overseer or overseers shall be paid one dollar a day for each day's work out of the funds of the township.

Road overseers.

Work by road hands.

Failure to warn out hands misdemeanor.

Pay of superintendent.
Pay of overseers.

Management of work.

Itemized statements and inventories.

SEC. 10. The supervisors and overseers shall have charge and management of the hands, labor, teams, tools, apparatus, and machinery used on the roads under his charge, and to render an itemized statement of the persons, hands, or guards under his charge, number of days worked, the number of hours each day, the amount paid each hand or guard per day or month, the amount of money received, if any, and how the same was disbursed, and a list of tools, implements, teams, and other apparatus in his hands, and any other information in reference to his management that may be reasonably required; said report shall be made to the board of road supervisors quarterly, or oftener if required; he shall have the teams and all apparatus properly cared for. In all matters he shall be subject to the direction and control of said board.

Reports made quarterly.
Care of teams and apparatus.

Annual statements of supervisors.

SEC. 11. That each board of township road supervisors 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.

Entry on land for material.

SEC. 12. That for the purposes of repairing and constructing and improving the public roads of the various townships, the supervisor or other officers employed by said boards shall have the

authority to enter upon any uncultivated land near to or adjoining the roads, to cut and carry away any timber, except trees or groves left for ornament or shade, to dig or cause to be dug and carried away any gravel, earth, or sand which may be necessary to build, 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 is consistent with the work to be done; 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 needlessly injuring or damaging any of the lands or timbers in the performance of his duties shall be guilty of a misdemeanor: *Provided*, that the owner of said timber or dirt so used shall be paid a reasonable amount for same, the same to be determined by said owner and the board of supervisors, and in case they cannot agree, then the same is to be determined by the county commissioners: *Provided further*, that said supervisors shall have the right to use sand for the benefit of the roads whenever and wherever found (not in a cultivated field or cleared land); and unless the owner of said sand bed or land and the board of supervisors can agree upon the value of said sand, then the said supervisors shall have the right to condemn the same as now provided by law in condemnation proceedings.

SEC. 13. That any person, firm, or corporation who are not *bona fide* residents of said county, desiring to use any of the public roads of a township in said county for carrying on his or its business of hauling logs or timber or other heavy timber with log wagons, log carts, and other heavy vehicles, shall first obtain a license from the board of road supervisors of the township in which he or they may desire to operate and make such use of the roads, and by paying an annual license tax of ten dollars for each wagon or cart or vehicle of the kind above described to be used, who shall issue to him or them a license for the purpose above set out, and shall at once forward to the treasurer of the county and place to the credit of the board of road supervisors of that township, to be used by the board as other funds for said township. Any person violating this section shall be guilty of a crime, and liable to a penalty of fifty dollars, to be recovered in an action by the board of road supervisors for the township where the offense took place, for the benefit of the road fund for that township. The board may employ counsel to collect same, who shall be paid by said board out of the funds belonging to the board of road supervisors of that township.

SEC. 14. No person shall place and leave any logs, timber, or other obstructions in any public road without the permission of the board of road supervisors. Any person violating this section shall be guilty of a misdemeanor, and fined not more than fifty dollars and imprisoned not more than thirty days.

Drains or ditches.

Obstructing officers or drains misdemeanor.

Needless injury to land misdemeanor.

Proviso: payment for material.

Proviso: right to use sand and condemn sand beds.

Log and timber haulers to take out license.

License tax.

Tax to use of road fund.

Penalty for violation of section.

Recovery to use of road fund.

Employment of counsel.

Leaving obstructions in roads misdemeanor.

Punishment.

Damage to roads and failure to repair misdemeanor.

Punishment.

Fines credited to road fund.

Proviso: payment for damage to bar prosecution.

SEC. 15. That if any resident 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 said township in which said damaged road is situated, he shall be guilty of a misdemeanor, and shall be fined not less than ten nor more than fifty dollars, or be imprisoned not exceeding thirty days; such fine or fines, when collected, shall be paid to the treasurer of the county, and shall be credited to the road fund of that township in which said damage was done: *Provided*, if any person shall pay the damage assessed by the board of road supervisors for injury to such road, bridge, or causeway within ten days from the time such assessment is made, then such payment shall be a complete bar to any criminal prosecution under this section, and if any criminal proceedings shall have commenced in said criminal prosecution, such 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.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed, so far as they affect Hertford County.

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

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 563.

AN ACT SUPPLEMENTAL TO CHAPTER 606, PUBLIC-LOCAL LAWS OF 1911, RELATING TO FAISON GOOD ROADS DISTRICT AND CALYPSO GOOD ROADS DISTRICT IN FAISON TOWNSHIP, DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Road districts incorporated.

Corporate names.

Corporate powers.

SECTION 1. That all the territory embraced within the boundaries of Faison Good Roads District and Calypso Good Roads District as now constituted be and they are hereby incorporated and known as Faison Good Roads District and Calypso Good Roads District, and as such may sue and be sued, plead and be impleaded, and by their corporate names shall be capable of making contracts holding property, both real and personal, for road purposes, and shall have the power of prosecuting and defending suits for and against said corporations.

Tax lists for districts.

SEC. 2. That the board of commissioners of Duplin County is hereby directed and required annually to cause to be made out a

full and complete tax list of all the taxable property in said districts to be placed in a separate book or a separate column on the regular tax books of the county for Faison Good Roads District and Calypso Good Roads District, to be turned over to the Sheriff of Duplin County for collection in the said districts as required by law, and the sheriff aforesaid is required to collect said taxes and to account for the same under the general rules and laws and penalty as he is required to collect and account for the State and county taxes, and he shall receive the same compensation therefor; that the said sheriff and his bond shall be liable for said taxes in like manner as he is responsible for the State and county taxes.

Collection and settlement of taxes.

Compensation.

Sheriff liable on bond.

SEC. 3. That the sheriff aforesaid shall account to the treasurers of the Faison Good Roads District and the Calypso Good Roads District, to be elected hereafter by the road commissioners of said district, and the said sheriff shall account in like manner as he accounts to the Treasurer of Duplin County for State and county taxes by him collected.

Sheriff to account to treasurer of road districts.

SEC. 4. That the road commissioners of Faison Good Roads District and Calypso Good Roads District at any regular or special meeting of said boards shall appoint or elect one of their members or any person outside of their boards treasurer for the said Faison Good Roads District and a treasurer for the said Calypso Good Roads District, who shall receive of the Sheriff of Duplin County all taxes collected in their respective districts and give their receipts to the sheriff aforesaid for the same, and the said treasurers are required to keep an account of their receipts and disbursements in a book or books for that purpose, and the said books so kept by them shall at all times be open for the inspection by the road commissioners of the respective districts aforesaid; that the said treasurers aforesaid shall make annual reports to the commissioners of Duplin County the first Monday in December of each year, and shall every three months report to the commissioners of their respective districts, and shall receive such compensation as may be agreed upon by the said road commissioners; that said treasurer, before entering upon the discharge of the duties of their office, shall enter into a bond with approved sureties in a sum not less than two thousand dollars, or such amount as may be fixed by the road commissioners of their respective districts, for the faithful discharge of the duties of their office and the prompt payment and accounting for all moneys which may go into their hands by virtue of their office; that the said treasurers shall hold their office in their respective districts for the term of two years, unless removed for good cause shown, or by resignation, and until their successors are duly appointed or elected.

Appointment of treasurers.

Treasurers to keep accounts.

Books open for inspection.

Annual reports.

Quarterly reports.

Compensation.

Bonds of treasurers.

Terms of office.

SEC. 5. That it shall be the duty of the road commissioners of Faison Good Road District and Calypso Good Road District to direct and superintend the working, grading, altering, and repair-

Enumeration of duties of road commissioners.

- ing by the several overseers appointed by the justices of the peace for that purpose within their respective districts; to notify such overseers when to work their hands on the roads; to see that all persons liable to road duty in said districts work the number of days required by law if it shall be deemed necessary for the maintenance of said roads; also to furnish to the several justices of the peace in Faison Township a list of proper persons to be appointed by them as overseers within the aforesaid districts, and the said supervisors of Faison Township are hereby required to appoint the persons so recommended by the road commissioners of the two road districts in said township above referred to. That all moneys collected by overseers in lieu of the hands that do not work shall be paid by the overseers to the treasurers of the said road districts according to the district within which they live.
- Appointment of overseers. Sec. 6. That all overseers of the public roads in the said districts heretofore mentioned shall warn their hands and work such roads at such time only as the road commissioners shall direct: *Provided*, that in case of storm or other unexpected cause whereby the roads may be found impassable, it shall be the duty of the overseers to warn their hands and repair such roads without awaiting the orders of the road commissioners.
- Payment of commutation money. Sec. 7. That all moneys derived from the sale of any bonds by the board of commissioners of Duplin County for said Faison Good Roads District and Calypso Good Roads District, and all moneys now in the hands of the Treasurer of Duplin County belonging to the Faison Good Roads District and to the Calypso Good Roads District shall be paid over to the treasurer of the aforesaid district, and shall be used for the purpose of constructing, improving, and maintaining the public roads in said district, 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 the improvement of the public roads of the aforesaid districts. Said treasurer shall disburse said funds only upon written order of the chairman and secretary of their respective district, that is to say, by the chairman and secretary of the Faison Good Roads District and by the chairman and secretary of the Calypso Good Roads District.
- Road work. Sec. 8. That all laws or parts of laws in conflict with this act be and the same are hereby, to the extent of such conflict, repealed: *Provided, however*, that nothing in this act shall operate to repeal any of the local or special acts of the General Assembly of North Carolina providing for the building, maintaining, etc., of public roads.
- Proviso: emergency work. Sec. 9. That this act shall be in force from and after its ratification.
- Moneys paid over to road treasurers. Ratified this the 7th day of March, A. D. 1913.
- Use of road funds.
- Orders on road funds.
- Repealing clause.
- Proviso: extent of repeal.

CHAPTER 564.

AN ACT TO ESTABLISH A SPECIAL COURT IN THE TOWN OF RUTHERFORDTON, AND IN RUTHERFORD COUNTY, AND TO PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. A special court, to be designated "Recorder's Court of Rutherford County," is hereby created in Rutherfordton. Recorder's court of Rutherford county created.

SEC. 2. Said court shall be a court of record, and it shall be presided over by a recorder, who shall be qualified voter of Rutherford County and a regular licensed attorney at law of North Carolina, and the clerk of the Superior Court of Rutherford shall be *ex officio* clerk of said recorder's court. Court of record. Recorder. Clerk.

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 Rutherford County a recorder and auditor, who shall serve for two years from January the first, one thousand nine hundred and fifteen, or until his successor is elected and qualified: *Provided, however,* if in the judgment of the board of commissioners of Rutherford County said office of recorder and auditor is unprofitable or unwise for the county, said board of commissioners shall have the power, by resolution passed at their meeting on the first Monday in November, one thousand nine hundred and fourteen, to abolish said office, the abolition of same to take effect on the first Monday in December, one thousand nine hundred and fourteen. Election of recorder and auditor. Term of office. Proviso: county commissioners may abolish office.

Until said general election is held in Rutherford County, Roy Blanton, Esq., is hereby appointed recorder and auditor for Rutherford 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 by judges of the Superior Court, before the Clerk of the Superior Court of Rutherford County, which said oath shall be recorded by said clerk. The salary of the recorder and auditor shall not exceed one thousand dollars per year, to be paid monthly out of the funds and in the manner as herein provided. Recorder and auditor named. County commissioners to fill vacancy. Oath of office. Salary.

SEC. 4. Said court shall have a seal with the impression, "Recorder's Court of Rutherford 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 courthouse in Rutherford County. Sessions of court. First session.

first session of the said court shall be held on the first Monday in April, one thousand nine hundred and thirteen, after the qualification of the recorder as herein provided.

Jurisdiction.

SEC. 6. The jurisdiction of said court shall be as follows:

Violations of town ordinances.

(a) Said court shall have final, exclusive, original jurisdiction of all violations of town ordinances committed within the limits of the city of Rutherfordton.

As of justice of the peace.

(b) Said court shall have final, concurrent, original jurisdiction of all criminal offenses committed in Rutherford County which are now or may hereafter be within the jurisdiction of the justices of the peace.

Jurisdiction of named offenses.

(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 hereinafter provided in 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 deadly weapon, or where serious damage is done; fornication and adultery; abandonment, failure to provide adequate support; cruelty to animals; malicious injury to real and personal property; trespassing on land forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without license; selling or giving away cigarettes; 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 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.

Petty misdemeanors.

Jurisdiction in preliminary hearings.

(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 Rutherford, and to render such judgment in such matters as now provided by law for justices of the peace: *Provided*, that in any

Proviso: prosecutions heretofore commenced.

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 be bailable under the law, to appear at the next term of the Superior Court of Rutherford 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 Rutherford County, to await trial as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Rutherford County, to await the action of the Superior Court thereof.

Persons bound over on probable cause.

Commitment in default of bail.

(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 Rutherford 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 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.

Sentences.

Commitments.

(f) Warrants may be issued by recorder of said court or by any justice of the peace of Rutherford 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 Rutherford County, and upon such appeal the trial in the Superior Court shall be *de novo*.

Issue of warrants.

Right of appeal.

(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 Rutherfordton for any act done within Rutherford County or said city of Rutherfordton, 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 Rutherfordton, and, if inside of said limits, in the name of the said city of Rutherfordton.

Jurisdiction for recovery of penalties.

(i) Said court shall have final, concurrent, and original jurisdiction in all civil matters arising in said county of Rutherford 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

Civil jurisdiction.

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.

Removal of causes from justices' courts.

SEC. 7. When, upon affidavit of the defendant made before entering upon the trial of any cause before any justice of the peace of Rutherford 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 Rutherford County, at the instance of the defendant.

Jury trials.

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 for Rutherfordton Township for said recorder's court, and the jurors shall receive the same compensation as now provided in courts of justices of the peace.

Jury box.

Pay of jurors.

Issue and return of summons in civil actions.

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: *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. All judgments rendered, either for the plaintiff or defendant, shall be duly docketed in the office of the Clerk of the Superior Court of Rutherford 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.

Proviso: time of service.

Pleadings and trial.

Judgments docketed.

Issue of execution.

Proviso: right of appeal.

Costs and fees.

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 Mon-

Costs paid to county treasurer.

day of each week by the recorder of said court to the Treasurer of Rutherford County, who shall keep a separate account thereof and report to the board of county commissioners of Rutherford 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 Rutherford for the month preceding. Out of the cost fees so paid to the treasurer of the county shall be paid the salary of the 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 any moneys in the hands of the county treasurer to be used for county purposes. All fines paid to said treasurer shall be held by him for the purpose now provided by law.

Separate accounts.

Monthly reports.

Recorder to file itemized statements.

Payment of expense of court.

Proviso: payment of deficit.

SEC. 11. The warrants, subpoenas, summons, and other process issued by said court shall be issued to the sheriff or other lawful officer of Rutherford County, and service thereof shall be lawfully made, when made by the sheriff of said county, any constable of said county, or any police officer of the city of Rutherfordton, or, in the absence of such officer, by any person specially deputized by the recorder in writing to make service; and said warrants, 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.

Rules and practice.

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.

Challenges of jurors.

SEC. 14. The grand jury drawn and selected for the Superior Court for Rutherford 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 Rutherford County, and it shall be the duty of the clerk of the Superior Court to permit the recorder to make examination of all such presentments whenever requested so to do, and the recorder may thereupon 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

Presentments by grand jury.

Warrants issued on presentments.

Jurisdiction of superior court.

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.

Jury tax.

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 costs or tax are paid in the Superior Court, and applied to the county fund.

Recorder pro tem.

Salary.

SEC. 16. That the board of commissioners of Rutherford 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 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 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 the recorder *pro tem.* shall be paid out of the money due the regular recorder.

Oath of office.

Sentence to road work for payment of fines and costs.

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 Rutherford County 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 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 now provided by law.

Costs certificate to county commissioners.

Proviso: full fees to 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 Rutherford 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.

Record open to inspection.

Dockets and files.

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 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.

Recorder may practice law.

SEC. 20. The recorder of said court may be removed from office by the board of commissioners of the county of Rutherford 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.

Recorder subject to removal.

Cause for removal.

SEC. 21. That the recorder of the county of Rutherford 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 make out the tax books of Rutherford County and 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; 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, 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, and the amount paid to the county treasurer by the said county officers; 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 the construction has taken place.

County auditor.

Duties as auditor.

Monthly reports.

Quarterly publication of county debt.

Delinquent tax lists.

Accountant for county.

Publication of quarterly and annual statements.

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 Rutherford, 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.

Power to administer oaths and take acknowledgments.

Fees to be accounted for.

Payment of salary. 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.

Allowance to register of deeds. SEC. 24. It is further enacted that in line two of section four, chapter six hundred and thirteen of the Public Laws of nineteen hundred and nine, and after the words "per annum" in said second line, that all words be stricken out in said section to the word "whatsoever" in line four thereof.

Salary of clerk. SEC. 25. That it is further enacted that section three of chapter six hundred and thirteen of the Public Laws of nineteen hundred and nine be amended by striking out in line two of section three, after the word "of" and before the word "dollars," the words "one thousand two hundred," and insert in lieu thereof the words "one thousand three hundred and fifty."

Repealing clause. SEC. 26. That all laws and clauses of laws in conflict herewith are hereby repealed.

Secretary of State to forward copy of act. SEC. 27. That immediately upon the passage of this act the Secretary of State shall send a certified copy of this act to the chairman of the board of county commissioners of Rutherford County.

SEC. 28. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1913.

CHAPTER 565.

AN ACT TO AMEND AND SUPPLEMENT THE GENERAL DRAINAGE LAW, CHAPTER 442, PUBLIC LAWS 1909, AND ACTS AMENDATORY THERETO.

The General Assembly of North Carolina do enact:

Act amended. SECTION 1. That the Public Laws one thousand nine hundred and nine, chapter four forty-two, be and the same is hereby amended and supplemented by adding at the end of said act the following:

Procedure for supplemental assessment. SEC. 41. If at any time after the canal shall have been established, as before provided, the commissioners of the drainage district shall find that there are lands that are being drained or receiving benefits from the said canal or drains, which lands were not included in the original district or which have not been assessed and are not paying any drainage tax, or that there are lands which are not receiving benefits which other lands in the district in the same class are receiving, then in that event the said drainage commissioners may, by certificate, show such facts to the clerk of the Superior Court of the county in which the proceeding was originally instituted, which certificate shall give the names of the owners and probable number of acres which ought to

Certificate.

be included, whereupon the said clerk shall issue summons to said landowner to appear on a certain day, not less than ten days from date of summons, to show cause why their said lands should not be included in the drainage district and assessed for taxes according to the benefits received. On the return day of said summons the clerk shall declare said land included in said district unless good and sufficient reasons be given why same should not be so included. The clerk shall also on said return day appoint a board of viewers, two freeholders and an engineer (said freeholders may or may not own land in the drainage district), who shall proceed to classify the additional lands according to the benefits received, observing the rules laid down in chapter four forty-two, Public Laws one thousand nine hundred and nine, and acts amendatory thereto. The clerk on said return day shall ascertain the probable amount of money to be derived from said additional lands, and if said additional lands will produce more money, together with the amounts being collected from the lands already assessed, to mature the bonds which have been issued on the district, he shall direct the said board of viewers to re-classify all the lands in the whole district according to the benefits being derived from the canals and drains established. The clerk on said return day shall also set a day and date, not less than thirty and not more than sixty days from said return day; notice of said day and date shall be published four weeks in the county newspaper, if there be one published in the county; if not, in some other paper, also posted for thirty days at the courthouse door and five places in the district, at which time the board of viewers shall be requested and directed to make their report, showing a full and complete map of the district as then established, and the class to which each tract of land belongs under the reclassification as then made. At said meeting the clerk shall hear all objections to the reclassification, and may confirm the report or may make changes in same so that equal and substantial justice may be done to all parties. After the reclassification the assessments and collection of taxes shall be same as provided in Public Laws one thousand nine hundred and nine, chapter four forty-two, and acts amendatory thereto.

Summons to land-owners.

Order.

Jury of view.

Reclassification of lands.

Notice of return day.

Hearing as to classification.

Assessments and collections.

Right of appeal.

Rights of land-owners.

Sec. 42. Any party aggrieved whose land was in the original district, may appeal on the question of classification only, and any party aggrieved whose land has been included under this act, may appeal on the question of benefits and classification and any other rights to which he would have been entitled if land had been included when the proceeding was originally instituted, to the Superior Court, by giving notice in writing to the clerk on the day set for the hearing. Any party whose lands have been included under this act shall have all the rights of payment and any other rights given the landowners when the proceeding was instituted.

Payment of costs. SEC. 43. The expenses of the proceeding under this act shall be paid by proportional ratio assessment on the lands, and the drainage commissioners are empowered to borrow the money on short loans to pay said expenses till the assessments are made and collected.

Commissioners may borrow money.

Effect of act. SEC. 44. This act shall not be construed as repealing any of the provisions of chapter four forty-two, Public Laws one thousand nine hundred and nine, or acts amendatory thereto, but supplemental to said act for the purpose of redistricting and reclassifying the lands in a district already established. This act shall apply only to the Bear Swamp Drainage District in the counties of Chowan and Perquimans.

Application of act.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1913.

CHAPTER 566.

AN ACT TO ENCOURAGE THE EARLY PAYMENT OF TAXES IN THE CITY OF SALISBURY AND ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Discounts by county authorized. SECTION 1. That the board of commissioners of Rowan County shall have the authority to allow the following discounts upon regular State and county taxes levied in said county as herein-after provided: First, in all cases where the full amount of all 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 per cent (2%) 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 December of the fiscal year in which said taxes are due, a discount of one per centum (1%) of said taxes shall be allowed to said taxpayer.

Payments in September and October.

Payments in November and December.

Discounts by town. SEC. 2. That the board of aldermen or commissioners of the city of Salisbury shall have the authority to allow the same discounts as provided for in section one of this act, on all taxes levied by said city.

Order for allowance of discount by county. SEC. 3. That the discount upon taxes provided for in section one of this act shall be given and allowed only upon condition that the board of commissioners of Rowan 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 Sheriff of Rowan County and the tax collector of Salisbury Township to allow the same.

SEC. 4. That the discount upon taxes provided for in section two of this act shall be given and allowed only upon condition that the board of aldermen or commissioners of the city of Salisbury 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 the city of Salisbury to allow the same.

Order for allowance of discount by town.

SEC. 5. That no discount allowed by the board of commissioners of Rowan County, as provided in sections one and three of this act, shall have the effect of relieving said county of any portion of the taxes 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.

State taxes not subject to discount.

SEC. 6. That nothing in this act shall be so construed as to nullify the existing law relating to the levying and collection of taxes in the city of Salisbury or in Rowan County.

Existing laws.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 567.

AN ACT TO ALLOW ANY PERSON, FIRM, OR CORPORATION THAT HAS MAPPED AND PLATTED LAND FOR SUBDIVISION IN BUNCOMBE COUNTY TO MAKE REASONABLE CHANGES IN SUCH MAP OR PLAT, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where any person, firm, or corporation has surveyed or caused to be surveyed lands in Buncombe County, North Carolina, and the same has been subdivided into lots, streets, alleys, etc., and a map or plat of such lands has been made of such subdivisions of lands, such person, firm, or corporation having caused such land to be subdivided, platted, and mapped as aforesaid, or any person owning any of the lands so subdivided, platted, and mapped, shall have the right and power to make reasonable and just changes in such map or plat by changing the subdivisions, map or plat and subrogating and changing any street or alley shown on the original map or plat, and closing the same up: *Provided*, that no such change shall be made in any street or alley after the same has actually been opened and used by the public, but shall only apply to cases where streets and alleys have

Changes authorized.

Proviso: limitation.

been mapped, platted, and projected in subdivisions of lands, and such street or alley has not been actually opened and used by the public.

Time for beginning actions.

SEC. 2. That no person, firm, or corporation shall be allowed to institute and maintain any action or suit on account of damages, injunction, or for other relief, for closing up any street or alley or changing any map or plat as provided in the foregoing section, unless such action shall be instituted or commenced within ten years from the time that such map or plat is changed or such projected street or alley closed.

Application of act.

SEC. 3. That the provisions of this act shall apply in all cases in Buncombe County where lands have been heretofore surveyed, mapped, and platted for subdivision and sale, and where any change or changes have heretofore been made, and any projected street or alley on such map or plat closed up or changed by any person, firm, or corporation, in any map, plat, or subdivision of lands in Buncombe County, as is described in section first of this act, and such change has been made more than ten years from the date of the ratification of this act, and ten years have elapsed since such change in such map or subdivision map or plat, then such lapse of time is hereby declared to be a complete bar to any suit or action which will be hereafter commenced by any person, firm, or corporation, on account of such change in such subdivision of land, map, or plat as aforesaid, or the abrogation and closing up of any projected street or alley.

Lapse of time to bar action.

Application of act.

SEC. 4. This act shall only apply to Buncombe County, North Carolina.

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

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1913.

CHAPTER 568.

AN ACT TO AMEND CHAPTER 176, SECTION 3, OF THE PUBLIC-LOCAL LAWS OF 1911, PROVIDING FOR HOLDING A RECORDER'S COURT AT MIDDLESEX IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend chapter one hundred and seventy-six, section three, of the Public-Local Laws of nineteen hundred and eleven by adding thereto the following: "*Provided further*, that the board of commissioners of Nash County, if they think best, and in the exercise of their discretion, may direct said recorder's court to hold its sittings, at such stated times as the said board of

Proviso: sessions in Middlesex.

commissioners may by order fix, in the town of Middlesex, Nash County, for the trial of criminal and civil causes within the jurisdiction of said court, as prescribed in this act, for offenses committed within or causes of action arising and being between parties resident in the townships of Dry Wells, Baileys, Ferrells, and Jackson townships in said county, said court when so held to be subject to all the provisions of this act and the amendments thereto."

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 569.

AN ACT TO ESTABLISH A MUNICIPAL COURT FOR THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. A special court for the trial of petit misdemeanors Court established. and to be designated as "The Municipal Court of the City of High Official title. Point," is hereby established.

SEC. 2. Said court shall be a court of record and shall be pre- Court of record. sided over by a judge, who shall be a qualified voter of the city Judge. of High Point and a licensed attorney at law.

SEC. 3. Said judge shall be appointed by the city council of High Appointment and Point, and shall hold office for a term of two years, unless sooner term of judge. removed by impeachment, and his successor shall be appointed on Appointment of the next Monday following the biennial May election every two successor. years.

SEC. 4. Said judge shall be, *ex officio*, a justice of the peace, and Judge ex officio before assuming the duties of his office shall take and subscribe justice of the the oaths required by the judges of the Superior Court and justices peace. of the peace, and also an oath to honestly and faithfully perform Oaths of office. the duties of his office.

SEC. 5. The salary of said judge of the municipal court shall be Salary. fixed by the city council, and shall not be more than twelve hundred dollars per annum, to be paid monthly by the city treasurer, and he shall receive no other compensation for his services.

SEC. 6. The court shall hold daily sessions, Sundays and legal Sessions. holidays excepted, at the city hall of the city of High Point or other place or places designated by the city council.

SEC. 7. The court shall have final, exclusive, original jurisdiction Jurisdiction. of all misdemeanors occurring or committed within the corporate limits of the city of High Point, or within one mile thereof, as follows, to wit:

Violation of town ordinances.	(a) All offenses which are violations of any ordinance now in force, or which may hereafter be enacted by the city council.
Misdemeanors at common law.	(b) All offenses which under the common law are misdemeanors, wherein the punishment is in the discretion of the court.
Statutory misdemeanors.	(c) All misdemeanors as now defined by section three thousand two hundred and ninety-one of the Revisal of one thousand nine hundred and five, and contained in chapter eighty-one (81) of the Revisal of one thousand nine hundred and five, and acts amendatory thereof.
Offenses declared petty misdemeanors.	(d) In addition to the offenses enumerated above, the court shall have final, exclusive, original jurisdiction of the following offenses, to wit: larceny, receiving stolen property, knowing it to have been stolen, and embezzlement of money, goods, or other thing of value wherein the value of the property so stolen, so received, knowing it to have been stolen, or so embezzled, does not exceed twenty dollars. All the foregoing offenses enumerated in (a), (b), (c), and (d) of this section occurring or committed within the corporate limits of the city of High Point, or within one mile thereof, are hereby declared by this act to be petit misdemeanors: <i>Provided</i> , that the punishment for the offenses of larceny, receiving stolen property, knowing it to have been stolen, and embezzlement, as enumerated and defined in class (d) of this section, shall be by fine or imprisonment in the county jail, or both, in the discretion of the court.
Proviso: punishment for larceny and embezzlement.	SEC. 8. That in addition to the jurisdiction given in section seven (7) 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 or occurring within the corporate limits of the city of High Point, of which said court is not given final jurisdiction by this act.
Jurisdiction in preliminary hearings.	SEC. 9. That all processes of said court shall be issued by either the judge of said court or by the chief of police, the same to be issued on affidavit and returnable forthwith to said court: <i>Provided</i> , that in case of the absence of the judge of said court, or the chief of police, the clerk of said court may issue such processes.
Issue of process.	SEC. 10. That any and all persons convicted in said court shall have the right to appeal to the Superior Court of Guilford County as is now provided for appeals from judgments of justices of the peace, and upon such appeal the trial shall be <i>de novo</i> .
Proviso: process issued by clerk.	SEC. 11. In all cases heard by the judge of said court established by this act, as committing magistrate, against any person or persons for any offenses whereof the said court herein established has not final jurisdiction, in which 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 Guilford County for the trial of criminal cases, and in default of such bond or recognizance such person or
Right of appeal.	
Persons bound over on probable cause.	
Commitment in default of bond.	

persons shall be committed to the common jail of Guilford County, to await trial as aforesaid: *Provided*, in all capital offenses said person or persons shall be committed to the common jail of said county without bail. Proviso: capital offenses.

SEC. 12. All costs incurred in issuing warrants and serving the same in cases where the judge of said court has not final jurisdiction as aforesaid, and for the service of process arising in such cases, except as hereinafter provided, shall be paid to the city of High Point. Officers serving process issued from said court shall be allowed the same fees as are now allowed sheriffs in like cases; the same, when collected, to be paid over as herein provided. Costs paid to city. Fees of officers.

SEC. 13. All persons pleading guilty or convicted in said court of any offense mentioned in this act shall be fined or imprisoned, or both, according to law, and any person entering said plea of guilty, or who may be convicted of any offense, shall pay the cost of the prosecution. Punishments.

SEC. 14. When any person is convicted, or pleads guilty of any offense of which said court has final jurisdiction, the judge may sentence said party to the common jail of Guilford County and assign him to work on the public roads or in the county workhouse of said county, or on the streets or other public works of the city of High Point, as provided by law. Assignment to labor.

SEC. 15. The judge herein provided for 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 said court shall be the same as are now prescribed for courts of justices of the peace and of the Superior Courts, so far as the same may be applicable to this act; and in case of appeal to the Superior Court, every defendant shall be required to give bond, with sufficient surety, to insure his appearance at said court, and in default thereof the judge shall commit such defendant to the common jail of Guilford County until he shall give bond or be otherwise discharged according to law. Judge to preside. Proceedings of court. Bond on appeal. Commitment in default of bond.

SEC. 16. Said court shall have jurisdiction to try all actions for the recovery of any penalties imposed by law or by any ordinance of the city of High Point, for any act done within the corporate limits of said city or within one mile thereof, and said penalties shall be recovered in the name of the city of High Point, and in all cases where judgment may be entered against any person imposing a fine and cost, or the costs only, and the person against whom the same is adjudged fails or refuses to pay such judgment, it shall be lawful for the judge of said court to order and require such person to be worked on the public roads of Guilford County or in the county workhouse, or on the streets of the city of High Point or other public works, until at a fair rate of wages such person shall have worked out the full amount of said fine and costs. Jurisdiction of actions for penalties. Work for payment of fines and costs.

- Seal of court. SEC. 17. Said court shall have a seal with the impression, "The Municipal Court of the City of High Point," 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.
- Issue of process. SEC. 18. The processes of said court may be issued to the chief of police or to the city police of the city of High Point or to the sheriff, constable, or other lawful officers of the county of Guilford, or of any other county in the State of North Carolina, and such processes when attested by the seal of said court shall run anywhere in the State of North Carolina, and shall be executed by all officers, and returns made according to law: *Provided*, no seal shall be required upon any process issued by or from said court to any officer in the city of High Point or the county of Guilford.
- Proviso: seal not needed in county.
- Substitute judge. SEC. 19. That in case the judge of said court shall be prevented from attending to his duties on account of sickness or other temporary disability, or by absence from the city of High Point, then and in that case the mayor shall, on such fact being made known to him, designate and appoint some practicing attorney as a substitute judge, who shall have all the jurisdiction, power, and authority herein conferred upon the duly appointed judge of said court.
- Fees to be taxed as costs. SEC. 20. In each case disposed of by said judge where defendant is convicted, or pleads guilty, there shall, in addition to the other lawful costs, be allowed the following fees, the same to be taxed as a part of the costs against the defendant, viz.: For the judge of said court, two dollars (\$2); for the clerk of said court, such costs as are allowed by law, in similar proceedings, to the clerks of the Superior Courts; for the prosecuting attorney, two dollars (\$2): *Provided*, that any offenses which are violations of the city ordinance, the fees allowed to such prosecuting attorney shall be one dollar in each case, and all such costs or penalties which are or may be imposed by the ordinances of the city of High Point or the laws of the State, when recovered before the judge, shall be paid by the clerk into the city treasurer's office, accompanied by an itemized statement showing when and from whom received and whether imposed and collected by way of costs or otherwise; and all fees allowed by law for an arrest or service of other process in a criminal action when the same shall have been made by the sheriff, chief of police, or other officer who is paid a salary, and all other costs and penalties, shall be paid over to the treasurer of the city of High Point for the use and benefit of said city, and to reimburse it for the expense of supporting said court; and it shall be the duty of the city treasurer to enter upon a book kept for that purpose by him a detailed statement of all moneys received by him on such account; and all fines, forfeitures, and penalties collected shall be paid to the county treasurer as provided by law.
- Proviso: fees in actions on city ordinances.
Costs and penalties to use of city.
- Accounts.

SEC. 21. The clerk of said court shall be appointed by the city council of the city of High Point on the Monday following the regular biennial May election, to hold for a term of two years, and his successor shall be elected by said board every succeeding two years thereafter. Before entering upon the duties of said office he shall enter into a bond with good and sufficient surety in the sum of one thousand dollars (\$1,000), payable to the State of North Carolina, for the use and benefit of said city and county, for the true and faithful performance of his duties as clerk and for the faithful accounting for and paying over all moneys which may come into his hands by virtue of said office. Said bond shall be approved by the city council of the city of High Point. Said clerk shall be paid by the city of High Point such compensation as shall be fixed by the city council, and he shall receive no other compensation for his services other than the salary as shall be so fixed by said council; said clerk shall make monthly settlements with the county and city treasurer: *Provided*, the office of clerk may be combined by the said board with any other city office, and one person may be elected by said board to fill both offices.

Appointment of clerk.

Election of successor.

Bond of clerk.

Salary.

Monthly settlements.
Proviso: combination of offices.

SEC. 22. 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 of 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 the punishment imposed, which said record shall at all times be open and subject to inspection by the city council or any other person having business relating to said court. He shall provide and keep 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 keep in proper files, the same to be provided by the city, the record of all cases which shall be disposed of in said court, and what disposition has been made of the same. All judgments and orders of the judge of said court shall remain *in fieri* for ten days next after the day upon which said judgment or order is pronounced, and during that period the judge shall have the power and authority to make such changes and modifications in said judgment or order as may be necessary and just, and with like effect as if made at the time of announcement of the original judgment or order.

Records to be kept by clerk.

Record open to inspection.

Dockets.

Files.

Judgments in fieri.

SEC. 23. The city council shall at any and all times have the right to remove the clerk or the prosecuting attorney of said court either for incompetency, immorality, or neglect of the duties of his office, and in the event of a vacancy from any cause in said court, said city council shall have the right to fill the same.

Clerk subject to removal.

SEC. 24. There shall be a prosecuting attorney for said court, who shall be appointed by the city council and whose term of office shall be governed by the same regulations as that of the judge of said court. It shall be the duty of the prosecuting attorney

Appointment and term of prosecuting attorney.

Duty and salary.

ney to appear for the prosecution in all cases in said court, and for such service he shall be paid by the city of High Point such an amount per annum as may be fixed by the city council: *Provided*, he shall not receive a greater salary than nine hundred dollars per annum.

Proviso: limit.

Liability of county for costs.

SEC. 25. That whenever under a judgment of the court any defendant is sentenced to the common jail of Guilford County or to work on the public roads or in the county workhouse, or to pay a fine and the costs of the action, or the costs only, as provided in this act, and said defendant is imprisoned in the common jail and assigned to work on the public roads or in the county workhouse, as aforesaid, for the purpose of working out said fine and costs, or the costs only, as the case may be, and such judgment is carried into effect, the said county of Guilford shall be liable for and shall pay to the treasurer of the city of High Point the amount and the costs taxed in said case.

Prosecutor taxed with costs.

SEC. 26. Said judge shall have full power, in any case in which he shall adjudge that the prosecution was not required by the public interest, to tax the prosecutor with the costs of said action, and in the event said court shall adjudge that such prosecution is frivolous or malicious, he may imprison such prosecutor for the nonpayment of such costs, as provided in section one thousand two hundred and ninety-seven of the Revisal of one thousand nine hundred and five, until such costs are paid: *Provided*, that when such costs are paid they shall belong to the city of High Point.

Imprisonment for nonpayment.

Proviso: costs to use of city.

Authority and proceedings as of superior courts.

SEC. 27. That the court created by this act shall have the same authority for granting continuances, taking bond and recognizances, and rendering judgments on forfeited bonds and recognizances as is now vested by law in the Superior Court of said State, and the rules of law regulating the issuing and service of notices against defendants and their sureties upon such bond and recognizances, and all proceedings for taking and enforcing judgments in such cases shall be the same as is now provided in like cases for the Superior Courts of said State. Transcripts of any judgment rendered in any case may be docketed, as provided by law, in said court.

Judgments docketed.

Punishment for contempt.

SEC. 28. Said court shall have the power to punish for contempt, and as for contempt, as is given the Superior Courts of this State by chapter seventeen of the Revisal of one thousand nine hundred and five, and the procedure in such matters shall be the same as is now provided for said Superior Courts.

Amendments.

SEC. 29. Said court in all cases shall have the right to amend any warrant 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.

Judge may practice law.

SEC. 30. That the judge of the municipal court shall not by reason of his office be prohibited from practicing the profession of an

attorney at law in any court or courts of the State or United States, except as to matters connected with or growing out of said municipal court.

SEC. 31. That the board of commissioners of Guilford County and the city council of High Point may, if satisfactory arrangements can be agreed upon as to defraying the expenses of said court, so enlarge the territory over which said court has jurisdiction as to include the whole of High Point Township. Enlargement of territory.

SEC. 32. That W. R. Edmonds be and he is hereby appointed and declared the judge of the municipal court of the city of High Point, to serve in such capacity until his successor is appointed by the city council, on the next Monday following the biennial election in May, one thousand nine hundred and thirteen. The city council is hereby authorized to appoint a suitable person to act as clerk of the municipal court of the city of High Point, to serve in such capacity until his successor is appointed by the city council on the next Monday following the biennial election in May, one thousand nine hundred and thirteen. Judge named. Appointment of clerk.

SEC. 33. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as the same may relate to the city of High Point, especially subsection five of section twenty-seven of chapter three hundred and ninety-five of the Public Laws of one thousand nine hundred and nine. Repealing clause.

SEC. 34. That this act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 570.

AN ACT TO AMEND CHAPTER 497 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1905, RELATIVE TO THE SALE OF LIQUORS IN UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and ninety-seven of the Public Laws of North Carolina, session one thousand nine hundred and five, be and the same is hereby amended as follows: Strike out the word "quart" in line eighteen of section two and insert in lieu thereof the word "pint," and amend section fourteen by striking out the words "one thousand" in line ten and insert in lieu thereof the word "fifty"; and also strike out the words "one thousand dollars" in line eleven and insert in lieu thereof the words "fifty dollars"; and also strike out the word "twelve" and insert in lieu thereof the word "two"; and also strike out in line twelve the following words, "and shall be debarred from practicing medicine in the county of Union for twelve months," and insert in lieu Limit of amount. Minimum fine.

Punishment for first and second offense.

thereof the following words: "for the first offense; and if any such physician shall be found guilty of any subsequent violation of the provisions of this section he shall be fined not less than two hundred and fifty dollars or imprisoned not less than six months, or both, at the discretion of the court, and shall be debarred from practicing medicine in the county of Union for a period of twelve months thereafter." Also amend by striking out the word "quart" in line sixteen of section fourteen and insert in lieu thereof the word "pint."

Limit of prescription.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 571.

AN ACT TO AMEND CHAPTER 270, PUBLIC LAWS, NORTH CAROLINA, 1909, RELATING TO THE SALE OF THE COUNTY HOME, YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and seventy, Public Laws one thousand nine hundred and nine, be amended as follows: Strike out of section two thereof, lines four and five, the words, "Provided, that the same shall not be located within two miles of Burnsville."

Limitation on location rescinded.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1913.

CHAPTER 572.

AN ACT TAXING DOGS IN GRASSY CREEK TOWNSHIP, MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Tax to be levied.

SECTION 1. That a tax shall be levied on all dogs, both male and female, annually.

Rate of tax.

SEC. 2. That all persons owning or having in his possession a male or female dog must pay a tax of fifty cents on each male or spayed female and a tax of two dollars on each open female, annually.

Taxes listed.

SEC. 3. That the taxes shall be listed at the same time and place as other property.

Failure to list misdemeanor. Punishment.

SEC. 4. 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.

SEC. 5. That all such taxes shall be collected by the sheriff as ^{Collection and} other taxes are collected, and turned over to the county treasurer ^{application of tax.} of said county, to be used and applied as a public road fund for Grassy Creek Township.

SEC. 6. That all dogs, male or female, listed for taxation shall ^{Listed dogs subject} be deemed as subject to larceny or damage as other property. ^{of larceny.}

SEC. 7. That this act shall apply only to Grassy Creek Township ^{Application of act.} in Mitchell County.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 573.

AN ACT TO ESTABLISH STOCK LAW IN HARRELL TOWNSHIP, MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Harrell Township in Mitchell County be and is ^{Township declared} hereby declared to be stock-law territory subject to such laws and ^{stock-law territory.} provisions of laws as apply and govern, or hereafter apply and govern, other stock-law territory in Mitchell County.

SEC. 2. That this act shall be in full force and effect from and ^{When act effective.} after the first day of July, one thousand nine hundred and thirteen.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 574.

AN ACT TO CHANGE THE BOUNDARIES OF BOLTON TOWNSHIP IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the present boundaries of Bolton Township in ^{Territory included.} Columbus County be changed so as to include in said township the following territory, to wit: Beginning at the point where the ^{Boundary.} present Bolton and Waccamaw Township lines enter the Bladen County line and runs from thence nearly west, and with the Bladen County line to the center of the run of Buckhead Swamp; thence down the middle of the run of Buckhead Swamp to the middle of the run of Gum Swamp; thence down the middle of the run of Gum Swamp to where it enters the Green Swamp; thence a direct course to a stone, situated in the embankment of the Atlantic Coast Line Railroad, where the present Bolton Township line

crosses said railroad, said stone being on the north side of the said railroad; thence from said point and with the present Bolton Township line to the beginning.

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, A. D. 1913.

CHAPTER 575.

AN ACT FOR THE PROTECTION OF THE INDIAN PUBLIC SCHOOLS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Committee appointed.

SECTION 1. To protect the public schools established in Robeson County for the education of the Indian race only, that the following persons of the Indian race residing in Robeson County shall be appointed a committee, to wit, J. B. Oxendine, J. E. Woodell, H. T. Lowrie, O. H. Lowrie, and W. B. Wilkins, and that all questions as to the race of those applying for admission into said Indian public school shall be submitted, that no one shall be admitted to said schools unless approved by a majority of said committee: *Provided*, that an appeal shall lie from the action of said committee to the county board of education of Robeson County, which shall have authority to review, investigate, and finally determine the matter.

Questions submitted to committee.

Proviso: appeals.

Terms of committee.

SEC. 2. That the members of said committee shall serve till their successors shall be appointed and qualified.

Vacancies.

SEC. 3. That said committee shall appoint one of the Indian race to succeed to any vacancy occurring in said committee.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 576.

AN ACT TO PROHIBIT DYNAMITING FISH AND TO CONFER CERTAIN POWERS TO THE GAME WARDEN.

The General Assembly of North Carolina do enact:

Use of explosives unlawful.

SECTION 1. That it shall be unlawful for any person or persons to place or cause to be placed, throw or cause to be thrown any dynamite or other explosives in any water-course for the purpose of killing fish.

SEC. 2. That any person or persons violating the provisions of Misdemeanor. this act shall be guilty of a misdemeanor, and upon conviction shall Punishment. be fined not less than forty dollars or imprisoned not less than twenty days, or both, at the discretion of the court.

SEC. 3 That the game warden is hereby fully empowered and Game warden to authorized to enforce the laws relative to the protection of fish, enforce law. and the said game warden's fees or costs shall be the same in all Fees. cases of conviction as fixed by law for convictions of other violations of the game laws.

SEC. 4. That this act shall apply only to Mitchell and Yancey Application of act. counties.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 577.

AN ACT TO PROVIDE FOR THE PROTECTION OF THE OWNERS OF DOGS IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all dogs in Perquimans County shall be and the same are hereby declared personal property whenever the owner of any such dog shall have listed for taxation for the current year such dog or dogs for a sum not less than five dollars (\$5) each. Dogs declared personal property.

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 and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 578.

AN ACT TO REPEAL CHAPTER 592 OF THE PUBLIC-LOCAL LAWS OF 1911, CONCERNING DOG TAX IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and ninety-two, Public- Local Laws of one thousand nine hundred and eleven, 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 8th day of March, A. D. 1913.

CHAPTER 579.

AN ACT TO PROVIDE FOR MAKING DOGS PERSONAL PROPERTY IN CAMDEN, CURRITUCK, AND GATES COUNTIES.

The General Assembly of North Carolina do enact:

Dogs declared
personal property.

SECTION 1. That all dogs in Camden, Currituck, and Gates counties shall be considered personal property whenever the owner of any dog shall list the same for taxes for an amount not less than five dollars (\$5).

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

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 580.

AN ACT TO ESTABLISH A CHARITY HOSPITAL FOR THE COUNTY OF MECKLENBURG AND CITY OF CHARLOTTE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That J. P. Monroe, A. J. Crowell, R. L. Gibbon, W. O. Nisbet, C. M. Strong, C. C. Hook, F. C. Abbott, Leak Carraway, Clarence O. Kuester, J. A. Durham, E. D. Latta, and such others as they may upon first meeting for organization associate with them, and their successors in office, duly elected and hereinafter provided, are hereby made, constituted and appointed a corporation, with all the powers, rights, and functions usually granted by law to charitable corporations, and with all the powers, rights, and functions of corporations organized under the general laws of the State of North Carolina, except such as shall conflict with the provisions of this act, and with the right to sue and be sued, plead and be impleaded, to have a common seal, and to own, acquire, purchase, and receive by donation or otherwise lands and personal property, and to hold the same and to use the same for the purposes set forth in this act.

Incorporation.

Corporate rights.

Meeting for
organization.

Election and
number of trustees.

Application of
general law.

SEC. 2. That within sixty days after the ratification of this act said trustees, being the persons named in section one of this act, shall meet in the office of the board of commissioners of Mecklenburg County, and organize, and shall elect a self-perpetuating board of trustees for the management and government of the said corporation, consisting of not less than five nor more than twelve trustees, and the provisions of the general laws of the State of

North Carolina, in regard to corporations, shall apply to the said corporation, except in so far as they may conflict with this act.

SEC. 3. That if and when the city of Charlotte or county of Mecklenburg, or both city and county, or individual inhabitants of said city and county shall raise a fund of not less than seventy-five thousand dollars (\$75,000), for the purpose of buying land and building thereon a charity hospital for the benefit of the inhabitants of the county of Mecklenburg, including those residing in the city of Charlotte, and shall hold the same ready to vest the title thereto in the corporation hereby created, then the board of commissioners of Mecklenburg County are hereby authorized, empowered, and ordered to submit at the first general election next ensuing to the qualified voters of Mecklenburg County the question of levying and collecting a tax of not exceeding five cents on each one hundred dollars worth of property and fifteen cents on each poll, the money to be used for the purpose of supporting and maintaining and operating the said charity hospital, and the city of Charlotte and the board of aldermen of said city are likewise authorized and empowered to submit to the qualified voters of the city of Charlotte, at any general election, the question of levying and collecting a tax of not exceeding five cents on each one hundred dollars worth of property and fifteen cents on each poll, the money to be used for the purpose of supporting and maintaining and operating the said charity hospital. That the said respective elections shall be conducted and carried on and all the provisions of law in regard thereto shall be the same as elections are respectively conducted under the present law of North Carolina and of said county and city, the former for the election of county officers and the latter for the election of mayor and aldermen of said city. That in the event the voters either in the county and the State election or the voters in the city election herein provided for, shall vote in favor of the levying and collecting of the tax herein provided for, then the board of commissioners of Mecklenburg County, or the board of aldermen of the city of Charlotte respectively, as the case may be, shall so levy and collect such tax for the purpose aforesaid, and whether an election is called in both instances or whether only the city authorities or the county authorities call an election.

SEC. 4. That the board of county commissioners, in the event of submitting the question of levying and collecting such tax, the voters of the county shall furnish two ballot boxes, wherein the votes shall be cast or placed. Upon one ballot box shall be plainly written or printed the words "For Charity Hospital Tax" and on the other box the words "Against Charity Hospital Tax"; and the ballots to be cast by the voters favoring the levying and collecting of such tax shall have printed or written thereon the words "For Charity Hospital Tax" and the ballots to be cast by those voters opposing the levying and collecting of such tax shall have written

Fund for establishment of hospital.

Question of tax for maintenance to be submitted to voters of county.

Question of tax to city voters.

Law governing elections.

Levy and collection of tax.

Ballot boxes.

Ballots.

Effect of election. or printed thereon the words "Against Charity Hospital Tax." That if at the said election the majority of the duly qualified registered voters of Mecklenburg County shall vote ballots with the words written or printed thereon "For Charity Hospital Tax," then the board of commissioners of Mecklenburg County are authorized, empowered, and ordered to thereafter levy and collect such tax in the same manner that they levy and collect general taxes for said county. Or in the event the majority of the duly qualified registered voters of Mecklenburg County do not cast ballots with the words written or printed thereon "For Charity Hospital Tax," then said board of commissioners of Mecklenburg County shall not levy or collect any such tax. That the election officers in said election shall count the ballots and declare the results and signify to the same the ballots of same in the same manner as they do in their returns in elections.

Count and return of votes.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 581.

AN ACT TO CONFER UPON THE PEOPLE OF JOHNSTON COUNTY THE RIGHT TO GOVERN THEMSELVES WITH RESPECT TO STOCK LAW OR NO STOCK LAW.

The General Assembly of North Carolina do enact:

Petitions for election.

SECTION 1. That if at any time one-fourth ($\frac{1}{4}$) of the qualified voters residing in those portions of Johnston County which are already under the stock law, and simultaneously one-fourth ($\frac{1}{4}$) of the qualified voters residing in those portions of the county which are not under the stock law, shall petition the board of county commissioners for an election on the question of "stock law" or "no stock law," the board of county commissioners shall and it is hereby made its duty, without discretion, to order an election in said county on the question of "stock law" or "no stock law," to be held within sixty (60) days after such petitions are filed, and if at such election a majority of the votes cast shall be in favor of "stock law," then at the expiration of six (6) months following such election it shall be unlawful for any live stock to run at large in any part of said county, under the pains and penalties set forth in chapter thirty-five of the Revisal of one thousand nine hundred and five.

Duty to order election mandatory.

Stock law adopted by majority of votes.

Sale of fences.

SEC. 2. If the election provided for in section one of this act shall result in favor of "stock law," the board of commissioners of said county are authorized to dispose of, either at public or private sale, the public fences of said county, the keeping of

which may then be rendered unnecessary, and turn over the proceeds remaining after the building of any fence that may be necessary between said county and any adjoining county to the county funds.

SEC. 3. That the election herein provided for shall be conducted and concluded as nearly as possible in accordance with elections for members of the General Assembly, except that registrars and judges of election shall be appointed by the board of county commissioners, and returns made to and canvassed by said board, who shall declare the result thereof.

SEC. 4. That if such election shall result unfavorably to "stock law," then and in that event those portions of the county which are already under the provisions of stock law at the time of the election shall be and remain under the stock law as if no election had been held, the intention being not to diminish, modify, or interfere with those portions of the county already under the stock law, in any event.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act, and no further, are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 582.

A BILL TO BE ENTITLED AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 371, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1909, RELATIVE TO COURT STENOGRAPHER IN WILKES COUNTY," H. B. 869, S. B. 652.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and seventy-one, Public Laws of North Carolina, session one thousand nine hundred and eleven, be amended as follows: In section two, line two, after word "exceeding" and before word "dollars," strike out the word "five" and insert in lieu thereof the words "five and one-half dollars"; and before the word "per" in said line strike out the figures "\$5" and insert in lieu thereof "\$5.50."

SEC. 2. In section three, lines three and four and after the word "required." in line three, strike out "two and one-half dollars (\$2.50)" and insert in lieu thereof "three dollars (\$3)."

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 583.

AN ACT TO AMEND CHAPTER 586, PUBLIC-LOCAL LAWS 1911, RELATING TO THE LEE COUNTY ROAD LAW..

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and eighty-six, section seventeen, Public-Local Laws of one thousand nine hundred and eleven, be amended by adding at the end of said section the following words: "The said commission shall have the like power to enter upon and take, dig, and carry away from any land adjacent to the road or near it any sand, clay, gravel, or other material necessary for the construction or repair of the road; and may condemn the same as herein provided in the case of right of way."

Entry on land for material.

SEC. 2. That said chapter five hundred and eighty-six be further amended by adding to section ten the following words: "The highway commission is required to keep the roads of the county in a reasonable state of repair, particularly the routes over which the United States mail is carried."

Roads to be kept up.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 584.

AN ACT TO TAX DOGS IN MONTGOMERY COUNTY, MAKING THEM SUBJECTS OF LARCENY, AND REPEALING CHAPTER 638, ACTS OF 1907.

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 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.

License tax on dogs.

Listed for taxes.

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

Stealing listed dogs larceny.

SEC. 3. That said tax shall be paid to the Sheriff of Montgomery County as provided for payment of other taxes.

Payment of tax.

SEC. 4. The net proceeds raised from a collection of said taxes shall be turned over to the Treasurer of Montgomery County, to be used by the board of road trustees of the various townships. Said funds shall be distributed among said townships in proportion to the number of license taxes paid in each township.

Distribution of proceeds.

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. Failing to list dogs misdemeanor. Punishment.

SEC. 6. That any person who shall keep or allow to remain upon his premises any dog that the license or privilege tax has not been paid upon shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars or imprisoned not more than thirty days. Keeping unlisted dog misdemeanor. Punishment.

SEC. 7. That chapter six hundred and thirty-eight of the Acts of one thousand nine hundred and seven, in regard to fox hunting in Montgomery County, be and the same is hereby repealed. Law specifically repealed.

SEC. 8. That this act shall apply to Montgomery County only. Application of act.

SEC. 9. That all laws or sections of laws in conflict herewith are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 585.

AN ACT TO REGULATE THE APPOINTMENT AND DUTIES OF A COTTON WEIGHER FOR THE TOWN OF ANGIER, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all cotton sold in bales in the town of Angier, Harnett County, North Carolina, shall be weighed by a sworn cotton weigher, who shall give bond in the sum of one thousand dollars, to be approved by the commissioners of the town of Angier, North Carolina, for the faithful performance of his duties. Sworn cotton weigher. Bond of weigher.

SEC. 2. That the cotton weigher provided for in this act shall receive as compensation ten cents for each bale weighed, to be paid one-half by the seller and one-half by the buyer. Compensation.

SEC. 3. That the term of said office shall be two years, beginning the first day of August, one thousand nine hundred and thirteen. Term of office.

SEC. 4. That the board of commissioners of the town of Angier, at its first regular meeting in May, one thousand nine hundred and thirteen, and biennially thereafter, shall elect a competent and discreet person as cotton weigher for the town of Angier, which fact the mayor or clerk of the town of Angier 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 cotton weigher of said town; and upon the failure of the board of commissioners of Harnett Election of cotton weigher.

County to concur in the action of the board of commissioners of the town of Angier, said board of commissioners of Harnett County shall certify said fact to the board of commissioners of the town of Angier, and shall call a joint session of said two boards, to be held at such time and place as said board of commissioners of said county shall designate, not later than the fifteenth of July next thereafter, when and where said two boards shall jointly elect some discreet and competent person to fill said office.

Joint session.

Cotton kept separate.

Records.

Adjustment of weights.

Records evidence and open for inspection.

SEC. 5. That it shall be the duty of said cotton weigher to keep separated the cotton belonging to each purchaser or buyer, so that the cotton owned by different purchasers or buyers will not become mixed on the cotton yard in said town; and it shall be his duty to keep a record of all cotton weighed, showing the name of the seller, the marks thereon, if any, by whom delivered on the yard, if not so delivered by the seller, and the name of the purchaser and the price for which sold, if known by the weigher; and it shall also be his duty to assess and deduct just and proper weights on account of dampness, damage, or excessive weight in bagging and ties, and so forth.

SEC. 6. That the records of the said officer, when properly authenticated, shall be evidence in any court, and said records shall be open to inspection to any person upon requesting said officer to be allowed to do so.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 586.

AN ACT TO EMPOWER THE BOARD OF EDUCATION OF HERTFORD COUNTY TO APPOINT ADDITIONAL TOWNSHIP SCHOOL COMMITTEEMEN.

The General Assembly of North Carolina do enact:

Additional appointments.

Terms of office.

When act effective.

SECTION 1. That the board of education of Hertford County be and is hereby authorized and empowered, in its discretion, to appoint not to exceed four additional school committeemen in each township in Hertford County. Any and all committeemen appointed by virtue of this act shall exercise the duties prescribed by law for such period of time as is now or may hereafter be prescribed by the general school law.

SEC. 2. This act shall be in force from and after the first Monday in July, one thousand nine hundred and thirteen.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 587.

AN ACT TO REGULATE THE SETTING AND FISHING OF
NETS IN SLOCUMB CREEK AND ITS TRIBUTARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That no person or association of persons shall set or place, or cause to be set or placed in Slocumb Creek, or its tributaries, or any tributary of any tributary of said creek in Craven County, any seine or net of any kind whatsoever, except a net set by stakes, the said net to be not over thirty (30) feet in length, with meshes not less than one and one-quarter ($1\frac{1}{4}$) inches. Specifications of lawful net.

SEC. 2. That any person or association of persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined fifty dollars (\$50) or imprisoned thirty (30) days for each and every violation of this act. Misdemeanor. 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 5th day of March, A. D. 1913.

CHAPTER 588.

AN ACT TO REGULATE THE HUNTING OF PARTRIDGES
AND QUAIL IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, firms or corporations to hunt or kill any partridges or quail in Lenoir County between the twentieth day of November and the twentieth day of February of each year. Close season.

SEC. 2. That it shall be unlawful for any person or persons, firms or corporations to kill more than twenty-five partridges or quail in any one day's hunt. Limit of bag.

SEC. 3. That any one violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of fifty dollars, one-half of said fine to go to the party prosecuting and the remaining part to the public school fund of Lenoir County, said prosecution to be brought in the name of the State, or may be imprisoned thirty days. Misdemeanor. Fine. Division of fine. Imprisonment.

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

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 589.

AN ACT SUPPLEMENTAL TO AN ACT TO INCREASE THE POWERS AND PAY OF THE COUNTY COMMISSIONERS OF YADKIN COUNTY, THE SAME HAVING BEEN RATIFIED MARCH 5, 1913.

The General Assembly of North Carolina do enact:

Amount expended
for bridges.

SECTION 1. That the county commissioners of Yadkin County be and they are hereby authorized, under the powers conferred by the provisions of section one of said act, to expend more than five hundred dollars in building any bridge over any stream which divides Yadkin County from any other county, or in building any bridge over any stream within Yadkin County.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 590.

AN ACT TO FIX SALARIES FOR CERTAIN PUBLIC OFFICERS IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Officers to collect
and account for
fees.

SECTION 1. That the sheriff, register of deeds, Superior Court clerk, and treasurer of the county of Bertie 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, registers of deeds, and treasurers, and shall account for and pay over the same as hereinafter directed.

Salary of sheriff.

SEC. 2. That the said sheriff shall receive a salary of twenty-five hundred dollars per annum, and no other compensation whatever, except such fees as now are or may be allowed by law to sheriffs for the seizure or destruction of illicit stills and necessary expenses for conveying prisoners to jail in other counties and to the State's Prison, and rewards for criminals fleeing from justice.

Fees and expenses
allowed.

Salary of register of
deeds.

SEC. 3. That the said register of deeds shall receive a salary of one thousand five 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.

Allowances for
copying record
books.

SEC. 4. That the said clerk of the Superior Court shall receive a salary of one thousand five hundred dollars and no other compensation, except what may be allowed to him by the Superior Court for services as referee.

Salary of clerk superior court.

Fees as referee.

SEC. 5. That the said county treasurer shall receive a salary of six hundred dollars, and no other compensation whatever.

Salary of treasurer.

SEC. 6. That all fees, commissions, profits, and emoluments of any kind, except those hereinafter excepted, which are 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 shall appoint some member of the board or other suitable person to audit and approve the monthly reports of said officers, who shall have the right and power, and it shall be his duty, to examine all papers and books of every kind and description kept by and in the custody of said officers, and require a full and complete itemized statement, to be filed with him for the use of the board, of all fees, profits, and emoluments received or which ought to have been received by them, which reports shall be recorded by him monthly in a book to be kept by the board for that purpose; that the board of county commissioners are authorized to pay, out of the moneys received by virtue of this act, as compensation for such services, a sum not to exceed ten dollars per month, as in their judgment may seem right and proper.

Fees collected to use of county.

Monthly settlements. Itemized accounts.

Audit of reports.

Record of reports.

Compensation.

SEC. 7. 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 said officers, but shall never exceed for the year the annual salary herein fixed.

Payment of salaries.

Proviso: payments in irregular amounts.

SEC. 8. That all moneys paid to the county treasurer by virtue of this act shall be by him kept separate and apart from all other funds in his hands, which fund, after the payment of the aforesaid salaries of the aforesaid officers, shall be used for general county purposes.

Funds kept separate.

Use of funds.

SEC. 9. 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 perform duties.

Failure to collect
fees misdemeanor.

SEC. 10. 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.

When act effective.

SEC. 11. That this act shall be in full force and effect from and after the first Monday of December, one thousand nine hundred and fourteen.

Ratified this the 8th day of March 1913.

CHAPTER 591.

AN ACT RELATIVE TO HUNTING GAME IN THE COUNTIES OF BLADEN, CHOWAN, CLAY, HALIFAX, HERTFORD, ROWAN, WILKES, TYRRELL, STOKES, RUTHERFORD, PITT, ONSLOW, CHATHAM, RANDOLPH, GUILFORD, AND DAVIDSON.

The General Assembly of North Carolina do enact:

Bladen county.

SECTION 1. That chapter one hundred and twenty-three of the Public-Local Laws of one thousand nine hundred and eleven, relative to hunting in Bladen County, be and the same is hereby amended by striking out of line two, section two of said act, the words "quail and partridge."

Chowan county.

SEC. 2. That it shall be unlawful for any person to hunt with gun or dog in the county of Chowan before the first day of December or after the first day of March of each year for game birds and squirrels. That it shall be unlawful for any person to hunt with gun or dog on any land in Edenton Township, Chowan County, without a written permit from the owner of said land. Any person violating the provisions of this section of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one dollar nor more than ten dollars, or imprisoned not less than one day nor more than ten days, in the discretion of the court.

Edenton township,
Chowan county.

Misdemeanor.

Punishment.

Clay county.

SEC. 3. That it shall be unlawful for any person to hunt or kill with dog or dogs or gun, or in any manner, deer in Clay County for six years next after the ratification of this act. After the expiration of six years it shall be lawful to hunt and kill deer in said county between the first day of October and the first day of January with gun only. That any person violating any of the provisions of this section of this act shall be guilty of a misdemeanor and fined not more than fifty dollars, one half of said fine to go to the informer and the other half to go to the public school fund of said county.

Misdemeanor.

Punishment.

Division of fine.

Halifax county.

SEC. 4. That it shall be unlawful for any person to hunt game of any kind with gun or dog, or to trap, in Halifax County between the first day of March and the fifteenth day of November, except deer and foxes. That it shall be unlawful to hunt deer in Halifax

Deer in Halifax
county.

County between the first day of February and the fifteenth day of September. That it shall be unlawful to hunt foxes in Halifax County between the first day of March and the fifteenth day of September. That it shall be unlawful to hunt or trap upon the lands of any person in Halifax County without permission of the owner. That any person violating the provisions of this section of this act shall be guilty of a misdemeanor.

Foxes in Halifax county.

Hunting without permission in Halifax county.

Misdemeanor.

SEC. 5. That it shall be unlawful for any person to chase, kill, or otherwise destroy any deer in Hertford County except as herein-after provided. The open season for the killing of deer shall be from September first to January first, and the open season for the killing of squirrels shall be from the first day of November until the first day of March. 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.

Hertford county.

Misdemeanor.

Punishment.

SEC. 6. That it shall be unlawful for any person to shoot, hunt, trap, snare, net, or otherwise take in any manner any game bird, including robins, inside the bounds of Rowan County between the first day of February and the first day of December of each and every year. That it shall be unlawful for any person to trap, net, or snare quail at any time in Rowan County. That it shall be unlawful for any person to sell or offer for sale any quail at any time in Rowan County. That any person found guilty of violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not less than ten nor more than thirty days.

Rowan county.

Trapping and netting, Rowan county.

Selling game, Rowan county.

Misdemeanor.

Punishment.

SEC. 7. That it shall be unlawful for any person to hunt, shoot, trap, or net or in any manner destroy any partridges or quail in Wilkes County in the boundaries named below without first obtaining a written consent from any landowner within said boundaries, and filing said written consent with the Clerk of the Superior Court of Wilkes County. Said boundaries begin at Wilkesboro, North Carolina, and run southwardly with the public road known as the grade to Brushy Mountain, Iron and Lithia Springs; thence westwardly with the public road to the public road southeast of Moravian Falls; thence with the public road to Wilkesboro to the beginning. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than twenty-five dollars nor less than one dollar, or be imprisoned for not more than thirty days, or both, in the discretion of the court.

Hunting without permission, Wilkes county.

Boundary of protected territory.

Misdemeanor.

Punishment.

SEC. 8. That section one of chapter six hundred and twenty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out so much of said section as follows the words "to wit" in line eight thereof, and inserting in the place thereof the following: "Beginning on the Alligator River at the line between Hyde and Tyrrell counties; thence down the Alligator River to Cherry Ridge Landing; thence

Tyrrell county.

with the Gum Neck public road from Cherry Ridge Landing to Cooper's Fork; thence with the Cross Landing public road to the Scuppernong River; thence with the Scuppernong River to the Washington County line; thence with the Washington County line to the Hyde County line; thence with the Hyde County line to the beginning."

Stokes county.

SEC. 9. That it shall be unlawful for any person to hunt with gun or dog or trap within the county of Stokes any fox between the fifteenth day of February and the fifteenth day of November of each year. Any person violating this section of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than fifty dollars, or imprisoned not more than thirty days: *Provided*, this act shall not prevent any person from killing foxes when committing depredations upon his property.

Misdemeanor.
Punishment.

Proviso: foxes
killed while
depredating.

Golden Valley,
Duncan's Creek,
and Logan's Store
townships, Ruther-
ford county.
Proviso: open
season.

SEC. 10. That it shall be unlawful for any person to shoot, kill, trap, catch, or take in any manner fox in Golden Valley, Duncan's Creek, and Logan's Store townships, Rutherford County: *Provided*, that between the first day of November and the fifteenth day of February of the succeeding year, it shall be lawful to hunt and catch fox with dogs, and in no other manner and at no other time.

Misdemeanor.
Punishment.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Onslow county.

SEC. 11. That it shall be unlawful for any person to hunt, shoot, trap, snare, net, or otherwise take in any manner in Onslow County any quail, squirrel, wild turkey, robin, dove, and deer between the fifteenth day of March and the fifteenth day of October in each and every year. Any nonresident desiring to hunt within said county shall pay a license fee of ten dollars for the privilege of hunting during the season from October fifteenth to March fifteenth. Said license fee shall be collected by and paid to the Sheriff of Onslow County and shall be paid by him into and constitute part of the general fund of said county. Any person violating any of the provisions of this section shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

License fee for
nonresidents.

Punishment.

Pitt county.

SEC. 12. That the open season for hunting quail and partridge in Pitt County shall be from December first to March first in each and every year: *Provided*, no person shall be allowed to hunt quail or partridge with a dog while there is snow upon the ground. Any person violating the provisions of this section, by hunting quail or partridges in Pitt County, except as above provided, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Proviso: hunting
in snow.
Misdemeanor.

Punishment.

Sale of game in
Chatham, Ran-
dolph, Guilford,
and Davidson
counties.

Shipment for sale.

SEC. 13. That it shall be unlawful for any person to sell or offer for sale or to buy or offer to buy quail within the counties of Chatham, Randolph, Guilford, and Davidson for the period of two years from the ratification of this act. That it shall be unlawful for any person to carry or ship or in any manner transport quail

out of either of said counties to any other place for the purpose of selling same; and the fact of taking quail out of any of said counties shall be *prima facie* evidence that such quail were taken out of said counties for the purposes of sale. The possession of any quail or partridges by any hotel, restaurant, or café keeper, or by any produce dealer within the above named counties during said term of two years shall be *prima facie* evidence of the violation of this section of this act. That any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Prima facie evidence.
Possession prima facie evidence.

Misdemeanor.
Punishment.

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 and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 592.

AN ACT RELATING TO THE FINANCE OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Wilson County be and they are hereby authorized and empowered to require the treasurer of said county to deposit any money in his hands held by virtue of his office, in excess of the sum of five thousand dollars (\$5,000), in some bank or banks located in Wilson County, to be approved by the said board of commissioners by an order entered upon the minutes of the said board, and to take therefor an evidence of the said deposit, bearing interest at such rate and upon such terms as may be approved by the said board.

Deposit of county funds.

Interest on deposits.

SEC. 2. That the said treasurer and the sureties on his bond shall not be liable for the loss of any sum or sums which have been deposited by the said treasurer by virtue of any order or orders made by the board of commissioners pursuant to the provisions of this act, due to the insolvency of any bank or banks in which such deposits have been made.

Treasurer released from liability.

SEC. 3. That notices shall be posted at the courthouse door in the town of Wilson within ten days after any deposit has been made pursuant to the provisions of this act, setting forth the amount of such deposit, the bank in which and the terms upon which the same has been made.

Notices of deposits.

SEC. 4. That this act shall be in force from and after the first Monday in December, one thousand nine hundred and thirteen.

When act effective.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 593.

AN ACT RELATIVE TO THE BOARD OF COUNTY COMMISSIONERS OF WILKES COUNTY.

The General Assembly of North Carolina do enact:

Allowances for clerk hire authorized.

SECTION 1. That the board of commissioners of Wilkes County, in their discretion, shall pay to the clerk of the Superior Court, the sheriff, and register of deeds of Wilkes County, or either of them, the sum of three hundred dollars (\$300) each, to be expended by said officers, respectively, in the payment of clerk hire and deputies, and that said sum of money shall be paid each said officers on the first Monday of each month in the amount of twenty-five dollars (\$25), and that said moneys shall be paid out of the Wilkes County general fund.

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

When act effective.

SEC. 3. That the provisions of this act shall be in force from and after the first Monday in April, one thousand nine hundred and thirteen.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 594.

AN ACT TO AMEND SECTION 12 OF CHAPTER 860 OF THE PUBLIC LAWS OF 1907, RELATING TO JURIES IN THE RECORDER'S COURT OF THE CITY OF MONROE, AND TO AMEND SECTION 15 OF CHAPTER 860 OF THE PUBLIC LAWS OF 1907, RELATING TO THE ELECTION OF THE SUBSTITUTE RECORDER FOR SAID COURT, AND TO AMEND OTHER LAWS AFFECTING THE SAID RECORDER'S COURT AND TO PRESCRIBE THE CRIMINAL JURISDICTION OF JUSTICES OF THE PEACE RESIDING WITHIN THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Deposit of jury fee.

Pay of jurors.

SECTION 1. That section twelve of chapter eight hundred and sixty of the Public Laws of one thousand nine hundred and seven be amended by adding after the word "courts" and before the word "in," in line twenty-one of said section, the following: "Before a party is entitled to a jury he shall deposit with the clerk of the recorder's court the sum of six dollars for jury fees, and the said clerk shall pay to all persons who attend, pursuant to the summons, as well as to those who do not actually serve as to those who do serve, fifty cents each. If the defendant who advanced the jury

fees be acquitted, or a *nolle prosequi* be entered as to him in the case in which he has advanced jury fees, in either case he shall be repaid the sum so advanced by him, one-half by the treasurer of Union County and one-half by the treasurer of the city of Monroe, upon a written order of the clerk of the recorder's court presented to each of said treasurers, specifying in what case the said amount was advanced by the said defendant." Repayment of deposit.

SEC. 2. That section fifteen of chapter eight hundred and sixty of the Public Laws of one thousand nine hundred and seven be amended by striking out the clause beginning with the word "no" in line eight and ending with the word "term" in line ten of said section, inclusive. Eligibility for reelection.

SEC. 3. That section three of chapter six hundred and eighty-three of the Public Laws of North Carolina, session of one thousand nine hundred and nine, be and the same is hereby amended by adding between the words "committed" and the word "and" the words "if the defendant requests that the jury come from said town township at the time of demanding the jury, otherwise the jury may be drawn from any township in Union County." Residence of jurors.

SEC. 4. That section two of chapter four hundred and forty-nine of the Private Laws of North Carolina, session of nineteen hundred and eleven, be and the same is hereby stricken out. Law repealed.

SEC. 5. That justices of the peace residing in incorporated cities and towns in Monroe Township may, upon application as by law provided, issue warrants for and try offenses committed outside of incorporated cities and towns for which the punishment may not exceed thirty days imprisonment or fifty dollars fine; but justices of the peace residing within the city of Monroe shall not have jurisdiction to issue warrants for or try other criminal offenses. Jurisdiction of justices of the peace.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 7. That this act shall be in force from and after the first day of April, one thousand nine hundred and thirteen. When act effective.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 595.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF BEAR GRASS TOWNSHIP IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of working, improving, and maintaining the public roads in Bear Grass Township in Martin County, a board of road trustees is hereby created, which said board shall consist of three members, to be elected by the qualified voters of said township at an election hereinafter provided for, and Board of road trustees created. Election of trustees.

Election of successors.	their successors shall be elected at the general election for county officers in one thousand nine hundred and fourteen, and every two years thereafter, at the same time and under the same regulations governing elections for county officers. All vacancies from death, resignation, or otherwise, shall be filled for the unexpired term by the remaining members of said board.
Vacancies.	
Incorporation.	SEC. 2. That said board of road trustees and their successors in office are hereby constituted a body corporate by the name and style of "The Board of Road Trustees of Bear Grass Township," and by that name may sue and be sued, make contracts, and exercise such other rights and powers as are incident to other municipal corporations.
Corporate name.	
Corporate rights.	
Control and management of roads. Rights and powers vested.	SEC. 3. That it shall be the duty of said board to take the control and management of all the roads in Bear Grass Township, and the said board is hereby vested with all the rights and powers for such control and management of the same as are now vested in and exercised by the board of commissioners of Martin County.
Quarterly meetings.	SEC. 4. Said board shall meet four times each year, to wit, on the first Saturday in January, April, July, and October, at two o'clock p. m. They shall divide the roads of said township into sections and allot hands to said sections as near equally as possible and according to the amount of labor necessary to keep up each section. They shall appoint overseers over each section at their meeting in January, who shall serve for one year. They shall have reports of overseers at their four meetings as herein provided, and shall keep a record of all of their proceedings, including reports from overseers and all moneys received and paid out. They shall appoint one of their number and it shall be his duty to personally inspect every portion of each road section at least twice each year. or this may be done by assigning to each member different sections. That said board at each of their regular meetings shall pay with check to each overseer, and each hand one dollar per day each, for every day of service on said roads. They shall, on or before the first Saturday in January of each year, post at some public place in said township an itemized statement of their receipts and disbursements for the year ending on said date. Said board shall receive as full compensation one dollar per day each for each day actually spent in said service.
Sections of roads and allotment of hands.	
Overseers.	
Reports and records.	
Semiannual inspections.	
Pay of overseers and hands.	
Annual publication of accounts.	
Pay of trustees.	
Failure of duty misdemeanor.	SEC. 5. Any road trustee who shall willfully fail and refuse to perform any duty hereby imposed, or shall willfully violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined twenty dollars and shall be removed from office.
Punishment.	
Overseer to warn hands.	SEC. 6. It shall be the duty of every overseer appointed by said board to warn all hands on sections of road allotted to said overseer, by giving each of them two days notice, either verbal or written, of the time and place of meeting for working on said section, and also the implement which said hands and each of them shall

bring, and it shall be the duty of said hands to work under said overseer until discharged by him. Said overseers shall make report to said board at each of their meetings, showing condition of his section, the number of hands, the number of days worked by each hand, the amount of money received (which he shall turn over to the treasurer of said board), to which report he shall make oath. Said overseers are authorized to relieve any hand who shall furnish a suitable one in his place or who shall pay to him the sum of one dollar and twenty-five cents twenty-four hours before road day.

Sworn reports of overseers.

Substitutes and commutation.

SEC. 7. Any overseer who shall willfully violate or who shall willfully fail and refuse to discharge any duty imposed on him by this act shall be guilty of a misdemeanor, and upon conviction shall be fined ten dollars for each offense.

Neglect of duty misdemeanor.

Punishment.

SEC. 8. All able-bodied male persons in said township between the ages of eighteen and forty-five years shall be required to work on the roads of said township under the provisions of this act, and they shall work six days in the year for two years and as many more days to the year as said board may require: *Provided*, they shall not be required to work more than six days in a year, except when required to do so by said board. That ten hours per day shall constitute a day hereunder, and each hand shall work accordingly, and shall meet the overseers at the times and places mentioned in the warning and shall bring the implement required and work until discharged by the overseer. Each hand shall receive one dollar per day for every day that he works and each overseer shall receive one dollar per day for each day of service as overseer.

Road duty.

Proviso: limit.

Day's work.

Pay of hands and overseers.

SEC. 9. Any person subject to road duty as herein provided who shall willfully fail or refuse to comply with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined five dollars: *Provided*, the payment of the money herein provided shall be a bar to prosecution hereunder.

Failure to discharge road duty misdemeanor. Punishment.

Proviso: bar to prosecution.

SEC. 10. It shall be the duty of said board to prepare, sign, and deliver to each overseer an order which shall designate and describe the section of road allotted to such overseer, together with the number of hands assigned to said section, the duties of said overseer, and such other things as said board may deem necessary.

Orders to overseers.

SEC. 11. That for the purpose of meeting the expenditures provided for in this act, and for the purpose of improving and maintaining the roads of said township, the commissioners of Martin County are authorized and directed, and shall, when requested by the board herein provided, and at the time of levying State and county taxes, levy and cause to be collected a special tax on all property and persons subject to taxation within the limits of Bear Grass Township of not more than thirty-three and one-third cents on the one hundred dollars assessed valuation of real and personal property, and not more than one dollar on each taxable poll, the

Special tax.

Limit of rate.

Collection of tax and commission of sheriff.	amount of taxes to be levied hereunder to be determined by the board of road trustees herein provided and within the limitations
Taxes paid to road treasurer.	prescribed in this section. The taxes so levied shall be collected by the Sheriff of Martin County as other taxes, and the sheriff shall receive the same commissions as for collecting other taxes,
Bond and accounts of treasurer.	and all of said taxes so collected shall be turned over to the treasurer of said board, which said treasurer shall be appointed by said board from among the members thereof, who shall serve without
Use of funds.	compensation. Said treasurer shall give bond as required by said board and shall receive and keep an accurate account of all moneys
Orders for disbursements.	provided for in this act, and said funds shall not be used for any purpose other than the improving and maintaining of said roads,
Pay of trustees, overseers, and hands.	and shall be disbursed only when authorized by the signature of said treasurer and approved by the other two members of said board.
Payment by checks.	SEC. 12. The members of said board, the overseers and the hands, shall not receive any other compensation other than the other dollar per day each as herein provided, and said funds shall only be
Act to be submitted to vote.	disbursed by checks authorized by said treasurer and approved by the other members of said board as herein provided.
Date of election.	SEC. 13. That the provisions of all the preceding sections of this act shall be submitted to a vote of the qualified voters of Bear
Election officers.	Grass Township at an election to be held on Tuesday after the first Monday in November, one thousand nine hundred and thirteen.
Registration.	For the holding of such election the said county commissioners, at least thirty days before the time above designated, shall appoint
Notice of election.	a registrar and two poll-holders, and the registration books of said township shall be delivered to said registrar, who shall revise the
Count and canvass of votes.	same so as to show only the names of those entitled to vote in said township, and shall register all qualified voters applying for
Report and record of returns.	registration whose names do not appear thereon. Notice of said election shall be given by said board of commissioners by publishing
Ballots.	a notice thereof in the <i>Enterprise</i> for thirty days immediately preceding such election and by posting a notice thereof in three
Law governing election.	public places in said township. At the close of said election said registrar and poll-holders shall count and canvass the vote cast
Effect of election.	and declare the result thereof, and shall report same to the board of county commissioners, which said report shall be recorded in
	the minutes of said commissioners, and no other report or canvass shall be necessary. At said election all voters who shall favor the
	provisions of this act shall cast ballots on which shall be written or printed the words "For Working Roads by Taxation," and those
	opposed to such shall cast ballots on which shall be written or printed the words "Against Working Roads by Taxation." In all
	other respects said election shall be held and conducted in the manner prescribed for the election of members of the General As-
	sembly. If a majority of the qualified voters of said township

shall vote in favor of "For Working Roads by Taxation," then all the provisions contained in this act shall become effective, and the powers and duties shall be exercised as herein provided.

SEC. 14. That all laws in conflict with the provisions of this act, in so far as they relate to Bear Grass Township, are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 596.

AN ACT TO FIX SALARIES FOR THE PUBLIC OFFICERS OF BRUNSWICK COUNTY, AND APPOINT AN AUDITOR FOR SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Sheriff of Brunswick County may appoint one or more deputies in each township in the county, and may allow such deputies the fees made and collected by them in serving summonses and subpoenas, notices, and proceedings of all kinds, and all fees and commissions made and collected by them from executions:

Sheriff to appoint township deputies. Fees allowed deputies.

Provided, nothing herein shall excuse the sheriff from serving executions and accounting for all fees and commission thereon.

Proviso: fees on executions.

SEC. 2. 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, and shall go to increase the county funds.

Sheriff to collect and account for fees.

SEC. 3. The sheriff shall appoint a jailer, who shall occupy the residence department of the jail, whose compensation shall be fixed by the board of county commissioners.

Appointment and pay of jailer.

SEC. 4. The said sheriff shall receive a salary of eighteen hundred dollars per annum in lieu of all other compensation whatsoever, and the salary of the present sheriff shall begin from the day he took the oath of office for his present term; and that at the expiration of the sheriff's term of office he shall turn over to his successor in office all the uncollected taxes, and his successor shall collect the same; and it shall be the duty of the county auditor and county commissioners of Brunswick County to settle with the outgoing sheriff at the expiration of his term.

Salary of sheriff.

Settlement with successor.

SEC. 5. 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 said county 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.

Officers to collect and account for fees.

- Salary of clerk of superior court. SEC. 6. The clerk of the Superior Court shall receive a salary of fifteen hundred dollars per annum in lieu of all other compensation whatsoever, and shall be allowed the sum of three hundred dollars per annum for clerk hire and assistants, if in his opinion so much shall be needed.
- Allowance for clerk hire. SEC. 7. The register of deeds shall receive a salary of fifteen hundred dollars per annum in lieu of all other compensation whatsoever, and shall be allowed the sum of six hundred dollars per annum for clerk hire and assistants, if in his opinion so much shall be needed.
- Salary of register of deeds.
- Allowance for clerk hire. SEC. 8. The Treasurer of Brunswick County shall receive a salary of nine hundred dollars per annum in lieu of all other compensation whatsoever.
- Salary of treasurer.
- Officers to discharge duties. SEC. 9. The officers hereinbefore mentioned shall faithfully perform all 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 pains and penalties now or hereafter provided by law for failure to perform the duties of their several offices.
- Sole compensation.
- Fund kept separate. SEC. 10. All moneys coming into the hands of the Treasurer of Brunswick 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 quarterly be transferred to the general county fund.
- Application to salaries and allowances.
Balance to general fund.
Payment of salaries. SEC. 11. The salaries and allowances herein provided for shall be paid by the county treasurer, upon warrant as required by law, to the officers and assistants 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 for the year the amounts herein provided.
- Proviso: payments in irregular sums.
- Monthly settlements. SEC. 12. The officers hereinbefore required to turn over to the Treasurer of Brunswick County moneys coming into their hands shall make settlements with said treasurer on the last day of each and every month: and each of said officers, including the treasurer, shall, on the first Monday of each month, post at the courthouse door in Southport, above their signatures, a statement of their accounts of the previous month, after having delivered a copy to the chairman of the board of county commissioners and the county auditor; and the county commissioners and county auditor 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.
- Publication of accounts.
- Exhibit of books and accounts. SEC. 13. Any officer or clerk or assistant herein mentioned or provided for who will willfully fail or refuse to collect the full fee, commission, or emoluments of any kind belonging to his office shall be guilty of a misdemeanor.
- Failure to collect fee misdemeanor.

SEC. 14. It shall be the duty of the board of county commissioners to furnish to the clerk of the Superior Court a book of sufficient size that he shall enter the hour and date of probate, the character of the instrument, the names of grantor and grantee, and amount of fees for such probate; and also furnish to the register of deeds a book of sufficient size that he shall enter the hour and date of filing, the character of instrument, the name of grantor and grantees, and the amount of recording fees for all instruments in law required to be registered.

Records of probates and registrations.

SEC. 15. There is hereby created and established the office of "Auditor of Brunswick County." The said auditor shall be a citizen of Brunswick County and possess the qualifications necessary to fill the position. The term of office of said auditor shall be from the first of April, one thousand nine hundred and thirteen, until the first Monday in December, one thousand nine hundred and eighteen, when his successor shall be elected for four years as other county officers are elected, at the general election held in November, one thousand nine hundred and eighteen, and qualified on the first Monday in December, one thousand nine hundred and eighteen. He shall be appointed by the Governor of North Carolina, on the recommendation of the members of the House of Representatives in the present General Assembly of North Carolina representing Brunswick County.

Office of auditor created.
Qualifications.

Term of office.

Election of successor.

Appointment.

SEC. 16. 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; and his office shall be kept open daily as the offices of other public officers of said county. The board of commissioners of Brunswick County shall furnish the said auditor a suitable room in the county courthouse, together with necessary furniture, fixtures, and supplies, stationery, postage, etc., the same to be paid for out of the general county fund.

Exclusive employment.

Daily attendance on office.
Office room and supplies.

SEC. 17. If for any cause there shall be a vacancy in said office of auditor, the Governor of North Carolina shall appoint some fit and suitable citizen of Brunswick County to fill the unexpired term of said auditor, or until his successor shall be elected and qualified as herein provided.

Appointment to fill vacancy.

SEC. 18. 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 two thousand dollars (\$2,000), conditioned upon the faithful performance and discharge of his duties as required by law. Said bonds shall be subject to approval by the board of commissioners of Brunswick County, and when approved shall be filed with the register of deeds of said county of Brunswick.

Bond of auditor.

SEC. 19. Before entering upon the discharge of his duties the said auditor, in addition to his oath to support the Constitution and laws of the United States and the State of North Carolina, shall

Oath of office.

- Form of oath. take before the Clerk of the Superior Court of Brunswick County the following oath of office, which said oath shall be signed by such auditor, attested by the 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 Brunswick County to the best of my knowledge, skill, and ability, without fear, reward, favor, or hope of reward: so help me, God."
- Investigation of and reports as to officers. SEC. 20. It shall be the duty of said auditor to investigate the condition, at any time he may deem it necessary, of any office of any public officer of Brunswick County, and report to the board of commissioners of said county and the solicitor of the district any misappropriation of any public funds, violations of law, or malfeasance in office by any public officer. 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 such auditor or to the public affairs of Brunswick 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.
- Powers in making investigation.
- Failure to produce evidence misdemeanor.
- Punishment.
- Employment of counsel. SEC. 21. 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 the attorney fees in any one year shall not exceed one hundred dollars (\$100) unless the employment of such attorney shall have been first submitted to the board of commissioners of said county and his employment authorized by said board.
- Proviso: limit of attorney fees.
- Investigation of former accounts. SEC. 22. The said auditor shall have power, if deemed necessary, to inquire into, investigate, and report the accounts of all public officers of Brunswick County for a period of four years next preceding the first Monday in December, one thousand nine hundred and twelve; and in making said investigation the said auditor shall have all the powers as herein provided.
- Duties as to listing and assessment of property. SEC. 23. 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 assessed at its proper valuation in accordance with the Machinery Act as now and hereafter may be in effect, and to report any failure on the part of any person who refuses to comply with the Machinery Act now or hereafter in force, to the State Tax Commission,

or any commission or board which may hereafter be in effect which will have jurisdiction in this matter, to be dealt with according to the law provided for same.

SEC. 24. It shall be the duty of the auditor of said county to file a detailed and itemized account of the condition of all county finances and make a true report thereof, and record the same in a book to be provided and kept by the auditor and to be known as the "Record of the Auditor of Brunswick County"; and the auditor shall on the fifteenth day of January and the fifteenth day of July of each year publish a statement of the finances of the county, and showing by itemized statement the permanent debt of the county, when contracted, and what for, and when due, which said report shall be published at the courthouse door and one other public place, and also in some newspaper published in the county at least one time immediately following the filing of said report.

Itemized account
of county finances.

Annual statements
to be published.

SEC. 25. Any person who shall be appointed or elected as the auditor of Brunswick County who shall willfully fail or neglect to perform any duty required of him by this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Neglect of duty by
auditor misde-
meanor.

Punishment.

SEC. 26. The auditor shall receive as compensation for his services the sum of fifteen hundred dollars (\$1,500) per annum, payable in monthly installments by the county treasurer of said county, upon warrant as required by law, from the general county funds, and said auditor shall be allowed any clerical assistance which he may request and deem necessary to carry out the duties of his office, and said clerical assistance shall be paid out of the general county funds by the treasurer of said county upon warrant as required by law and approved by the auditor.

Salary.

Clerical assistance.

SEC. 27. All laws and parts of laws in conflict herewith are hereby repealed.

Repealing clause.

SEC. 28. That this act shall be in full force and effect on and after the first day of April, A. D. one thousand and nine hundred and fifteen.

When act effective.

Ratified this 8th day of March A. D. 1913.

CHAPTER 597.

AN ACT TO PROTECT RELIGIOUS WORSHIP IN THE COUNTIES OF NASH, WILSON AND WAYNE AND JOHNSTON.

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 to sell on any day or days when meetings are being held therein, any food, drink, or other thing of value, within one mile of any of the following churches of the Black

Sales forbidden
on days of meet-
ings.

Churches affected. Creek Primitive Baptist Association, to wit: Mill Branch Church in Nash County, Saponia Church in Nash County, Peach Tree Church in Nash County, Sandy Grove Church in Nash County, White Oak Church in Wilson County, Contentnea Church in Wilson County, Lower Black Creek Church in Wilson County, Upper Black Creek Church in Wilson County, Healthy Plains Church in Wilson County, Memorial Church in Wayne County, Scotts Church in Wilson County, Cross Roads Church in Wayne County, New Chapel Church in Wayne County, Beulah Church in Johnston County, Creeches Church in Johnston County: *Provided, however* that this act shall not apply to any person, firm, or corporation which has an established business located within one mile of any of the said churches.

Proviso: established business.

Violation of act misdemeanor. Punishment.

SEC. 2. That any one 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.

Licensed sales.

SEC. 3. That the officers of any church mentioned in section one of this act shall have the power to grant permission to any person, firm, or corporation to sell or offer to sell any food, drink, or other thing of value within one mile of the said churches, upon such terms and conditions as the said officers may prescribe.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 598.

AN ACT TO PROVIDE FOR GOOD ROADS AND TO ISSUE BONDS IN SILOAM TOWNSHIP THEREFOR.

The General Assembly of North Carolina do enact:

Highway commissioners named and incorporated. Corporate name.

SECTION 1. That Abbot Crisman, Martin Ashburn, C. C. Mathews, J. J. Stone, and their successors in office are hereby incorporated under the name of the Highway Commission of Siloam Township, and by that name may sue and be sued, make contracts, and do all things necessary to carry out the provisions of this act.

Corporate rights.

Political affiliation.

Election of successors.

Terms of office.

Proviso: commissioners not officers.

SEC. 2. That the said commission shall always consist of an equal number of opposite political belief, to be designated by the General Assembly as their terms expire, except as hereinafter provided; and of those named, Abbot Crisman, Martin Ashburn shall hold office for four years; C. C. Mathews, J. J. Stone shall hold office for two years: *Provided*, that the position of member of the said highway commission shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina. Should a vacancy occur by death, resignation, or removal, or otherwise, the same shall be filled by the said commis-

Vacancies.

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

SEC. 3. That said commission shall have the same supervision, Powers and rights. power and rights in respect to all the public roads in Siloam Township as has heretofore been vested in either the board of supervisors of public roads or the board of county commissioners of Surry County.

SEC. 4. The said highway commission shall have full power and authority to order the laying out of public roads where necessary in their judgment, to discontinue such roads as shall be found useless and to alter roads so as to make them more useful. Said commission shall also have power and authority to lay out cartways, church and mill roads, and to order or discontinue the same in the way and manner provided for in the general law, except as such laws are modified herein: *Provided*, that no road shall be less than eighteen nor more than thirty feet in width. Location, discontinuance, and alteration of roads. Cartways, church and mill roads. proviso: width of roads.

SEC. 5. That said commission shall meet in Siloam Township within ten days after the adoption of this bill at an election herein provided for and shall organize by electing one of their number chairman and shall also elect one of their number secretary, who shall keep a record of the proceedings of said commission; said commission shall also elect a suitable person as treasurer of said commission, who need not be a member of said commission, and he shall enter into a bond in such sum as said commission may decide, which bond, upon approval by the said commission, shall be recorded by the Register of Deeds of Surry County in the book of official bonds and filed in his office. That the treasurer of said commission shall make payments out of the road funds belonging to the said township only upon the written order of the said commission, signed by the chairman and the secretary of said commission, and a strict record of each order drawn shall be kept, showing the object for which issued. Meeting and organization. Election and bond of treasurer. Payments from road funds.

SEC. 6. That said commission shall authorize the Sheriff of Surry County or tax collector of said county to collect all the taxes levied under this act, and he shall be entitled to the same fees as are allowed sheriffs and tax collectors of North Carolina for collecting taxes. The sheriff or tax collector shall be liable for all moneys so collected, and the sheriff's or tax collector's bondsmen given for the county shall be and they are hereby declared liable for all township funds handled under this act; and the said commission may require the sheriff or tax collector to give an additional bond. Collection of taxes. Fees. Officers liable on bonds.

SEC. 7. That all road taxes for Siloam Township which hereafter may be collected by the Sheriff of Surry County or tax collector of said county shall be paid over to the treasurer of the said commission, who shall give a receipt therefor, and all moneys derived Moneys to be paid to road treasurer.

- Settlements of taxes. from the sale of bonds hereinafter provided for shall also be turned over to the said treasurer. That the said sheriff or tax collector shall pay over promptly all road taxes collected by him, and shall at no time retain any portion of said taxes which may come into his hands, and that the said sheriff or tax collector shall not apply any of said money coming into his hands under this act to the payment of any other claim which may be drawn on him, but shall keep the road taxes collected in the Siloam Township separate, and shall 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 twenty-fifth of each year, and shall pay over sooner if same shall be in his hands.
- Final settlement.
- Election, term, and pay of superintendent. SEC. 8. That the said commission may at its first meeting, or as soon thereafter as practicable, elect some competent, experienced, and discreet person to be superintendent of all the public roads in the said township, and such superintendent shall hold office during the pleasure of said 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 such employment shall be during the pleasure of said commission. That the said commission shall also have the power to employ such other persons as may be necessary to carry on the work provided for in this act, and to purchase such machinery and implements as may be necessary for the proper working and construction of the said roads.
- Employment, pay, and duty of road engineer.
- Employees and equipment.
- Entry on lands for location or material. SEC. 9. That the said commission or any of its employees or agents are hereby authorized and empowered to enter upon any land in the said township for the purpose of laying out any new road or roads, or changing the location of any road or roads; and for the purpose of taking rock, timber, dirt, sand, or gravel necessary to macadamize, sand-clay, topsoil, gravel, or improve the said roads, together with the free ingress and egress from roads for the transportation of said material; and they are further empowered to enter upon the said lands adjacent or lying near such roads in order to make such drains or ditches through the same as may be deemed necessary for the betterment of the roads: *Provided*, that no ornamental or fruit trees shall be destroyed.
- Drains or ditches.
- Proviso: ornamental or fruit trees.
- Arbitration for assessment of damages. SEC. 10. That if the owner of any lands upon which said road or roads or any part thereof shall be constructed, altered, or changed, or the owner of any land from which any timber, stone, clay, gravel, or sand were taken, as aforesaid, shall claim damages therefor, and the said owner or his agent or agents cannot agree with the said commission as to the price due, each party shall choose one man, a freeholder and resident of the said township, to serve as arbitrators, and should any party fail to choose a man, then the Clerk of the Superior Court of Surry County shall choose

one for him, and that the two so chosen shall choose a third, and they shall give all interested parties at least two days notice of the time and place of meeting to assess the damages; and in making out the damages for the land taken and for the timber and materials so taken as aforesaid, the said arbitrators shall take into consideration the special benefits that the road when built will confer upon the land, as well as any actual damages done the said land by reason of the construction or the change in the said road. The said damage, both for the land taken and for timber and materials as aforesaid, shall be paid out of the general fund of the township, and any of the parties shall have the right of an appeal to the Superior Court, after giving a good and sufficient security, from the award of the arbitrators: *Provided*, that the appeal is prayed within ten days from the filing of the award; and the appeal or the pending of any such cause shall not prevent the said commission from entering and taking possession of the land and using it for road purposes, and the taking of timber and other materials as aforesaid, and the only effect of the pending cause or appeal shall be to settle the amount of damages. The amount of the damages is the only question contemplated in this section.

Payment of damages.

Right of appeal.

Proviso: time for appeal.
Appeal not to delay action.

Sec. 11. That any person who shall obstruct the said commission, its agents or employees, in making a survey, of changing any road, or the opening of a new public road or highway, or the taking of necessary timber or other materials, as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Obstructing officers or work misdemeanor.

Punishment.

Sec. 12. That it shall be unlawful for any person to use, cut, or make any drain, or to so cultivate his land as to turn water in the public roads of Siloam Township, except where 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 upon conviction fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Turning water on roads misdemeanor.

Punishment.

Sec. 13. That the said commission shall have power and authority to fix the rate of compensation to be paid to all employees, and all expenses to be paid out of the road fund. For their services as commissioners each member shall receive such salary per diem as may be fixed by the board of county commissioners of Surry County, and may be paid out of the road fund. The necessary expenses of the said commission on account for stationery, attorney fees, clerk hire, etc., shall be paid by the order of said commission out of the funds provided by this act.

Compensation of employees.

Pay of commission.

Expenses of commission.

Sec. 14. That the board of commissioners of Surry County, when a petition of one-fourth of the voters in said township request it, be and it is hereby empowered and instructed to submit to the voters of Siloam Township, Surry County, on a day to be designated by the board of commissioners of Surry County, the ques-

County commissioners to call election.

Question to be voted on.

tion whether the said township, Siloam, shall issue bonds in a sum not exceeding twenty-five thousand dollars (\$25,000), with interest coupons attached, the proceeds of which to be used for the improvement of the public roads of Siloam Township as hereinbefore provided in this act. The said board of county commissioners shall for at least thirty days before the election give public notice of said election, together with the publication thereof in one or more newspapers published in Surry County: *Provided*, that if a majority of the voters of said township shall not vote to issue the bonds at the election so held, said board of commissioners is hereby directed to submit the said question to the said voters at the expiration of four months from time of first election under the regulations hereinafter set out; and *Provided further*, that if a majority of the voters of said township shall not vote to issue bonds at the elections so held the said board of commissioners of Surry County are directed to submit the said question to the voters at any other time or times when as many as one-fourth of the voters of said township shall by petition request it.

SEC. 15. 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 election board of Surry County shall appoint the registrars of the election, the judges, and any other election officers, and registration and challenging of voters shall be conducted in the same manner as is now or may hereafter be provided in the general election of members of the General Assembly; and that the board of commissioners of Surry County may or may not order a new registration for any or all elections held under this act. The vote shall be counted at the close of the polls and returned to the clerk of the board of county commissioners on the Thursday next following the election, and the said board of commissioners shall, at their next meeting thereafter held, 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 declaring of the result of said election shall be necessary.

SEC. 16. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue"; and at such election those who favor the issuing of the 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. 17. In the event that a 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 Surry County shall have bonds prepared of the denominations of one thousand dollars, five hundred dollars, or

Notice of election.

Proviso: further election.

Proviso: further election on petition.

Law governing elections.

Proviso: election officers.

Count and return of votes.

Tabulation, declaration, and record of result.

Ballots.

Issue of bonds.

Denominations.

one hundred dollars, as they may deem best, the total amount not to exceed twenty-five thousand dollars (\$25,000). The said bonds shall bear a rate of interest of not less than five or more than six per centum per annum, with interest coupons attached payable semiannually during the time the bonds shall run, the principal payable thirty years from their issue. Said bonds shall be payable in standard currency of the United States at the office of the treasurer of the said commission of Siloam Township, Surry County, provided for in this act or at any bank or banks which the said highway commission may designate to the said board of county commissioners of Surry County. Both bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of the said board of county commissioners and the bonds countersigned by the clerk of said board of commissioners, and each bond shall be authenticated by the seal of the county, and they shall be styled "Siloam Township Highway Improvement Bonds."

SEC. 18. Immediately upon the preparation and signing of the said bonds the said board of county commissioners shall turn over to the chairman of the said commission of Siloam Township all of said bonds without the seal of the county being affixed to any of them. The chairman of the said commission of Siloam Township shall have the power to advertise and sell any or all of the said bonds at such times and places as the said commission may direct, and as the same may be needed for the improvement of the said roads for the purpose of raising funds with which to construct and improve the public roads of the said Siloam Township; the expenses for such advertising and selling said bonds, and other expenses necessary in regard thereto to be paid out of the fund arising from the sale of the said bonds. Before delivering any of the said bonds sold by the provisions of this section and under this act, the chairman of the said commission of Siloam Township shall apply to the custodian of the seal of Surry County, whose duty it shall be to affix the said seal of Surry County 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 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 funds. The bonds and coupons shall state on their face when due and where payable and the said bonds shall show by what authority they are issued. The said commission shall record all proceedings in respect to the said bonds in the minutes of their meeting, and, whenever the same are sold, the number of bonds and their denominations, to whom sold and the number of coupons attached.

SEC. 19. In case the election herein provided for shall be in favor of issuing bonds as aforesaid, the board of county commis-

Amount.

Interest.

Maturity.

Payable in standard currency.

Authentication.

Bonds turned over to highway commission.

Sale of bonds.

Bonds sealed before delivery.

Sale below par forbidden.

Proviso: purchaser not responsible for application.

Record of proceedings and of bonds.

Special road tax.

Limit of rate. sioners shall levy annually, the first Monday in June, a special road tax for the township of Siloam on the hundred dollars worth of property for not less than five cents and not more than twenty-five cents, on polls not less than fifteen cents and not more than seventy-five cents, observing the constitutional equation, as recommended by the said commission of Siloam Township, 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 for the township of Siloam. The taxes so levied shall be collected as herein provided for and shall be applied, first, to the interest on the said bonds; second, to the creating of an adequate sinking fund for the redemption of the said bonds; third, for the maintenance of the public roads of the said township. The sinking fund shall be held by the said commission of Siloam Township in 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 commission of Siloam Township shall manage and invest the funds at the discretion of said commission, until paid out for the redemption of the said bonds sold under authority of this act at their maturity.

Collection and application of tax.

Sinking fund.

Management of sinking fund.

Road duty abrogated.

SEC. 20. If the majority of the voters of Siloam Township 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 the said township, except after conviction for crime, are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 599.

AN ACT TO AMEND SECTION 1, CHAPTER 595 OF PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

Stock-law boundary.

SECTION 1. That section one, chapter five hundred and ninety-five of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out of section one of said chapter the following words, "beginning at Cape Fear River," and inserting in lieu thereof, "beginning at the Fayetteville and Elizabethtown Road on D. B. Melvin's north line."

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 600.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A PUBLIC BRIDGE ACROSS MULBERRY CREEK," KNOWN AS H. B. No. 1161, S. B. No. 897.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Wilkes County Location of bridge. are hereby authorized and directed to locate said bridge across Mulberry Creek, to the end that the location thereof shall meet the interests of the majority of the citizens who are interested therein; and to said end shall hear the contentions of both sides as to said location, after which they shall settle upon and locate said bridge.

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 5th day of March, A. D. 1913.

CHAPTER 601.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE PUBLIC ROADS IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be established in and for the county Advisory board established. of Perquimans a road advisory board to be known as the "Perquimans County Advisory Board of Public Roads," said board to be composed of five citizens and resident taxpayers from each Composition, election, and term. township of Perquimans County, to be elected by the General Assembly of North Carolina at its regular sessions, to serve without pay for a term of two years thereafter. Appointments. The following are hereby appointed for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, as follows: From Hertford Township: W. B. Hudson, R. L. Knowles, J. J. Fleetwood, J. T. Brinn, W. R. White. From Bethel Township: T. B. Walters, T. J. Long, B. A. Berry, J. E. Lane, J. H. Parker. From New Hope Township: R. H. Welch, L. B. Perry, C. N. Hobbs, Charney Umphlett, A. A. Perry. From Parkville Township: E. D. Winslow, W. R. Perry, J. C. Bagley, Thomas Nixon, S. P. Jessup. From Belvidere Township: S. C. Nowell, J. G. Jollif, J. A. Lane, W. C. Chappell, J. F. White. That if any above Vacancies declared and filled by county commissioners. named shall fail to attend the organization of said board and the

following regular meeting, or if any member above named shall refuse to attend any two regular meetings in succession, upon complaint of the chairman of said board to the county commissioners, a vacancy shall be declared by the county commissioners, and the board of county commissioners is hereby empowered and required to fill such vacancy or vacancies by citizens from the township of such predecessor who are qualified and interested in the building and improvement of county roads.

Date for meeting and organization.

SEC. 2. That it shall be the duty of said board to meet at the county-seat in Hertford and organize on the first Monday in October, one thousand nine hundred and thirteen, and elect such officers as it may deem necessary for a permanent organization, and it shall meet on the first Monday of each and every month thereafter at the county-seat of said county, at such hour of the day and in such room of the courthouse as the county commissioners shall designate; and whenever the county commissioners shall direct, the said advisory board of roads shall meet jointly with the county commissioners.

Monthly meetings.

Joint meetings with county commissioners.

Advice and recommendations in writing.

SEC. 3. That the said advisory board is hereby vested with the authority to advise and recommend, in writing, to the board of county commissioners such ways, means, and methods of working the roads of Perquimans County as the said advisory board shall deem just, wise, expedient, and necessary for the improvement of the public roads and the bridges. At each monthly meeting of the said advisory board it shall make a written report to the county commissioners of the condition of the roads and bridges in each township above named; the amount and kind of work done on said roads and bridges during the month preceding; the satisfaction or complaint of the general public in each township, together with whatever recommendations it may have to give the relief desired.

Monthly reports.

Special tax for roads and bridges.

SEC. 4. That the board of county commissioners of Perquimans County shall, in order to provide for the proper construction, improvement, and maintenance of the public roads and bridges of the county, at their regular meeting in June, one thousand nine hundred and thirteen, and at each regular annual meeting thereafter, and it is hereby made their duty, to levy a special tax on all property subject to taxation under the State law in said county of not less than fifteen cents nor greater than forty cents on the one hundred dollars valuation of property and not less than forty-five cents nor greater than a dollar and twenty cents on the poll, the constitutional equation to be preserved at all times; said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement, and maintenance of the public roads and bridges of the county, the purchase of such material, implements, teams, machinery, wagons, camp outfits, quarters or stockades for the use and safe keeping of the convict force as may be found necessary in the proper carrying out of this

Limit of rate.

Constitutional equation.

Specific appropriation.

work, and for the employment of such additional labor as may be deemed necessary; and said commissioners are herein further empowered to purchase such supplies and provisions at wholesale at the best obtainable price as may be needed from time to time; and they may advertise for bids, which shall be sealed and filed with the clerk of the board, to be opened at the regular meetings of said board: *Provided, however*, that no less than sixty per cent of the moneys raised under this section shall be used for permanent improvements; and *Provided further*, that permanent improvements shall be made first on the principal thoroughfares of the county, including all rural routes.

Purchase of supplies and provisions.

Proviso: fund for permanent improvements.

Sec. 5. That there shall hereafter be elected by the board of county commissioners at their regular meeting in October, one thousand nine hundred and thirteen, and at their regular meeting in January of each and every year thereafter, a superintendent of roads, who shall be paid such compensation as may be fixed by the board of county commissioners and to be paid out of the county road fund, and who, after January, one thousand nine hundred and fourteen, shall hold office for one year or until his successor has been elected and qualified as provided for in this act: *Provided*, that the said superintendent of roads may at any time be removed by the board of county commissioners, after having been given ten days notice and a hearing, when in the opinion of the board there exists good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by them without further notice than may be necessary in order to give him a hearing. It shall be the duty of the said superintendent of roads, subject to the approval of the board of county commissioners, to supervise, direct, and have charge of the maintenance and building of all public roads in the county, and he shall submit to the board of county commissioners and to the chairman of the county advisory board of public roads a monthly report concerning the work in progress and the moneys expended, and he shall submit quarterly to said county commissioners and to the chairman of the said advisory board a report on the conditions of the public roads and bridges, and recommendations and plans for their improvement, and he shall include in this quarterly report an inventory of the tools, implements, teams, and other equipments on hand, and describe briefly the condition and value of each item on the regularly prepared blanks prepared by the county commissioners. Said superintendent, before entering upon the duties of his office, shall deposit with the board of county commissioners a good and lawful bond, to be approved by the board of commissioners, for the sum of five hundred dollars, or such larger sum as the board of county commissioners may require, as a guarantee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the Superior Court of said county. In

Election, compensation, and term of road superintendent.

Proviso: removal for cause.

Supervision of road work.

Monthly and quarterly reports.

Recommendations, plans, and inventions.

Bond of superintendent.

Election to fill vacancy.

case of the death or resignation or removal of said road superintendent, it shall be the duty of the county commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office at the discretion of the county commissioners or until the regular meeting of said board or until his successor has been elected and qualified: *Provided*, that when in the opinion of the board of commissioners the appointment of a road superintendent is inconsistent with the best interests of the county the said board shall not be required to comply with the above requirements in appointing a road superintendent, but may in lieu thereof appoint directly one supervisor of roads in each township, and each supervisor in the township for which he is appointed shall perform the duties and assume the responsibilities in this act otherwise required of the county road superintendent; he shall be subject to dismissal under the same terms as laid down for the road superintendent, and he shall give a good and lawful bond satisfactory to the board of county commissioners for not less than five hundred dollars for any year under the same conditions as laid down for the said road superintendent, and he shall be paid such remuneration as may be agreed upon by the board of county commissioners. The county commissioners may appoint any one of its members or any member from the advisory board of county roads to superintend and to look after the construction of any of the roads and bridges in the county, and such appointee shall be allowed such compensation for his extra services as the board of county commissioners shall determine by an unanimous vote.

Proviso: action optional.

Township supervisors.

County commissioners and members of advisory board eligible as superintendent. Compensation.

Guards for convict force.

Township supervisors.

Compensation.

Prisoners subject to road work.

SEC. 6. That the county board of commissioners, or the road superintendent subject to the approval of the board, shall appoint, with power at any time to remove or discontinue, such guards as may be needed to take charge of the convict force, and also one or more persons in each township of the county to be known as township supervisor of roads, who, acting under the road superintendent, shall supervise the road work in the township for which they are appointed or such parts thereof as said superintendent may direct. The said guards and township supervisors shall be paid for such time as they may be required to give to this work such compensation per day, during such time as they are actually employed in working the public roads, as may be agreed upon by said superintendent and approved by the board of county commissioners, the guards and township supervisors to be paid out of the general road fund.

SEC. 7. That all prisoners confined in the county jail under a final sentence of the court for crime or imprisonment for nonpayment of costs or fines or under final judgment in cases of bastardy or under vagrant acts, all insolvents who shall be imprisoned by any court in said county for nonpayment of costs, and all persons sentenced in said county to the State's Prison for a term

less than ten years, shall, if the county commissioners so request, be worked on the public roads of the county: *Provided*, that the commissioners of the county may arrange with the commissioners of any neighboring county or counties for such an exchange of prisoners during the alternate months or years as will enable such coöperating county to thereby increase the number of prisoners on its public roads at any given time; and upon application of the said road superintendent of the county, or that of the chairman of the board of county commissioners, the judges of the Superior Court or the judges of the criminal court, the justices of the peace and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge or justice of the peace or said principal officer to assign such persons convicted in his court to said road superintendent or road supervisor for work on the public roads of said county; all such convicts to be fed, clothed, and otherwise cared for at the expense of the county: *Provided further*, that in case of serious physical disability, certified to by the county physician, persons convicted in said superior, criminal, or inferior courts in the county may be sentenced to the penitentiary or county jail.

Proviso: exchange of prisoners.

Courts to assign convicts to road work.

Care and maintenance of convicts.
Proviso: physical disability.

SEC. 8. That when the commissioners shall have made provision for the support and guarding, while at work on the public roads, of a larger number of prisoners than can be supplied from that county, upon the application of the commissioners of said county, the judges of the Superior and the criminal courts presiding in adjoining counties or any other county or counties in the same or adjoining judicial district which do not otherwise provide for the working of their own convicts on their own public roads, may sentence such able-bodied male prisoners as are described in section seven of this act from such adjoining counties or other counties in the same or adjoining judicial districts to work on the public roads of said county applying for the same, or the Council of State, upon application, shall let such convicts as it may have at its disposal for road service, and the cost of transporting, guarding, and maintaining such prisoners as may be sent to such county applying for the same shall be paid by the county applying for and receiving them, out of the road fund of such county: *Provided*, that any and all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties or to the Council of State to such place as it may designate, at the expense of the county having received and used them.

Convicts from other counties.

Convicts from State.

Transportation, care, and maintenance.

Proviso: return of convicts.

SEC. 9. That the principal roads or highways to be improved or constructed in accordance with the provisions of section four of this act, prior to the inauguration of any such improvement on the highway to be so improved or constructed, may be first carefully surveyed and located by an engineer or surveyor trained and experienced in such work, aided by the county road superintendent

Survey and location of roads.

or road supervisor, and such assistants as it may be necessary for him to employ, the same to be paid out of the road funds of the county for services and expenses as may be agreed upon by the county commissioners. All such public roads or highways, where changed or hereafter located or relocated, shall be given a grade nowhere greater than three feet in one hundred feet, and a width of not less than twenty feet, clear of ditches, trees, logs, stumps, and other obstructions. All such roads shall be thoroughly drained, and whenever it may be necessary to turn water across the road this shall be done by putting in sewer pipe or other forms of covered drains or culverts; and further, the superintendent of roads shall have charge of all bridges and drains across the road, and, when practicable, shall put down sewer pipe or drain tile, except across creeks, rivers, or large swamp canals, where bridges, either of iron or wood, shall be built under the direction and at the discretion of the board of county commissioners: *Provided*, that when any drain is cut across any road for the purpose of draining any lands, the owner thereof shall cause such sewer pipe or drain tile to be put down at his own expense as the road superintendent may direct: *Provided further, however*, that if the owner of the land or the one for whose benefit the drain or ditch is cut shall elect, the road superintendent shall construct said tile drain or bridge, keeping an itemized statement of the cost of same, and the said owner shall pay said superintendent the total amount of such itemized cost immediately upon the completion of same; such tile drain or bridge or structure shall ever after said payment be a county charge, and the county shall ever after keep and maintain such tile drain or bridge as such was first constructed.

Grade and width.

Drainage.

Bridges and drains across roads.

Proviso: work incumbent on landowner.

Proviso: work done at expense of landowner.

Maintenance a county charge.

County bridges.

Maintenance by county of bridges constructed by individuals.

SEC. 10. The county commissioners are herein empowered and required to establish and maintain, so far as is practicable, an uniformity in the design, construction, and maintenance of county bridges, *i. e.*, bridges constructed or rebuilt and maintained at the expense of the county. That if any person on or before October first, one thousand nine hundred and fourteen, who is now responsible for the maintenance of any bridge or bridges whatsoever on the public highways of the county shall elect to repair, rebuild, or construct said bridge or bridges under the direction of the road superintendent and after the manner and design prescribed by the county commissioners for such bridges of similar size, and such construction shall be so approved by the county commissioners as complying with the uniform requirements, or if such person shall apply to the county commissioners in writing for such bridge or bridges to be reconstructed or rebuilt by the road superintendent, who shall keep an itemized cost of same, and if such person, immediately upon the completion of such bridge or bridges, pays or causes to be paid said superintendent as per the itemized statement of cost, each and every such bridge shall thereafter become a public bridge and be a county charge, and the county shall be

liable and responsible for its maintenance so long as its existence is necessary for such person or his heirs or those holding under him: *Provided*, if such person for whom such bridge or tile drainage was constructed shall fail or refuse to pay such cost on the presentation to him of the itemized statement by said road superintendent, such cost of building or repairing or rebuilding shall be a tax or lien upon the property of such person and shall be collected by the sheriff, when so ordered by the county commissioners, as other taxes are collected.

Proviso: costs constituting lien on land.

SEC. 11. That for the purpose of carrying out the provisions of this act the said superintendent and supervisors or persons working under said county commissioners are hereby authorized to enter upon any uncultivated lands near to or adjoining such roads, to cut and carry away timber, except fruit trees, trees or groves on improved lands, planted or left for ornament or shade of the premises immediately surrounding the barnyard or buildings or dwellings, to clear lands for a distance not to exceed thirty feet, in his discretion, on either side of the road, of trees or undergrowth: *Provided*, that said timber or firewood so cut shall remain the property of the owner of the land upon which the same was cut; to dig or cause to be dug and carried away gravel, sand, clay, or earth of any kind which may be necessary to construct, improve, or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to the said land and timber or improvements thereon as the nature of the case and the public good will permit; and the drains and the ditches so made shall be conducted to the nearest ditch, water-course, or waste ground, and shall be kept open by the said superintendent or supervisor, and shall not be obstructed by the owner or occupant of such lands or any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisors, if in money, and paid over to the county treasurer and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having charge of lands from which timber, gravel, sand, clay, or earth of any kind were taken as aforesaid, shall present an account of the same through the county road superintendent or road supervisor at any regular meeting of the county commissioners within thirty days after taking and carrying away of such timber, gravel, sand, clay, or other kind of earth, it shall be the duty of the said commissioners to pay for the same a fair price, and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent or road

Entry on land for material.

Proviso: timber to be property of landowner.

Drains or ditches.

Forfeit for obstructing drains or ditches.

Presentation and payment of claims.

Arbitration for assessment of damage.

supervisor, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of county commissioners their decision for revision or confirmation: *Provided*, that said landowner or his agents shall have the right of appeal as provided for in section thirteen of this act.

Proviso: right of appeal.

Location and change of roads.

SEC. 12. That, subject to the approval of the board of county commissioners, the county superintendent of roads or road supervisor is hereby given discretionary power, with or without the aid of a competent engineer or surveyor, to locate, relocate, or change any part of any public road where in his judgment such location, relocation, or change will prove advantageous to public travel or road building. That when any person or persons on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury of three disinterested freeholders to be summoned by the sheriff or constable as provided by law, who shall give said landowners or their local representatives forty-eight hours notice of the time and place when and where said jury will meet to assess damages; said jury being duly sworn, in considering the question of damages shall also take into consideration the benefits to travel and to the owners 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 county commissioners for confirmation or revision: *Provided*, that if said landowner be a nonresident of the county and have no legal representative, it shall be considered sufficient notice for said 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 postoffice 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 courthouse door of said county and at some conspicuous place on the said proposed new road.

Assessment of damages.

Proviso: notice to landowner.

SEC. 13. That in case the landowner, or his local representative, shall be dissatisfied with the findings of the jury provided for in section twelve of this act, and with the decision of the county commissioners, such dissatisfied party may appeal from the decision of the county commissioners to the Superior Court of the county, all such appeals being governed by a law regulating appeals of justices of the peace, and the same shall be heard *de novo*, only as to the issue of damages. The decision of the county commissioners or those acting for them or at their direction shall be final as to the issue of public necessity and convenience.

Right of appeal.

SEC. 14. That any officer or employee appointed by virtue of this act or to whom duties are assigned in this act who shall fail to make complete returns within the time prescribed herein or shall

Decision as to necessity final.

Acts declared misdemeanors.

otherwise fail to discharge the duties imposed upon him by this act, or any citizen of the county who shall fail to comply with the requirements of this act, or any person who shall obstruct the road superintendent, engineer, or other agent, subordinate, or employee in making a survey or engaged in any road work under the authority of the county commissioners, shall in all cases, whether penalties for such failure are or are not prescribed in this act, be guilty of a misdemeanor, and fined or imprisoned, or both, at the discretion of the court. Punishment.

Sec. 15. That any person cutting or having cut any ditch or drain beside any public road and throwing the earth from same into the road, shall throw same into the center of the road, and shall level same to the satisfaction of the county commissioners within thirty days from the date of cutting said drain or ditch. Regulation of dirt thrown on roads.

Sec. 16. That the county treasurer shall be and he is hereby appointed treasurer of the road fund of the county, and for the faithful keeping of said money the bond of such treasurer shall be liable, and he shall receive no additional compensation under this act for his services in receiving and disbursing said funds. He shall pay the accounts against the road fund of the county when itemized statements of the same have been certified to by the county superintendent or road supervisor and approved by the board of county commissioners. County treasurer treasurer of road fund. Bond and compensation. Payment of accounts.

Sec. 17. That the county treasurer shall keep a separate account of the road funds of the county and of his disbursements of the same, and he shall make a written report thereof to the board of county commissioners at their regular meetings on the first Monday in each month; and on the first Monday in July and January of each and every year he shall present to the board of county commissioners a written report, giving a statement of the disbursements from the road fund during the preceding six months, which reports, or the substance thereof, shall be published immediately by said commissioners at the courthouse door of said county: *Provided*, the report in January of each year shall give the total disbursements for the preceding year. Separate accounts. Monthly and semi-annual reports.

Sec. 18. All road funds or securities in the hands of any officer of said county or of any township thereof, on the first Monday of October, one thousand nine hundred and thirteen, shall be turned over promptly to the treasurer of the county and by him credited to the road funds of the county; and all teams, machinery, implements, or other equipments belonging to said county, or any one of the several townships in the same, held by or under the control of any officers or persons in said county or its townships, shall be by said officers or persons turned over to the county commissioners of such county not later than the first Monday in October, one thousand nine hundred and thirteen; and by them be held and used on the public roads of the county: *Provided*, that the board of commissioners in said county may order such road funds, securities, Publication of reports. Proviso: statement of annual disbursements. Moneys and equipments to be turned over. Date for settlement. Proviso: earlier settlement.

- Failure to deliver equipment misdemeanor. teams, machinery, implements, or other road equipment accounted for and turned over as required above at any date prior to its regular meeting in October; and officers or persons refusing or neglecting to turn over such machinery or road equipment, after having been served with ten days notice by the chairman of the
- Punishment. said board of commissioners, shall be guilty of a misdemeanor and punished in the discretion of the court.
- General road fund. SEC. 19. That all moneys raised in the county shall constitute a general road fund for the common good of the roads of the county:
- Proviso: tax of Hertford township. *Provided*, that no less than two-thirds of the road tax collected in Hertford Township under this act shall be applied to permanent road building along rural routes within two miles of the courthouse of said county.
- Power to borrow money. SEC. 20. That the board of county commissioners is hereby authorized and empowered, when it shall deem it necessary, to borrow any sum of money, not exceeding ten thousand dollars in any one year, to be used only in permanent road construction, to be paid out of the road funds coming into its treasury.
- Pay of county commissioners and clerk. SEC. 21. That for the duties the county commissioners are herein empowered and required to perform, each member of said board shall receive the sum of twelve dollars per year, and the clerk of said board shall receive such compensation as shall be determined by the board of commissioners.
- Law specifically repealed. SEC. 22. That chapter three hundred and twenty-seven of the Public-Local Laws of the General Assembly of one thousand nine hundred and eleven, relating to the better working of the public roads of Perquimans County, be and the same is hereby repealed from and after October first, one thousand nine hundred and thirteen.
- General repealing clause. SEC. 23. That all other laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 24. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 602.

AN ACT TO CREATE A RECORDER'S COURT IN HARNETT COUNTY, AND TO DEFINE 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 county of Harnett, 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 Harnett County, North Carolina."

SEC. 2. Said court shall be a court of record, presided over by a Court of record. recorder, who shall be a licensed attorney at law, of good moral Recorder. 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 Harnett.

SEC. 3. The board of county commissioners of Harnett County Election and term of recorder. at their regular meeting on the first Monday in April, one thousand nine hundred and thirteen, shall elect a recorder of and for said recorder's court of Harnett County, and the person so elected shall hold for a term expiring on the first Monday in December in the year one thousand nine hundred and fourteen, or until his successor is elected and qualified; and his successor shall be Election and term of successor. elected at the regular county and State election for the election of members of the General Assembly and county officers in November, one thousand nine hundred and fourteen, for a term of two years beginning on the first Monday in December, one thousand nine hundred and fourteen; and in like manner biennially thereafter shall a recorder be voted upon and elected for said recorder's court of Harnett County.

SEC. 4. That the county commissioners shall on the first Monday Election and term of vice-recorder. in April, one thousand nine hundred and thirteen, elect a vice-recorder to serve as recorder when for any reason the recorder is unable to serve. The said vice-recorder to hold until the first Monday in December, and the said commissioners shall on that day, and biennially thereafter, name a vice-recorder for said court.

SEC. 5. The board of county commissioners of the county of Pay of recorder. Harnett shall at the time of electing a recorder have the right, in their discretion, to designate the manner of compensation of the said recorder, whether the same shall be from the fees hereinafter mentioned and provided for, or from a fixed salary to be paid by the said board of county commissioners out of the general funds of the county of Harnett; and in the event that they shall designate a fixed salary, to determine the amount thereof: *Provided* Proviso: limit of salary. *further*, said salary shall not be less than seven hundred and fifty dollars nor more than fifteen hundred dollars per annum: *Pro-* Proviso: fees to use of county. *vided further*, that if a salary shall be determined upon, then the recorder's fees hereinafter provided for shall be paid into the county treasury and become a part of the general funds of the county.

SEC. 6. That in every case within the original jurisdiction of the Recorder's fee taxed as costs. recorder's court which shall be tried or disposed of by the said court, a special recorder's fee of two dollars may be taxed in the bill of cost as other costs are taxed, and such fees when collected shall constitute a fund subject to the control of the board of county commissioners of Harnett County, as provided for in section four of this act.

Clerk superior court to act as clerk.

Fees.

SEC. 7. That the Clerk of the Superior Court of Harnett County shall act as clerk of the recorder's court, and his compensation shall be the same fees as now are or may hereafter be allowed by law for cases in the Superior Court.

Duty and fees of sheriff.

SEC. 8. That the Sheriff of Harnett County, in person or by deputy, shall attend upon the sessions of the recorder's court and perform like duties imposed upon him therein as in the Superior Court of Harnett County, and he shall be entitled to the same fees and emoluments as appertain by law in the discharge of the duties of the sheriffs in other courts of the State.

Appointment and compensation of prosecuting attorney.

SEC. 9. The recorder of said court is hereby authorized, whenever in his discretion the public good shall require, to appoint some practicing attorney in the county of Harnett to act as prosecuting attorney of said recorder's court in the trial of such cases as the recorder may designate, and while acting in said capacity such prosecuting officer shall receive the same compensation as is now allowed by law to the solicitors of the State.

Jurisdiction.

SEC. 10. 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 Harnett County whereof the preliminary examination is now conferred upon justices of the peace: *Provided*, that nothing in this section shall be construed to take away from the recorder's court of Dunn the jurisdiction now conferred by law upon said court in the townships of Avasboro and Duke, or to give this court jurisdiction of criminal matters in said townships.

Further jurisdiction.

Jurisdiction in preliminary hearings.

Proviso: jurisdiction of recorder of Dunn.

Sentences.

SEC. 11. 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 Harnett 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 or may hereafter be prescribed by law, and the clerk of the Superior Court shall issue commitments therefor in the same manner as now required by law for clerks of the Superior Court.

Commitments.

SEC. 12. The justices of the peace and mayors of the towns of the county of Harnett may issue their warrants or summonses in the same manner as now provided by law, which warrants or summonses may, in the discretion of the justice or mayor issuing such process, be returnable to the said recorder's court within thirty days from the issuing thereof. Warrants returnable to recorder's court.

SEC. 13. In all criminal cases heard by justices of the peace and other committing magistrates of said county, where said justice had not final 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. Magistrates to bind over to recorder's court.

SEC. 14. Upon proper affidavits, as now required by law before justices of the peace, warrants may be issued by the clerk of the Superior Court for any person or persons charged with the commission of any criminal offense in said county of Harnett, and in the absence of the clerk the recorder may issue any and all papers necessary in both criminal and civil actions, said process returnable to recorder's court; and any person convicted in said court shall have the right to appeal to the Superior Court of Harnett County, and upon such appeal the trial in the Superior Court shall be *de novo*. Issue of process. Right of appeal.

SEC. 15. 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 of Harnett 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 as now allowed by law to jurors of the Superior Courts of Harnett County, and a per diem of one dollar (\$1). Jury trials. Proviso: pay of jurors.

SEC. 16. 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 justices of the peace, and in addition to the jurisdiction conferred by this section shall have 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 three hundred dollars. All civil matters tried by justices of the peace in said county, where either party to the suit appeals from the Civil jurisdiction. Appeals from magistrates.

- judgment of said justice, the said case on appeal shall be sent to the recorder's court for a new trial, as is now provided by law for the trial of cases in the Superior Court upon appeal from justice's court, and shall be heard at the first sitting of the court after the appeal is sent up: *Provided*, this shall not prevent a continuance of any cause until some future day, upon good cause being shown to the court.
- Proviso: continuance.
Issue and return of summons. SEC. 17. 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 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 Friday 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 of summons.
Pleadings and trial. Proviso: extension of time.
Judgments docketed. SEC. 18. 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 execution upon judgments of the Superior Court.
- Executions. Sessions of court. SEC. 19. 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.
- Collection of fines, forfeits, and costs. SEC. 20. The clerk of the Superior Court shall collect all forfeitures, fines, and costs imposed in said recorder's 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 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: orders by recorder. SEC. 21. 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.
- Recorder may practice law. SEC. 22. 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 Harnett County, and the appointee shall hold office until the next regular election of recorder by the people.
- Election to fill vacancies. SEC. 23. Said court shall have a seal with the impression "The Recorder's Court of Harnett County," and the same may be used
- Seal of court.

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.

SEC. 24. That process may be issued from this court to the sheriff, constable, or other officers of the county of Harnett, 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. Issue of process.

SEC. 25. 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 Harnett County and one copy to the Clerk of the Superior Court of Harnett County. Secretary of State to send copies of act.

SEC. 26. That the court herein established shall organize and be ready for the dispatch of business by the fifteenth day of April, one thousand nine hundred and thirteen. Organization of court.

SEC. 27. 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 8th day of March, A. D. 1913.

CHAPTER 603.

AN ACT TO PROVIDE FUNDS FOR THE PURPOSE OF BUILDING ROADS IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That D. M. Buck, W. B. Wray, Jason D. Hughes, and W. S. Bryant be and they are hereby appointed and constituted a board of road commissioners for Yancey County. That immediately after the ratification of this act the members thereof shall meet at Burnsville, North Carolina, and organize by electing one of their members chairman of the board and one of their members secretary of the board. The term of office of D. M. Buck shall be two years, the term of office of W. B. Wray four years, the term of office of Jason D. Hughes four years, and the term of office of W. S. Bryant two years, from the date of their qualification and organization under this act, and until their successors shall be appointed and qualified. Each member of the board shall take and subscribe an oath before the clerk of the court of Yancey County for the faithful performance of his duties as a member of said board. If a vacancy shall occur by death or resignation, the remaining members of the board shall elect some well qualified elector of Yancey County to fill such vacancy. At the expiration of the term of office of any member of this board the General Assembly of North Carolina shall appoint some qualified elector of Yancey County to fill such vacancy. Road commissioners named. Meeting and organization. Terms of office. Members to be sworn. Vacancies. Election of successors.

Incorporation.	SEC. 2. That said board of road commissioners of Yancey County, and its successors in office, be and it is hereby constituted a body corporate under and by virtue of the laws of North Carolina, and by this act, under the name and style of the "Board of Road Commissioners of Yancey County," and shall have all the powers and authority granted to corporations of like nature by the laws of North Carolina, and by that name may sue and be sued, make contracts, acquire real and personal property by gift or devise, hold, exchange, and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations of like nature, such as the condemnation of land for the construction, widening, or change of any roads in the county, and such other powers as are necessary to carry out any and all the provisions of this act.
Corporate name.	
Corporate powers.	
Charge of road work.	SEC. 3. That it shall be the duty of the said board to take charge of the working, repairing, maintaining, altering, and constructing of any and all roads of Yancey County now maintained by the county as public roads, and it is hereby vested with all the power, rights, and authority now vested in the board of county commissioners of Yancey County for the general supervision of the roads of said county, and for the construction and repair thereof, and said board of road commissioners of Yancey County is hereby authorized and empowered, in its discretion, to issue bonds of Yancey County for the construction and repair of roads in said county, not to exceed the sum of one hundred and fifty thousand dollars, the lines of which roads to be constructed are hereinafter set out, and such other roads as it may deem necessary to construct and repair. The bonds so issued shall be styled "Yancey County Good Road Bonds," and the same shall be of such denomination and of such proportion as said board may deem advisable, bearing interest from the date of issue not to exceed six per cent per annum, with interest coupons attached, payable annually or semiannually as said board may provide, and at such time or times and at such place or places as said board may fix. The bonds issued hereunder shall be approved by a majority of the board and signed by the chairman thereof and countersigned by its secretary; such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable and redeemable at such time or times not to exceed forty-one years from the date thereof, and at such place or places as said board of road commissioners may determine. None of said bonds shall be disposed of at less price than their par value. Such bonds may be issued at such time or times and in such amounts as may be deemed best in the opinion of the board to meet the needs of the county in the construction and repair of its roads. The board shall adopt a corporate seal, and any bonds issued under this act shall have the corporate seal of the board attached thereto. Nothing herein contained shall be construed as compulsory upon
Powers, rights, and authority vested.	
Bond issues authorized.	
Limit of amount.	
Entitlement and denomination of bonds.	
Issue and authentication.	
Maturity.	
Sale below par forbidden.	
Corporate seal.	
Matters in discretion of board.	

the board of road commissioners to issue, but it is in their discretion. The liability for the payment of any bonds issued under and by virtue of this act, together with all interest that may be due thereon, shall be attached thereto; and the taxes for the payment thereof shall be levied and collected as other taxes are levied and collected in Yancey County. The bonds issued under and by virtue of this act by the board of road commissioners of Yancey County shall be as valid in law and the same liability for the payment thereof imposed upon Yancey County as if the same had been issued by the county commissioners of Yancey County under the same law, power, and authority.

Obligation of bonds.

Validity of bonds.

SEC. 4. That for the purpose of providing for a sinking fund for the payment of the bonds issued under this act, and the interest thereon, the board of county commissioners of Yancey and their successors in office shall annually, on the first Monday in June of each year following an issue of bonds under and by virtue of this act, or at such other times as may be fixed by law for levying taxes, and every year thereafter, levy and lay a special tax on all property subject to taxation within the limits of Yancey County as in the case of other taxes for general county purposes, of not more than fifty cents on the one hundred dollars of valuation of real, personal, and mixed property. The taxes so levied shall be collected by the sheriff of the county under terms agreed upon by him and by the board. The funds so collected from the sale of bonds shall be turned over to the treasurer or person designated by the board of road commissioners, and shall be used by said board in the construction and repair of roads in Yancey County, and for the payment of the employees and appointees of the board in the construction and improvement of roads in Yancey County.

Special tax.

Limit of rate.

Collection of tax.

Custody and use of funds.

SEC. 5. That for the purpose of construction and repair of the roads of said county, the board of road commissioners shall annually employ and appoint a road superintendent and such subordinates thereto as it may deem necessary to carry out the purpose of this act, and shall pay him such salary as will compensate him for the work done, and the board may delegate to him and them such powers as the board may think necessary to carry out all the provisions of this act. The board of road commissioners shall annually, from the date of its organization, elect a chairman and a secretary from among the members of the board, who shall hold office for one year and until their successors shall have been elected and qualified. The board shall elect a treasurer, who shall have in charge all of the county road funds resulting from the bond issue by this board or otherwise. The board shall fix his salary commensurate with the amount of time involved in the handling of the county road funds. The treasurer so appointed shall enter into a bond payable to the county of Yancey for the faithful performance of his duty, and further to indemnify the county for all funds which may come into his hands by virtue of his appointment as such treasurer.

Employment and salary of superintendent.

Delegation of powers.

Election and term of chairman and secretary.

Election and salary of treasurer.

Bond of treasurer.

Compensation of superintendent.	<p>SEC. 6. The superintendent of roads herein provided for shall receive such compensation as the board may deem sufficient to compensate him for his services. The board may delegate to him such powers as will enable him to carry out for the board effectually the provisions of this act. He shall hold his office for a year, or until his successor shall be elected and qualified. He may be removed by the board at any time for sufficient cause. Subject to the approval of the board, he shall have general supervision of the roads of the county, and shall have in charge the construction and repair of all roads under construction and repair, and may employ such subordinates as are necessary, subject always to the approval of the board. The board may require of the superintendent such reports in regard to road construction, expenditure of money, and needs in regard to road improvement as it may deem necessary. The superintendent so appointed shall enter into and give a sufficient bond payable to the county for the faithful performance of the duties imposed upon him by this act and by the board: <i>Provided</i>, that the board may in its discretion appoint only such officer as it may deem necessary to carry out the provisions of this act.</p>	
Delegation of powers.		
Term of office.		
Removal for cause.		
Supervision and charge of road work.		
Employees.		
Reports.		
Bond.		
Proviso: appointment in discretion of board.		
Purchase of equipment.		
Entry on land for materials.	<p>SEC. 7. The board is hereby empowered and authorized to purchase or otherwise lawfully acquire for use in the construction, change, or repair of roads any machinery, tools, implements, and teams as may be necessary, and exercise such rights and authority as will enable them to lawfully and properly carry out the provisions of this act. That the board, through its officers and agents, is hereby authorized to enter upon any uncultivated land near or adjoining any public roads of said county, to cut and carry away any timber, except trees or groves on improved land planted or left for shade or ornament, dig or cause to be dug and carried away any gravel, sand, clay, dirt, or stone, which may be necessary for the proper repair and construction of roads in said county, and upon any lands adjoining or lying near any road in Yancey County in order to make such drains or ditches through the same that the board may deem necessary for the better condition of the roads; and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other person; that any person obstructing such drains or ditches shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.</p>	
Drains or ditches.		
Obstructing drains or ditches misdemeanor. Punishment.		
Presentation and hearing of claims.		
Right of appeal.		
Entry on land for location and construction.		
		<p>SEC. 8. The owner of any land from which any timber or other material has been removed may present to the board his claim therefor in writing, and upon such presentment it shall be the duty of the board to set a day for the hearing of his claim. Upon the hearing thereof the claimant may appeal to the Superior Court of said county, and have his cause tried as in other civil causes. That for the construction, change, relocation, or repair of any roads in the county the board, through its agents and officers,</p>

is hereby authorized and empowered to enter upon the property of any landowner in Yancey County and construct any new road or change of road upon said land. The landowner may file his claim for damages by virtue of the location of the road on his land, and then it shall be the duty of the board to assess the damage done and the benefits accruing to the landowner by virtue of the location of the road, and the amount of damage done when assessed, less the benefit accruing to the landowner by virtue of the location of the road, shall be the verdict of the court. The landowner may waive such hearing and demand a jury, and upon such demand being made the board shall appoint three disinterested freeholders whose duty it shall be to assess the same in the same manner as set out above for the board. The jury shall make their report in writing, and the landowner may appeal from the judgment of the board to the Superior Court to have the cause heard as in other civil causes. The board shall notify the landowner at least three days before the jury shall meet to assess the damage done and the benefits accruing by virtue of the location of the new road.

Assessment of damages.

Assessment by jury.

Right of appeal.

Notice to landowner.

SEC. 9. For the purpose of constructing, working, and repairing the roads of the county, the board is empowered and authorized to employ such labor as they see fit; and the said board may employ convict labor or hired labor, or both, as they deem best. The board may let to contract any portion of any road under construction or repair: *Provided*, that no contract shall be let until the party or parties with whom such contract is made has entered into a good and sufficient bond for the faithful performance of the contract entered into. Such bond shall be made payable to the board of road commissioners. That the board shall have the power and authority to employ some competent and skilled engineer or engineers to make surveys and report to the board on any change and grade of road. He shall have such salary as the board may deem necessary to compensate for the work done. No road shall be built except on the best practicable grade obtainable, and to be located at such place as will best serve the interests of the people through which section the road shall be constructed.

Labor.

Roads may be let to contract. Proviso: bonds of contractors.

Employment and salary of engineer.

Grade and location.

SEC. 10. In the case of any issue of bonds under this act, before the sale thereof it shall be the duty of the board of road commissioners to advertise for not less than fifteen days for competitive bids for such sale of bonds or any part thereof at least twice in some daily newspaper having a general circulation in financial circles, inviting competitive bids for said bonds. All bids submitted shall be sealed, and the board may require certified check of at least five per cent of the amount of such issue offered for sale, and all bids shall be opened by the board of road commissioners in a regular or special meeting of said board, and opened to the public, and all bids shall remain on file in the office of the clerk of the court of Yancey County, and open for public inspection, and for

Advertisement of sale of bonds.

Check with sealed bids.

Bids filed for inspection and raise.

Award of bonds.	better bids, for at least twenty-four hours before any bid is accepted by the board. The board of road commissioners shall determine the most advantageous bid, and shall award said bonds to the parties submitting the best bid. The board in every advertisement shall reserve the right to reject any bid made for bonds, and in no event shall the bonds be sold for less than their par value.
Right to reject bids.	
Advertisement for bids for road work.	SEC. 11. When any outline of roads or part thereof shall be designated for construction by the board of road commissioners, it shall be the duty of said board to advertise the outline and specifications of the road to be built for at least two weeks in <i>The Eagle</i> , published in Burnsville, North Carolina, for competitive bids for the work proposed to be done. All bids submitted shall be sealed and delivered to the treasurer of the board of road commissioners, and shall remain on file and be open to the public for inspection, and for better bids for at least twenty-four hours before any award of said work is made to any competitive bidder. The board shall determine the most advantageous bid, and shall enter into a written contract with the party to whom the bid is awarded, requiring in every instance from the contractor a good and sufficient bond with ample security that the work contracted for shall be done according to the specifications and according to the standard of work set out in the contract. The board of road commissioners shall always reserve the right to reject any and all bids. Pending the advertisement of work proposed to be let to contract, the specifications therefor shall be on file in the office of the clerk of the court of Yancey County, subject to the inspection of all parties desiring to bid. In the event no satisfactory bids are received, the board may have the work done by some reliable man skilled in the construction of roads, such person being subject always to the direction of the board.
Bids filed for inspection and betterment.	
Contracts on bids.	
Bond on contracts.	
Right to reject bids. Specifications of work.	
Work under direction of board.	
Expense of advertisement.	SEC. 12. It shall be the duty of the county commissioners of Yancey County, in case of advertisement for sale of bonds or for work to be let to contract, to pay the expense thereof out of the general county fund. The amount so paid out by the county commissioners in case of the sale of bonds by the board of road commissioners shall be refunded to the county commissioners of said county.
Road duty.	SEC. 13. Nothing herein contained shall be construed to relieve able-bodied citizens from working on the public roads of Yancey County as now provided by law.
Misapplication of funds misdemeanor.	SEC. 14. Any person to whom the road funds are intrusted under this act who shall unlawfully misapply or misuse such funds shall upon conviction be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court. The salary of each member of the board shall be two dollars per day. The board may, however, allow additional compensation to its chairman and to its secretary.
Pay of road commissioners; of chairman and secretary.	

SEC. 15. No funds shall be paid out by the treasurer except by Warrants on road order of the board and warrant issued thereby, signed by its chair- funds.
man and countersigned by its secretary.

SEC. 16. All roads built hereunder and by virtue of this act shall Macadam, gravel, be macadam, gravel, or sand-clay. or sand-clay roads.

SEC. 17. It shall be the duty of the said board, upon receiving Outline of road sufficient funds by sale of bonds or otherwise, to immediately or as work.

soon as practicable begin the construction of the following outline of roads in said county: Beginning at some convenient point near Boonford or South Toe River east of Micaville, and running through Micaville to Burnsville, Cane River, and to the Yancey County line at the head of Indian Creek. The line from Micaville through Burnsville, Cane River, and to the Yancey County line at the head of Indian Creek shall be placed under construction before the remaining outline shall be built and constructed. When said out- Line to be first line of roads above set out shall have been constructed, then the constructed.

board shall proceed to construct in the same manner the following outlines: A road beginning at Riverside and running a distance Secondary outline. of fifteen miles down Jack's Creek, through Green Mountain and into Deaton's Bent; a road up Cane River, Bald Creek, to the Ivey Gap; a road down Cane River into Egypt and Ramsey Town, such distance as the board may think proper, not to be less than ten miles; a road not less than six miles into Pensacola; a road up South Toe River from Micaville, such distance as the board may think proper.

SEC. 18. The board may meet as often as it may deem necessary Meetings of board. to carry out the provisions of this act.

SEC. 19. All laws and clauses of laws in any way in conflict with this act are hereby repealed.

SEC. 20. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 604.

AN ACT TO AMEND CHAPTER 814, PUBLIC LAWS OF 1907, CREATING THE ROCKY MOUNT ROAD DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen, chapter eight hundred and Convict road force. fourteen of the Public Laws of one thousand nine hundred and seven be amended as follows: By inserting in line two, after the word "Edgecombe" and before the word "under," "or other county in North Carolina"; and by striking out in line eight of said section after the word "than" the word "three," and inserting in lieu thereof the word "ten"; and by striking out in line nine, between the words "years" and "be," the word "may," and inserting in lieu

thereof the words "shall if sentenced to be worked on the roads"; and by inserting in line ten of said section after the word "if" and before the word "asked," "the offense of which the prisoner is convicted is committed in the Rocky Mount Road District, and if."

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 605.

AN ACT TO APPOINT GAME COMMISSIONERS FOR GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Commissioners
named.

SECTION 1. That Thornwell Lanier, J. B. Mayes, J. N. Watkins, R. T. Gregory, and B. F. Harris be and they are hereby appointed members of the board of game commissioners for the county of Granville for the better protection and preservation of game in said county, as provided in chapter four hundred and eight of the Public-Local Laws of nineteen hundred and eleven. Said commissioners shall hold office for two years and until their successors are appointed and qualified.

Term of office.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 606.

AN ACT TO PROHIBIT KILLING OF SQUIRRELS IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That from and after the first day of February to the first day of September in each year it shall be unlawful for any person or persons to hunt, shoot, or kill squirrel in the county of Pitt.

Misdemeanor.
Punishment.

SEC. 2. That all persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed ten dollars or imprisoned not more than ten 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 8th day of March, A. D. 1913.

CHAPTER 607.

AN ACT TO ELECT THE SUPERINTENDENT OF PUBLIC SCHOOLS OF WARREN COUNTY FOR ONE TERM.

The General Assembly of North Carolina do enact:

SECTION 1. That on the first Tuesday in May, nineteen hundred and thirteen, there shall be elected by the qualified voters of Warren County a superintendent of public schools, to hold office for two years, for the term beginning July first, nineteen hundred and thirteen. Said election to be held under the laws governing the election of members of the General Assembly.

SEC. 2. That only one election shall be held under this act of the term beginning July first, nineteen hundred and thirteen, and ending June thirtieth, nineteen hundred and fifteen. The superintendent of public schools in Warren County shall thereafter be elected in the manner provided by the general law.

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 5th day of March, A. D. 1913.

CHAPTER 608.

AN ACT TO PUT OFFICERS OF RANDOLPH COUNTY ON SALARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the clerk of the Superior Court, the register of deeds, and the sheriff of Randolph County shall each keep an itemized statement of every fee and of all commissions and compensation received by them, respectively, or their deputies or assistants, by virtue of their offices, indicating the persons paying or the source of each item thereof and the service for which same is or was paid, and shall, on the first Mondays of March, June, September, and December of each year, respectively, render a true statement thereof, duly verified by each of them respectively on oath before some officer duly authorized to administer oaths, to the board of county commissioners: *Provided*, the sheriff may allow his deputies, other than his principal or office deputy, to receive and retain as their compensation the fees provided by law for the service of summons, subpoenas, writs, notices, warrants, and capias when actually served by them as they are or may hereafter be authorized to do, and the sheriff shall not be required to account therefor as above provided, though he shall be held to

Officers to keep account of fees.

Monthly statements.

Proviso: deputy sheriffs to retain fees.

account as above and hereinafter provided for all such fees when service is made or performed by him personally or by his principal or office deputy.

Pay of officers and deputies.

SEC. 2. That the clerk of the Superior Court, the register of deeds, and the sheriff of said county shall be entitled to retain out of said amounts so received, respectively, such sums in full compensation for the services required or directed of them as the board of commissioners and finance committee of Randolph County shall fix; and each of them shall be allowed one deputy, who shall be paid such salaries as said board of commissioners and finance committee shall determine.

Salary of treasurer.

SEC. 3. That the treasurer shall be allowed and paid such salary per annum as the board of commissioners and finance committee shall fix in lieu of all other compensation whatever under existing laws or those that may hereafter be enacted.

Officers to pay over excess of fees.

SEC. 4. That the said clerk of the Superior Court, register of deeds, and sheriff shall, on or before the first Monday in December of each year, pay over to the treasurer of the county, to be held by said treasurer and accounted for as a part of the general county fund, all sums in excess of the amount which shall be due them and their deputies, respectively, under the provisions of this act, which they shall or should collect as fees, commissions, and compensation under existing laws and those which may hereafter be enacted; and upon the failure of either of said officers to do so he shall be liable upon his official bond; and the bonds which shall be given by said officers after this act shall go into effect shall provide for and secure the payment of said excess as aforesaid.

Officers liable on bonds.

Officers to perform duties.

SEC. 5. That the officers hereinbefore mentioned shall faithfully perform all the duties of their respective offices which are now or shall hereafter be imposed upon them by law, and shall receive no other compensation or allowance whatsoever for any extra or additional service rendered to the State, county, or any governmental agency, and shall be held accountable for the proper performance of their respective duties under the same pains and penalties as heretofore.

Officers to collect fees.

Failure to collect misdemeanor.

SEC. 6. That said officers shall faithfully collect, account for, and turn over to the treasurer of the county all such fees, commissions, and compensation as aforesaid. Any officer, deputy, clerk, or assistant in the office of the clerk of the Superior Court, register of deeds, or sheriff, who shall fail or refuse to collect the full fees, commissions, or compensation as aforesaid shall be guilty of a misdemeanor.

False statement felony.

SEC. 7. That any officer named in this act who shall willfully make a false statement as to the fees, commissions, or compensation received by him, in rendering a statement to the board of county commissioners as required by this act, shall be guilty of a felony, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Punishment.

SEC. 8. The board of county commissioners may, as often as they shall see proper, appoint some member of the board or other suitable person to examine and audit the reports required to be made to them as aforesaid, or any of them; and shall at least as often as once a year employ an expert accountant or person skilled in such matters to make an examination and audit of said reports and of all other financial interests of the county: *Provided*, said commissioners shall not expend therefor more than dollars per

Audit of accounts.

Proviso: limit.

SEC. 9. That this act shall be in force on and after either the first Monday in December, one thousand nine hundred and thirteen, or the first Monday in December, one thousand nine hundred and fourteen, as the board of commissioners and the finance committee of Randolph County may determine, with respect to the fees and compensation of all of said officers.

When act effective.

SEC. 10. That from and after the passage of this act all the costs in criminal cases for which the county is or may be liable shall be paid to the clerk of the Superior Court in one warrant or order for each term of court, and the same shall be by said clerk disbursed to the parties entitled thereto in the same manner and under the same liability and responsibility for the proper disbursement and accounting therefor as now provided with reference to costs paid by defendants in criminal cases.

Payment of costs by county.

SEC. 11. All laws and clauses of laws in conflict herewith are hereby repealed.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 609.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MONTGOMERY COUNTY TO CALL AN ELECTION IN ANY TOWNSHIP IN SAID COUNTY UPON THE PETITION OF ONE-THIRD OF THE QUALIFIED VOTERS IN SAID TOWNSHIP, FOR THE PURPOSE OF VOTING ROAD BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of gravel surfacing, sand-clay-ing, and otherwise improving the public roads of Montgomery County the board of commissioners of said county are hereby authorized, empowered, and directed to call an election in any township in said Montgomery County upon the petition of one-third of the qualified voters of any township presented to the said county commissioners, to submit to the qualified voters of said township the question of issuing bonds not to exceed ten thousand dollars (\$10,000) in any single township, on such day as may be fixed by them after thirty days notice.

Call of election authorized.

Question to be submitted.

Notice.

- Advertisement. 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 Montgomery County, and the election shall be held under the rules and regulations provided for election of State and county officers.
- Law governing election. Tickets. SEC. 3. Those who are in favor of issuing bonds shall vote a written or printed ticket with the words "For Good Roads" thereon, and those who are opposed shall vote a written or printed ticket with the words "Against Good Roads" thereon.
- Record of result. Issue of bonds. 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 county commissioners for said county shall issue, as needed for the purpose herein expressed, bonds not exceeding in total amount ten thousand dollars (\$10,000), in denominations of not less than one hundred dollars and not more than five hundred dollars, bearing interest from the date of their issue at a rate of five per cent per annum, payable semiannually, at such place as said commissioners shall name, on the first day of January and July of each year.
- Amount. Denomination. Interest. Maturity. SEC. 5. That said bonds shall be made payable forty-one 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 Montgomery.
- Authentication. Special tax. 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 tax on polls, within such township as had voted such bonds.
- Constitutional equation. Sale below par forbidden. 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 their proceeds be used for any other purpose or purposes than those declared by this act. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bonds to which they are attached. The bonds and coupons shall state on their face when they are due and where payable, and said bonds shall show by what authority they are issued.
- Specific appropriation. Record of proceedings and bonds. The board of commissioners of Montgomery 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.

SEC. 8. When any of said bonds are sold, the proceeds of said sale shall be turned over to some person or bank in said township who shall be selected or appointed by the road trustees of such township as has voted for said bond issue, who shall keep a record of such funds and execute an official bond to said road trustees, payable to Montgomery County, and they shall be paid out only upon the voucher signed by the chairman and secretary of said board of trustees.

Deposit of proceeds of bonds.

Bond for safe keeping.

Vouchers.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 610.

AN ACT TO REGULATE THE HUNTING OF GAME IN SCOTLAND AND RICHMOND COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and sixty-eight of the Public-Local Laws of North Carolina of one thousand nine hundred and nine be and the same is hereby amended by striking out section one and inserting in lieu thereof the following:

Law amended.

"SECTION 1. That it shall be unlawful for any person or persons to shoot, kill, capture, or destroy any quail, partridge, pheasant, wild turkey, or doves in the county of Richmond, save and except from the twentieth day of November of each and any year to the first day of March of the next succeeding year; or in Scotland County, save and except from the tenth day of December in each and any year to the fifteenth day of February of the next succeeding year."

Open season.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 611.

AN ACT TO AMEND ROAD LAW OF FRANKLINTON TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and forty-five, Public Laws of one thousand nine hundred and nine, be amended by adding to section fourteen the following: "Provided, that the board of road trustees may, when authorized by a majority of the votes

Proviso: work on roads in Franklinton.

Limit.

Election on
question.

cast, at an election held for that purpose, pay for the grading and improvement of the road running north and south and the road running east and west through the town of Franklinton a sum not to exceed two thousand dollars. The question shall be submitted to the voters of Franklinton Township at an election ordered by the board of county commissioners of Franklin County, which said election shall be conducted under the laws governing general elections, and a report thereof made to the county commissioners.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1913.

CHAPTER 612.

AN ACT TO REGULATE THE HUNTING OF QUAIL IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Close season.

Misdemeanor.

Punishment.

SECTION 1. That it shall be unlawful to hunt, shoot, or kill quail or partridge in Lee County between the first day of March and the fifteenth day of November, inclusive, of each year; and any person violating this act shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1913.

CHAPTER 613.

AN ACT TO ESTABLISH IN THE TOWN OF MOORESVILLE A SPECIAL COURT TO BE CALLED THE RECORDER'S COURT, AND TO PRESCRIBE ITS JURISDICTION.

The General Assembly of North Carolina do enact:

Recorder's court
established.

Court of record.

Recorder.

Election and term
of recorder.

SECTION 1. That a special court for the trial of misdemeanors, hereinafter provided and to be designated as the "Recorder's Court of Mooresville," is hereby established.

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 Coddle Creek Township. 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.

SEC. 3. That the board of commissioners of the town of Mooresville shall, at its first regular meeting to be held after the municipal election day in May, one thousand nine hundred and thirteen, and biennially thereafter, elect some person, duly qualified hereunder, as recorder to preside over said court, which fact the mayor or clerk of the town of Mooresville shall certify to the Clerk of the Superior Court of Iredell County at once.

Election by town commissioners.

Certificate of election.

SEC. 4. That whenever the board of town commissioners of said town of Mooresville 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 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 the 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.

Election and duty of vice-recorder.

SEC. 5. 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 Court of the State, and such oath as taken and subscribed shall be filed in the office of the Clerk of the Superior Court of Iredell County.

Oaths of recorder and vice-recorder.

SEC. 6. That the said recorder's court shall hold daily sessions, Sundays and legal holidays excepted, in the courtroom of the municipal building of said town, its first session to be held on the first Monday in June, nineteen hundred and thirteen, and shall possess every power in the regulation and ordering thereof usually possessed by other courts of record in like cases.

Sessions of court.

First session.

SEC. 7. 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 Mooresville committed within the limits of such town, and to abate any public nuisance within one mile of the corporate limits of said town.

Violations of ordinances and abatement of nuisances.

(2) Exclusive original jurisdiction of all criminal offenses committed in the town of Mooresville or in Coddle Creek Township, Iredell County, and now within the jurisdiction of a justice of the peace, and on and after January first, one thousand nine hundred and fifteen, shall have 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 Mooresville or within Coddle Creek Township.

Offenses committed in town or township.

(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 Coddle Creek Township.

Jurisdiction as committing magistrate.

- Appeals. (4) Any person desiring to appeal to the Superior Court 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.
- Prosecutions. SEC. 8. 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 hereinafter be provided for.
- Seal of court. SEC. 9. That the recorder's court shall have a seal bearing the inscription "Recorder's Court of Mooresville, 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.
- Issuance of process. SEC. 10. 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 Mooresville, 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 constable or any other lawful officer of any other town or county of this State; and any such writs, process, or precepts without seal shall run anywhere in Iredell County, and, when attested by the 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.
- Recorder's fee. SEC. 11. The recorder shall be allowed the sum of three dollars in each case tried in said recorder's court, and said recorder shall receive no other or additional costs whatever: *Provided*, that all costs for the issuing of any warrant, subpoena, or other process by any justice 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 papers, as the case may be, and such costs shall be paid to them respectively by the proper authority when collected: *Provided, however*, that any costs which shall be due and payable hereinafter to any salaried officer of the town of Mooresville shall be paid to the treasurer of said town of Mooresville for the uses of said town.
- Proviso: fees for issuance and service of process. SEC. 12. 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.
- Proviso: fees of salaried officers. SEC. 13. 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 be imprisoned in the common jail of Iredell
- Judgments, orders, and decrees.
- Proceedings in contempt.
- Sentences.

County, to be worked on the public roads of Iredell County 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 have been entered up against any person or persons for fines or penalties under the laws of the State and the ordinances of the town of Mooresville, 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 Iredell County until, at a fair rate of wages, such person or persons shall have worked out the full amount of such judgment and costs.

Road work for
fines and penalties.

SEC. 14. That the recorder shall keep or cause to be kept in books furnished for the purpose by the town of Mooresville a true and perfect record of all proceedings of the recorder's court, the name, place of residence, and postoffice address, if known, of any person brought before said court, the warrant issued, the nature of the offense charged, the date of hearing or trial, the punishment imposed or the disposition of the case, with the amount of costs taken therein; 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 report and furnish such statements as to matters appertaining to his said office as the board of commissioners of the town of Mooresville may call for; and he shall surrender to his successor in office, when duly elected and qualified, the common seal of said court and all records thereof.

Record of proceed-
ings.

Files and dockets.

Reports and
statements.

Surrender to suc-
cessor.

SEC. 15. That the recorder shall require the chief of police, the town clerk, or such other officers 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 Mooresville, 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.

Collection and
settlement of fines
and costs.

SEC. 16. That the clerk of the town of Mooresville 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.

Clerk of court.

SEC. 17. That the board of commissioners of Mooresville, whenever deemed necessary, shall appoint a prosecuting attorney for said court, and such prosecuting attorney shall, while in the discharge of the duties of 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 therein 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 as allowed Superior

Appointment of
prosecuting
attorney.

Proviso: appoint-
ment by recorder.

Fees of prosecuting
attorney.

Proviso: fees in preliminary investigations.

Court solicitors in like cases, the same to be fixed in the bill of costs and collected as other cases: *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.

Recorder and vice-recorder may practice law.

SEC. 18. That the recorder and 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.

Compensation of recorder.

SEC. 19. The board of commissioners of the town of Mooresville shall at the time of electing a recorder have the right, in their discretion, to designate the manner of his compensation, whether the same shall be from fees allowed hereunder or from a fixed salary to be paid by the town of Mooresville, and, in the event they shall designate a fixed salary, to determine the amount thereof.

Elections to fill vacancies.

SEC. 20. That whenever any vacancy shall occur in the office of recorder or vice-recorder, the board of commissioners of the town of Mooresville, at its next regular meeting, shall proceed to fill the same in the same manner as hereinbefore provided for the election of a recorder or 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 Mooresville shall act as recorder until a recorder shall have been duly elected and qualified as herein provided.

Proviso: election for unexpired term.

Mayor to act.

SEC. 21. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 614.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GRANVILLE COUNTY TO REMOVE THE PRESENT HOME FOR THE AGED AND INFIRM OF SAID COUNTY.

Preamble: sale of land under conditions.

Whereas the commissioners of Granville County, during the year one thousand nine hundred and twelve, sold and conveyed to the State of North Carolina for a State and National experiment farm a part of the tract of land owned by Granville County and known as the "poorhouse tract"; and whereas the part sold by said commissioners contains the buildings occupied by the aged

and infirm of the county, and there was a provision in said sale that the commissioners should have a reasonable time in which to remove said buildings from said land: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The commissioners of Granville County be and they are hereby authorized, empowered, and directed to remove the home for the aged and infirm of said county from its present location to a point about one mile from its present location and on the northwestern part of the tract of land now owned by the county of Granville and known as the "poorhouse tract," and to erect the same upon the site already selected by them for that purpose.

Removal of buildings authorized.
New location.

SEC. 2. That for the purpose of removing said buildings and erecting suitable buildings to care for the aged and infirm of the county, the said board of commissioners is authorized and empowered to use the money in the hands of the board of commissioners from the sale of the part of the tract of land where said buildings are now located, or any other fund available for the purpose of building, equipping, and maintaining a suitable home for the aged and infirm people of Granville County.

Use of money authorized.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 615.

AN ACT TO CREATE MICRO TOWNSHIP IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township, to be named and called Micro Township, be and the same is hereby created in Johnston County, the boundaries of which township to be as follows: Beginning at the mouth of Little Creek, where it enters Little River, the line at present between Beulah and Boon Hill townships, and runs thence north with Little River to Oneals Township line, and thence west with Oneals Township line to Selma Township line, near Hardy Hatcher's; thence along Selma Township line to Pine Level Township line; thence the line of Pine Level Township to the beginning.

Micro township created.

Boundaries.

SEC. 2. That the said Micro Township shall have all the powers, rights, and privileges now granted to townships by law.

Powers, rights, and privileges.

SEC. 3. That the voting place in said Micro Township shall be in the village of Micro.

Voting place.

SEC. 4. That until their successors are elected at the next general election of members of the General Assembly, or as otherwise

Justices of the peace and constable.

provided by law in case of vacancies, the following persons be and they are hereby appointed justices of the peace and constable for said Micro Township, to wit: Justices of the peace, Jesse Starling, J. H. Broadwell, and W. T. Whitley; constable, H. J. Corbett,

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 616.

AN ACT TO PROMOTE CATTLE RAISING IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Killing calves
forbidden.

SECTION 1. That it shall be unlawful for any person to kill any calf before it is six months old for market or otherwise in Alamance County.

Misdemeanor.
Punishment.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned in the county jail for not more than thirty days.

Application of act.

SEC. 3. That this act shall apply to Alamance County 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 from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 617.

AN ACT RELATING TO HUNTING DEER IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Open season.

SECTION 1. That chapter six hundred and ninety-nine of the Public Laws of North Carolina of nineteen hundred and nine be and it is hereby amended by striking out in line two of section one the following words, "counties of Scotland and," and inserting in lieu thereof the words "county of," and by adding to section one the following: "or to hunt, chase, shoot, or kill any deer in the county of Scotland save and except from the tenth day of December of each and any year to the tenth day of January of the succeeding year."

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 618.

AN ACT TO PROVIDE FOR WORKING THE PUBLIC ROADS OF ROBESON COUNTY, AND TO LEVY A TAX FOR THE SAME.

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 fourteen, 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 township of Robeson County a "Board of Road Trustees" for each township in the county, which shall be composed of three citizens, residents and taxpayers of the township, and said election shall be held under the same rules and regulations and at the same 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 members of the board of road trustees for Township." The persons receiving the three highest number of votes shall be declared elected: *Provided*, that no person shall be eligible to election as a member of the board of road trustees of any township unless he shall have resided in the township from which he is to be elected for at least twelve months next preceding the election. The board of commissioners of Robeson County shall, on the first Monday in May, one thousand nine hundred and thirteen, elect (upon the recommendation of the members of the General Assembly from Robeson County) a board of road trustees for each township in the county, who shall serve until their successors are elected and qualified as provided for in this act, and they are hereby incorporated, and the "Board of Road Trustees" of such township shall be their corporate name. Said township boards may sue and be sued, adopt a common seal, and do any and all things which may be necessary for the accomplishment of the things designated for said boards to do under the provisions of this act, and may purchase and hold property which may be necessary for the exercise of its powers.

SEC. 2. The term of office of the members of said board shall be for a term of two years, and until their successors are elected and qualified as provided in this act. If for any cause there should be a vacancy in said board, the board of commissioners of Robeson County shall appoint some fit and competent taxpaying citizen of said township to fill such vacancy, to hold until the election and qualification of his successor as herein provided. The said township board shall meet within twenty days after its election and organize by the election of one of its members as chairman and one of its members as secretary.

Boards of road trustees to be elected by townships.

Qualifications.

Law governing election.

Ballot boxes.

Persons declared elected.

Proviso: eligibility.

Election of first boards.

Incorporation.

Corporate name.

Corporate powers.

Terms of office.

Vacancies.

Meeting and organization.

Members to be sworn.

SEC. 3. The members of said board, before entering upon the discharge of their duties, in addition to the oath to support the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, as are now required to be taken by public officers, shall take before some justice of the peace of Robeson County or other person competent to administer an oath the following oath of office, viz.:

Form of oath.

"I do solemnly swear (or affirm) that I will honestly, diligently, and faithfully perform the duties of the office of road trustee of Township, Robeson County, to the best of my knowledge, skill, and ability: so help me, God."

Meetings of boards.

SEC. 4. The road trustees shall meet in some place in their respective townships to be agreed upon by themselves, or, in the absence of such agreement, to be named by their chairman, on the first Monday in June and December, and at such other times as a majority of them may deem advisable, and shall keep a record of their proceedings. 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 and every year, and make a report in duplicate on the condition of the said public roads, and present one copy of said report at the May and November meetings of the board of county commissioners, and shall transmit a copy of said reports to the solicitor, with instructions as they may deem proper.

Record of proceedings.
Semiannual examination and reports.

Establishment, alteration, and discontinuance of roads.

SEC. 5. The board of road trustees shall have the right to lay out, alter, or discontinue public roads that are wholly within their townships; and the board of county commissioners shall have the right to lay out, alter, or discontinue public roads that extend into two or more townships.

Neglect of duty misdemeanor.

SEC. 6. That each and every person who shall neglect or refuse 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; and it is hereby made the duty of the solicitor of the judicial district in which Robeson County is included to prosecute all the offenses against the provisions of this act.

Punishment.

Solicitor to prosecute.

Road districts.

SEC. 7. That the board of road trustees of the several townships of Robeson County shall on the first Monday in June next, or within four weeks thereafter, divide their respective townships into suitable road districts, and annually thereafter make such alterations therein as they may deem proper, and cause a brief description thereof to be made on the township records, and appoint one person supervisor of roads for the township: *Provided*, the board of road trustees think better, they may appoint more than one supervisor for a township, but not more than three, and in case more than one supervisor is appointed for a township, then the road trustees shall furnish each supervisor with a plat of his road district. Supervisors so appointed shall take an oath faithfully and impartially to discharge the duties of said office, and the road trustees shall

Appointment of supervisors.
Proviso: number of supervisors.

Plats of districts.

Supervisors to be sworn.

Bonds of supervisors.

require bond of such supervisor, payable to the State of North Carolina, in trust for said township, in such sum as they may determine, with surety to be by them approved, conditioned for the faithful discharge of the duties of said office.

SEC. 8. And when a vacancy shall occur in the office of supervisor by death, resignation, or otherwise, the road trustees of the township where the vacancy occurs shall appoint some suitable person to fill the vacancy. The person so appointed shall, before entering upon the duties of his office, take an oath to faithfully and impartially discharge the duties of his office, and shall be under the same restrictions and penalties as was his predecessor.

Election of supervisors to fill vacancies.

SEC. 9. That it shall be the duty of each and every supervisor 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 or township, keep the same in repair, and to remove or cause to be removed all obstructions that may from time to time be found thereon, for which purpose said supervisors are hereby authorized to enter upon any lands not encumbered by crops near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands left for ornament or shade, to dig or cause to be dug and carried away gravel, sand, or clay which may be necessary to make, improve, or repair said road, and to enter on any lands adjoining or lying near the roads, to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and the improvements thereon and timber as the nature of the case and the public good will admit; and the drains or ditches so made shall be conducted to the nearest waterway, ditch, or drain, and shall be kept open by the supervisors, and shall not be obstructed by the owners or occupiers of said lands, or any person or persons having same in charge, under the penalty of forfeiting the sum of ten dollars for each and every offense; and if the supervisors shall willfully injure any cultivated or improved lands by failure to conduct said drains and ditches to the nearest waterway or drain, and keep said ditches and drains in repair, he shall be guilty of a misdemeanor: *Provided*, that all ditches and drains across the public roads shall be tiled or concreted.

Duties of supervisors.

Entry on land for material.

Drains or ditches.

Penalty for obstructing drains or ditches.

Willful injury to land misdemeanor.

Proviso: drains across roads.

Collections to be made by supervisors.

Judgments for fines, forfeitures, and penalties.

SEC. 10. That the several supervisors within their respective townships 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 herein otherwise 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, and penalties can be collected; and the said judgment, if not paid, together with the costs therein, shall remain and be in force against the judgment debtor.

Width of roads.

SEC. 11. All public roads within the county of Robeson shall be thirty feet wide unless the road trustees shall, by resolution duly recorded upon its minutes, prescribe a different width; but in case said road trustees shall provide a different width, then the width adopted by the road trustees shall be the legal width of the road to which the resolution adopted by said road trustees shall apply.

Notice for construction of drains across roads.

SEC. 12. 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 supervisor of roads or to the road trustees. It shall be the duty of the supervisor 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 specifications 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 supervisor of roads, and after the same is constructed it shall be the duty of the landowner to notify the supervisor of roads, who shall proceed to inspect the same, and if the same is properly constructed, the said supervisor of roads shall accept 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 supervisor, 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 township within which it is located, but the original cost of constructing said 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 supervisor of roads, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

Inspection and specifications.

Construction of bridge or culvert.

Inspection and acceptance of work.

Maintenance of bridge or culvert.

Misdemeanor.

Punishment.

Turning water on roads unlawful.

SEC. 13. It shall be unlawful for any person or corporation to construct drains or ditches so that they discharge the water into or upon any public road or into the drains on either side of said public road or roads. That it shall be unlawful for any person or persons to plow into or across any public road, or to so cultivate the lands adjoining such road or roads that the surface water will be discharged from said cultivated land into the drains or upon the surface of such road or roads.

Annual settlements by supervisors.

SEC. 14. That all 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 the county treasurer, and by him placed to the credit of the road fund of the township, and said supervisor shall take a receipt from the treasurer for the same. It shall be lawful for any supervisor to sue out execution on any judgment that remains unpaid within his proper district at any time when in his opinion the same can be collected. Supervisors to sue out executions.

SEC. 15. That the supervisors of public roads within said county are hereby authorized and directed to construct footlogs over streams of water on said public roads. Footlogs.

SEC. 16. That each supervisor within his township or district shall erect and keep up at the expense of the township at the forks or cross of public roads a post and guideboard or finger-board containing an inscription in legible letters directing the way and distance to the town or towns or other public place or places situated on each public road, respectively; and shall erect and maintain mile-posts on all the public roads of their township or district. Guideboards. Mile-posts.

SEC. 17. That if any person shall willfully demolish, tear down, alter, or deface any such post or guideboard, every person so offending shall, upon conviction thereof before any justice of the peace or recorder of the county, be fined in any sum not exceeding twenty-five dollars and costs, or imprisoned not exceeding twenty days. Punishment for injuring posts and guideboards.

SEC. 18. That the road trustees of the several townships be and they are hereby authorized to furnish plows, scrapers, and other tools for the use of the several road districts within their townships, to be paid for out of the money in the county treasury to the credit of said 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, kind, and condition thereof; and such supervisor shall be liable for any injury or damage that may result to such implements, or to any of them, by improper use thereof, or by unnecessary exposure to the weather during the time the same may be in his possession; and he shall, on the first Monday in May, annually, return the same to said road trustees; and the amount of which said supervisor may be liable for improper use or neglect may be recovered by an action in the name of the road trustees. Implements for road work. Receipt for implements and liability of supervisors.

SEC. 19. That the road trustees of any township in the county are hereby authorized to provide and maintain suitable places for procuring water for persons and animals on the public roads in said township. Two or more townships may provide and maintain suitable places for procuring water for persons and animals on public roads dividing said townships, or lying near the dividing line. The supervisor of any road district may contract with any land-owner for maintaining a suitable place for procuring water for persons and animals on any public road in his township or district. Said contract shall first be approved by the board of road trustees of the said township. Return of implements. Drinking places. Contracts for water supply. Approval of contract.

Cartways.

SEC. 20. The road trustees of each township shall have jurisdiction over cartways, and may order the laying out or discontinuing of the same. Any person over whose land the right or use of which any person or persons may have acquired the right to use may erect gates, with the consent of the road trustees, across the same, and if any person shall willfully leave open, break down, or otherwise injure the same, he shall be guilty of a misdemeanor, and upon conviction shall be fined not more than twenty-five dollars for each offense.

Gates across cartways.

Misdemeanor.

Punishment.

Rule of the road.

SEC. 21. When any persons shall meet each other on any bridge, highway, public road or roads, traveling with carriages, wagons, or other vehicles, each person shall reasonably drive his carriage or vehicle to the right of the middle of the traveled part of such bridge or road so that the respective carriages or other vehicles aforesaid may pass each other without interference. Every person willfully offending against the provisions of this section shall for each offense forfeit a sum not exceeding ten dollars, to be recovered on complaint before any justice of the peace in the township where the offense shall have been committed, and he shall further be liable for all damages sustained by reason of such offense: *Provided*, that every such complaint shall be made within six months after the offense shall have been committed, and that every such action for damages shall be commenced within twelve months after the cause of the action shall have accrued.

Forfeit for violation.

Liability for damages.

Proviso: limitation.

Snaking logs misdemeanor.

SEC. 22. Any person engaged in hauling or transporting sawlogs or other timber on any public road in said county, who shall transport or cause to be transported by means of chains and grabhooks, or other means to be made to slide on the roadbed or by a method known among lumbermen as "snaking logs," shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Punishment.

Compensation of trustees.

SEC. 23. That the road trustees of the various townships of the county shall be paid as compensation for their services required under the provisions of this act the sum of one dollar and fifty cents per day: *Provided*, said compensation shall not be paid any trustee for more than twelve days in any one year, and the same shall be paid on a warrant drawn on the county treasurer by the chairman of the board of road trustees and attested by the secretary of said board, and by the county treasurer charged to the road fund of said township.

Compensation of supervisors.

SEC. 24. That the road supervisors of the various townships of Robeson County shall be paid as compensation in full for their services rendered under the provisions of this act such an amount as shall be allowed by the board of road trustees of their respective townships, not to exceed the sum of two dollars per day for each day actually engaged in road work. Said amounts shall be paid on warrants drawn on the county treasurer by the chairman of the township board of road trustees, and countersigned by the secre-

tary of said board, and by said county treasurer charged to the account of the road fund of said township. All warrants drawn by the supervisors of townships for money to pay for work done in their respective townships, before the same is paid by the county treasurer, shall be countersigned by the secretary of the board of township road trustees. Warrants for work.

SEC. 25. It shall be the duty of each and every road supervisor of any township or district in Robeson County to make and keep an accurate account of all work done by him during each and every month, and of all amounts of money drawn from the county treasury, and for what purpose the same was drawn, and for what expended, and shall render a true and accurate account of the same to the secretary of the board of road trustees at the end of each and every month, and it shall be the duty of the secretary of the board of road trustees to transmit said report to the chairman of the board of county commissioners of Robeson County, and by the commissioners carefully audited, and if any errors appear in the same, it shall be the duty of the commissioners to have the same corrected by said township supervisor or the secretary of the board of road trustees, as the case may be; and it shall be the duty of the county treasurer to keep the road funds of the various townships of the county separate and distinct from any other funds in his hands so that the true condition of the same may at all times be ascertained by the road trustees of any township. Accounts to be kept by supervisors.
Monthly reports.
Funds kept separate.

SEC. 26. 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 prior to the giving or signing of such receipt or certificate, shall forfeit for every such offense not less than ten dollars nor more than fifty dollars, to be recovered by an action before any justice of the peace or recorder in the county of Robeson, and it is hereby made the duty of the road trustees to prosecute all offenses against the provisions of this section. Forfeit for neglect of duty or misconduct by supervisors.
Trustees to prosecute.

SEC. 27. That it shall be unlawful for any supervisor to perform or cause labor to be performed on any public road not regularly laid out and established by law: *Provided*, it shall be the duty of the supervisors of the various townships of the county to employ the hands to work on the public roads of the county, and in order to pay said hands for their service, said supervisors shall draw a warrant on the treasurer for the money, but before said warrant is paid by the treasurer it shall be approved by the chairman of the board of road trustees of the township and countersigned by the secretary of said board. Unauthorized work.
Proviso: employment and payment of hands.

SEC. 28. That each and every supervisor who shall cut and take any timbers, stone, clay, sand, or gravel for the purpose of making, improving, or repairing any road, or building or repairing any bridge or crossway within his district, shall, on demand of the Certificate for material.

owners of the land, their agent or agents, or the guardian of any ward, or the executor or administrator having the land in charge from which timbers, stone, clay, or gravel or other material was taken as aforesaid, shall give a certificate showing the quantity of such timber, stone, gravel, or other material, with the value thereof, respectively, and the time and purposes for which same were taken.

Presentation and payment of certificate.

SEC. 29. That any person or persons who shall have received a certificate as provided for in the foregoing section shall present the same to the board of road trustees of the proper township at any regular session of said trustees within twelve months after the taking or carrying away of such timbers, stone, gravel, or other material, and the trustees, being satisfied that the amount aforesaid is just and equitable, shall cause the same to be paid out of the funds to the credit of the township, and to this end shall draw a warrant on the county treasurer for such purpose, but if not so satisfied, they shall determine what sum in their opinion would be just.

Conduct by railroad companies declared unlawful.

SEC. 30. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by their roadbed or otherwise, or empty the waters from its ditches into any public road or highway, and if any railroad company being warned by the supervisor of the proper district by leaving a written notice with any station agent, or informing any station agent of said railroad company personally, shall refuse or neglect to remedy the same to the acceptance of the supervisor, shall forfeit and pay any sum not exceeding fifty dollars nor less than twenty dollars, to be collected by an action at the suit of the township trustees before any justice of the peace or recorder in the county, and every five 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 act.

Forfeit.

Additional offense.

Railroad companies to construct and maintain crossings.

SEC. 31. It shall be the duty of each supervisor to cause each railroad company to construct and keep in good repair the roadbed of all public roads across the said railroad company's roads, and if any railroad company, being duly warned by the supervisor of the proper district by leaving a written notice with any station agent, or by informing any station agent of said railroad company personally, shall neglect or refuse to construct or repair said roadbed to the acceptance of the supervisor, it shall forfeit any sum not exceeding fifty dollars, to be recovered by an action at the suit of the road trustees before any justice of the peace or recorder in the county; 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 act.

Forfeit for failure.

Additional offense.

Forfeit for obstructing roads.

SEC. 32. That if any person or persons, corporation or any conductor of any train, or any other agent or servant of any railroad

company shall obstruct unnecessarily any public road or highway authorized under the provisions of this act by permitting any railroad car or cars or locomotives to remain upon or across any public road or highway for a longer period than five minutes, or shall permit any timber, wood, or other obstruction to remain upon or across any public road or highway to the hindrance or inconvenience of travelers, or any person or persons passing along or upon such public road or highway, every person or corporation so offending shall forfeit and pay any sum not exceeding twenty-five dollars, and shall be liable for all damages arising to any person from such obstruction or injury, to such public road or highway, to be recovered by an action at the suit of the road trustees of the township in which such offense shall have been committed.

Liability for damages.

SEC. 33. All railroads, turnpike, and other incorporated companies shall keep at their own expense all bridges on or over highways, public roads and roads not public used as neighborhood roads, and all crossings that they have severally made in establishing their respective roads, and on failure to do so shall be guilty of a misdemeanor, and fined at the discretion of the court, and shall forfeit and pay twenty-five dollars for each ten days he or they shall fail to perform the duties imposed by this section.

Bridges and crossings to be kept up by corporations.

Failure misdemeanor.
Punishment.
Forfeit.

SEC. 34. In relocating and widening roads now in use, the board of road trustees shall cause the county surveyor or some other good surveyor or civil engineer to make a survey of the proposed change of an old road or a 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 hereby condemned for the use of the township or county for a public road or highway; and any person who shall obstruct the county surveyor or 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 the township supervisor from opening said change of 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 of the judicial district in which Robeson County is situated to prosecute all persons who violate the provisions of this section: *Provided*, that if any person be aggrieved, he may, within six months after said change of roads or new road has been opened and completed, apply to the clerk of the Superior Court, who shall appoint a jury, to consist of five freeholders of the township, to assess the damages. The said jury, before entering upon their duties, shall take an oath before a justice of the peace, or other person competent to administer oaths, to do exact justice to all parties concerned, and in determining said damages they shall take into consideration the benefit accruing to the prop-

Survey of changes in roads.

Notice to land-owners.

Obstructing survey misdemeanor.

Punishment.

Obstructing work misdemeanor.

Punishment.

Solicitor to prosecute.

Proviso: assessment of damages.

- erty and the damages sustained by the property, subtract one from the other, and the result shall be their verdict; and if damages be awarded, the same shall be paid on a warrant of the trustees on the county treasurer out of the road fund belonging to said township.
- Payment of damages.**
- Petitions for establishment of roads.**
- Notice of petition.**
- Notice to landowners.**
- Proviso: roads in two or more townships.**
- Notice.**
- Action on petition.**
- Roads and bridges on township lines.**
- Maintenance of bridge.**
- Proviso: bridges maintained by county.**
- Prisoners subject to work on roads.**
- Care and maintenance of convicts.**
- SEC. 35.** All petitions for the establishment of a new road, if wholly within one township, shall be addressed to the board of road trustees, and it shall be the duty of the secretary of said board to give notice of said petition at the voting precinct and three other public places in said township for at least four weeks immediately after the filing of said petition, and also to notify by mail or otherwise all landowners whose land is crossed by said new road, and the question as to whether the road shall be granted shall be decided at the next regular meeting of the said board: *Provided*, the question of establishing a new road through two or more townships shall be decided by order of the board of county commissioners, and a petition for the laying out and establishing of a public road through two or more townships shall be addressed to the board of county commissioners, and when filed with said board, notice shall be given by the clerk of said board at the courthouse door and three other public places in each township through which said proposed new road is to run, for at least thirty days. Such petition shall be acted upon by the board of commissioners at their next regular meeting.
- SEC. 36.** Where a public road is the dividing line between two townships, the same shall be constructed, repaired, and kept up at the expense of the townships jointly, and where a bridge is to be erected, repaired, or kept up on the dividing line between two townships, the cost of the same shall be borne jointly by each township, and the cost of building, repairing, and maintaining all bridges of the county, except the bridges across Lumber River, Big Swamp, Raft Swamp, Ashpole Swamp, Shoe Heel Creek, and Bear Swamp, shall be built and kept up at the cost of the township fund where said bridge is located: *Provided*, that the matter of building, repairing, and keeping up the bridges on all public roads across Lumber River, Big Swamp, Raft Swamp, Ashpole Swamp, Bear Swamp, and Shoe Heel Creek shall be and remain in the hands of the board of county commissioners, and at the expense of the general county funds.
- SEC. 37.** All persons confined in the county jail under a final sentence of the court for crime, or imprisoned for the nonpayment of costs or fines, or under final judgment in case of bastardy, or the act providing for the punishment of vagrants, and all insolvents who shall be imprisoned for the nonpayment of costs, and all persons who shall otherwise be sent to the State's Prison for a term of not more than ten years, shall be worked upon the public roads of the county, and all such convicts shall be fed, clothed, and otherwise cared for at the expense of the county and under

the supervision of the board of county commissioners; and it shall be the duty of the county commissioners to employ the convicts in ditching and building permanent roads where, in their discretion, such work is most needed.

SEC. 38. The said board of commissioners are hereby authorized and empowered to use the common jail for the safe keeping of said convicts, or to build and keep a convict camp or camps for said purpose, or both, and to provide for the keeping and maintaining of said convicts. The board of commissioners shall employ such guards and attendants as may be necessary to properly guard and care for such convicts, and the said board of commissioners shall fix the rate of compensation to be paid to such persons, and they shall be paid from the county road fund hereinafter provided for.

SEC. 39. That the board of road trustees of the several townships, when in their opinion it is best to do so, may let the working of any road or part of road, the building of any bridge or filling any swamp to some responsible person under contract: *Provided*, said contract shall be in writing, and the person to whom the contract is let shall give good and sufficient bond to faithfully comply with the terms of the same; and *Provided further*, that before any part of the contract price is paid for said work the same shall be inspected and passed on by some member of the said board of road trustees.

SEC. 40. That in order to carry into effect the provisions of this act the board of county commissioners shall, on or after the first Monday in June, one thousand nine hundred and thirteen, and annually thereafter, levy a special tax upon all property in Robeson County subject to taxation, which taxes shall be collected in the same manner as other taxes are collected for State and county purposes, and it shall be kept separate and apart on the tax books of the county, and shall be known as "Road Fund Taxes," and shall be used only for the construction, improvement, maintenance, and repair of the public roads and highways of said county, and for the purchase of material, implements, teams, wagons, and for the employment of labor to work on the said roads and to pay salaries and expenses as provided in this act: *Provided*, that the taxes levied under the provisions of this act shall not exceed the sum of twenty-one and two-thirds cents on the one hundred dollars valuation of all property in said county subject to taxation; and that no taxes shall be levied on the poll for road purposes.

SEC. 40a. 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 four days labor on the public roads of said county under the direction of the township or district supervisor of the township in which they shall

Employment of convict force.

Safe keeping of convicts.

Guards and attendants.

Compensation.

Work to be let to contract.

Bond of contractors.

Inspection and approval of work.

Levy and collection of special tax.

Road fund taxes.

Specific appropriation.

Proviso: limit of tax rate.

Road duty.

Proviso: commutation. respectively reside: *Provided*, that if any such person shall pay to the township or district supervisor in whose township he may reside the sum of fifty 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 or district supervisor receiving the same to the improvement of the roads in his township.

Supervisors to warn out hands. SEC. 40b. It shall be the duty of the district or township supervisor 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 district or township supervisor 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 district or township supervisor, every such delinquent shall forfeit and pay the sum of one dollar for every such offense, and shall also be guilty of a misdemeanor, and upon conviction fined not exceeding five dollars or imprisoned not exceeding five days.

Forfeit for failure to discharge road duty. SEC. 40c. 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 or district supervisor of the township or district 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.

Misdemeanor. Hours of labor, implements. SEC. 40d. Any person called upon to perform labor upon the public roads under any provisions of this act shall appear at the place appointed by the district or township supervisor, at such hour as said district or township supervisor shall designate, in the forenoon, with such necessary tools and implements as said district or township supervisor shall designate.

Punishment. Residence defined. SEC. 40e. 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 person shall be held to be where he boards in any township in said county.

Proportionate labor on removal. SEC. 40f. The several township or district supervisors are hereby required to account to the board of road trustees 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 four days labor as required by this act, and of those who have refused or neglected to perform the same and those liable for the same.

Supervisors to file accounts and lists.

SEC. 40g. When the district or township supervisors 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 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.

Warning for road work.

SEC. 40h. No person between the ages prescribed shall be exempt from working upon the public roads, except such as are exempt in section forty (a) of this act or such as may be exempt by the board of road trustees on account of personal infirmity, of which said board shall be the sole judge.

Exemption from road work.

SEC. 41. 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 any road taxes to the county treasurer, and it shall be the duty of the county treasurer to set aside the sum of six and two-thirds cents on every one hundred dollars valuation of taxable property in the county for the use of the county commissioners in maintaining, equipping, and employing the convicts as provided for in this act. The treasurer shall also open a road fund account with each township within the county, and credit each township with all the remaining moneys received by him for road funds collected from said township, and with all moneys which may be paid to him under the provisions of this act for the use of said township, and charge all sums of money paid out on account of work done in said township upon the public roads and bridges.

Collection and settlement of road taxes.

Apportionment for convict force.

Road fund accounts.

SEC. 42. The said treasurer and the said sheriff shall both give bond with good and sufficient sureties, in such sum as may be designated by the board of county commissioners, not to exceed one-half of the amount of road taxes collected for the previous year, conditioned upon the faithful discharge of their duties and for the honest and faithful accounting for all sums which may come into their hands by virtue of the provisions of this act, and the said bonds shall be renewed annually, and shall be filed with the Register of Deeds of Robeson County and recorded in the book of official bonds of the county of Robeson.

Bonds of sheriff and treasurer.

SEC. 43. The board of road trustees of the several townships, together with the board of commissioners, shall have complete control of the road funds of their respective townships and the disposition and disbursement thereof, and the road trustees of any township may, if they deem advisable, expend part of the road funds of their respective townships in working the roads of any adjoining townships.

Control of road funds.

Work in adjoining townships.

Moneys to be turned over to road fund.

Apportionment.

Property turned over to trustees.

Personal interest of officers in contracts forbidden.

Forfeits.

Misdemeanor.
Punishment.

Power to borrow money.

Proviso: disposal of existing funds.

Proviso: apportionment of outstanding debts.

SEC. 44. All moneys now in the hands of the Sheriff of Robeson County, or the Treasurer of Robeson County, or in the hands of any other person, belonging to the road fund of Robeson County, collected for the year one thousand nine hundred and twelve, or prior thereto, or otherwise, shall on June first, nineteen hundred and thirteen, be turned over by the person in whose hands the same may be, to the Treasurer of Robeson County, and such moneys shall be credited by him to the townships from which such moneys were originally collected, and all such moneys shall be available for working and repairing the public roads and bridges of said township as though the same had been collected under the provisions of this act; and it shall be the duty of the road commissioners or township or district supervisors, heretofore appointed under the authority of any law, and all other persons who may have any property of the county of Robeson belonging to the public road force, to turn over the same to the different boards of township trustees entitled to the same, and such property shall be held by them for the use and benefit of the public roads of their respective townships.

SEC. 45. It shall be unlawful for any member of the board of township trustees, township supervisors, or any other person who shall hold any office or fiduciary relation in connection with the duties imposed by this act, to be interested either directly or indirectly in any contract or undertaking in which the county of Robeson or any township is interested, as provided in this act; and any one violating the provisions of this section shall forfeit and pay the sum of fifty dollars for each offense, to be recovered by any person who shall sue for same, and shall moreover be guilty of a misdemeanor, and punished by a fine or imprisonment, in the discretion of the court, and any person so offending shall forfeit his office.

SEC. 46. That the board of road trustees for the several townships of Robeson County, provided for in the provisions of this act, shall have the power to borrow money and pledge the faith of the road fund of their township to pay the same: *Provided*, it shall be necessary to do so in order to carry on the road work of the said townships; and if money is borrowed, the same shall be turned over to the Treasurer of Robeson County and by him placed to the credit of the road fund of the township for which the same was borrowed, and shall be used for the benefit of the roads of the township as provided for in the provisions of this act: *Provided*, that any funds now in the hands of the Treasurer of Robeson County to the credit of any road district shall, after all valid claims against said road district have been paid, be divided and credited to the townships composing such district pro rata according to the taxable property: *Provided further*, that if there are not sufficient funds to the credit of any road district to pay its valid claims and notes outstanding, then the treasurer shall appor-

tion the debt among the townships now composing such road district pro rata according to the taxable property, and he shall pay the debts out of the first moneys that may come into his hands from said townships for road purposes; and if there be any valid claims against the road commissioners of Robeson County, which claims should be paid out of the general road fund of the county, and if there be not sufficient funds to the credit of said general road fund to pay such valid claims, then it shall be the duty of the Treasurer of Robeson County, when such claims are clearly established, to pay the same and charge said amount to the various townships of the county, pro rata according to the taxable property, or if there be any money to the credit of said general road funds of the county after all valid claims are paid, then said moneys shall be divided among the various townships of the county pro rata according to the taxable property.

Debts payable from general road fund.

SEC. 47. That chapter five hundred and seventy-six of the Public- Law repealed. Local Laws of North Carolina, session of one thousand nine hundred and eleven, be and the same is hereby repealed: *Provided*, Proviso: effect of repeal. the repealing of said chapter shall not have the force or effect of rendering invalid any debt contracted by any road commission under the provisions of said chapter.

SEC. 48. That all laws and clauses of laws in conflict with the Repealing clause. provisions of this act are hereby repealed.

SEC. 49. That this act shall be in full force and effect from and When act effective. after June first, one thousand nine hundred and thirteen.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 619.

AN ACT TO PROVIDE FOR A LEGALIZED PRIMARY ELECTION IN JONES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every political party or organization in Jones County naming and running a ticket for election at the general election held every two years for the election of county 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 or organization, or its agents, representatives, or managers, offering a ticket for the purpose of having it voted by the electors at said general election for said county officers or member 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

Method for nomination of candidates mandatory.

Offer of ticket otherwise nominated misdemeanor.

Punishment.

Proviso: right to change or modify ticket.

wishes, in the event that he has not bound himself otherwise by participating in the regularly held primary of said political party.

County board of elections to fix date and appoint officers.

SEC. 2. That the county board of elections of Jones County 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 and shall be held at the time and place and under the same rules and regulations. The polls shall be kept open from eight o'clock a. m. to five o'clock p. m. The date fixed for said primary shall be thoroughly advertised in each voting precinct for thirty days.

Date and place to be uniform.

Voting hours.

Advertisement of date.

Entrance fees.

SEC. 3. The said county board of elections shall require an entrance fee to be paid by each candidate for the various offices as follows: Each candidate for sheriff, ten dollars; each candidate for the Legislature, ten dollars; each candidate for clerk of the Superior Court, ten dollars; each candidate for register of deeds, ten dollars; each candidate for county commissioner, two dollars; each candidate for road commissioner, two dollars; 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 the surplus left after paying all expenses of the primary 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 abide the results of the primary and loyally support all of its nominees. Said board of elections shall also have power and may in their discretion provide that all candidates for State Senator, Congressional and State officers shall be voted for in the same manner as the candidates for county offices and members of General Assembly as herein provided.

Use of entrance fees.

Use of surplus.

Pledges of candidates.

Nominations of other officers.

Printing and arrangement of tickets.

SEC. 4. The chairman of the county executive committee of each political party shall have printed two sets or lots of tickets. On one set or lot he shall have the names of all 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. 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 office are left on any 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.

Method of voting.

Heading of tickets.

State, congressional, and district officers and United States Senators.

SEC. 5. The county board of elections may in their discretion require the nominations of State, congressional, and district officers, also require a vote for United States Senators, made in the same way and on the same day or different days as the county officers are nominated. The said board may have tickets prepared for officers named in this section, or may allow the individual tickets used.

Tickets.

SEC. 6. All persons who were registered and eligible to vote in the last general election, and all persons entitled to register and vote in the next general election shall be eligible to vote in said primary, and all persons shall be subject to challenge as provided for in the general election law, and may be required to take an oath that he will support such nominees of his party at the general election as he is supporting in the primary.

Persons entitled to vote.

Challenges.

Oaths.

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 judge of election to 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.

Ballot boxes.

Presentation and deposit of ballot.

Name entered on poll book.

SEC. 8. All township officers such as justices of the peace, constables, or any other officers who are voted for and elected by the electors of any one township, may be voted for and elected notwithstanding the notice of candidacy has not been given.

Township officers.

SEC. 9. When the polls are closed the registrar and judges 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 so appointed to the courthouse at Trenton on Monday following the day of said primary, and at twelve o'clock m. the board of county canvassers shall canvass the votes cast in the county for the various offices and shall declare the nominees of the offices at the courthouse 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 in two weeks under the same rules and regulations as the first primary, unless in the meantime all except one candidate voluntarily withdraws from the race: *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.

Count and return of votes.

Canvass of returns.

SEC. 10. No candidate shall be voted for in said primary election for the Legislature or any county office (or for any township office if the board of elections adopt this method of electing township officers) unless he shall have filed a notice with the chairman of

Majority vote required for nomination.

Second primary.

Proviso: two highest only voted for.

SEC. 10. No candidate shall be voted for in said primary election for the Legislature or any county office (or for any township office if the board of elections adopt this method of electing township officers) unless he shall have filed a notice with the chairman of

Notice of candidacy and deposit of entrance fees.

- the county board of elections at least twenty days before said primary election is to be held, and shall have made the deposit required under this act, and whose name is not on the official ballot. If any person 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 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.
- Acts declared misdemeanor.** SEC. 11. The chairman of the county board of elections shall furnish the registrar and judges of elections at each precinct with 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 when this act does not apply, or is uncertain, the general election law shall apply.
- Punishment.** SEC. 12. If in the judgment of the board of elections the entrance fees mentioned in section three of this act are too much, they may require a smaller fee; but in no case shall the entrance fee be reduced more than fifty per cent.
- Duties of chairman of county board of elections.** SEC. 13. It shall be the duty of the board of elections to provide poll books and other necessary blanks for making out returns for each precinct, and to deliver them to the registrars of the various precincts at least five days before the date for holding the primary election.
- Application of general law.** SEC. 14. It is entirely optional with the board of elections of Jones County as to whether or not they put into operation any of the provisions of this act. The chairman of the board shall call a meeting of the board at least six months prior to the next general election and decide whether the candidates of the different parties shall be nominated in primaries or not.
- Reduction of entrance fee.** SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 620.

AN ACT TO PROVIDE FOR WORKING THE PUBLIC ROADS OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

- Supervision vested in county commissioners.** SECTION 1. That the supervision of the public roads of Camden County is hereby vested in the board of county commissioners.
- Appointment of overseers and allotment of hands.** SEC. 2. That the board of county commissioners shall meet in regular session on the last Saturday in August of each and every

year after the passage of this act for the purpose of appointing overseers for the different sections of roads and allotting hands to them for the same: *Provided*, that in case of death or inefficiency or any vacancy by whatsoever cause in the office of overseer of Camden County, the board of county commissioners shall have the power to appoint his successor at any regular or called meeting of the same.

Proviso: appointment of overseers to fill vacancies.

SEC. 3. That the said commissioners, in the appointment of overseers as above provided, shall, in so far as it is possible, appoint only those men who are in favor of good roads, and who will exercise due discretion in the working of the said roads.

Qualifications for overseers.

SEC. 4. It shall be the duty of the said board of county commissioners, within ten days after the appointment of overseers and allotment of hands as above provided, to have notice of said appointment and allotment served upon the overseer by the constable of the township in which the appointment is made: *Provided*, that when the overseer does not relinquish his office and no change is made in the allotment of his hands, no notice shall be served.

Notice of appointment and allotment.

Proviso: notice not required.

SEC. 5. It shall be the duty of all overseers in said Camden County to call out all male persons subject to road duty between the ages of eighteen and forty-five years respectively, and work them four days of nine hours each between the first day of March and the first day of September, and two days of nine hours each between the first day of September and the first day of March of each and every year. Any overseer failing to comply with the provisions of section five of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25) or imprisoned not less than thirty days, in the discretion of the court: *Provided*, that should there be a storm, or passage over the roads becomes dangerous or practically impassable, the overseers are hereby empowered to have such additional road days as are necessary.

Overseers to warn out hands.

Road duty.

Failure a misdemeanor.

Punishment.

Proviso: emergency work.

SEC. 6. It shall be the duty of each and every overseer to give each hand three days notice of said road days, the place and hour of meeting, and the tool to be carried, by telling him in person or by leaving a written notice at his home.

Notice to hands.

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 upon conviction shall be fined not less than five dollars (\$5) or imprisoned not less than five days in the county jail for each and every offense, in the discretion of the court.

Failure to work misdemeanor.

Punishment.

SEC. 8. Any overseer who fails or refuses for fifteen days after the offense to report to the recorder of Camden County the name of any person who fails or refuses to work the roads according to the intent and meaning of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10) or imprisoned not less than ten days for each offense,

Failure to report delinquency misdemeanor.

Punishment.

- Proviso: report of failure. in the discretion of the court: *Provided*, that in making the report of the failure or refusal to work, the overseer may make oath before any justice of the peace, stating the name of the person who fails or refuses to work, the name of the road upon which he is allotted to work, and the date of failure or refusal to work, and that the person is subject to road duty. The justice of the peace shall immediately send the same by mail or otherwise to the recorder of Camden County, whereupon the said recorder shall issue an order of arrest for the person named in the affidavit and instruct the officer serving the same to notify the overseer of the time and place of trial: *Provided further*, that the overseer shall receive the same witness fees as are now allowed by law for witnesses in the Superior Court.
- Report forwarded to recorder.
- Warrant.
- Proviso: witness fees to overseer.
- Excuse from road duty.
- Sworn statements of discharge of duty.
- Return and filing of oath.
- Repealing clause.
- When act effective.
- SEC. 9. The commissioners of Camden County shall have the sole power and authority, upon good cause being shown, to excuse any person from road duty.
- SEC. 10. Each and every road overseer in Camden County shall, on or before the fifteenth day of August of each and every year, make oath before some justice of the peace, or other person legally authorized to administer oaths, setting forth the fact that he has worked upon the road over which he is overseer the number of days and hours as prescribed in this act, and that he has used his best judgment and discretion in working and improving the same.
- SEC. 11. Every person taking the oath as prescribed in section ten of this act shall immediately transmit the same to the Clerk of the Superior Court of Camden County. Said affidavit shall be filed by the clerk of the Superior Court and be open to the inspection of any person desiring to see the same.
- SEC. 12. All laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 13. This act shall be in full force and effect from and after the fifteenth day of August, nineteen hundred and thirteen.
- Ratified this the 8th day of March, A. D. 1913.

CHAPTER 621.

AN ACT TO PROVIDE FOR AND REGULATE THE HOLDING OF PRIMARY ELECTIONS IN THE COUNTY OF CAMDEN.

The General Assembly of North Carolina do enact:

- Candidates to be chosen by primary election.
- Date.
- SECTION 1. That for the purpose of choosing candidates for county and township offices, every political party in Camden County shall hold at the usual places a primary election, the date thereof to be fixed by the executive committees of the different political parties.

SEC. 2. The hours for holding said primary election within Camden County shall be from six a. m. to seven p. m., and all primary elections of any one political party shall be held on the same day.

SEC. 3. In the different precincts of the county of Camden there shall be a party registration of voters, and no person in said county or precincts shall be allowed to vote in any primary unless he shall have been registered as provided for in this act.

SEC. 4. There shall be appointed by the executive committee a registrar for each precinct in said county, and there shall also be appointed by the executive committee two managers for each precinct in said county. The two managers for each precinct, together with the registrar, shall constitute the precinct board of managers for holding primary elections.

SEC. 5. The registration books of the several precincts in said county shall be kept open at the usual voting places for six days preceding the date for the closing of registration books, and shall be open between the hours of ten a. m. and five p. m., except that on the last day of registration they shall close at eight p. m. Said registration books shall close on the second day preceding the date of the primary. No person shall be permitted to register except at the times herein specified, and shall not be permitted to register except at the voting places. The registration books shall at all times be open to the inspection of any one who may desire to examine the same.

SEC. 6. Before entering upon their duties the registrars and managers shall take and subscribe to an oath before a notary public, or some other officer authorized to administer oaths, that they will honestly, fairly, impartially, and lawfully hold said primary elections.

SEC. 7. Every voter desiring to register in any of the precincts of said county, before he is registered shall take the following oath: "I do solemnly swear, or affirm, that I am a member of the Party, and that I am a resident of the precinct....., and that at the election to be held on the day of for offices, I will have been a resident of the State of North Carolina for two years; and I do further swear that I am a qualified elector under the laws of the State of North Carolina": *Provided further*, that the registrar shall indicate opposite the name of the voter the party to which he belongs.

SEC. 8. On the day before a primary election is held the registrars and managers appointed for each precinct in said county shall assemble at the place of the voting precinct at one o'clock p. m., for the purpose of allowing an examination of the registration books, and any person shall be permitted to challenge the right of any voter whose name appears thereon; and the judges, after notice to the person whose vote is challenged, shall hear and determine the right of the said voter to vote in said primary election; and if said managers are satisfied from the

Hours.
Date uniform.

Party registration.

Appointment of
election officers.
Precinct board of
managers.

Registration.

Close of registra-
tion.

Books open to
inspection.

Oath of election
officers.

Voters to be sworn.

Form of oath.

Proviso: party
affiliation
indicated.

Challenge day.

Hearing on
challenges.

Names erased.

evidence, which they shall hear upon oath, that the person challenged is not entitled to vote, the name of the person so challenged shall be struck from the registration books, and he shall not be permitted to vote in said primary election.

Managers to determine challenges.

SEC. 9. The managers for the county precincts shall have the right and power to determine the right of any voter to vote in any primary election held in their respective precincts, and voters may be challenged and a trial had on the day of the primary.

Challenges on election day.

Persons entitled to vote.

SEC. 10. Every *bona fide* member of a political party who is a qualified elector shall be permitted to participate in the primary of that political party to which he belongs, but only in the precinct in which he resides.

Boxes to be opened and examined.

SEC. 11. Before any ballots are received for said primary election, and immediately before opening the polls, the managers shall open each ballot box to be used in such election and examine the same carefully to ascertain whether there are any ballots in the box. The box then to be closed and locked, and the ballots shall be deposited in the same, through an opening in the box, and said box shall not be opened until the election is closed. The managers shall also keep a complete list of the names of each voter voting at such election, and at the close of such election the managers shall publicly count the votes and declare the result; and shall on or before eleven o'clock of the second day after the primary certify the same to the chairman of the executive committee.

Closing of box.

Deposit of ballots.

Poll lists.

Count of votes and declaration and certificate of result.

Canvass of returns.

SEC. 12. The executive committee shall meet at eleven o'clock on the third day after the primary and canvass the vote and declare the result, and if any person has 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 person receiving the majority of the votes cast shall be the nominee of the party; but if no person has received a majority of all the votes cast for an office, the committee shall declare the person receiving the highest number of votes to be the nominee of the party for each office, unless the person receiving the next highest vote for such office demands of said committee in writing that another primary be held; in which case a second primary shall be ordered and held under the rules and regulations herein provided, and said second primary shall be held within ten days from the time of said call: *Provided*, that in the second primary election no votes shall be cast except for the two persons receiving respectively the highest and next highest vote in the first primary. In the event each person voted for in the second primary receives the same number of votes, the executive committee shall decide which of them shall be the candidate of the party for that office. No new registration shall be allowed for the second primary.

Persons declared nominated.

Second primary.

Proviso: persons eligible to second primary.

Settlement of ties.

Notice of candidacy.

SEC. 13. Every person who wishes to be a candidate before said primary shall, on or before ten o'clock p. m. on the tenth day preceding the date of the same, file with the chairman of the

executive committee a written announcement, naming the office for which he is a candidate and stating that he will abide the result of the primary; and he shall also pay to the chairman of the executive committee the sum that shall be fixed by the executive committee, the same to be used in defraying the expenses of holding said primary, and the name of no candidate shall be printed upon the official ballot until he has paid the sum that has been fixed by the executive committee: *Provided, however,* that five friends of any person who may desire to be a candidate may, at or before ten p. m. on the tenth day preceding said primary, file with the chairman of the executive committee a written statement requesting said chairman to place the name of such candidate upon the official ballot, and should such statement or request be so filed, the name of such person shall be placed upon the official ballot, provided the sum above provided is deposited with the chairman of the executive committee as hereinbefore provided.

Payment of entrance fee.

Proviso: request for candidacy.

Proviso: deposit of entrance fee.

Sec. 14. That said executive committee shall provide registration books, poll books, ballot boxes, and voting places, and shall also print the official ballot and attend to the delivery of tickets at the voting places, and have general supervision of the primaries, and shall pay each registrar and manager one dollar and fifty cents per day for their services.

Books and ballot boxes.
Printing and delivery of tickets.

Supervision of primaries.
Pay of election officers.

Sec. 15. The names of all candidates except justices of the peace and constables shall be written or printed on one piece of paper, and no other ticket shall be voted or counted at such primary election. The names of all candidates for one office shall be grouped together under the title of the office for which the persons named are candidates, and immediately under the title of the office and above the name of the first candidate there shall appear in parentheses the words "Vote for one," and every voter shall indicate his choice of candidates by drawing a mark made by either a pen or pencil through the names of the candidates for which he does not care to vote. Each voter shall be allowed to vote for one candidate for each office, except for county commissioners, and for that office each voter shall have the right to vote for three candidates; and should any voter attempt to vote for more than one candidate for any one office, except county commissioners and justices of the peace, the votes for the same shall not be counted.

Printing and arrangement of tickets.

Method of marking tickets.

Votes not counted.

Sec. 16. Any voter who shall swear falsely in taking the prescribed oath, or shall unlawfully vote in any election, or represent another person in order to vote, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding three months.

False swearing and unlawful voting misdemeanors.

Punishment.

Sec. 17. Any voter who has participated in any one party primary attempting to vote in a different party primary election held for the same purpose during the same political campaign,

Participation in different primaries fraudulent voting.

Voting in wrong primary misdemeanor.

Punishment.

shall be guilty of fraudulently voting, and shall be punished in the same manner and to the same extent as if he had voted illegally in the general election; and if any voter who is entitled to vote in a party primary shall vote in any primary except that of the party to which he belongs, he shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not less than ten days nor more than thirty days.

Bribery misdemeanor.

Punishment.

Proviso: treating allowed.

SEC. 18. If any person, whether candidate or otherwise, shall influence or attempt to influence the vote of another by the use of money, intoxicating liquor, or by anything of value, or shall bribe or offer to bribe any voter by a promise of anything as a reward to be delivered or a service to be performed prior to, at the time of, or subsequent to the time of the primary, he shall be guilty of a misdemeanor, and upon conviction he shall be fined not less than twenty dollars nor more than fifty dollars or imprisoned not less than fifteen days nor more than fifty days for each offense: *Provided, however*, that nothing in this act shall be construed to prevent any candidate or any friend of any candidate from treating in their own behalf, or in behalf of their friends.

Candidates to file statements of expenditures.

Failure to avoid nomination.

Misdemeanor.

Punishment.

SEC. 19. On the day after every primary election is held every candidate voted for in the same shall file with the Clerk of the Superior Court of Camden County an itemized sworn statement of the money or other things of value spent or used by him in said primary election, setting forth the name of the person to whom money or other thing of value was given, and the purpose for which it was given; and should any candidate refuse to file such sworn statement within the time prescribed, he shall be disqualified for the nomination for which he aspires, and in addition thereto be guilty of a misdemeanor, and shall be fined not less than fifty dollars or imprisoned not less than thirty days, in the discretion of the court.

Statements to be filed by contributors.

Failure to file statement misdemeanor.

Punishment.

SEC. 20. Every person, firm, or corporation who shall contribute, use, or give, directly or indirectly, any money or other thing of value, to the executive committee to assist in conducting a primary, or who shall contribute, use, or spend any money, or other thing of value, to influence or secure the nomination of any candidate, either directly or indirectly, shall file with the Clerk of the Superior Court of Camden County on the day of the primary an itemized sworn statement setting forth the money or other thing of value used or given for such purpose, also the name of the person to whom the same is given; and any person, firm, or corporation who fails to comply with the provisions of this section shall be guilty of a misdemeanor and fined not less than one hundred dollars or imprisoned not less than three months, in the discretion of the court.

SEC. 21. The executive committee of any political party, by a two-thirds majority of all the members of the committee, shall have the power and authority to make such other rules and regulations as they may deem advisable for the proper holding of any primary election in the said county of Camden, and may, with a two-thirds majority of all the members of the executive committee, refuse and decline to hold any primary election whatever if they should desire: *Provided*, this act shall only apply to Camden County.

Rules and regulations by executive committee.

Refusal to hold primary authorized.

Proviso: application of act.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 622.

AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT IN BATH TOWNSHIP IN BEAUFORT COUNTY, AND TO PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. A special court for the trial of petty misdemeanors committed in Bath Township in Beaufort County, and to be designated as the "Recorder's Court," is hereby created and established.

Recorder's court established.

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, in his absence or sickness, by a substitute recorder who shall possess the qualifications of the recorder.

Court of record. Recorder.

Substitute recorder.

SEC. 3. Said recorder shall be 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 as herein provided shall be two years.

Election and term of recorder.

The substitute recorder shall be appointed every two years by the board of commissioners of Beaufort County on the first Monday in December after the general election. Until said election for the recorder 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 for 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 oaths shall be recorded in the records of the court.

Appointment of substitute recorder.

Election of first recorder.

Oath of office.

SEC. 4. The court shall hold daily sessions (Sundays excepted) at Bath. The first session of said recorder's court shall be held

Sessions of court.

First session.

Secretary of State
to transmit copy
of act.

on the first Monday morning after the ratification of this act and the election of the recorder 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.

Seal of court.

SEC. 5. Said court shall have a seal with the impression "Recorder's Court, Bath Township, 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.

Recorder to collect
costs and fines.
Itemized state-
ments to be filed
monthly.

SEC. 6. The recorder shall collect all costs and fines imposed by said court, and shall on the first day of each month file an itemized statement of all costs and fines imposed and collected during each preceding month, either with the board of commissioners of Beaufort County or with the clerk to the said board, and in addition thereto the recorder shall keep a permanent record, or docket, of all cases tried in or disposed of by the said court and all costs and fines imposed, with a minute of the proceedings and of the judgment of the court in each case, which record or docket shall be open to inspection at all times. All costs and fines so imposed and collected shall be payable weekly by the recorder to the Treasurer of Beaufort County, who shall credit the same to the general county fund, but the fines so collected shall be held by the said treasurer for the purposes now prescribed by law. The recorder shall give a bond in the sum of three hundred dollars, with good and sufficient surety, to be approved by the board of commissioners of Beaufort County, conditioned for the true and faithful performance of the duties of said office.

Dockets and
minutes.

Dockets open to
inspection.
Weekly settlement
of costs and fines.

Bond of recorder.

Jurisdiction.

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

As of justices of
the peace.

(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 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 justices of the peace courts shall certify said cases to the recorder's court hereby created.

Appeals from
justices' courts.

Jurisdiction of
enumerated
offenses.

(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 and 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 fifty-eight, inclusive; 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 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.

Petty misdemeanors.

Punishment.

(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 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.

Jurisdiction in preliminary hearings.

Proviso: prosecutions heretofore instituted.

Persons bound over on probable cause.

Commitment in default of bond.

(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

Sentences.

roads 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 Court.

Issue of warrants. (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.

Jurisdiction of offenses heretofore committed. (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.

Salary of recorder. SEC. 8. In lieu of all other fees and costs, the recorder of said court created hereby shall receive a salary of twenty dollars per month, which salary shall be payable monthly by the Treasurer of Beaufort County at the same time and in the same manner as now prescribed for payment of the salaries of the county officers.

Substitute recorder. Whenever the substitute recorder shall serve in place of the regular recorder, he shall be entitled to the salary of the recorder, during the time engaged, and the same shall be deducted from the monthly salary of the recorder.

Costs. SEC. 9. The costs taxable in said court shall be the same as are now taxable in a justice of the peace court for all cases of which a justice of the peace would have final jurisdiction, that is to say, the costs in the court created in this act for cases which may now be tried by a justice of the peace shall be the same as are now prescribed by law in justice of the peace courts; and in all other cases triable by the recorder of the court hereby created the costs shall be the same as in the Superior Court, except that a fee of one dollar shall be taxed for trial and judgment upon each defendant convicted: *Provided*, that in all cases before the recorder witnesses and jurors shall each be entitled to fifty cents per day and mileage, but only two witnesses in support of any material fact shall be allowed to file. Every defendant convicted and adjudged guilty therein shall be taxed with the costs of the prosecution, as hereinbefore prescribed.

Fee for trial and judgment.
 Proviso: witnesses and jurors.

Jury trial on demand. SEC. 10. In every case of which the recorder may have final jurisdiction, the defendant, upon demand therefor, shall be entitled to a trial by jury, but before making such demand the defendant must have pleaded "not guilty" to the warrant or indictment, and such demand must be made before evidence is offered.

Procedure. The procedure in said court upon demand for a jury, as aforesaid, shall be the same, as nearly as may be, as is now provided by law for a jury in the courts of justices of the peace, and the costs taxable against the defendant therefor shall be the same as in courts of justices of the peace, except that jurors shall each receive

Pay of jurors.

fifty cents per day and mileage; and in case of conviction, the defendant shall be taxed with a jury tax of three dollars, which sum shall be deposited when demand for a jury is made.

Jury tax.

Deposit of jury tax.

SEC. 11. 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 deputized 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.

Issue and service of process.

SEC. 12. 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 or 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 recorder of said court shall issue commitment of the defendant in accordance with the judgment of said court.

Sentence to road work.

Commitments.

SEC. 13. 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 and determine actions.

Proceedings.

Right of appeal.

Bond or commitment on appeal.

SEC. 14. 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.

Jurisdiction for recovery of fines and penalties.

SEC. 15. 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.

Cases now pending.

SEC. 16. The board of commissioners of Beaufort County may, at any interval of six months after the ratification of this act, reduce the monthly salary payable to said recorder, if the expense of conducting the said court shall be found to exceed the costs and fees collected therefrom.

Reduction of recorder's salary.

Removal of recorder or substitute for cause.

SEC. 17. The recorder or substitute recorder 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 the 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.

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 8th day of March, A. D. 1913.

CHAPTER 623.

AN ACT RELATIVE TO FISHING IN BLADEN, CUMBERLAND, SAMPSON, HENDERSON, AND CLAY COUNTIES.

The General Assembly of North Carolina do enact:

Close season for Black River.

SECTION 1. That it shall be unlawful for any person to catch with hook and line, seine, or destroy with gun or any gig or striking iron the fish in the waters of Black River and its tributaries in the counties of Bladen, Cumberland, and Sampson from the fifteenth day of May until the fifteenth day of August in each and every year. Any person violating this section 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 in the county jail not more than thirty days for each and every offense.

Misdemeanor.
Punishment.

Henderson county.

SEC. 2. That chapter three hundred and forty-five of the Public Laws of eighteen hundred and ninety-five, relative to fishing in certain streams in Henderson County, be amended by inserting in line four, after the word "line," the words "gig" and "seine."

Use of explosives forbidden in Clay county.

SEC. 3. That it shall be unlawful for any person to throw dynamite or any other explosive in any of the waters of Clay County for the purpose of killing fish, and the throwing or putting of dynamite or any other explosive in the waters of Clay County shall be *prima facie* evidence of the guilt of such person. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and fined not more than fifty dollars, one half of the said fine to go to the informer and the other half to go to the public school fund of said county.

Misdemeanor.

Fine.
Division of fine.

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 8th day of March, A. D. 1913.

CHAPTER 624.

AN ACT TO ESTABLISH A SPECIAL COURT FOR TYRRELL COUNTY, AND TO PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That a special term of criminal jurisdiction for the county of Tyrrell is hereby established and created, to be designated as the "Tyrrell County Recorder's Court." Said court shall be a court of record, and presided over by a recorder, who shall, during his incumbency in office, be a qualified voter in Tyrrell County.

Special court established.
Official designation
Court of record.
Recorder.

SEC. 2. That the recorder herein provided for shall be elected by the board of county commissioners for the county of Tyrrell at any regular meeting prior to the first Monday in January, one thousand nine hundred and fourteen, subsequent to the ratification of this act, and shall, if elected before that time, hold office until that time. That after the first Monday in January, one thousand nine hundred and fourteen, the term of office of said recorder shall be one year, and said board of commissioners shall on said first Monday in January, one thousand nine hundred and fourteen, and on the first Monday in January of each year thereafter, elect a recorder for said court, unless the said board of commissioners should in their discretion discontinue said court, and this discretion is expressly conferred upon said board of commissioners. The recorder of said court, before entering upon the discharge of the duties of his office, shall qualify by taking and subscribing before the clerk of the Superior Court an oath of office as required of Superior Court judges.

Election and term of recorder.

Election and term of successors.

Power to discontinue court.

Recorder to be sworn.

SEC. 3. Said court shall have a seal with the impression "Tyrrell County Recorder's Court" thereon, which seal shall be used in the 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. 4. The sessions of said court shall be held in such place in the town of Columbia as the board of commissioners of Tyrrell County may designate. The first session of said court shall be held on the first week day following the qualification of the recorder, and said court shall hold daily sessions, Sundays excepted, at the option of the recorder.

Sessions of court.

First session.

SEC. 5. That 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, where there are more than two defendants, one dollar for each additional defendant.

Fees of recorder.

Issue and service of process.

SEC. 6. The warrants, subpoenas, and other process issued by said recorder's court shall be directed to the sheriff or other lawful officer of Tyrrell 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 Columbia, or, in the absence of such officers, by any one specially deputized by the recorder in writing to make such service; and said warrants, subpoenas, or other process of court, when attested by the seal of said court, shall run anywhere in the State of North Carolina, shall be executed by officers according to law.

Fees.

SEC. 7. The fee for issuing and serving warrants, subpoenas, and other process issued by said recorder's court shall be the same as is now provided by law, and shall be paid to the officers performing such services, 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 said recorder shall provide and keep a permanent docket and record of all papers, proceedings, and process open to public inspection at all times, and shall at least one time each month prepare and deliver to the Clerk of the Superior Court of Tyrrell County a true record of his official acts, and all fines imposed and collected other than fines for violations of the ordinances of the town of Columbia shall be paid to the Treasurer of Tyrrell County on or before the second Tuesday in each month, and all fines imposed and collected for violations of town ordinances of the town of Columbia shall be paid to the treasurer of said town on or before the second Tuesday in each month.

Defendants convicted taxed with costs.

Dockets open to inspection.

Monthly reports and settlements.

Jurisdiction.

SEC. 8. The jurisdiction of said court shall be as follows:

Violations of town ordinances.

(a) Said court shall have final, concurrent, original jurisdiction of all violations of the town ordinances of the town of Columbia.

Offenses within justices' jurisdiction.

(b) Said court shall have final, concurrent, original jurisdiction of all violations of all criminal offenses committed in Tyrrell County which are now or may hereafter be within the jurisdiction of a justice of the peace.

Offenses below grade of felony.

(c) Said court shall have final, concurrent, original jurisdiction to hear and determine all criminal offenses committed in Tyrrell County below the grade of felony as is now defined by law, and all such offenses committed in said county are for the purposes of this act declared to be petty misdemeanors.

Search warrants and peace warrants. Jury trials.

(d) 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 by law before justices of the peace.

Jurisdiction in preliminary hearings.

(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 in Tyrrell County whereof the preliminary investigation is now conferred on justices of the peace

or the mayor of Columbia, said jurisdiction being concurrent with said mayor of Columbia and justices of the peace of Tyrrell County, and to render such judgment in such matters as are now provided by law.

(f) The said court shall have the same jurisdiction, power, and authority as is conferred on justices of the peace by the Constitution and laws of North Carolina, and shall also 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 Tyrrell County, to be worked on the streets of the town of Columbia or on the public roads of Tyrrell County or other county in the First Congressional District; and any person convicted or punished by a fine may be required to work on the public roads or streets as aforesaid for the nonpayment of the same, at fair and reasonable wages, to be paid to the board of county commissioners until the same is paid in full, together with the costs, and then to be discharged: *Provided*, 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, where the trial shall be *de novo*, said appeal to be perfected as in cases from a court of a justice of the peace.

Powers as of justices of the peace. Sentences.

Proviso: bonds and returns on appeals.

SEC. 9. Said court shall have the jurisdiction herein conferred of any and all criminal offenses committed before the ratification of this act, and of which no court has taken jurisdiction.

Jurisdiction of offenses heretofore committed.

SEC. 10. 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 Tyrrell County to elect a recorder for the balance of the unexpired time.

Election to fill vacancy.

SEC. 11. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 625.

AN ACT TO PROVIDE FOR AND REGULATE THE HOLDING OF PRIMARY ELECTIONS IN THE COUNTY OF MARTIN.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of selecting candidates for county and township offices, and representative in the Legislature, and for the purpose of selecting delegates to the county convention, the Democratic Party in the county of Martin shall hold, at the usual voting places in said county, a primary election as herein provided.

Primary elections for democratic party.

SEC. 2. The chairman of the executive committee of the Democratic Party in Martin County, on or before the first day of July,

Appointment of election officers.

one thousand nine hundred and fourteen, shall appoint a registrar and two managers of each voting precinct in Martin County, who shall constitute the precinct board of managers for holding primary elections in the various precincts of Martin County.

Revision of registration books.

SEC. 3. It shall be the duty of the various registrars so appointed to revise the registration books of the various precincts so as to show the names of all qualified electors therein, and said registration books shall be kept open for ten days preceding the day for the primary election for the registration of new electors, and said books shall close at eight o'clock on the night preceding such primary elections.

Close of registration.

Ballots, ballot boxes, and poll books.

SEC. 4. That it shall be the duty of the said board of managers and they are hereby empowered and directed to provide for their respective precincts all necessary ballots for the use of all candidates to be voted for in said primary election, also all necessary ballot boxes, poll books, and all other things necessary for the proper conducting of said primary elections, and that upon demand of said board of managers, the registration books of the various precincts of said county shall be turned over to said board of managers for use in said primary elections.

Registration books.

Rules governing election.

SEC. 5. The time and the hours for holding said primary election in said precincts and the rules governing same, not inconsistent herewith, shall be prescribed by, and carried into effect by the board of managers herein provided for.

Persons allowed to vote.

SEC. 6. That only *bona fide* members of the Democratic Party shall be permitted to vote in any primary held by the board of managers for the Democratic Party, and in all cases of challenge or dispute same shall be determined by the board of managers holding said election.

Determination of challenges.

Count and declaration of result.

SEC. 7. That at the close of said primary elections the said board of managers shall openly count and declare the result thereof, and shall name delegates to the county convention, the number of whom shall not exceed the number of votes to which such precinct is entitled in said convention, and the delegates so appointed by said board of managers shall vote in said convention in accordance with the result so declared, and each candidate shall receive his proportionate part of the vote as determined and declared in said primary election: *Provided*, that after the third ballot a majority of the delegates of any township may change the vote of such township to meet the wishes of said majority.

Appointment of delegates.

Vote of delegates.

Proviso: change after third ballot.

Returns.

SEC. 8. That on the second day after the holding of said primary elections said board of managers shall certify and return to the chairman of the executive committee of Martin County the result of same, together with the poll books and all other papers in connection therewith, and the same shall be open to public inspection.

Notice of candidacy.

SEC. 9. That every candidate to be voted for in said primary elections, except candidates for justices of the peace, county commissioners, constables, the coroner, and county surveyor of Martin

County, shall file with each of said board of managers, at least twenty days before such primary election is to be held, a notice in writing of their candidacy, and shall at the same time deposit with said board of managers the sum of two dollars each, to be by said board of managers used in defraying the expenses of holding said elections.

Deposit for expenses.

SEC. 10. That in case any registrar or manager shall for any cause fail to appear on the day set for such primary elections, it shall be the duty of the others who are present to name his or their successors, and said registrars and managers, before entering upon their duties, shall take an oath before some justice or notary public that they will honestly and fairly discharge their duties as such, and such registrars and managers shall hold office for two years from July first, one thousand nine hundred and fourteen, and until their successors are appointed as hereinbefore provided.

Vacancies.

Election officers to be sworn.

Term of office.

SEC. 11. That the registrars herein provided for shall receive as compensation for their services the sum of five cents per name for each new elector whom they may register, and the managers shall receive for their services one dollar per day each for holding said elections, and the pay of said registrars and managers shall be paid out of the deposits herein provided.

Pay of election officers.

SEC. 12. That in all elections held under the provisions of this act for county officers and for representatives in the Legislature, the candidate who shall receive a majority of the votes cast in such primary election shall be declared the nominee of his party for the office for which he was a candidate: *Provided*, that in case any candidate for any of such offices shall fail to receive a majority of the votes cast in such primary election, then and in that event there shall be held, within fifteen days from the date of the first primary, a second primary, and same shall be held under the same rules and regulations as the first primary: *Provided further*, only the two candidates receiving the greatest number of votes in the first primary shall be voted for in the second primary.

Persons declared nominated.

Proviso: second primary.

Proviso: persons eligible to second primary.

SEC. 13. That the voters in any township in said county shall have the right, if they so desire, to vote upon and ascertain the strength of any candidate to be voted for in the coming election, not herein mentioned, under rules to be prescribed by said board of managers, and upon petition of a majority of the electors in any township it shall be the duty of said board to provide for the holding of same, and to declare and return the result herein provided for county offices.

Vote on other candidates.

SEC. 14. That this act shall apply only to the Democratic Party in the county of Martin: *Provided*, any political party in said county, in its discretion, may hold primaries hereunder.

Application of act. Proviso: extension of application.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 626.

AN ACT TO AMEND SECTION 2773 AND SECTION 2776 OF THE REVISAL OF 1905, RELATIVE TO FEES IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

- Probate by witness. SECTION 1. Amend section two thousand seven hundred and seventy-three of the Revisal one thousand nine hundred and five by striking out in line ninety-three of said section, after the word thereof, the word "twenty-five," and insert in lieu thereof the word "fifteen." Strike out in line ninety-six of said section, after the word thereof, the word "twenty-five," and insert in lieu thereof the word "fifteen." Amend section two thousand seven hundred and seventy-six of the Revisal of one thousand nine hundred and five by striking out in line nine, after the word "copy-sheet," the word "eighty," and insert in lieu thereof the words "sixty-five," and add to the end of line ten, after the word "cents," the following: "Provided, that the registration of any deed of trust shall not cost more than one dollar and ten cents."
- Probate by acknowledgment. Fee of register of deeds. Limit of cost. Application of act. SEC. 2. This act shall apply only to the county of Forsyth.
- SEC. 3. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1913.

CHAPTER 627.

AN ACT TO PROVIDE GOOD ROADS IN WAKE FOREST TOWNSHIP, WAKE COUNTY.

The General Assembly of North Carolina do enact:

- Trustees named. SECTION 1. That W. R. Powell, P. H. Mangum, J. B. Powers, Jr., A. H. Shearon, W. D. O'Neal, N. Y. Gulley, W. M. Fuller, F. W. Dickson, G. E. Gill are hereby constituted a board of trustees for the public roads of Wake Forest Township in Wake County. The first three shall hold the position of trustees until January first, one thousand nine hundred and nineteen, the next three until January first, one thousand nine hundred and seventeen, and the last three until January first, one thousand nine hundred and fifteen. At the expiration of the terms of any, their successors shall be elected for six years by the qualified voters of Wake Forest Township. At the general election for State and county officers in November, one thousand nine hundred and fourteen, there shall be elected three to fill the terms that end January first, one thousand nine hundred and fifteen, and every two years thereafter three shall be thus elected to fill the places of those whose terms thus expire the first of January thereafter. All vacancies.
- Terms of office. Election of successors. Vacancies.

caused by death, resignation, or removal from 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.

Proviso: trustees not officers.

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 Wake Forest 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.

Trustees incorporated.
Corporate name.

Corporate powers.

SEC. 3. That it shall be the duty of said board of road trustees to take exclusive control and management of the roads of said Wake Forest 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 Wake County by virtue of the general law of the State and all special road laws for Wake County: *Provided*, nothing in this act shall be construed to apply to bridges over Neuse River.

Trustees to take exclusive management of roads.
Rights and powers vested.

Proviso: bridges over Neuse river.

SEC. 4. The board of trustees shall annually elect a chairman and secretary and a treasurer. The treasurer shall have charge of all road funds in 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.

Organization.

Bond of treasurer.

Executive committee.

Meetings and organization of committee.

Vouchers for road expenditures.

Delegation of powers.

SEC. 5. That said board of trustees shall annually elect a superintendent of roads for Wake Forest Township, who shall be paid such compensation out of the road funds 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 Wake Forest 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

Election and compensation of superintendent.

Term.

Proviso: removal for cause.

Duty of superintendent.

Monthly reports.

Bond of superintendent.

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.

Purchase of equipment.

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.

Employment of engineer.

Proviso: road duty abrogated.

Entry on land for material.

SEC. 7. That the superintendent of roads of Wake Forest Township is hereby authorized to enter upon any uncultivated lands near 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 lands 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 executive committee 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 executive committee.

Drains or ditches.

Obstructing drains or ditches misdemeanor.

Punishment.

Presentation and payment of claims.

Arbitration of claims.

Location and change of roads.

Procedure for 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 the 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 Wake Forest Township, to be selected and summoned by the Sheriff of Wake 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 Wake 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 Wake Forest Township, to be styled "Wake Forest Township Road Bonds," to an amount not to exceed fifty thousand dollars, of such denomination and of such proportions 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 semiannually, 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 in 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 at 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, together with all interest that may be due thereon, shall be attached to and imposed upon the political division of Wake County known as Wake Forest Township as constituted at the time of the ratification of this act. Bond issue authorized.
Entitlement of bonds.
Amount.
Denomination.
Interest.
Authentication.
Maturity.
Sale below par forbidden.
Obligation of bonds.

SEC. 10. That for the purpose of providing a sinking fund 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 county taxes, levy and lay a special tax on all persons and property subject to taxation within the limits of said Wake Forest 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: *Provided*, no other tax for roads shall be levied or collected on property and polls in Wake Forest Township. Special tax.
Limit of rate.
Collection and settlement of tax.
Proviso: tax exclusive.

SEC. 11. That the provisions of sections nine and ten of this act shall be submitted to a vote of the qualified voters of said Wake Forest Township at an election to be held on a day to be designated by the board of county commissioners of Wake County. Bond issue submitted to election.

- Appointment of election officers. 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 for each precinct, and shall order a new registration. At the close of said election 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 other provisions of this act there submitted to their vote, 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 the 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 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 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.
- New registration.
- Count of vote and declaration of result.
- Report and record of canvass.
- Ballots.
- Law governing election.
- Effect of election.
- Proviso: further election.
- Proceeds of bonds paid to road treasurer.
- Use of proceeds.
- Labor.
- Convict labor.
- Work in incorporated towns.
- Act subject to vote on general county bond law.
- SEC. 12. That all funds derived from the sale of any bonds of 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 of said township, the purchase of such material, machinery, and implements and the employment of such officers and labor as may be deemed necessary to the carrying out of this work.
- 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 working of convicts on the public roads all rights and privileges existing in regard thereto, all that hereafter may exist, for the use of convicts on the public roads of Wake County or any township therein shall exist and apply to the use of convicts on the roads of Wake Forest Township.
- SEC. 14. That no moneys shall be expended under this act on any road or street in any incorporated town except by the consent of the board of commissioners of said town; in such cases the board of road trustees may, if in their discretion the public good of the township demands it, work such streets only as form a part of the public highway through such town.
- SEC. 15. That this act shall not take effect or be in force until after the proposition is submitted to the voters of Wake County to

vote an issue of bonds for the improvement of the roads of said county, under the authority contained in an act of the General Assembly of North Carolina of the session of one thousand nine hundred and thirteen, entitled "An act to create the Wake County Highway Commission and to authorize the commissioners of Wake County to submit to the voters of the county the question of issuing bonds to construct public roads in said county." And if the majority of the votes cast in said election shall be in favor of the issuance of the bonds provided for in said act, and the said bonds shall be issued, then this act shall not take effect and be in force: *Provided*, that if a majority of the votes cast at said election therein provided for shall be against the issuance of said bonds, then this act shall be in full force and effect.

Act not effective.

Proviso: act effective.

SEC. 16. That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to said Wake Forest Township, whether general statutes of the State or special road laws for Wake County, are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTR 628.

AN ACT TO PROVIDE FOR THE BUILDING AND EQUIPPING OF A COURTHOUSE IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Columbus County are hereby authorized and empowered to have erected in the town of Whiteville, Columbus County, on the public square where the present courthouse is now situate, a new courthouse of sufficient size to accommodate the present and future needs of the county, both as to a courtroom, public reception room, and offices for all the public officers of Columbus County, including a courtroom, at least two jury rooms, judge's chamber, two consultation rooms, and separate offices or apartments for the clerk of the Superior Court, sheriff, register of deeds, treasurer, board of county commissioners, grand jury, superintendent of public instruction, and such other offices as in the judgment of said commissioners may be necessary; which said new courthouse shall cost not less than thirty-five thousand dollars; and shall erect and construct said courthouse with adequate, safe, and suitable fireproof vaults, furniture and appliances for the use and preservation of the public records, and provide said building with hot water, steam, and other proper means of heating, so as to avoid the danger of fire incident to the use of fireplaces and stoves; provide said

Erection of courthouse authorized.

Specifications.

Cost.

Fireproof vaults.

Specifications of furniture and equipment.

courthouse with proper closets, water and sewerage conveniences and electric or other lights, and properly erect, furnish, equip, and finish the said courthouse in a manner suitable, convenient, and adequate for the public business of Columbus County.

Employment of architect.

SEC. 2. That the said board of commissioners of Columbus County are hereby authorized and empowered to employ a competent and reputable architect to prepare and furnish plans for the erection and completion of said new courthouse, and after said plans shall have been received and approved the said commissioners shall advertise for bids for the erection and completion of said courthouse, and said bids shall be advertised for at least thirty days, and all bids shall be sealed bids, and shall be publicly opened at the time and place designated in the advertisement, in the presence of said commissioners and any citizen who may desire to be present; and the said commissioners shall canvass the bids so filed, and shall contract for the erection and completion of said building to such bidder as in their judgment they shall deem best, which said bidder shall be required to enter into a good and sufficient bond for the honest and faithful performance of his contract: *Provided*, that the said commission shall have the right to reject any and all of said bids and readvertise for other bids.

Advertisement for bids.

Opening bids and award of contract.

Bond of contractor.

Proviso: right to reject bids.

Bond issue authorized.

SEC. 3. That in order to raise funds for the purposes mentioned in this act the said commissioners are authorized and empowered to issue bonds of the county of Columbus, bearing interest at the rate of not less than two per cent and not more than six per cent per annum, to an amount of not less than thirty-five thousand dollars, of the denomination of one hundred dollars and five hundred dollars, respectively, at the discretion of said commissioners, and the said bonds shall be payable to bearer not less than five or more than thirty years from date of issue, the particular period to be fixed by said commissioners at the time of the sale of said bonds. The said bonds shall be payable in gold or its equivalent, and shall have coupons attached, representing the interest on said bonds, which interest shall be payable semiannually, and the said bonds and coupons shall be prepared under the direction and supervision of said commissioners, and the said commissioners shall have power and authority to determine any other provisions relating to said bonds in their 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: *Provided, however*, if in the opinion of said commissioners they shall deem it best, instead of issuing bonds as hereinabove stated, to borrow money sufficient to erect and complete the said courthouse, and to issue notes or other evidences of indebtedness, payable at such time or times as said commissioners shall agree upon, then the said commissioners are hereby author-

Interest.

Amount.

Denomination.

Maturity.

Bonds payable in gold.

Exemption from taxation.

Proviso: power to borrow money on notes.

ized and empowered to borrow a sufficient amount of money to erect and complete said new courthouse, and to issue said notes or other evidences of indebtedness, and the said county of Columbus shall be liable for the payment of the same.

SEC. 4. 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, or any money borrowed under the provisions of this act, the board of commissioners of Columbus County are authorized and empowered to levy and cause to be collected annually as other county taxes are levied, a tax upon all real and personal property, rights, and credits now or hereafter subject to taxation for general purposes, not exceeding fifteen cents on each one hundred dollars worth of property and upon each taxable poll a tax not exceeding forty-five cents. Special tax.
Limit of rate.

SEC. 5. That for the purpose of paying off any of said bonds, notes, or other evidences of indebtedness with any money that may be on hand at any time belonging to the general funds of the county of Columbus, the board of commissioners of Columbus County may, in its discretion, purchase annually after the lapse of one year from the date of issuing said bonds, notes, or other evidences of indebtedness, any amount of said bonds, notes, or other evidences of indebtedness issued and outstanding, at their par value, with accrued interest. Purchase of bonds
or notes.

SEC. 6. The clerk of the board of commissioners of Columbus 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 bonds purchased; and also a record of the bonds redeemed, together with the date of their redemption; 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 of Columbus County and the Clerk of the Superior Court of Columbus County, and a record of such destruction shall be made and dated in the record provided by the clerk of the board of commissioners of Columbus County aforesaid. The said commissioners at the time of selling any of said bonds, or issuing said notes or other evidences of indebtedness, shall deliver to the clerk of the board of commissioners of Columbus County a statement showing the names of each and every purchaser of said bonds, notes, or other evidences of indebtedness, the number and amount thereof purchased and the date of the sale. Record of bonds.
Statements of
sales.

SEC. 7. That before selling said bonds, the said commissioners shall advertise the same for thirty days immediately preceding the day of sale, at the courthouse door, and for four successive weeks in at least one newspaper of general circulation published weekly in said county of Columbus, and also two or more newspapers or journals published in the United States, giving the time and place when bids will be open for the sale of said bonds and the terms upon which said bonds are issued. Advertisement of
sale of bonds.

- Separate fund. SEC. 8. That the proceeds arising from the sale of said bonds, or the issuing of said notes or other evidences of indebtedness issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated for the purposes for which they are issued, as provided herein, and the treasurer of said county of Columbus shall open and keep a separate account of said funds, and shall pay out the same only upon order of said commissioners, and all orders drawn on said treasurer for the payment of said money or part thereof shall be signed by the clerk and approved by the chairman of said commissioners; 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 disbursement of said funds.
- Separate accounts. 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 bond given by said officers for the collection of county taxes shall include the taxes levied hereunder.
- Orders on 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 and above the amount necessary to pay interest upon said bonds, notes, or other evidences of indebtedness, the Treasurer of Columbus County shall open upon his book, as county treasurer, an account to be designated "Courthouse 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, notes, or other evidences of indebtedness shall be credited to the said "Courthouse Sinking Fund" account and there kept separate and distinct from all other county funds, for the purpose of paying the principal of said bonds, notes, or other evidences of indebtedness at maturity; and the said treasurer is hereby authorized and directed to invest any amount which may belong to the said "Courthouse 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*, no investment of said funds shall be made until the security therefor is approved by the board of commissioners of Columbus County; and *Provided further*, that preference shall be given in making said investments in the purchase, if possible, of said bonds, notes, or other evidences of indebtedness 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.
- Treasurer liable on bond. SEC. 11. That the said commissioners shall have the power to sell the present courthouse building, or make such other disposition or use of it as they may deem best for the public interest.
- Collection of taxes.
- Officers liable on bonds.
- Courthouse sinking fund account.
- Amounts credited to sinking fund.
- Investments of sinking fund.
- Proviso: approval of investments.
- Proviso: preference of investments.
- Treasurer liable on bond.
- Sale of present building.

SEC. 12. That during the period of tearing down the old courthouse now owned by the county of Columbus and erecting a new one by this act, the board of commissioners of Columbus County shall, if necessary, provide a suitable place in the town of Whiteville, North Carolina, for holding the courts of Columbus County, and also suitable officers of said county. They shall, during said time, take special precaution for the protection and safe keeping of the public records of the county. All sales and advertisements required by law to be made at the courthouse door shall be made on the courthouse square in the town of Whiteville, North Carolina, from the time the old courthouse ceases to be occupied as such until the new courthouse is completed.

Provision for temporary quarters.

Sales and advertisements.

SEC. 13. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 629.

AN ACT TO AMEND CHAPTER 560, PUBLIC-LOCAL LAWS, SESSION OF 1911, BEING AN ACT TO ISSUE BONDS FOR ROAD IMPROVEMENT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and sixty, Public-Local Laws, session of nineteen hundred and eleven, be and the same is hereby amended as follows:

(a) By striking out the word "six," in line four of section one, and inserting in lieu thereof the word "twenty-two."

Number of districts.

(b) By striking out the remainder of section one, beginning with line six, and inserting in lieu thereof the following: "Lumberton Township shall constitute District Number One; Back Swamp Township shall constitute District Number Two; Raft Swamp Township shall constitute District Number Three; Wishart's Township shall constitute District Number Four; Britt's Township shall constitute District Number Five; Howellville Township shall constitute District Number Six; Saddle Tree Township shall constitute District Number Seven; Whitehouse Township shall constitute District Number Eight; Fairmont Township shall constitute District Number Nine; Sterlings Township shall constitute District Number Ten; Orrum Township shall constitute District Number Eleven; Thompson's Township shall constitute District Number Twelve; Alfordsville Township shall constitute District Number Thirteen; Maxton Township shall constitute District Number Fourteen; Smith's Township shall constitute District Number Fifteen; Pembroke Township shall constitute District Number Sixteen; Red Springs Township shall constitute District Number Seventeen; Burnt Swamp Township shall constitute District Num-

Enumeration of districts.

ber Eighteen; Parkton Township shall constitute District Number Nineteen; Lumber Bridge Township shall constitute District Number Twenty; Saint Paul's Township shall constitute District Number Twenty-one; Rennert Township shall constitute District Number Twenty-two."

Limit of bond issue.

SEC. 2. That wherever it is provided in said chapter that no one district shall issue bonds to an amount exceeding one hundred thousand dollars, fifty thousand dollars shall be inserted in lieu of the one hundred thousand dollars.

County commissioners.

SEC. 3. That wherever the words "road commission" are used in said chapter the words "county commissioners" shall be inserted in lieu thereof.

SEC. 4. That all laws or 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 5th day of March, A. D. 1913.

CHAPTER 630.

AN ACT TO REGULATE PRIMARY ELECTIONS IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Political parties to nominate candidates by primary elections.

SECTION 1. That every political party, organization, or association in Bertie County 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 and township officers by a primary election held as herein-after 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.

Strength of candidates for district and State officers.

Date for primaries uniform.

Board of elections and chairman of executive committees to fix time.

SEC. 2. The time of holding such primary election shall be fixed 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.

Notice of meeting.

Board of elections to appoint managers.

SEC. 3. It shall thereupon be the duty of said board of elections to appoint two managers of said primary for each election precinct in said county for each party, the managers 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 be sworn.

oath that he will faithfully, impartially, and honestly conduct the same according to law. Should one or more of the managers appointed 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, 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.

Vacancies.

Administration of oath.

SEC. 4. The said board shall provide at each election precinct sufficient ballot boxes for candidates. Before any ballots are received at such election, and immediately before opening the polls, the managers shall open each 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 may before receiving the ballots of the 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.

Ballot boxes.

Exhibit of boxes.

Closure of boxes.

Poll lists.

Pledge of voters.

SEC. 5. At the close of the election the managers shall proceed 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 return open and canvass said returns and declare the results thereof.

Count of votes and declaration of result.

Return and canvass.

SEC. 6. The county or township 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 wherever no county or township 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.

Persons declared nominated.

Proviso: demand for second primary.

Candidates eligible to second primary.

Persons entitled to vote.

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. 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 to the office for which he votes in said primary, at the ensuing election, unless prevented from voting by some unavoidable cause.

Oath to abide result.

Hours of voting.

Challengers.

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. The executive committee of either party 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 such witnesses as either challenger or elector may desire to be examined.

Hearing on challenges.

Notice of candidacy.

SEC. 9. That the several candidates for legislative and county and township officers 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 indorse 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 said candidates printed, with instructions thereon as to how many persons each voter may vote 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.

Indorsement.

Lists of candidates with instructions for voting.

Assessment on candidates for expense of election.

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, except county commissioners, county surveyor, coroner, justices of the peace, and constable, 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 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

Limit of amount.

Proviso: distribution of surplus.

surplus after paying the expenses of said primary, it shall be prorated 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; such expenses 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.

Payment and use of assessment.

Assessment fixed by executive committee.

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 made by executive committee.

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.

Rules for conduct of primaries.

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.

Dereliction of duty by manager misdemeanor. Punishment.

Fraud by managers misdemeanor.

Punishment.

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.

False swearing or impersonation 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 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 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.

Participation in different primaries fraudulent voting.

Punishment.

Repeating a misdemeanor.

Punishment.

Illegal voting misdemeanor.

Bribery defined and made misdemeanor.

SEC. 16. If any person shall attempt to influence the vote of another by 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, or if 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.

Punishment.

Application of act.

SEC. 17. That this act shall apply to the county of Bertie only.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 631.

AN ACT TO PERMIT THE COUNTY COMMISSIONERS OF CLEVELAND COUNTY TO ABOLISH THE RECORDER'S COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Abolition of court authorized.

SECTION 1. That at their regular meeting on the first Monday in January, one thousand nine hundred and fourteen, or at a period of every two years thereafter, the board of commissioners of Cleveland County may, in their discretion, by resolution duly adopted, abolish the recorder's court provided by chapter two hundred and forty-three of the Public Laws of one thousand nine hundred and eleven, on and after the first of December, one thousand nine hundred and fourteen, or at a period of two years thereafter: *Provided*, nothing in this act shall be construed to affect the provisions of section number twenty of chapter two hundred and forty-three of the Public Laws of one thousand nine hundred and eleven.

Proviso: effect of abolition.

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

Ratified this 8th day of March, A. D. 1913.

CHAPTER 632.

AN ACT TO REGULATE FEES AND COMPENSATION TO BE PAID IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Pay of county commissioners.

SECTION 1. That section two of chapter three hundred and thirty-one, Public-Local Laws of nineteen hundred and eleven, be amended by inserting between the words "meetings" and "the," in

line three, the words "not exceeding," and that said section be amended further by striking out the word "two," in line four, and insert in lieu thereof the word "three."

SEC. 2. That the township road commissioners of the several townships shall receive such compensation for attending meetings of the township road commission as such commission shall determine, not exceeding one dollar and fifty cents per day: *Provided*, the road commissioners in Newton and Hickory townships shall not receive pay for attending more than twelve meetings in any one year, and the road commissioners of any other township shall not receive pay for attending more than four meetings in any one year.

Pay of township road commissioners.

Proviso: limit of meetings.

SEC. 3. The members of the county board of health shall receive three dollars per diem and mileage in lieu of four dollars as now provided by law: *Provided*, any members of said board being an official whose compensation is fixed upon a salary basis, shall pay said per diem into the salary fund of the county.

Pay of county board of health.

Proviso: members on salary.

SEC. 4. This act shall apply to Catawba County, and all laws in conflict with this act are hereby repealed in so far as they apply to Catawba County.

Application of act.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 633.

AN ACT TO PREVENT THE MANUFACTURE AND SALE OF WINE, CIDER, AND OTHER INTOXICATING LIQUORS WITHIN THE VICINITY OF OAK GROVE FREE-WILL BAPTIST AND OAK GROVE UNIVERSALIST CHURCHES IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to manufacture or sell any wine, cider, or other spirituous or intoxicating liquors within three miles of Oak Grove Free-Will Baptist Church, or within three miles of Oak Grove Universalist Church, in Westbrook Township, Sampson County: *Provided, however*, that this act shall not apply to prevent any person manufacturing wine and cider for his or her own use.

Prohibition.

Proviso: manufacture for personal use.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, 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, A. D. 1913.

CHAPTER 634.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED ON THE 24TH DAY OF FEBRUARY, 1913, AND ENTITLED "AN ACT TO AMEND CHAPTER 496, PUBLIC LAWS OF 1911, IN REFERENCE TO THE ROADS OF IREDELL COUNTY."

The General Assembly of North Carolina do enact:

Reference corrected. SECTION 1. That an act entitled "An act to amend chapter four hundred and seventy-six, Public Laws of one thousand nine hundred and eleven, ratified on the twenty-fourth day of February, one thousand nine hundred and thirteen, be amended by inserting the word "local" after the word "public," in line two of the title of said act, and by inserting the word "local" after the word "public," in line two of section one of said act, as the same appears in the file of enrolled acts in the office of the Secretary of State.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 635.

AN ACT TO REGULATE THE PAY OF COUNTY COMMISSIONERS OF PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Pay of county commissioners. SECTION 1. That the county commissioners of Pamlico County shall receive as compensation for their services when in meeting as a board, the sum of three dollars per day and mileage as now fixed by law, and the chairman of said board may receive such additional compensation for extra services on account of looking after road work, or otherwise required and may be necessary, as the board of commissioners may deem proper and reasonable.

Pay of chairman.

Pay of county attorney.

SEC. 2. That the county commissioners of said county of Pamlico may pay the county attorney of said county such compensation as they may deem proper, and in fixing the salary of such attorney they shall take in consideration the increase of services necessary to be rendered.

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 5th day of March, A. D. 1913.

CHAPTER 636.

AN ACT FIXING SALES DAYS FOR SALE OF REAL PROPERTY SOLD UNDER POWER OF SALE CONTAINED IN MORTGAGES OR DEEDS OF TRUST, IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all real property sold in Mecklenburg County under the power of sale contained in any mortgage or deed of trust shall be sold at public auction at the county courthouse door of said county, either on the first Monday or on the third Monday in any month, and then only after due advertisement as required by law and under the terms of said instrument conferring power of sale: *Provided, however,* that this act shall not apply to sales of real property made under the power conferred in any mortgage or deed of trust wherein a place other than the county courthouse door is designated as the place of sale: *Provided further,* that this act shall not be construed to invalidate any sale on other days than those herein designated when the purchaser has no actual knowledge of this act, nor shall it be construed to invalidate sales made on other days than those herein designated, when the purchaser or subsequent purchasers do not have actual knowledge that such sales were not made on the days herein designated.

Place of sale.

Sale days.

Proviso: sales under special powers.

Proviso: sales not invalidated.

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

Application of act.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 637.

AN ACT TO PROVIDE FOR THE ELECTION OF A COTTON WEIGHER FOR THE TOWN OF LUCAMA, WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Lucama in Wilson County may elect a public cotton weigher at their regular meeting held for the month of July, one thousand nine hundred and thirteen, who shall hold his office for a term of one year and until his successor has been elected and qualified.

Election and term of weigher.

SEC. 2. That it shall be the duty of the said cotton weigher to weigh all cotton sold in the town of Lucama in bales, and to give a certificate to the seller of the said cotton, showing the correct

Duty of cotton weigher.

Town commis-
sioners to prescribe
and publish rules
and regulations.

weight of each bale weighed by him; that it shall be the duty of the board of commissioners in the town of Lucama to make and prescribe such rules and regulations governing the sale and weighing of cotton in the said town as may be just. That the said commissioners shall cause such rules and regulations as are made by them to be printed and shall also cause at least one copy of the same to be kept posted at a public place in said town, and shall furnish any person requesting same a copy of the said rules and regulations.

Bond and com-
pensation of
weigher.

SEC. 3. That the said cotton weigher, before entering upon the discharge of his duties, shall give a bond in the sum to be fixed by the said commissioners for the faithful discharge of the duties of his office, 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 each to pay five cents; the five cents to be paid by the seller to be retained by the purchaser, who shall be responsible to the weigher for his fees.

Records and cer-
tificates received
in evidence.

SEC. 4. That the records of the said cotton weigher and any certificates made by him under his hand, when duly authenticated, shall be received as evidence upon the trial of any action or controversy in any court in the State of North Carolina.

Cotton weigher
named.

SEC. 5. That Z. R. Davis be and he is hereby appointed cotton weigher for the said town of Lucama, to serve until his successor has been elected in accordance with the provisions of this act: *Provided, however,* that the said Z. R. Davis shall give bond as hereinbefore provided before entering upon the discharge of the duties of his office.

Proviso: to give
bond.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 638.

AN ACT TO AMEND CHAPTER 386, PUBLIC LAWS 1909, RELATING TO ROWAN COUNTY COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and eighty-six of the Public Laws of North Carolina of one thousand nine hundred and nine be and the same is hereby amended in the following particulars:

(1) By striking out the word "twelve" in line eight of subsection three of section three of said chapter, and inserting in lieu thereof the word "three."

(2) By inserting in line two of section five of said chapter, after the word "issue" and before the word "processes," the words "warrants, summonses, subpoenas, capiases, and other," and by

Action within
three months.

Process issued by
court.

inserting in line eighteen of section five of said chapter, after the word "the" and before the word "precepts," the words "warrants, summonses, subpoenas, capiases, and other," and by inserting a comma after the word "processes" in line nineteen of said section five, and by inserting after the word "processes" and before the word "may," in line nineteen of said section, the words "both civil and criminal."

(3) By inserting in line three of section six of said chapter, after the word "county" and before the word "has," the word "court." Verbal correction.

(4) By inserting in line eighteen of section twelve of said chapter, after the word "Salisbury" and before the word "the," the following: "*Provided further*, when any police officer of the city of Salisbury, or other person who receives a monthly or yearly salary from said city, shall be entitled to witness fees in any criminal case, such fees shall be charged in the bill of costs and paid into the treasury of the city of Salisbury; and when any officer of Rowan County who receives a monthly or yearly salary from said county shall be entitled to witness fees in any criminal case, such fees shall be charged in the bill of costs and paid into the treasury of Rowan County." Proviso: fees of salaried officers.

(5) By striking out the words "one thousand" in line eighteen of section seventeen of said chapter, and inserting in lieu thereof the words "twelve hundred." Salary.

(6) By inserting in line four of section twenty of said chapter, after the word "justice" and before the word "it," the following: "the prosecuting attorney shall not be eligible to hold office for two terms in succession." Prosecuting attorney.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 639.

AN ACT TO DECLARE CERTAIN TERRITORY IN CHEROKEE COUNTY UNDER THE STOCK LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That the following territory in Cherokee County is hereby declared stock-law territory, to wit: Beginning on the north bank of Hiwassee River at the corporate limits of the town of Murphy, running up said river to Clay County line; thence with Clay County line on top of the mountain to Valleytown Township line; thence with Valleytown Township line and Murphy Township line with the mountain to Indian Grave Gap; thence with said township line to Valley River; thence down Territory declared under stock law. Boundary.

Valley River to the corporate limits of the town of Murphy near the Meroney Bluff; thence with the corporation line of the town of Murphy to the beginning.

Boundary a lawful fence.

SEC. 2. That the boundary set forth in section one of this act shall be deemed and the same is hereby declared to all intents and purposes a lawful fence, and a full compliance with section two thousand eight hundred and twenty-three, chapter twenty of The Code. Any live stock found running at large within said boundary may be taken up and impounded and subject to all the provisions of law with respect to live stock running at large within stock-law territory as provided in chapter twenty of The Code.

Stock taken up impounded.

Live stock beyond boundary.

SEC. 3. That if any owners of any live stock living within the boundary set forth in section one of this act shall permit such live stock to run at large outside of said boundary and commit any trespass or damage to any growing or other crop outside of said boundary, and any person so damaged may impound the same, and the same shall be subject to all the provisions of law as relates to stock impounded within said stock-law territory as set forth in section two of this act.

County commissioners to call election.

Notice of election.

Election officers.

Polling place.

Ballots.

New registration.

SEC. 4. That the county commissioners of the county of Cherokee at their regular meeting in April, one thousand nine hundred and thirteen, shall call an election in the manner as follows, to wit: That said board shall give thirty days notice of said election by advertising same in some newspaper published in the county, and by posting same at three public places in said territory; that said board shall appoint a registrar and two judges; that said election shall be held at the Peach Tree Precinct, and those in favor of stock law shall vote a ballot "For Stock Law" and those opposed a ballot "Against Stock Law"; that said ballots shall be either written or printed; that a new registration shall be ordered for said election, said registration to be held in the same manner as provided in the general election law for county officers and members of the General Assembly.

Further elections.

SEC. 5. Should a majority of the votes cast at said election be "Against Stock Law" at the first election, then upon a petition of the majority of the qualified voters residing within said territory being presented to said commissioners at any time thereafter, requesting another election on said stock-law boundary, then the commissioners of Cherokee County are hereby authorized and empowered to call another election on said question, to be held under the same rules and regulations as above provided for said first election.

When act in effect.

SEC. 6. Should a majority of the votes cast at said election above provided for be in favor of stock law, then and in that event said stock law shall not be in full force and effect until the end of six months after the date of said election.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 640.

AN ACT TO PREVENT THE SALE OF WINE, CIDER, OR ANY OTHER INTOXICATING LIQUOR WITHIN TWO MILES OF ELIZABETH BAPTIST CHURCH IN LITTLE COHARIE TOWNSHIP, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to sell or offer for sale any wine, cider, or other intoxicating liquor within two miles of Elizabeth Baptist Church in Little Coharie Township, Sampson County, North Carolina, or within three miles of Belvoir Schoolhouse in Honeycutt Township, Sampson County, North Carolina, or within the limits of Concord Special School District in Sampson County, North Carolina. Prohibition.

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 or imprisoned, or both, 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, A. D. 1913.

CHAPTER 641.

AN ACT TO PROVIDE FOR AND REGULATE THE HOLDING OF PRIMARY ELECTIONS IN THE COUNTY OF WARREN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-two of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby repealed, and chapter seven hundred and forty-nine of Public Laws of one thousand nine hundred and nine, providing for primary elections in the county of Warren, is hereby reënacted, with the amendments stated below. Law repealed.
Law amended and reënacted.

SEC. 2. Amend section one of chapter seven hundred and forty-nine of Public Laws of one thousand nine hundred and nine, by striking out all after the word "Warren" in fifth line of said section, and inserting "shall hold at the several voting places in said county, on such days as the executive committee or the governing body of such political party shall designate for the year one thousand nine hundred and fourteen, and biennially thereafter, a primary election." Dates fixed by executive committee.

SEC. 3. That section three of said act of one thousand nine hundred and nine, line three, be amended by adding after the word "election" and before the word "and" the words "and shall furnish" Registration books.

said managers with the registration book of the last general election or a true copy of the same for each election precinct in the county."

Board of elections to canvass returns. Persons declared nominated.

SEC. 4. Amend section five by striking out all of the said section after the word "the" at the end of line three in said section, and inserting the following: "The board of elections of said county, on or before eleven o'clock on the second day after said election; and the said board of elections of said county shall meet at eleven o'clock on the second day after said election, at the courthouse in Warrenton, North Carolina, and canvass the vote and declare the result. The person receiving a majority of the votes cast for the office for which he is a candidate shall be declared by the said board of elections the nominee of his party."

County board of elections.

SEC. 5. Amend section ten by striking out lines one and two to the word "shall" and substituting in place thereof the words "the board of elections of said county."

Law governing election.

SEC. 6. That an additional section, to be known as (12a) twelve (a), be added to said law as follows: "Said primary election shall be conducted as far as practicable in accordance with the general election law, and the provisions of chapter ninety of the Revisal of one thousand nine hundred and five, and amendments thereto not inconsistent with this act, shall apply as fully to such primary elections as to the general election; and it shall be a misdemeanor for any election officer or manager to fail to call or fraudulently call the same, or write the same in any return for candidates other than the ones voted for."

Misconduct of officers misdemeanor.

Application of act. SEC. 7. That this act shall apply only to the county of Warren.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 642.

AN ACT TO IMPROVE THE PUBLIC ROADS IN ROCKINGHAM COUNTY BY CUTTING BACK SHADE TO GIVE VENTILATION AND LET SUNSHINE ON ROADBED.

The General Assembly of North Carolina do enact:

Cutting of trees authorized.

SECTION 1. That the county commissioners may authorize the county road supervisor to have the shade cut back to a certain distance on all public roads where they have been properly located: *Provided*, no trees near dwellings or outbuildings left for shade, or fruit trees, nor valuable timber trees shall be cut.

Proviso: trees excepted.

Distance affected.

SEC. 2. That all public roads running north and south approximately to sixty-five degrees east or west the shade may be cut back twenty feet on either side or twenty-five feet on one side

and fifteen feet on the other so as to let in most sunshine, measuring from center of road, and all public roads running approximately from sixty-five to ninety degrees east or west may be cut back thirty feet, measuring from center of road, on south side only.

SEC. 3. That this act shall apply only to Rockingham County. Application of act.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 643.

AN ACT TO APPOINT A COTTON WEIGHER FOR RAEFORD TOWNSHIP, AND TO PROVIDE FOR HIS ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. That at the first regular meeting in the month of April, one thousand nine hundred and thirteen, the commissioners of the town of Raeford shall appoint a cotton weigher for Raeford Township, Hoke County, who shall hold office until his successor is elected and qualified in the manner hereinafter provided. Election and term of cotton weigher.

SEC. 2. That there shall be an election for a cotton weigher in Raeford Township on the second Tuesday in July, one thousand nine hundred and thirteen, and on the same day each year thereafter, under the same rules and regulations that govern State and county elections. The mayor and board of commissioners of the town of Raeford shall appoint a registrar and two judges to conduct the elections and to provide for the registration of voters in the township. All persons qualified to vote for members of the General Assembly, who have resided in Raeford Township ninety days with intent to make said township their place of residence, shall be allowed to vote. Election and term of successors.
Appointment of election officers. Registration.
Persons qualified to vote.

SEC. 3. That within five days after the election the person so elected shall give bond in a sum not to exceed five hundred dollars, to be approved by the board of commissioners of the town of Raeford, for the faithful performance of his duties; he shall also take oath, before some one legally authorized to administer oaths, to act fairly and impartially in the discharge of his duties. Cotton weigher to give bond and qualify.

SEC. 4. That it shall be the duty of said cotton weigher to weigh all cotton sold in bales in the town of Raeford; to keep separate the cotton belonging to different purchasers weighed by him, so that the cotton on the yard or platform where the weighing is done shall not become mixed; to keep a record of all cotton weighed, showing the name of seller and buyer, the grade of cotton and prices paid, if known to such weigher. Duty of cotton weigher.
Record.

Record received
as evidence.
Record open to
inspection.

SEC. 5. That the record 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.

Compensation.

SEC. 6. That said cotton weigher shall receive as full compensation for his services the sum of ten cents per bale for each bale of cotton 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.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 644.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GATES 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:

Donation
authorized.

SECTION 1. That the board of commissioners of Gates County be and they are hereby authorized to donate, in their discretion, out of the treasury of said county, a sum of money not exceeding six hundred dollars for the purpose of aiding in the erection of a Confederate monument at the county-seat of said county; and the said board is hereby authorized and empowered to donate county land for location of said monument.

Amount.

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

Donation of site.

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

Ratified this 8th day of March, A. D. 1913.

CHAPTER 645.

AN ACT TO PREVENT THE DEPREDATION OF DOMESTIC FOWLS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Permitting fowls
to run at large
unlawful.

SECTION 1. That it shall be unlawful for any person or persons in the county hereinafter named 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.

SEC. 2. That any person or persons so permitting his or her fowls Misdemeanor. to run at large, after three days notice to keep them up, shall be guilty of a misdemeanor, and upon conviction shall be fined not Punishment. exceeding five dollars or imprisoned not exceeding five days, in the discretion of the court.

SEC. 3. That this act shall apply to Randolph County only. Application of act.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 646.

AN ACT TO MITIGATE THE EVILS OF HYDROPHOBIA AND PROTECT THE SHEEP INDUSTRY OF THE COUNTIES OF ROCKINGHAM, CASWELL, PERSON, GUILFORD, AND UNION.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be annually levied and collected the Tax to be levied and collected. following tax upon every male dog over three months old, kept or owned by any person, firm, or corporation: one dollar on all male Rate. dogs and two dollars on all female dogs.

SEC. 2. That the list takers or assessors of every township or ward, at the time of making the annual assessment, shall inquire and ascertain the number of dogs liable for taxation, and shall list and enter the same on the regular abstracts 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 and to be paid, as specified in the preceding section. It shall be the duty of the list taker or assessor to explain to the owner of any such dog or dogs the effect of listing same and amount of tax they will be required to pay. Any person desiring to be relieved of this tax Exemptions to owners. may, within ten days after the sitting of the list takers or assessors in their respective townships, wards, or precincts, furnish sufficient evidence to said list takers or assessors or to some justice of the peace in the county or town that he has killed said dog or dogs, and 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 Exemption from tax on killing dogs. to list a dog or to kill same as herein specified shall be guilty of a misdemeanor, and shall be fined in the discretion of the court. Explanations to owners. Exemption from tax on killing dogs. Failing to list or kill dogs misdemeanor. Punishment. The sheriff or tax collector shall give the owner of any dog or Receipt for tax. dogs who pays tax on said dog or dogs a receipt for the year in which tax is paid.

- Tax lists. SEC. 3. The clerk of 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 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 the same liability as to the proper accounting and settling for the 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 under this act. They shall receive the same rate of commission for collecting and accounting for this tax as they now receive under the general law.
- Tax receipts.
- Collection of tax. SEC. 4. The sheriff or tax collector shall pay over to the county treasurer, after deducting his commission as provided in the preceding section, the money arising under the provisions of this act. The said money shall become a part of the road or school fund of the several counties as the county commissioners may determine.
- Collection by district.
- Commission on collections.
- Settlement of tax. SEC. 5. Any county or town officer who shall neglect or refuse to perform any of the duties imposed upon him by the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in the discretion of the court.
- Application.
- Neglect of duty misdemeanor.
- Punishment.
- Ownership of dogs. SEC. 6. Any person or persons in possession of any dog or dogs who shall suffer the same to remain about his premises for the space of ten days previous to the assessment of said tax or previous to any injury, worrying, or killing any stock, shall be deemed the owner of such dog for all purposes mentioned in this act.
- Application or act. SEC. 7. The above act shall apply to only the following counties: Rockingham, Caswell, Person, Guilford, Union.
- Not effective in Rockingham until ratified by voters.
- SEC. 8. That this act shall not be in force and effect in Rockingham County until the provisions of same are submitted to the qualified voters of said county and ratified by a majority of those who vote thereon.
- Order for election. SEC. 9. That the board of commissioners of Rockingham County may, upon the petition of not less than two hundred qualified voters, call an election for the purpose of submitting this act to the qualified voters of said county, or same may be submitted upon the petition of the above named qualified voters at any general election. In the event that an election is called by said board of commissioners, same shall be held and conducted as required by law for the election of members of the General Assembly: *Provided, however,* when the result of said election is declared as required by law for election of members of the General Assembly, the result of same shall be transmitted to the board of commissioners, and same may be placed upon the minutes of the next meeting of said board of commissioners after results of said election are declared. That in the event any such election is held, all qualified voters desiring to vote for the provisions of this act shall vote a written or printed ballot "For Dog Tax," and those who desire to vote against the provisions of this act shall vote a
- Law governing election.
- Proviso: record of result.
- Ballots.

written or printed ballot with the words "Against Dog Tax" thereon. If a majority of the qualified voters who vote in any such election shall vote "For Dog Tax," the result shall be declared as hereinbefore provided, and when same is declared and entered upon the minutes of the meeting of the board of county commissioners of said county, the provisions of this act shall then be in full force and effect in Rockingham County. If a majority of the qualified voters who vote in said election vote "Against Dog Tax" the result shall be declared as aforesaid, and this act shall have no force and effect in Rockingham County.

Effect of election.

SEC. 10. That this act shall be in force and effect in all the counties hereinbefore named, except as to Rockingham County, from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 647.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CASWELL 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:

SECTION 1. That the board of commissioners of Caswell County be and it is hereby empowered to submit to the voters of Caswell 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 thousand dollars, 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 votes cast shall not be for 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: *Provided*, that upon petition of one-third of the qualified voters of the county, the county commissioners shall call an election within two months from receipt of such petition: *Provided further*, that the county commissioners shall not call an election on good roads bond issue oftener than once in any one year.

Election on bond issue authorized.

Amount to be voted on.

Notice of election.

Proviso: further election.

Proviso: further election on petition.

Proviso: limitation.

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

Law governing elections.

Proviso: appointment of election officers.

- Registration and challenges. 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 results of the election shall be necessary.
- Count and return of vote. 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 Bond 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.
- Tabulation, declaration, and record of result. 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, to be known as the good roads commission of Caswell 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. 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.
- Ballots. 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 and term of good roads commission. 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, but their location shall be made only after the submission of plans, specifications, profiles, and estimates by a competent and expert road engineer. In designating said highways said commission shall take into consideration the needs of the entire county and every
- Vacancies. Commissioners to qualify, meet, and organize.
- Salary of treasurer.
- Pay of commissioners.
- Proviso: limit of meetings.
- Highways designated by commission.
- Location, specifications, and estimates.
- Considerations governing designation.

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.

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 county commissioners of the county shall have bonds prepared of the denomination 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 commissioners, not exceeding five per cent per annum, with interest coupons attached, payable semiannually 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 Caswell County, in the town of Yanceyville, North Carolina. Both bonds and coupons shall be numbered consecutively, beginning with number one, and both shall be signed by the chairman of the board of county commissioners and countersigned by its clerk, and each bond shall be authenticated by the seal of the county, and they shall be styled "Caswell County Highway Improvement Bonds."

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. The good roads commission shall have the power to advertise and sell any or all of 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 good roads commission shall apply to the custodian of the seal of Caswell 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

Employment and compensation of engineer.

Issue of bonds.

Denomination.

Amount.

Interest.

Maturity.

Payable in standard currency.

Authentication.

Entitlement.

Bonds turned over to good roads commission.

Sale of bonds.

Bonds sealed before delivery.

Sale below par forbidden.

Specific appropriation of proceeds.

Proviso: purchasers not responsible for application.

- 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 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.
- Record of proceedings and bonds.
- Minutes open for inspection.
- Proceeds paid to road treasurer.
- Separate funds and accounts. Bond of treasurer.
- SEC. 8. 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 Caswell, 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 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.
- Orders on road funds.
- Separate road tax.
- SEC. 9. 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 one hundred dollars worth of property and not less than twenty-five cents on the one hundred dollars worth of property. 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, 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.
- Limit of rate. Collection and application.
- Sinking fund.
- Management and investment of sinking fund.

SEC. 10. The said good roads commission shall use the funds derived from the sale of said bonds 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, justice'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 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 funds derived from the sale of bonds.

Use of funds.
Equipment.
Employees.
Prisoners assigned to road work.

Control of convicts.

Maintenance and safe keeping.

SEC. 11. The highways in said county constructed or improved under this act shall have a right of way of not less than forty feet, eighteen feet of which shall be free from logs, stumps, rocks, and drains, at least nine feet of which shall be macadam, 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.

Specifications for highways.

SEC. 12. As soon as the good roads commission shall deem it necessary, they shall elect by ballot a highway superintendent for the county of Caswell and fix his compensation. The result of said election shall be declared and recorded in the proceedings of said good roads 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 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 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.

Election and compensation of superintendent.

Superintendent to qualify and give bond.

Term of office.

Authority and duties.

SEC. 13. The treasurer of the good roads commission shall on the first Monday in each and every month post at the courthouse 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 in 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.

Itemized statements posted monthly.

Quarterly accounts.

Reports of work.

Entry on lands.

SEC. 14. 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 cannot 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 land as authorized in 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.

Assessment of damages.

Proviso: notice to landowners.

Settlements with sheriff.

SEC. 15. The good roads commission of Caswell 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 good roads commission, 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.

Payment of expenses.

SEC. 16. 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.

Highway defined.

SEC. 17. The term "highway" shall be understood to mean all public roads designated as such under the provisions of section five of this act.

Issuing or paying fraudulent order felony.

SEC. 18. 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.

Road commissioners subject to removal.

SEC. 19. 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 abrogated.

SEC. 20. If a majority of the votes cast shall be 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.

Acceptance of State aid authorized.

SEC. 21. 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 Caswell County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

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

SEC. 23. This act shall take effect from and after its ratification. Ratified this the 5th day of March, A. D. 1913.

CHAPTER 648.

AN ACT TO REGULATE HUNTING GAME IN BENTONSVILLE AND OTHER TOWNSHIPS IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt with dog or gun, trap, shoot, kill, or destroy any squirrels, partridges, quails, wild turkeys, or opossums in Bentonsville, Boone Hill, and Wilder's townships, in Johnston County, from the first day of March to the first day of November in any year. Close season. Townships affected.

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

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 5th day of March, A. D. 1913.

CHAPTER 649.

AN ACT TO PERMIT RALEIGH TOWNSHIP, WAKE COUNTY, TO ISSUE \$100,000 IN BONDS FOR SCHOOL BUILDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That the school committee of Raleigh Township, Wake County, by a majority vote, be and is hereby authorized and empowered to petition the board of county commissioners of Wake County, North Carolina, to call an election in said township at a time and places to be specified by said school committee, within the year one thousand nine hundred and thirteen, to determine the question, "Shall the school committee of Raleigh Township, Wake County, issue one hundred thousand dollars of bonds (par value) for said township, with interest coupons attached, bearing interest at the rate of five per cent per annum, payable semi-annually, to aid in the construction and equipment of graded or public school buildings in the said township?" School committee authorized to petition for election. Question to be determined.

County commis-
sioners to order
election.

Question to be
determined.

Notice of election.

Law governing
election.

Proviso: new
registration.

Proviso: election
officers.

Registration and
challenges.

Count and return
of votes.

Tabulation, decla-
ration, and record
of result.

Ballots.

Issue of bonds.

SEC. 2. That upon said request of a majority of the said school committee of Raleigh Township, as aforesaid, it shall be the duty of said board of county commissioners of Wake County to order an election to be held in said township, at such time and places as may be specified by said school committee, to determine the question, "Shall the school committee of Raleigh Township, Wake County, issue one hundred thousand dollars in bonds (par value) of the said township, with interest coupons attached, bearing five per cent interest per annum, in the aid of the construction and equipment of graded or public school buildings in the said township?" That the said board of county commissioners shall at least thirty days preceding the said election give notice of said election and the purpose thereof by publication in one or more newspapers published in said county, and at such other places as may be determined upon by it.

SEC. 3. That said election shall be held and conducted in the same manner and under the same requirements of law as are now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided*, that there shall be a new registration of all the qualified voters residing in said township, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as may be fit and proper: *Provided further*, that the board of county commissioners shall appoint the necessary registrars and judges of election; and the registration of voters, except as herein provided, and the challenges 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. That the vote shall be counted at the close of the polls and return of the count made to the said board of county commissioners on Thursday next following the election, and the said board of county commissioners shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the said board of county commissioners, and no other recording or declaration of said election shall be necessary.

SEC. 4. That at said election ballots tendered and cast shall have written or printed upon the same "For School Bonds" or "Against School Bonds"; and all qualified registered electors who favor the issue of bonds shall vote a ticket on which shall be written or printed the words "For School Bonds," and all qualified registered electors who may be opposed to the issue of bonds shall vote a ticket on which shall be written or printed the words "Against School Bonds."

SEC. 5. That if a majority of the votes cast in said election shall be "For School Bonds," and the result shall be declared and recorded as aforesaid, then it shall be the duty of the board of county commissioners of Wake County to prepare bonds in the

usual form, in denominations not exceeding one thousand dollars and not less than one hundred dollars, and the total amount not to exceed one hundred thousand dollars, which said bonds shall bear interest at the rate of five per cent per annum, interest coupons being attached thereto, payable semiannually on the first days of January and July in each year. The principal whereof shall be payable or redeemable at such time or times, not exceeding thirty years from the date of issue, as said board of commissioners of Wake County may determine upon. That said bonds shall be signed by the school committee of Raleigh Township, Wake County, in its name by its chairman and attested by the secretary of said committee, who shall also attach the seal of said school committee to each of said bonds. Said bonds shall be styled "Bonds to aid in the construction of public school buildings in Raleigh Township, Wake County, North Carolina."

SEC. 6. That upon the preparation, signing, and executing of said bonds the said school committee of Raleigh Township, Wake County, shall deliver the same to the treasurer of the school committee of Raleigh Township, who shall sell said bonds at such times and in such manner as the said school committee of Raleigh Township, Wake County, may direct. That none of said bonds or the proceeds thereof shall be used by the said school committee of Raleigh Township for any other purpose than that provided for in this act.

SEC. 7. Said bonds shall be numbered consecutively and the coupons attached shall bear the number of the bonds to which they are attached, and the said coupons shall bear the printed or engraved facsimile of the autograph signature of the treasurer of the school committee of Raleigh Township, Wake County. The bonds and coupons shall state the time and place when they are due and by what authority issued. The school committee of Raleigh Township, Wake County, shall record all the proceedings in respect to said bonds in the minutes of its meetings, and, when sold, the number of the bond or bonds, the denomination thereof, to whom sold, and the number of coupons attached.

SEC. 8. That when the said bonds shall have been issued and sold the proceeds thereof shall be deposited with the treasurer of the school committee of Raleigh Township, Wake County, and the same shall be expended by the school committee of Raleigh Township, Wake County, in such manner and for such uses and purposes in the building and equipment of graded or public school buildings in Raleigh Township as a majority of the school committee of Raleigh Township, herein mentioned, shall direct, and no other. That the treasurer of the school committee of Raleigh Township, Wake County, shall keep the proceeds of said bonds provided for in this act, which may come into his hands, separate from all other funds, and shall keep separate accounts of the same, and for the faithful performance of his duties in this respect

Denominations.

Amount.

Interest.

Maturity.

Authentication.

Entitlement.

Delivery and sale of bonds.

Specific appropriation of proceeds.

Bonds and coupons numbered.

Record of proceedings and bonds.

Deposit and expenditure of proceeds.

Funds and accounts kept separate.

Bond of treasurer.

the said treasurer shall execute an official bond payable to the chairman of the school committee of Raleigh Township, Wake County, in the usual manner and in such amount as the school committee of Raleigh Township may direct.

Special tax.

SEC. 9. That when said bonds shall have been issued, the board of county commissioners of Wake County shall levy annually on the first Monday in June, or whenever it shall make the annual levy of taxes, a tax not exceeding ten cents on the hundred dollars of property and thirty cents on the poll in Raleigh Township, Wake County, and none other, to provide for payment of the interest upon the same and create a sinking fund sufficient to meet the payment of said bonds at their maturity. The taxes so levied shall be collected as other taxes and shall be kept by the treasurer of the school fund as a separate fund, and applied, first, to the payment of the interest upon the said bonds, and, next, to the creation of a sinking fund as aforesaid. That said treasurer of the school fund shall be commissioner of the sinking fund for said bonds, and it shall be his duty to keep the said funds invested in some safe securities or bonds, approved by the school committee of Raleigh Township, Wake County, and said commissioner of said sinking fund may be required to execute such bond as the school committee of Raleigh Township, Wake County, shall direct for the safe keeping of the said fund and the faithful performance of his duties as commissioner, and shall make such reports from time to time as the school committee of Raleigh Township, Wake County, or a majority thereof, shall direct.

Limit of rate.

Collection and application of tax.

Commissioner of sinking fund. Investments.

Bond of commissioner.

Reports.

Application of act.

SEC. 10. That this act shall apply only to Raleigh Township, Wake County, North Carolina.

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 8th day of March, A. D. 1913.

CHAPTER 650.

AN ACT TO PROTECT GAME BIRDS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Selling or offering for sale unlawful.

SECTION 1. That it shall be unlawful for any person to trap, sell, or offer for sale at any time game birds in Robeson County.

Close season.

SEC. 2. That it shall be unlawful for any person to kill or in any manner destroy game birds between the fifteenth day of February and the first day of November in any year.

Netting birds unlawful.

SEC. 3. That it shall be unlawful for any person to net any game birds.

SEC. 4. That it shall be unlawful for any person to kill more than fifteen game birds in any one day between the first day of November and the fifteenth day of February in any year. Limit of bag.

SEC. 5. That it shall be unlawful for any person, firm, or corporation to ship or transport game birds out of Robeson County in any manner whatsoever. Shipping forbidden.

SEC. 6. Game birds within the meaning of this act shall be considered geese, brant; river, fish, and sea ducks; snipe, woodcock, dove, robin, meadow lark, quail and partridge. Game birds defined.

SEC. 7. That each township constable be and he is hereby constituted a game warden as provided by the laws of North Carolina. Game wardens.

SEC. 8. 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. 9. That this act shall apply only to the county of Robeson. Application of act.

SEC. 10. That all laws inconsistent with this act are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 651.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF TYRRELL COUNTY TO FUND THE FLOATING DEBT OF THE COUNTY 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 January, one thousand nine hundred and thirteen, it shall be lawful for the board of county commissioners for Tyrrell County to fund the same by issuing the bonds of the county of Tyrrell to an amount not to exceed two 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. Bond issue authorized. Amount. Denominations. Interest. Maturity.

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 Special tax. Constitutional equation. Collection and settlement.

Bonds of 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.

Misapplication of funds unlawful.

Authentication of bonds. 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.

Record of bonds and coupons. Each bond and each coupon, when detached therefrom, shall, when paid, be indorsed by the person receiving payment therefor, showing amount received therefor and date of payment.

Indorsement on payment.

Purchase of outstanding debt. 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.

Proviso: limit of yearly amount.

Sale below par forbidden.

Debts to be funded. SEC. 5. That the said board of commissioners shall not under this act be compelled to fund all county orders outstanding on January first, nineteen hundred and thirteen, but only such as are recognized by said board of commissioners as being valid and proper claims against said county of Tyrrell.

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 652.

AN ACT TO REGULATE PAY OF JURORS IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Per diem and mileage. SECTION 1. That all jurors shall receive the sum of two dollars for each day's attendance at court or inquest, and mileage at the rate of five cents per mile. They shall also receive such ferriage or tolls as they may have incurred. The same pay shall be allowed

Ferriage and tolls.

Talesmen.

to special jurors as talesmen who shall be summoned to serve and do serve, but they shall not be allowed any mileage or ferrriage.

SEC. 2. All laws and clauses of laws in conflict with this act be and the same are hereby repealed in so far as they apply to Forsyth County.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 8th day of March, A. D. 1913.

CHAPTER 653.

AN ACT TO INCREASE THE POWERS OF THE COUNTY COMMISSIONERS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Columbus County shall have the right and power, if they deem advisable, to work any part or all of the convicts sentenced to the roads by judges of the Superior Court in said county on the county farms or any lands belonging to said county. Authority to work convicts on county farm.

SEC. 2. That the county commissioners of Columbus County may pay out of the general county fund to the Register of Deeds of Columbus County such sum of money for making out and preparing the county tax list as they may deem reasonable, in addition to the amount provided by an act known as the salary act for said county: *Provided*, said additional amount does not exceed two hundred dollars. Allowance for making tax lists. Proviso: limit of amount.

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

Ratified this 8th day of March, A. D. 1913.

CHAPTER 654.

AN ACT TO APPOINT A COTTON WEIGHER FOR THE TOWN OF PIKEVILLE, WAYNE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be appointed for the town of Pikeville, in Wayne County, one public cotton weigher, sworn to discharge 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. Appointment and duty of cotton weigher.

SEC. 2. That all cotton sold in bales in the town of Pikeville 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 county commissioners, for the faithful performance of his duties; and Bond and compensation.

- Purchaser responsible for fee. said weigher shall receive as full compensation for his services the sum of eight cents per bale for each bale weighed, the seller to pay said fee, which the purchaser shall detain. The purchaser shall be responsible to said weigher for his fees.
- Records of weigher. SEC. 3. It shall be the duty of said weigher to keep a record of all cotton weighed, showing the names of the seller and buyer, and weight and number of each bale.
- Records received in evidence. Records open to inspection. SEC. 4. 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.
- Assistants and deputies. SEC. 5. 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 said position; but the said cotton weigher shall be responsible on his said bond for each and all of any person or persons so appointed by him.
- Responsibility of weigher. SEC. 6. That the board of commissioners of Wayne County shall elect said cotton weigher on the first Monday in July in each and every year, beginning the first Monday in July, one thousand nine hundred and thirteen, and may remove for cause and fill all vacancies in said position.
- Election of weigher. SEC. 7. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1913.
- Removal for cause.

CHAPTER 655.

AN ACT TO REQUIRE THE COMMISSIONERS OF COLUMBUS COUNTY TO USE THE ROAD TAX OF EACH TOWNSHIP IN SAME, AND TO EXEMPT CERTAIN PERSONS FROM ROAD DUTY IN THE COUNTY.

The General Assembly of North Carolina do enact:

- Apportionment of road taxes. SECTION 1. That the county commissioners of Columbus County shall use within and appropriate to each township in said county the amount of the road tax levied and collected for road purposes in that township, for constructing, improving, and maintaining the public roads in the several townships in said county.
- Commutation for road duty. SEC. 2. That all persons in Columbus County, subject to road duty by virtue of section two thousand seven hundred and twenty-five of the Revisal of one thousand nine hundred and five, who shall pay to the sheriff or tax collector of said county the sum of three dollars between October first day, one thousand nine hundred and thirteen, and January first day, one thousand nine hundred and fourteen, and between said dates of each year thereafter, shall be exempt from such public road duty for the year following such payment; and a receipt or duplicate receipt of the sheriff or tax collector for said amount shall exempt any such person from road duty for the following year.

SEC. 3. Any moneys coming into the hands of the sheriff by virtue of section two of this act shall be turned over to the Treasurer of Columbus County, who shall place same to the credit of and for the use of the public road fund, to be distributed as provided in section one of this act. Commutation to credit of road fund.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 656.

AN ACT TO MORE EFFECTUALLY PREVENT THE SPREAD OF CHOLERA IN HOGS IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. If any person, after one day's notice that any swine belonging to such person is affected with the disease known as hog cholera or other infectious or contagious disease, shall fail or neglect to secure the diseased swine from the approach or contact with other hogs not so affected, or shall fail or neglect to secure all swine belonging to such person, by penning or otherwise securing and effectually isolating them, so that they shall not have access to any ditch, canal, branch, creek, river, or other water-course which passes beyond the premises of the owners of the swine, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Failure to isolate diseased swine misdemeanor. Punishment.

SEC. 2. That this act shall apply only to Pamlico County. Application of act.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 657.

AN ACT TO PROVIDE A BALLOT PRIMARY FOR THE NOMINATION OF STATE, DISTRICT, AND COUNTY OFFICERS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All nominations for State, district, county, and township officers made by the different political parties of this State shall in Columbus County hereafter be made by ballot primary elections, and shall be known as primary elections; and all primary elections held in Columbus County shall be governed and regulated by the election laws of the State in force at the time the Nominations to be made by ballot primary elections. Law governing elections.

Executive committees to super- vise election.	primary election is held, except as herein provided; the county executive committee of each political party at such primaries shall discharge the functions imposed upon the county board of elections, except, however, as to revising the registration and poll books, and establishing precincts, and shall be subject to all the penalties to
Powers and duties of election officers.	which the county board of elections are subject. The primary election officers appointed by the executive committee of the party shall have the powers and perform the duties, where not otherwise provided, required of such officers in a general election, and any and every act or omission which by law is an offense when committed in or about or in respect to a primary election; and the same shall be indictable and punishable in the same way as if the election was a general election for the election of State, district, and county officers, except as specially modified, or otherwise provided in this act.
Offenses under general law.	
Constitution and selection of executive committees. Ballot boxes for election of committeemen.	<p>SEC. 2. The county executive committee shall consist of one member from each voting precinct in the county, and shall be selected as may be provided by party plan of organization. Or the executive committee of each party in their discretion may provide a ballot box at each voting precinct in the county to be used for the election of a county executive committeeman in each precinct, and also the election of the executive committees for the judicial, congressional, and State that the county may be entitled to be represented on the said district and State executive committees; and all vacancies in such executive committees shall be filled by the executive committee of the county. A majority of the precincts being represented at a meeting of the county executive committee shall constitute a quorum for the transaction of business. Proxies for more than one-third of the members of said committee shall not be admissible. Person holding proxy must be a person who supports the nominee of the party, and must be a resident of the precinct of the member he represents.</p>
Vacancies.	
Quorum.	
Proxies limited.	
Persons eligible as proxies.	
Date for primary elections.	<p>SEC. 3. The primary election shall be held at the regular polling places in each precinct on the second Tuesday after the first Monday in May, nineteen hundred and fourteen, and biennially thereafter for the nomination of all candidates to be voted for at the next November election. If more than one party is being voted for, the ballot boxes of each party shall not be within twenty feet of the other. The chairman of each executive committee of each party in each precinct shall arrange the point for ballot box or boxes to be placed, at least five days before the primary election in each precinct, and said chairman shall advise the polling officers of their agreement.</p>
Location of ballot boxes.	
Arrangement of location.	
Notice of primary election.	<p>SEC. 4. At least sixty days before the date for the primary election in July before the November election the clerk of the Superior Court of said county shall prepare and transmit to each chairman of the executive committee of each party in each precinct a notice in writing designating the offices for which candidates are</p>

to be nominated at such primary election. Upon receipt of such notice, such chairman shall not less than ten days thereafter post at the voting place of his precinct a notice of the primary election, and to post at least five other notices in other parts of his precinct. The clerk of the Superior Court shall publish notice of said primary election in the newspaper published in Whiteville, North Carolina.

Publication of notice.

SEC. 5. A copy of the county poll book shall be used at each precinct voting point on the day of the primary election by the poll-holders or primary election officers, and no person whose name does not appear upon the poll books shall be permitted to vote in the primary election, unless such person will arrive to the age of twenty-one years on or before the general election following the primary election, and is otherwise qualified. But if any person who offers to vote in any primary election whose name does not appear upon the poll book shall make affidavit before the registrar or clerk in writing that he is entitled to vote, and that he has been illegally denied registration, stating his contention in said affidavit, in such case his vote or ballot may be prepared by him, and it, with his affidavit, turned over to one of the poll-holders, and such poll-holder in the presence of another poll-holder shall inclose in an envelope such ballot and affidavit and seal the same, and the poll-holders shall thereupon sign their names across the back of the envelope, and mark plainly upon the front of the envelope the name of the person offering to vote, and in canvassing the returns of the election the county executive committee shall examine the proper records and hear the facts, and allow the ballot to be counted or not, as shall to them appear legal.

Copies of poll books.

Persons not allowed to vote.

Affidavit of right to vote.

Ballot and affidavit returned.

Examination of ballot and affidavit.

SEC. 6. The county executive committee of each party shall meet on the second day after each primary election, and shall receive and canvass the returns and declare the result. The vote for State and district officers shall be tabulated by precincts and certified to, and returns be forwarded to the Secretary of State, and to the respective chairmen of the executive committees having charge of district nominations. The said returns shall be made by registered letter or any safe mode of transmission within forty-eight hours after the returns are canvassed, and the result ascertained.

Canvass of returns.

Returns for State and district offices.

Transmission of returns.

SEC. 7. It shall be the duty of the chairman of each party executive committee to furnish to each precinct executive committee a sample of the official ballot to be used in the primary election; the general form as herein provided shall be followed as nearly as practicable in the primary election; the county executive committee of each party shall not less than three weeks before the date of the primary election furnish to the precinct chairman of each precinct the name and address of each candidate having filed certificate of candidacy.

Samples of official ballots.

Form to be followed.

Names and address of candidates.

SEC. 8. The county executive committee of each party shall meet not less than two weeks nor more than three weeks before the day

Appointment of election officers.

Distribution of managers and poll-holders.

of the primary election, and appoint the managers or poll-holders for the said primary; and in making such appointments the managers or poll-holders shall be distributed as far as practicable between the supporters of the candidates for those offices about which there are the leading contests, and if there be doubt as to which are the leading contest ones, then and in that event, between the ones contesting for the highest offices. The refusal to make in good faith such distribution among the different competing candidates, when practicable, shall be a misdemeanor, and punishable as such.

False distribution misdemeanor.

Executive committee to furnish forms.

SEC. 9. The county executive committee of each party shall furnish to the managers or poll-holders at each voting place a sufficient quantity of blank forms to be used in making the returns of the election; the copy of the poll books so used at the primary election shall be returned promptly after the primary election to the office of the register of deeds.

Written ballots.

SEC. 10. When for any reason or cause the printed ballots prepared have been lost or stolen, or for any cause the poll-holders of the primary election fail to obtain the printed ballots, then and in that event the electors shall be permitted to write or cause the ballots to be written, and the same shall be as legal as if they were printed, and shall be counted for party voted for.

Ballot boxes.

Distribution of ballot boxes.

SEC. 11. The ballot boxes provided by the regular board of elections in the county shall be used in the primary election, and the clerk of the Superior Court or the register of deeds of Columbus County, or both, shall see that said boxes are distributed to the different precincts of said county on or before the day before the time of opening the polls on primary election day. The ballot boxes shall not be removed from the polling place after the polls are opened until the count is completed: *Provided, however,* they may remove the box or boxes for convenience if no two persons present object, and that all present shall be informed of the intention of moving the box or boxes before they are moved during the progress of the election or counting of the ballots.

Removal of boxes forbidden.

Proviso: removal for convenience.

Representatives of candidates.

SEC. 12. Each candidate shall have the right, either in person or by a representative named by him in writing, to be present at the polling place, and such candidate or representative shall file with the chairman of the executive committee the name of the party to represent him before the polls are open, and the managers or poll-holders shall provide such candidate or representative with a suitable position from which he may be able to carefully inspect the manner in which the primary election is held. The candidate or his representative shall be allowed to challenge the qualifications of any person offering to vote, and his challenge shall be considered and acted upon by the manager or poll-holders.

Challenges.

Persons authorized to vote.

SEC. 13. No person shall be eligible to participate in the primary election unless he be qualified to vote in the election for which such nomination is to be made, and that such person voted for a

majority of the State, district, and county officers in the previous general election. Any member of the party holding the primary election, or any primary election officer, may challenge any person offering to vote, relating only to his qualifications as an elector.

Persons authorized to challenge voters.

SEC. 14. No person shall be allowed to vote or otherwise participate in the primary election who has sold or offered to sell his vote or influence for the support of any candidate voted on that year; nor any one who that year has paid or offered to pay anything for another's vote or influence for or against any candidate.

Disqualification for bribery.

SEC. 15. That it shall be unlawful for any person to sell or offer to sell his vote or influence or to receive pay for his time or expense in canvassing to contribute to the success or defeat of any candidate voted upon in the primary election; and it shall be likewise unlawful for any person to offer money or anything of value to any one for his vote or influence or for his services in canvassing for or against any candidate voted upon in the primary election. Any one offending against this section shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned not more than six months, or both.

Sale of vote or influence or receipt of pay for time or expense, or purchasing vote, influence, or service forbidden.

Punishment.

SEC. 16. Any person who shall dispense intoxicating wines or liquors on the day before and the day of holding the primary election, or who shall treat any person to any intoxicating wines or liquors on the day of the primary election, or the day before the primary election at or within three miles of the voting precinct, or shall place or cause to be placed any intoxicating wines or liquors at any point where voters or other persons may have access to same upon the day of said primary election, or the day before the same, or who shall contribute to the purchase of or aid or assist in procuring any intoxicating wines or liquors which shall be used on such election day, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars, or be confined in the county jail not more than thirty days, or be punished by both said fine and imprisonment at the discretion of the court; and if any candidate for office who is to be voted for at such primary election shall violate the provisions of this section, such candidate shall in addition to above penalty be disqualified from holding the office for which he is a candidate for at least one year and for not more than two years, at discretion of the court.

Use of liquor and treating misdemeanor.

Punishment.

Candidate offending disqualified.

SEC. 17. Every placard, bill, poster, pamphlet, or other printed matter having reference to the primary election or to any candidate shall bear upon its face the name and address of the author, and of the printer and publisher thereof, and failure to so provide shall be a misdemeanor.

Printed matter to be authenticated.

Misdemeanor.

SEC. 18. No common carrier, telegraph company, or telephone company shall give to any candidate, or to any member of any political committee, or to any person, to be used to aid or promote the success or defeat of any candidate for election to be the nomi-

Assistance of corporations forbidden.

Sworn denial of preference. nee of his political party for any public office, free transportation, or telegraph or telephone services, as the case may be, or any reduction thereof that is not made alike to all other persons. All persons required by the provisions of this chapter to make and file a statement shall make oath that they have not received or made use of, directly or indirectly, in connection with any candidate for nomination to any public office free transportation or telegraph or telephone service.

Returns of election. SEC. 19. The chairmen of the different precinct executive committees of each party, or their proxy, shall attend the primary election, and, after all the counts are made, tally-sheets signed by the pollholders and registrars, the said tally-sheets and all papers connected with such precinct primary shall be delivered to the chairman of the precinct executive committee, or his proxy, who shall be a member of the party holding the primary, and a man of good character, and the said chairman or his proxy shall meet with the county executive committee two days after the primary election at Whiteville in the county of Columbus, at such place and time the canvassing of the returns by the county executive committee of each party shall be made.

Payment of expenses. SEC. 20. Each political party shall defray all expenses incident to its primary election, such expenses to be no charge on the county, except for the notices as provided for in section four of this act; and for the distribution of the ballot boxes as provided for in section eleven of this act, and for such expenses, a reasonable amount shall be paid out of the county funds by the commissioners of the county.

Limit of charge on county. SEC. 21. Each political party's executive committee shall have the right to assess each candidate his proportional amount for the expenses incurred by the returning board on the second day after the primary election: *Provided, however,* that no candidate shall be assessed more than six dollars. Within two weeks after the primary election the chairman of each party executive committee shall prepare and file with the clerk of the Superior Court an itemized account, showing the actual expense incurred in conducting such primary election, and the amount received from each candidate.

Assessment of candidates. SEC. 22. An official ballot shall be printed and provided for use at each voting precinct in substantially the form provided herein, annexed hereto, and marked "Exhibit A": *Provided, however,* that the official ballot herein referred to can be separated so as a separate ticket may be voted for each office, or as many offices on one ticket as the county executive committee of the party may direct. The names of all candidates for the respective offices for whom the nomination papers prescribe shall have been duly filed shall be printed thereon.

Form of official ballot. SEC. 23. At least twenty days before the July primary election the clerk of the Superior Court shall prepare sample official ballots in substantially the annexed form marked "Exhibit A," which

Preparation and printing of ballots.

sample ballot shall be printed upon white paper, and to contain no blank indorsement or certificate. Said clerk shall place thereon under the appropriate title of each office and each party designation.

SEC. 24. The ballots prepared as herein provided shall be delivered to the chairman of each precinct executive committee of each party by the chairman of the county executive committee, or his representative, and upon delivery of such ballots a receipt shall be required. Delivery of ballots.

(a) Each elector shall be entitled to designate on his ballot, in the manner herein provided, the name of his first choice, and also the name of his second choice as nominees for each office. First and second choices indicated.

(b) The voter shall mark his ballot in the following manner to indicate his first and second choice: He shall place a cross (×) mark in the first column after the name of his first choice candidate, and a cross (×) mark in the second column after the name of his second choice candidate. He shall place but one mark in one designated space. If the voter votes either in the first or in the second choice column for two persons, such vote shall be counted as a first choice vote for the person voted for whose name appears first in such column, and as a second choice vote for the person voted for whose name appears lower in such column. A vote for one person only shall be counted as a first choice vote, whether the voter places his cross in the first or the second choice column. A first and second choice vote cast for the same person shall be counted as a first choice vote only for such person. Method of marking ballots.

SEC. 25. At least sixty days before the July primary election all candidates for the different offices to be voted for at said primary election for nomination shall file their notice of candidacy as follows: Candidates for township offices shall file their notice with the chairman of the township executive committee of the township in which he resides, and may receive a receipt for the same. Candidates for the precinct offices shall file their notice with the chairman of the precinct executive committee of the precinct in which they reside. Candidates for county offices shall file their notice with the clerk of the Superior Court of the county. The candidates' notice of their candidacy shall contain their full name, age, residence, office they are seeking, political parties they are a member of, and the party ticket upon which they desire their names placed. Count of vote.

SEC. 26. Twenty days before the primary election the names of all the candidates to be voted for in such primary election shall be furnished by the clerk of the Superior Court to the proper executive committee, and if it should appear that there were only one candidate for one office, and in that event his party executive committee shall meet not later than five days before the date of the primary election and shall declare such candidate the nominee of his party, and it shall not be necessary for such candidate to be voted for in the primary election. Notice of candidacy.

Township offices.

Precinct offices.

County offices.

Specifications of notice.

Lists furnished executive committees.

Nominations without contest.

Rules for canvassing returns.

SEC. 27. The county returning board shall be guided by the following rules in canvassing the returns on the second day after the primary election in July, said returning board being the county executive committee of each party or those representing them as provided in this act:

Majority of first choice votes.

(a) If any candidate for an office receives a majority of the first choice votes, he shall be declared nominated for such office.

Lowest candidate.

(b) If no candidate is thus nominated, drop the name of the one having the least number of first choice votes, and add the second choice votes cast by the supporter of the candidate dropped to the first choice vote of the remaining candidate for whom the votes were cast.

Second lowest.

(c) If no candidate then has a majority, drop from the remaining candidates the one having the least number of votes then to his credit, and add the second choice cast by his supporters to the vote of the remaining candidates for whom they were cast.

Further elimination.

(d) Repeat this operation until some candidate has a majority or until only two candidates remain. The one then having the greater number of votes to his credit shall be declared the nominee of his party.

Second choice votes for eliminated candidates.

(e) No second choice vote shall be counted when it is cast for a candidate whose name shall have been dropped as herein provided.

Decision of ties.

(f) Any tie vote shall be decided by the returning board, said returning board being the county executive committee of each party. Said returning board shall have the power, if they deem it advisable, to call a primary election within twenty days to decide between the two candidates that made the tie vote.

Persons declared nominees.

SEC. 28. The person receiving the majority vote at such primary election as the candidate of any party for any office determined under the rules herein provided shall be the nominee of that party for such office, and his name as such nominee shall be placed on the official ballot of that party at the following general election.

Election day holiday.

SEC. 29. The day the primary election shall be held shall be a holiday.

Poll lists.

SEC. 30. Each clerk or registrar of the primary election shall keep a poll list on which he shall enter the full name of each person voting at the primary election in the order in which their ballots are cast; and on request of either of the poll-holders, each elector shall state his full name and postoffice address before his ballot shall be received. The primary election to be held on the second Tuesday after the first Monday in July, one thousand nine hundred and fourteen, and biennially thereafter, the polls at such election shall be open at eight o'clock a. m. and closed at six o'clock p. m.

Voter to give name and address.

Date for election.

Opening and close of polls.

Names placed on official ballots.

SEC. 31. That the name of any candidate shall not be placed upon the official ballot in any general election as a party nominee who is not nominated as herein provided, and the election of any party nominee who shall be nominated otherwise than as herein

provided shall be void, and he shall not be entitled to hold the Election void. office to which he may have been elected. No political party shall ^{Political party defined.} be entitled to recognition, as such, in this county unless it has polled as many as twenty thousand votes within the State at a general election.

SEC. 32. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 33. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

[This ticket to be printed on one side of a single strip.]

“A”

OFFICIAL PRIMARY BALLOT.

GENERAL ELECTION.

_____ Party.

(Designation of Party.)

To vote for a person whose name is printed on the ballot, make a cross (X) after his name in the proper column as follows:

Mark your First Choice with a cross (X) in the First Choice column.

Mark your Second Choice with a cross (X) in the Second Choice column.

To vote for a person whose name is not printed on the ballot, write his name in the blank space under the printed names and mark your First and Second Choice as above.

Vote for one first choice and one second choice.			Vote for one first choice and one second choice.		
STATE.			COUNTY.		
GOVERNOR.	First Choice. Vote for One.	Second Choice. Vote for One.	COUNTY COMMISSIONERS.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.			A. B.		
C. D.			C. D.		
E. F.			E. F.		
G. H.			G. H.		
.....				
LIEUTENANT GOVERNOR.	First Choice. Vote for One.	Second Choice. Vote for One.	COUNTY TREASURER.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.			A. B.		
C. D.			C. D.		
E. F.			E. F.		
G. H.			G. H.		
.....				

STATE.		
SECRETARY OF STATE.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

STATE TREASURER.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

ATTORNEY-GENERAL.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

COMMISSIONER OF INSURANCE.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

CONGRESSIONAL.		
UNITED STATES SENATOR.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

COUNTY.		
SHERIFF.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

CORONER.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

CLERK OF THE SUPERIOR COURT.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

SOLICITOR OR DISTRICT ATTORNEY.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

REGISTER OF DEEDS.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		
.....		

STATE.		
REPRESENTATIVE IN CONGRESS.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		

LEGISLATIVE.		
COUNTY REPRESENTATIVE.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		

MEMBER OF STATE SENATE, DISTRICT.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		

COUNTY.		
SURVEYOR.	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		

PARTY PRECINCT COMMITTEEMAN.
(Write in the name of one qualified elector residing within your voting precinct.)

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(Indorsement.)

OFFICIAL PRIMARY BALLOT.

..... Precinct Ward

City

Date, 19...

Ballot Clerks.

I certify that the within ballot was marked by me for an elector, incapable under the law of marking his own ballot, and as directed by him.

Inspector of Election.

I certify that the within ballot was marked by me for a blind elector, at his request, and as directed by him.

Inspector of Election.

CHAPTER 658.

AN ACT RELATIVE TO A PUBLIC TOLL FERRY AT THE
SITE OF THE OLD ROBINSON FERRY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Warren County may, if they deem it necessary to do so, open and maintain a public toll ferry at the site of old Robinson Ferry on the Roanoke River. Establishment and maintenance of ferry authorized.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 659.

AN ACT TO REPEAL CHAPTER 58 OF THE PUBLIC-LOCAL
LAWS OF 1911, RELATIVE TO GAME IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-eight of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby repealed, and the following inserted in lieu thereof:

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 first day of January and the first day of December in any year. Close season for quail.

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 depre-dating among domestic fowls or destroying something of value. Close season for foxes.

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.

SEC. 4. It shall be unlawful for any person, firm, or corporation to sell or offer for sale any quail or partridges between the first day of January and the first day of December in any year, and the possession of any quail or partridges between the first 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 of game forbidden. Possession prima facie evidence.

SEC. 5. That it shall be unlawful for any person to net or trap any quail or partridge. Netting and trapping unlawful.

- Limit of bag. SEC. 6. That it shall be unlawful for any person to kill more than ten quail or partridges in any one day between the first day of December and the first day of January in any year.
- Open season for hunting. 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 first day of January in any year: *Provided*, that it shall not be unlawful to hunt squirrels between the first day of September and the first day of February in any year, nor to any person hunting on his own land.
- Proviso: squirrels. SEC. 8. That each township constable be and he is hereby constituted a game warden as provided by the laws of North Carolina.
- Constables made game wardens. 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.
- Misdemeanor. SEC. 10. That this act shall apply only to Lincoln County.
- Punishment. SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Application of act. SEC. 12. That this act shall be in force from and after its ratification.
- Ratified this the 8th day of March, A. D. 1913.

CHAPTER 660.

AN ACT TO PREVENT DOGS FROM RUNNING AT LARGE AT NIGHT IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

- Dogs to be confined. SECTION 1. That any person owning or having any dog in his charge shall keep the same tied or confined between the hours of nine p. m. and six a. m.: *Provided*, that this section shall not be construed to prevent dogs from being loose or free between said hours when accompanied by the owner or the person having the same in charge.
- Proviso: dogs accompanied by owners. SEC. 2. That any person owning or having any dog in charge at the time any damage is done, by said dog, to poultry or other live stock, the same being off the premises owned or in charge of the said person, shall be guilty of a misdemeanor, unless such person kills or causes to be killed the said dog within forty-eight hours after such damage by said dog is made known to such person; and upon being convicted of violating the provisions of section number one or section number two of this act, shall be guilty of a misdemeanor, and in addition to being liable for damages as provided by statute, shall pay a fine of not less than five dollars nor more than fifty dollars or be imprisoned not more than thirty days: *Provided*, that no person shall be adjudged guilty of violating any
- Acts declared misdemeanors. Proviso: proof necessary to conviction.

of the provisions of this act until proof of damage by said dog is had, and upon such proof of damage said person shall be liable for violating the provisions of section number one of this act, notwithstanding the said dog be immediately killed after the damage done.

SEC. 3. That this act shall apply only to Mitchell County. Application of act.

SEC. 4. That this act shall be in force from and after the first day of June, one thousand nine hundred and thirteen. When act effective.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 661.

AN ACT TO AMEND CHAPTER 598 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO THE RECORDER'S COURT OF DUNN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and ninety-eight of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended as follows: After the word "misdemeanor," in line first of section one of said chapter, add the words "and certain civil actions." Civil jurisdiction.

SEC. 2. That said chapter be further amended by striking out section five thereof and inserting in lieu thereof the following section:

"SEC. 5. That the recorder's court created and established by this act shall be open each and every Thursday morning at ten o'clock at the municipal building in the town of Dunn, and shall continue in session daily until the business before it shall be disposed of: *Provided*, that the recorder may in his discretion convene a special session of said court on any other day, and it is made his duty to convene such session for the trial of any person charged with a criminal offense, when such person is in custody and unable to give bond, as soon as practicable after receiving information of such fact." Sessions of court.
Proviso: special sessions.

SEC. 3. That said chapter be further amended as follows: In line second of section six, after the word "exercise," insert the word "criminal." In section six, subsection two, strike out the word "exclusive" at the beginning of said subsection. Add at the end of said subsection two the following words: "and all such offenses are hereby declared to be petty misdemeanors." Criminal jurisdiction.
Offenses declared petty misdemeanors.

SEC. 4. That said chapter be further amended as follows: In section seven after the word "all" in the first line of said section add the word "criminal." Warrant in criminal actions.

SEC. 5. That said chapter be further amended as follows: Strike out all of said section twelve after the words "recorder's court,"

- in line five of said section, and insert in lieu thereof as follows:
- Return day for warrants. "which warrants, if for offenses not within the jurisdiction of a justice of the peace, shall be returnable, and if for offenses within the jurisdiction of a justice of the peace, may be returnable to the said recorder's court within thirty days from the issuing thereof."
- Fees in civil or criminal cases. SEC. 6. That said chapter be further amended as follows: In section thirteen, in line one after the word "case," insert the words "civil or criminal." At the end of line two of said section, after the word "court," insert the words "or heard by said court on appeal."
- Criminal dockets. SEC. 7. That said chapter be further amended as follows: In line three of section sixteen strike out the word "of," appearing after the word "proceedings," and insert in lieu thereof the words
- Civil dockets. "in criminal matters heard in." In section sixteen, at the end of line seven, insert the following words: "said recorder shall also 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 in civil actions heard in the said recorder's court, said records to be conformable as near as may be to the records required to be kept by clerks of the Superior Courts."
- Salary of recorder. SEC. 8. That said act be further amended as follows: In section twenty-one of said act, in line seven, strike out the word "twenty-five" and insert in lieu thereof the word "fifty," and in line eight of said section strike out the word "seventy-five" and insert in lieu thereof the words "one hundred and fifty."
- Civil jurisdiction. SEC. 9. That said chapter five hundred and ninety-eight be further amended by adding thereto the following sections:
- In actions on contracts. "SEC. 25. Said court shall have final, original, concurrent jurisdiction of all civil actions arising in said county of Harnett 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
- In actions and torts. 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 three hundred dollars: *Provided*, that if the defendants in any civil action instituted in said recorder's court or brought to said court by appeal be residents of Harnett County, and no one of said defendants be a *bona fide* resident of Duke, or Averasboro Township, then said defendants may upon motion duly filed have said cause transferred to the Superior Court of Harnett County, or to such other court for Harnett County having a like jurisdiction with this court as may be created for said county by this or any succeeding General Assembly: *Provided*, said motion for removal shall be made before the expiration of the time for filing answer as prescribed in this act, or, in case no answer is required, then said motion must be made at the next regular session of said court after the docketing of the case.
- Proviso: transfer to superior court.
- Proviso: time for motion.

"SEC. 26. All civil actions shall be commenced in said recorder's court by summons issued by the recorder or the clerk of said court, and shall be returnable to the first sitting of said court: *Provided*, if service be not had on or before Monday preceding the day of return the same shall be returnable to the next succeeding sitting of said court. 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 Saturday night following, and the case shall stand for trial at the first sitting of said court thereafter: *Provided*, the recorder may in his discretion grant extension of time to file pleading or continue hearing of trial of any action for sufficient reasons shown.

Summons and return day.

Proviso: return extended.

Pleadings.

Proviso: extension of time.

"SEC. 27. All judgments in civil actions, excepting those for cost only, rendered by the recorder shall be duly docketed in the office of the Clerk of the Superior Court of Harnett County in the same manner as judgments of justices of the peace are now docketed in said office, and execution shall issue thereon as is now provided by law for executions upon judgments of the Superior Court.

Judgments docketed.

Execution.

"SEC. 28. In all civil actions and matters where a justice of the peace does not now have jurisdiction 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 Harnett County, at his election.

Concurrent jurisdiction.

"SEC. 29. All appeals in criminal actions from judgments rendered by justices of the peace of Harnett County wherein the offense charged is or alleged to have been committed in either of the townships of Averasboro or Duke shall be to the recorder's court of Dunn, and the said appeal shall be docketed and the trial thereof in the recorder's court shall be *de novo*, and shall be at the next regular sitting of said court. All appeals in civil actions from judgments rendered by justices of the peace of said county when the defendants or any one of them reside in Averasboro or Duke townships shall be to the said recorder's court. Appeals in all other civil matters from judgments rendered by justices of the peace of said county may by consent of the parties be sent to said recorder's court. All such civil appeals shall be docketed in said court, and the trial thereof shall be *de novo*, at the next regular session of said court, as other trials in said court, except that it shall not be necessary to file any written pleadings.

Appeals from magistrates.

Trials on appeal.

Appeals in civil actions.

Trial on appeal.

"SEC. 30. Either party to any civil action tried in said recorder's court shall have the right to appeal from the judgment rendered in said action to the Superior Court of Harnett County, and upon such appeal the trial in the Superior Court shall be *de novo*. In all appeals from said court to the Superior Court, and in all removals of causes from said court to any other court as herein provided, the original papers in such causes shall be transmitted to such other court and a proper notation of said fact shall be entered upon the minutes or other proper record of said recorder's court.

Appeals to superior court.

Papers transmitted on appeal or removal.

Jury trials.

"SEC. 31. 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 trial in justices of the peace courts are hereby adopted and declared to be applicable to the recorder's court of Dunn, except that the jury list from which juries for said court shall be drawn shall be made up of the combined jury lists of Averagesboro and Duke townships: *Provided*, that juries summoned and attending upon said court shall receive the same mileage allowed by law to jurors of the Superior Court of Harnett County, and shall also receive one dollar per diem: *Provided further*, that before any jury shall be drawn, the party asking for same shall deposit with the clerk of the recorder's court a sum sufficient to cover the cost of said jury, which said sum when deposited in a criminal action shall not be taxed as cost in the action and may not be recovered back by the party depositing same.

Proviso: pay of jurors.

Proviso: deposit of jury fee.

Proceedings in civil actions.

"SEC. 32. That except as herein otherwise provided the procedure in civil causes in said recorder's court of Dunn shall be the same as that now provided or which may hereafter be provided by law, or the rules of the court, for the procedure in civil causes in the Superior Court.

Repealing clause.

"SEC. 33. That all laws and parts of laws in conflict with this act are hereby repealed.

When act effective.

"SEC. 34. That this act shall be in force from and after the first day of April, one thousand nine hundred and thirteen."

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 662.

AN ACT TO REGULATE PRIMARY ELECTIONS IN BEAUFORT COUNTY, AND MUNICIPAL PRIMARY ELECTIONS IN THE INCORPORATED CITIES OR TOWNS THEREIN.

The General Assembly of North Carolina do enact:

Parties required to nominate candidates by primary elections.

SECTION 1. That every political party, association, or organization in Beaufort County, and the cities and towns therein, whose gubernatorial candidates at the preceding election received as many as two hundred and fifty votes in the county shall nominate its candidates for member of the House of Representatives of the North Carolina General Assembly, county, township, and municipal offices in incorporated cities or towns by a primary election held as hereinafter provided, and the primary for all political parties shall be held on the same day.

Primaries synchronous.

SEC. 2. All nominations for member of the House of Representatives, county and township offices, shall be made the last Saturday in August preceding the general election for said offices. Date for primary.

SEC. 3. All nominations of candidates for city offices of the incorporated cities or towns in Beaufort County shall be made on the fourth Monday preceding the regular election for such offices. Date of primary for town officers.

SEC. 4. 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 cities or towns in the county of Beaufort, 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 provisions 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. Law governing elections.

SEC. 5. 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 any city or town or the board of elections for the county of Beaufort, as the case may be, shall order a new registration for the primary. New registration.

SEC. 6. 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 cities or towns in said county, 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 violations of the provisions of this act as are prescribed by the laws of the State of North Carolina or laws governing elections in the cities and towns in Beaufort County, as the case may be. Persons entitled to register and vote.

SEC. 7. Challenges shall be made, heard, and determined, respectively, in the same manner as in the laws governing elections in North Carolina or the cities and towns in the county of Beaufort, as the case may be. The registration books in all primaries under this act shall be open for a period of ten days, and shall close on the second Saturday preceding the day for holding any primary, and challenge shall be made, heard, and determined during the week preceding the day for holding the primary: Challenges.

Provided, the foregoing provisions shall not be construed to prevent any elector from challenging any one who offers to vote on the Registration. Proviso: challenges on primary day.

Proviso: appointment of poll-holders.

Challenged and oath of qualification.

Election of party affiliation.

Proviso: voter to abide result.

Test of party affiliation.

Oath on challenges.

Vote in but one primary.

Payment of poll tax.

Preparation and printing of ballots.

Notice of candidacy.

Names of candidates to be printed on ballots.

Ballots numbered.

Distinction of party ballots.

Notice of colors.

primary day: *Provided further*, in the event there is no registration, that the board of elections or the governing body of any city or town, as the case may be, shall appoint two poll-holders for each political party entering said primary. Any person offering to vote may be challenged by any elector, and if the party affiliation of the voter is in doubt, he shall be required to make oath of such affiliation. Any person otherwise qualified who has not voted in the last two general elections shall have the right to elect his party affiliation: *Provided*, he does not vote against any candidates of the party in whose primary he enters at the ensuing general election. The test in all cases shall be the party affiliation of the person subject to the foregoing provisions in the last general election, and any person who voted in said general election for candidates of one political party mentioned in this act and who desires to enter the primary of another political party shall make oath, upon being challenged, either to support the candidates of the political party that he enters in the ensuing general election or that he will not vote in opposition to any candidate of that party. No person shall be allowed in said primaries to vote for candidates of but one political party.

SEC. 8. In primaries for the nomination of officers of the cities and towns in the county of Beaufort no one who has not paid his poll tax prior to May the first preceding the primary shall be a qualified voter in said primary.

SEC. 9. The clerk of the court of the county of Beaufort or the city or town clerk of any city or town in said county, as the case may be, shall prepare and cause to be printed the primary ballot of each political party for each precinct in said county or city or town for the purposes of the primaries herein. Candidates for nomination shall file with the clerk of the court or the city or town 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.

SEC. 10. It is hereby made the duty of the clerk of the court 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 for. It shall be the duty of the city or town 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 or town, 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, and all of said ballots for county, township, and municipal offices shall be consecutively numbered.

SEC. 11. 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 or 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 announcements for at least one week in at least one newspaper of general circulation in the county. In the case of the city or town clerk, such publication shall be made at least one week in one daily newspaper printed and published in the city, and a copy shall be posted at the city or town hall.

Publication for city.

SEC. 12. 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"; if a Progressive ballot, the designating words shall be "Progressive 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: county offices, township offices, and when a municipal primary, the candidates for mayor shall come first, and all of such of the said offices as candidates are to be nominated for at such primaries. 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 three"; or a spelled number designating the names of the persons under that head that are to be voted for. 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 of 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 below the names of candidates under each office shall be uniform, and sufficient space shall separate the names of candidates for one office from the names of candidates for another office to avoid confusion.

Order of offices.

Directions to voters.

Names of candidates.

SEC. 13. The officer so charged with the printing of the primary ballot shall cause to be delivered to the primary poll-holders 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 for each fifty votes cast in each precinct by the said political party at the last preceding election.

Distribution of ballots.

Provision for preparation of ballots.

Ballot boxes.

Preparation of ballots.

Deposit of ballots.

Electioneering or soliciting forbidden.

Communication with voter forbidden.

Proviso: assistance in preparing ballot.

Names on one ballot.

Proviso: ballot for each party.
Order of names.
Size of ballots.

Polling lists.

Count of votes and declaration of results.

Certificate and canvass of results.

• Votes not counted.

SEC. 14. The poll-holders in each precinct shall provide a table or shelf not less than ten feet from the ballot boxes, which table or shelf shall be supplied with pencils with which the voter shall prepare his ballot for voting, checking or marking in the square opposite the name of the candidate the person he desires to vote for. Each political party shall have one ballot box, which shall be labeled with the name of the political party, and the poll-holders of each political party shall keep before them at the ballot boxes the ballots of their respective party, and no tickets shall be placed on the shelf or table herein provided for. The voter shall demand of the poll-holder the ballot that he desires, and shall then take same to the table or shelf to prepare same. Only one person shall be allowed to prepare his ballot at said table or shelf at one time, and it shall be the duty of the poll-holders to keep away all persons from said voter while preparing his ballot, at a distance of at least ten feet. After the voter has prepared his ballot he shall take it to the ballot box of his political party and may deposit it himself in said box, if he so desires. No person whatever shall do any electioneering or soliciting of votes on primary day within any polling place, or within one hundred feet of any polling place.

SEC. 15. No person shall be allowed to have any communication with the voter while he is preparing his ballot, and it shall be unlawful for any person to ask or tell him to vote for any candidate by words, writings, or signs: *Provided*, that the voter may request one elector to assist him in marking and preparing his ballot, but the person so requested to aid him shall give him no advice or offer any suggestion as to what candidate he shall vote for, and as soon as he has finished assisting the voter in preparing his ballot he shall immediately leave the space prohibited, that is heretofore mentioned.

SEC. 16. 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. 17. One poll-holder of each political party shall keep a polling list, with the name of each voter voting in said primary of his respective political party. At the close of the primary the poll-holders shall proceed publicly to count the votes and to declare the results of their respective primaries. They shall certify the results of such primary and transmit with the poll lists all other papers relating to such primary, by mail, on the day after the primary, to the clerk of the Superior Court, or to the city or town clerk, as the case may be, who shall, on the second day after said return, open and canvass said returns and declare the results thereof. In the event that two names are marked or checked on

the ballot for the same office, when the law provides that only one can be elected, no credit shall be given either candidate as a vote for that office, except in cases when more than one person can be nominated for the same office.

SEC. 18. The county, township, or municipal candidate who receives a plurality of the votes cast for the office for which he was a candidate shall be the nominee of said party for such office: *Provided*, that 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 receives the next highest vote shall demand, in writing, within five days after the returns are announced by the proper officer, 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, and all and every expense connected with holding a second primary shall be equally divided between the two candidates participating in same.

Persons declared nominated.

Proviso: demand for second primary.

Second primary.

Expense of second primary.

SEC. 19. That the polls shall be open on the day of the primary from seven o'clock a. m. to six o'clock p. m., and no longer.

Hours of voting.

SEC. 20. In case there shall be any office for which no one has filed his declaration for nomination during the proper time, the vacancy shall be supplied by the county executive committee or the precinct executive committee of any city or town, as the case may be, of the party in which the vacancy occurs, at least five days before the primary.

Vacancies filled.

SEC. 21. Should any political party provided for in this act fail to enter the primary as herein prescribed and nominate their candidates accordingly, in that event no tickets bearing the name of any candidate or member of the political party so failing to comply with this act shall be permitted to be voted at the ensuing election.

Tickets not voted at general election.

SEC. 22. Return blanks and stamped envelopes shall be furnished the poll-holders, addressed to the clerk of the court or the city or town clerk, as the case may be, by whatever officer is made the returning board to mail in the certified returns.

Blanks for returns.

SEC. 23. To provide funds for holding such primary and paying the expenses thereof, each candidate for any county, township, or municipal office shall, at the filing of their declaration of nomination, pay to the clerk of the court or the city or town clerk, as the case may be, the sums named in this section, and, failing to pay the same, shall not be entitled to participate in said primary. All candidates for the Legislature shall pay the sum of ten dollars; all candidates for sheriff shall pay the sum of twenty dollars; all candidates for register of deeds and clerk of the Superior Court

Candidates to pay entrance fees.

Amounts.

shall pay the sum of eighteen dollars; all candidates for county treasurer shall pay the sum of fifteen dollars; all candidates for coroner and county surveyor shall pay the sum of three dollars; all candidates for county commissioner shall pay the sum of two dollars; all candidates for constable and justice of the peace shall pay the sum of one dollar; all candidates for recorder of the Washington, Long Acre and Chocowinity District shall pay the sum of six dollars; all candidates for the clerk of the said court shall pay the sum of three dollars; all candidates for recorder of Pantego Township shall pay the sum of three dollars; all candidates for recorder of the Aurora District, and recorder of Bath Township, in the event a court is established in said township, shall pay the sum of two dollars; and all other elective township officers shall pay the sum of one dollar. All candidates for mayor of the city of Washington shall pay the sum of ten dollars; and all candidates for alderman in said city shall pay the sum of two dollars and fifty cents. In all other cities or towns in said county the primary assessment of the mayor, aldermen, or commissioners or other elective officers shall be fixed by the governing board of said city or town. Should the clerk of the court or the city or the town clerk find, after paying all expenses of the primary out of the funds raised by these assessments, that there is a deficit, then the county or city or town, as the case may be, shall pay the remainder of said expense.

Payment of deficit.

Advice to or request of voter misdemeanor.

SEC. 24. It shall be unlawful, and the same is hereby made a misdemeanor, for any person to advise in any manner or form or ask the voter while preparing his ballot to vote for any candidate for any office.

Fraudulent voting misdemeanor.

SEC. 25. Every person entitled to vote, who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any primary, or who personates or attempts to personate a person legally entitled to vote, shall be guilty of a misdemeanor.

Candidates to file statements of expenditures.

SEC. 26. Every candidate in any primary under this act shall be required within ten days after the primary to submit to the clerk of the court, or to the city or town clerk, as the case may be, a sworn statement of his expenditures on account of said primary, in detail, to whom paid, and for what purpose; he shall likewise submit to the said officers, respectively, 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 dollars and be imprisoned in the county jail for thirty days, and in the event this section is not complied with, it is hereby made the duty of the clerk of the court or the city or town clerk, as the case may be, to proceed criminally against the offender. If a candidate nominated to a public office refuses or neglects to file the statement as above prescribed, he shall forfeit the right to be a nominee of said office, and the vacancy shall be filled by the executive committee of his political party.

Punishment for failure or false statement.

Officers to prosecute.

Forfeit of nomination.

SEC. 27. No spirituous, malt, vinous, or intoxicating liquor shall be sold or given away with the intent to influence or purchase a vote during the holding of any primary, 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, or if any person shall accept any bribe or other thing of value for his vote or influence in such primary, he shall be guilty of a misdemeanor, and shall be fined not less than two hundred dollars and imprisoned in the county jail for a term of thirty days.

Sale or gift of liquors forbidden.

Bribery misdemeanor.

Punishment.

SEC. 28. Any person guilty of buying or attempting to buy, or selling or attempting to sell, a vote or votes in said primary 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 sentenced in court, disfranchised, and deprived of the right to vote at any primary in this State for a term of five years, and shall be imprisoned in the county jail not less than one year. 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 any primary, or who shall receive the greatest number of votes at any primary, or agrees to pay any other person any money, property, or other valuable thing in the event that a primary shall result any 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 less than fifty dollars or imprisoned in the county jail one month, or both, in the discretion of the court.

Punishment for buying or selling votes.

Punishment for second offense.

Punishment for betting or wagering.

SEC. 29. No person shall pay any money or anything of value or shall make any promise of any reward to any one for work done in his behalf in soliciting votes, or in the behalf of another, either before the date of the primary or at the polls on the day of the primary. Any violation of this section shall constitute a misdemeanor, and any person, upon conviction, shall be fined not less than five hundred dollars.

Payment or promise of reward misdemeanor.

Punishment.

SEC. 30. It shall be unlawful for any person to post any writing bearing the name of any candidate, or picture of any candidate, within five hundred yards of any polling place.

Posters forbidden.

SEC. 31. It shall be unlawful for any person to make or cause to be made any copy or copies of the official ballots as sent out by the clerk of the court or the city or town clerk, and no other ballots other than those provided in sections twelve and sixteen shall be used or voted in said primary. Any violation of this section by any person shall constitute a misdemeanor, and upon conviction shall be fined not less than five hundred dollars. Noth-

Copying ballots forbidden.

Official ballots only used.

Misdemeanor.

Punishment.

Inserting names on ballots.

ing in this act shall prevent any elector from writing or otherwise inserting any name on a ballot of a person for whom he wishes to vote.

Preservation of ballots.

SEC. 32. Immediately after the ballots are counted they shall be placed back in their respective boxes, and the poll-holders shall seal same and keep them in a safe place. In the event of any contest on the grounds of fraud, the clerk of the court, or the city or town clerk, as the case may be, is hereby empowered to determine same: *Provided*, such notice of contest must be filed by the complaining candidate before the day when the official canvass is made.

Decision of contests.

Proviso: notice of contest.

Act to be submitted to election.

SEC. 33. This act shall not be in force until it shall have been first submitted to the qualified voters of said county at an election to be called for said purpose by the board of county commissioners of said county. Said commissioners shall give thirty days notice of said election at the courthouse door of said county, and in one or more newspapers published in said county. Said election shall be held under the same laws and regulations as now govern the election of members of the General Assembly, and at said election all those favoring said primary law shall vote a ballot on which shall be written or printed or partly written or printed the words "For Primary," and all those opposed to said primary law shall vote a ballot on which shall be written or printed, or partly written or printed, the words "Against Primary." The returns shall be canvassed and the result declared as for members of the General Assembly, and if a majority of the qualified voters shall be in favor of said primary, then said law shall at once be in full force and effect; otherwise the present primary law as amended at the present session of the General Assembly shall be and remain in full force and effect.

Notice of election.

Law governing election.

Ballots.

Canvass of returns.

Effect of election.

Repealing clause.

SEC. 34. Upon the adoption of this act as aforesaid, chapter six hundred and thirty-three, Public-Local Laws one thousand nine hundred and eleven, and all other laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 35. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1913.

CHAPTER 663.

AN ACT TO AMEND CHAPTER 553 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATIVE TO TAXING DOGS IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Tax on males.

SECTION 1. That section one of chapter five hundred and fifty-three of the Public-Local Laws of one thousand nine hundred and eleven be and the same are hereby amended by striking out all

after the word "corporation" in line six and before the word "upon" in line seven, and inserting the words "fifty cents," and Tax on females.
by striking out all after the word "corporation" in the last line of section one, and inserting in lieu thereof the words "one dollar."

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

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 664.

AN ACT TO ESTABLISH A SPECIAL COURT FOR CATAWBA COUNTY, WITH CIVIL AND CRIMINAL JURISDICTION, TO BE KNOWN AS CATAWBA COUNTY COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That, subject to the conditions hereinafter set out, Court established.
an inferior court, with civil and criminal jurisdiction as herein-
after prescribed, to be known as "Catawba County Court," is Official title.
hereby created and established.

SEC. 2. That said court shall have jurisdiction in civil actions Civil jurisdiction.
and proceedings as follows:

First. Concurrent jurisdiction with justices of the peace in all As of justices of
civil actions, matters, and proceedings, including all proceedings the peace.
ancillary to civil actions, which are now or which may hereafter
be within the jurisdiction of justices of the peace of Catawba
County.

Second. Exclusive, original, and final jurisdiction in all civil Actions on con-
actions, matters, and proceedings, including all proceedings ancil- tracts or torts.
lary to civil actions, founded on contract or tort, wherein the
Superior Court of Catawba County now has exclusive original
jurisdiction: *Provided*, the sum demanded or the value of the Proviso: amount
property in controversy shall not exceed five hundred dollars and involved.
the title to real estate shall not be in controversy. Title to real estate.

SEC. 3. That said court shall have jurisdiction in criminal actions Criminal juris-
and proceedings as follows: diction.

First. Concurrent jurisdiction with justices of the peace in all As of justices of
criminal actions, matters, and proceedings arising out of criminal the peace.
offenses committed within the limits of Catawba County.

Second. Exclusive, original, and final jurisdiction of all offenses Of violations of
and misdemeanors consisting of violations of the ordinances of town ordinances.
of the town Newton.

Third. Exclusive, original, and final jurisdiction of all other Offenses declared
criminal actions and offenses, below the grade of felony as now petty misde-
defined by law, committed within Catawba County, as also of meanors.
larceny, and receiving stolen goods knowing same to have been
stolen, when the value of the property stolen or received does not
exceed twenty dollars; said court shall also have jurisdiction of

- Proviso: extent of jurisdiction. forgery and embezzlement, when the amount involved does not exceed twenty dollars, all of which offenses, embraced in this section, are declared to be petty misdemeanors: *Provided*, such jurisdiction shall not extend to violations of the ordinances of any city or town other than the town of Newton, or to criminal offenses committed in Hickory Township: *Provided*, nothing in this act shall prevent the Superior Court of Catawba County from assuming jurisdiction of any offense whereof exclusive, original, and final jurisdiction is given to said Catawba County court, if within six months after the commission thereof said Catawba County court shall not have proceeded to take official cognizance of such offense.
- Proviso: jurisdiction of superior court. SEC. 4. That in all criminal offenses committed in Catawba County where final jurisdiction is not given to said Catawba County court, said court shall have jurisdiction and is hereby authorized to hear and examine into the same, and, upon probable cause being shown, to bind the defendant over to the Superior Court of Catawba County or to commit him to jail, as now provided by law in courts of justices of the peace.
- Jurisdiction of preliminary investigations. 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.
- Actions for forfeits and penalties. SEC. 6. That in all actions heard by justices of the peace and other examining magistrates of Catawba County in respect to any offense whereof said Catawba County court has exclusive, original, and final jurisdiction, in which probable cause of guilt is found, the person or persons so charged shall be bound in a suitable recognizance, with sufficient surety, to appear before said Catawba County court for trial on a day specified, and within twenty days from such preliminary examination, in default of which said recognizance such person or persons shall be committed to the Catawba County jail until trial.
- Persons to be bound over to county court. SEC. 7. That said Catawba County court shall be open at all times for the dispatch of business, and the judge thereof, if the business require, may hold daily sessions at the courthouse or other suitable place in the town of Newton, or may hold sessions in any other place in Catawba County, but shall not be required to hold sessions on Sundays or holidays, and he may fix the hour for opening sessions on any day.
- Sessions of court. SEC. 8. The judge of said court and the justices of the peace of Catawba County, and the clerk of the Superior Court or of the county court are hereby authorized and empowered to issue process, both civil and criminal, and make the same returnable before said Catawba County court for trial, and may issue subpoenas for witnesses to attend said court, and the mayor of any incorporated town in Catawba County is authorized to issue warrants and
- Issue and return of process.

other criminal process and make same returnable to Catawba County court. Warrants shall be made returnable forthwith. Return of process.
 Summons and other civil process shall be made returnable in not less than ten nor more than thirty days from the issuance thereof:
Provided, when necessary to serve summons or other process by publication, the return day may be continued in order to give sufficient time to complete service of summons by publication. Proviso: process served by publication.
 If one or more of the defendants in any civil action be a nonresident of Catawba County the summons shall be returnable in not less than fifteen days from the issuance thereof. Process on non-residents.
 The precepts and process of said court may be issued to the sheriff or other lawful officer of Catawba County, to any constable thereof, or to the police officers of the town of Newton or any incorporated town in Catawba County, and when given under the seal of said court precepts and process may be issued and directed to the sheriff or other lawful officer of any county in the State of North Carolina and may be executed anywhere within the bounds of said State. Issue and execution of process.
 Service of publication may be made in the cases and under the rules now provided for service by publication in the courts of justices of the peace or in the Superior Court, as now provided by law. Service by publication.

SEC. 9. That the pleadings in civil cases within the jurisdiction of a justice of the peace may be oral or written, but the judge in his discretion may require written pleadings, and in all other cases the pleadings shall be written. In all civil cases where the pleadings are required to be written the complaint shall be filed five days before the return day, and the answer shall be filed on or before the day of trial, but the judge may allow time for filing any pleadings and may make rules fixing the time for filing pleadings, changing the time herein provided. Pleadings in civil cases.
Time for filing pleadings.

SEC. 10. When, upon affidavit of the defendant made before entering upon the trial of any cause before any justice of the peace of Catawba County, it shall appear proper for said cause to be removed for trial to some other justice of the peace, as is now provided by law, said cause may be removed for trial to said Catawba County court, in the discretion of the justice of the peace removing same. Cases removed by magistrates.

SEC. 11. That either party to a civil action, at the time of joining the issue of facts, may demand a jury trial, in which event the law relating to trial by jury before justices of the peace shall in all particulars govern. If neither party demand a jury at the time stated, then the parties shall be deemed to have waived a jury trial. The county commissioners shall provide a jury box in Newton Township, a jury box for Hickory Township, and the jury shall be drawn from the township in which the case shall be tried. Jury trials.
Jury boxes.
 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 Catawba County, Right of appeal.

and upon such appeal the trial in the Superior Court shall be *de novo*. Appeals involving only issues or questions of law may be had from said county court to said Superior Court in the same manner in which appeals are now had from the Superior Court to the Supreme Court: *Provided*, 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 practicable.

Proviso: appeals to supreme court.

Proceedings on appeal.

Executions.

Docketing judgments.

SEC. 12. That the judgments of said county court may be enforced by execution issued therefrom, and transcripts of the same may be docketed in the Superior Court of Catawba County, and when so docketed shall become judgments of the Superior Court, as now provided for executions and transcripts of judgments of justices of the peace.

Costs in criminal cases.

Convicts sentenced to road work.

SEC. 13. That any person convicted in said court of any offense shall pay all costs of prosecution that may be taxed against him and be fined or imprisoned, or both, according to law; and when the punishment imposed is imprisonment, it shall be lawful for the judge of said county court to sentence the defendant to be worked on the roads of Catawba County or any township thereof or on the county farm or other public works, or on the roads of any other county, and if imprisoned for failure to pay costs, may sentence the defendant to work on the roads or other works until such costs shall be paid by such work at a reasonable wage allowance to be fixed by the judge, and said judge shall have all the power and authority conferred by this act and such as is now conferred on justices of the peace and judges of the Superior Court in like cases.

Court of record.

Seal of court.

SEC. 14. That the said Catawba County court shall be a court of record and shall have a seal with the impression "Catawba County Court, North Carolina," which seal shall be used in the attestation of all precepts, process, proceedings, and acts in the same manner and to the same effect as the seal of other courts of record in the State of North Carolina are used and required to be used.

Judge.

Term of office.

Election of judge.

SEC. 15. That said Catawba County court shall be presided over by a judge, who shall be a regularly licensed attorney at law of North Carolina and a resident and qualified voter of Catawba County, whose term of office shall begin on the first Monday of December after his election and shall continue for two years and until his successor shall be elected and qualified. A judge of Catawba County shall be elected by the voters of Catawba County at the election for members of the General Assembly to be held in the year one thousand nine hundred and fourteen, and every two years thereafter. Until the first election hereunder the board of commissioners of Catawba County shall elect a judge to preside over said court, whose term shall begin on the first Monday in May, one thousand nine hundred and thirteen, and they shall

Election of first judge.

Judge pro tem.

elect a judge *pro tem.*, who shall preside in the absence, sickness, or at request of the judge, and shall receive the compensation of the office while so presiding, and shall perform all the duties of the judge. The judge appointed or elected, and the substitute judge, shall each qualify by taking the oath of office required of judges of the Superior Court.

Judge and substitute to qualify.

SEC. 16. That the same rules and practice as to venue of causes of action shall apply to said county court as now applies in the Superior Court; and the procedure in said county court, except as herein 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, and other provisions of law as to procedure in courts of justices of the peace and the Superior Courts, so far as they may be adapted to the needs and requirements of said county court.

Rules of practice and procedure.

SEC. 17. All fines shall be collected and accounted for as provided by law. The following costs and fees shall be allowed, charged, and collected: for serving warrants, summonses, subpoenas, and other process, the same fees as are now allowed by law in like cases in the courts having jurisdiction; witnesses shall be entitled to fifty cents per day and mileage at five cents per mile each way, and shall prove only as allowed in the Superior Court; for issuing warrants, summonses, and any other original process, fifty cents; for trial and judgment in each action, civil or criminal, within jurisdiction of justices of the peace, one dollar, and in all other cases, two dollars; and for all other process, papers, and things whatsoever, such fees as are allowed justices of the peace and clerks of the Superior Courts; and against each person convicted the prosecuting attorney shall be entitled to a fee of one dollar, where the offense is within the jurisdiction of a justice of the peace, and for all other offenses a fee of two dollars, which shall be taxed against each defendant convicted. The judge or clerk shall tax and make up bill of costs as is done by clerk in Superior Court.

Fines.
Costs and fees.

SEC. 18. That said county court shall have jurisdiction herein conferred of offenses committed and causes of action arising prior to establishment of said court, but shall not assume jurisdiction of any offense or cause of action of which any court of competent jurisdiction has taken cognizance, unless same shall be transferred by consent. That the grand jury drawn and selected for the Superior Court of Catawba County shall make presentments of all matters coming within the jurisdiction of said county court, and upon such presentments the clerk or judge of said county court is hereby authorized to issue warrants without other information or evidence to support such warrants, and if said county court shall fail to take any action upon any such presentment prior to the next succeeding term of the Superior Court, then the Superior

Offenses heretofore committed.
Causes heretofore accrued.
Actions pending.

Presentments.

Warrants on presentments.

Jurisdiction of superior court.

Court shall thereafter have jurisdiction of such offenses, notwithstanding such offenses may have been committed within six months prior to such presentment by the grand jury.

Dockets, files, and records.

Clerk of court.

Fees to use of salary fund.

Judge may practice law.

Proviso: auditor.

Probate jurisdiction.

Salary of judge.

Employment of attorneys.

Method of establishment of court.

Publication of notice.

Consideration of question.

SEC. 19. That there shall be dockets, files, and records of all proceedings in said county court, conforming as nearly as practicable to the records of the proceedings in the Superior Court; and the clerk of the Superior Court of Catawba County shall be *ex officio* clerk of Catawba County court. All fees, costs, and emoluments accruing to any person or officer of Catawba County under this act, whose compensation is otherwise provided in lieu of such fees, shall be collected and paid to the county treasurer for the benefit of the salary fund as established by law, and under same penalty for failure as provided by law in case of other county officers provided by an act at this session of the General Assembly.

SEC. 20. That the judge of said county court shall not by reason of his office be prohibited from practicing the profession of 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 or his duties as *ex officio* auditor when required to perform such duties by the board of commissioners: *Provided*, the commissioners may establish the office of auditor and appoint an auditor, or they may, without establishing such office, require the judge to perform such duties, or may employ from time to time one or more persons to audit the accounts and perform such duties as they may require and determine. The said judge shall have power and authority to administer oaths and take acknowledgments and proofs of deeds and all other instruments which are authorized to be taken by a notary public, and attach the seal of the court to all such instruments to be recorded or used outside of Catawba County, and such acknowledgments and proofs shall in all respects be valid.

SEC. 21. That the board of county commissioners of Catawba County shall fix the salary of said judge, which they may change from time to time, and said board of commissioners is authorized to employ attorneys to represent the board of commissioners and advise them, and to prepare process and, when they require it, to prosecute offenders in said county court, the compensation to be paid out of the salary fund or out of the county fund, as the commissioners may order.

SEC. 22. That the said Catawba County court shall be established and acquire jurisdiction, as herein provided, after a judge of said court has been duly elected by the board of county commissioners in the following manner: The board of county commissioners shall, before any judge is elected by them, publish a notice in two or more newspapers published in Catawba County, of their intention to take up and pass upon the question of whether or not they will elect a judge to perform the duties provided for in this act, and on the date to which this notice refers they shall

take up the question of the advisability of electing or not electing such judge, and shall vote upon the question, and if a majority votes to elect a judge, they shall declare the result and have the same spread upon the minutes of said commissioners, and the said judge so elected shall thereupon enter upon the discharge of his duties as herein defined upon complying with the provisions of this act; but if the votes shall be against the election of the judge and none is elected, then this act shall not become operative or effective. If a judge is elected as herein provided, then at the meeting at which he is elected the board shall also determine whether or not he shall have civil jurisdiction as provided in this act, and if a majority of the board shall vote giving civil jurisdiction, then the same shall obtain as provided in this act; but if a majority shall be against giving civil jurisdiction as provided in this act, then the said judge shall not exercise the same, and thereby be deprived of trying or determining any civil action. That all the proceedings of the meeting of the board with reference to their action in electing or declining to elect a judge and fixing his jurisdiction shall be spread upon the minutes of the board and be the record of the action of the said board.

Record of decision.

Determination of jurisdiction.

Record of proceedings.

SEC. 23. That, subject to the limitations and conditions herein contained, this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 665.

AN ACT PROHIBITING THE SALE AS A BEVERAGE OF ANY DRINK, BY WHATEVER NAME KNOWN, CONTAINING ALCOHOL WITHIN CERTAIN TERRITORY IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter thirty-five of the Public Laws of one thousand nine hundred and eleven be amended by striking out that part of said section which reads as follows: "Provided further, that this act shall not apply to the sale of domestic wines when sold in quantities of not less than two and one-half gallons in sealed packages or crated, on the premises where manufactured, or to the sale of cider in any quantity by the manufacturer from fruits grown on his land within the State of North Carolina."

Sale of wine and cider forbidden.

SEC. 2. That this act shall apply only to the following territory, viz.: Griffin and Nashville townships, Nash County, within two miles of schoolhouse in District Number Seven, white (Hunt School); Manning Township, Number Four, white (Momyer School); Manning Township and Number Two, white (Pleasant

Territory affected.

Grove School) ; Manning Township and Number Five, white (Oak Level School) ; Stony Creek Township, Nash County. Number Three, white (Salem School) ; North Whitakers Township, Nash County, and Number Three, white (Macedonia School) ; Coopers Township, Nash County.

When act effective. SEC. 3. That this act shall be in full force and effect from and after first day of April, one thousand nine hundred and thirteen.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 666.

AN ACT TO PROVIDE FOR THE ENLARGEMENT OF DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

Enlargement of drainage districts.

SECTION 1. That any drainage district heretofore or which may hereafter be established under the general drainage laws of North Carolina (chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine, and acts supplemental to and amendatory thereof) may be enlarged so as to include territory adjacent thereto in the manner following:

Jurisdiction of clerk of superior court.

The clerk of the Superior Court of any county in the State of North Carolina shall have the same jurisdiction, power, and authority to enlarge levee or drainage districts as he now has to establish levee or drainage districts, and to do every act or thing in the enlarging of established drainage districts which he can do in establishing a levee or drainage district, and it is hereby declared that the enlargement of the districts established for the drainage of swamps and the drainage of the surface water from agricultural lands and the reclamation of tidal marshes shall be considered a public benefit and conducive to the public health, convenience, utility, and welfare.

Public benefit.

Petition for enlargement.

SEC. 2. Whenever a petition signed by the owner of a tract of land adjacent to an established levee or drainage district and susceptible of drainage through the instrumentalities provided for the drainage of such established levee or drainage district, or by a majority of the resident landowners owning lands adjacent to an established levee or drainage district, or by the owners of three-fifths of all the land which will be affected by or assessed for the expense of the proposed improvements incident to said land being added to an established levee or drainage district and susceptible of drainage through the instrumentalities provided for the drainage of such established levee or drainage district, shall be filed in the office of the clerk of Superior Court of any county in which a part of said lands are located, setting forth that any specific body, tract, or district of land in the county or adjoining

Specifications of petition.

counties, described in such a way as to convey an intelligent idea as to the location of such land with reference to an established levee or drainage district to which it is adjacent, is subject to overflow or too wet for cultivation, and the public benefit or utility or the public health, convenience, or welfare will be promoted by drainage, ditching, or leveeing the same, and that this end can be best accomplished by enlarging the boundaries of an established levee or drainage district to which said land is adjacent, and setting forth therein, as far as is practicable, the starting point, route, and terminus and lateral branches, if necessary, of the proposed improvement with reference to the established drainage or levee district to which the land is sought to be attached, and there is filed therewith a bond for the amount of fifty dollars per mile for each mile of the ditch or proposed improvement, signed by two or more sureties or by some surety company authorized to do business in North Carolina, to be approved by the clerk of the Superior Court and conditioned for the payment of all costs and expenses incurred in the proceedings in case the court does not grant the prayer of the petition, the said clerk shall issue a summons to be served on all the defendant landowners who have not joined in the petition, if there be any such, and whose lands are included in the lands sought to be added to an established levee or drainage district. Upon the return day the said clerk shall appoint a disinterested and competent civil and drainage engineer and two resident freeholders of the county or counties in which said lands are located, as a board of viewers to examine the lands described in the petition and make a preliminary report thereon. Such drainage engineer shall be appointed upon the recommendation of the State Geologist, and the compensation for the services of such engineer and his necessary assistants, to be fixed as herein provided, shall be paid as herein provided. Where the lands proposed to be drained by being added to or included in a levee or drainage district already established are located in two or more counties, the clerk of the Superior Court in whose court the existing drainage district was established shall have and exercise the jurisdiction herein conferred, and the venue shall be in said county. The laws and rules regulating special proceedings shall be applicable to this act so far as may be practicable. The summons may be served by publication as to any defendants who cannot be personally served as provided by law. If at the time of the filing of the petition, or at any time subsequent thereto, it shall be made to appear to the court by affidavit or otherwise that the owner or owners of the whole or any share of any tract or tracts of land whose names are unknown and cannot after due diligence be ascertained by the petitioners, the court shall order a notice in the nature of a summons to be given to all such persons by a publication of the petition, or of the substance thereof, and describing generally the tract or tracts of land as to which the

Bond with
petition.

Summons to land-
owners.

Board of view.

Appointment and
compensation of
drainage engineer.

Jurisdiction and
venue.

Rules as for
special proceedings.
Service by publi-
cation.

Notice where
owners are
unknown.

- owner or owners are unknown, with the order of the court thereon, in some newspaper published in the county wherein the land is wholly or partially situated, or in some other county, if no newspaper is published in the county where said land is wholly or partially situated, which newspaper or newspapers shall be designated in the order of the court, and a copy of such publication shall also be posted in at least three conspicuous places within the boundaries of the tract or tracts of land or district proposed to be added to an established levee or drainage district, and at the courthouse door of the county where the petition and proceedings are pending. Such publication in a newspaper and by posting shall be made for a period of four weeks, and one publication a week in a newspaper for four weeks shall be a sufficient newspaper publication. After the time of publication shall have expired, if no person claiming and asserting title to the tract or tracts of land and entitled to notice shall appear, the court in its discretion may appoint some disinterested person to represent the unknown owner or owners of said lands, and thereupon the court shall assume jurisdiction of the said tract or tracts of land and shall adjudicate as to the said lands to the same extent as if the true owners were present and represented, and shall proceed against the land itself. If at any time during the pending of the drainage proceeding the true owner or owners of the lands shall appear in person, they may be made parties defendant of their own motion and without the necessity of personal service, and shall thereafter be considered as parties to the proceeding, but they shall have no right to except to or appeal from any order or judgment theretofore rendered, as to which the time for filing exceptions on notice shall have expired.
- SEC. 3. The board of viewers shall proceed to examine the land described in said petition, and other land if necessary, to locate properly the improvement or improvements petitioned for, along the route described in the petition, or any other route answering the same purpose if found more practicable or feasible, and may make surveys such as may be necessary to determine the area sought to be added to an established levee or drainage district, and the elevation of the several parts of the said area, and shall make and return to the clerk of the Superior Court within thirty days, unless the time shall be extended by the court, a written report, which shall set forth:
1. Whether the proposed drainage is practicable or not.
 2. Whether it will benefit the public health, or any public highway, or be conducive to the general welfare of the community.
 3. Whether the improvement proposed will benefit the lands sought to be benefited.
 4. Whether or not all the lands that are benefited are included in the proposed enlargement of an established levee or drainage district.
- Appointment of representative.
- Procedure against land.
- Appearance of owners.
- Examination of land.
- Report.
- Practicability.
- General benefits.
- Special benefits.
- Location of lands.

5. Whether the most practicable way to drain the land sought to be drained will be accomplished by adding the same to an established adjacent levee or drainage district. Best method.

6. Whether the land proposed to be added to an established levee or drainage district can be so added without overtaxing the present capacity of any drainage canal, ditch, or ditches, levee or levees of said established drainage or levee district, and, if so, which ones, and what changes, improvements, or enlargements, if any, are necessary because of enlarging said established levee or drainage district, and the estimated cost of any such. They shall also file with this report a map of the area proposed to be added to the established levee or drainage district, showing the location of the ditch or ditches or other improvements to be constructed and the lands that will be affected thereby, and what changes, if any, in the general drainage schemes of the established levee or drainage district will be necessary, and such information as they may have collected which will tend to show the correctness of their findings. Estimates. Map.

SEC. 4. The clerk of the Superior Court shall consider this report. If the viewers report that the drainage asked for is not practicable, or, if practicable, cannot be accomplished by adding to the established levee or drainage district the area sought to be so added, or that it will not benefit the public health or any public highway, or be conducive to the general welfare of the community, and the court shall approve such findings, the petition shall be dismissed at the cost of the petitioners. Such petition or proceedings may again be instituted by the same or additional land-owners at any time after six months upon proper allegations that conditions have changed or that material facts were omitted or overlooked. If the viewers report that the drainage asked for is practicable and can be accomplished by adding to the established levee or drainage district the area sought to be so added, and that it will benefit the public health or any public highway, or be conducive to the general welfare of the community, and the court shall so find, then the court shall fix a day when the report will be further heard and considered. Consideration of report. Findings for dismissal of petition. Renewal of petition. Findings for further hearings. Day for hearing.

SEC. 5. If the petition is entertained by the court, notice shall be given by publication once a week for two consecutive weeks in a newspaper published in the county or counties in which the land viewed by the board of viewers is situated, if one be published in such counties, and also by posting notices at the courthouse door of the county where the petition or proceeding is pending and at five conspicuous places within the drainage or levee district as it is proposed to be enlarged, that on a day named the court will consider and pass upon the report of the board of viewers. At least fifteen days shall intervene between the date of publication and posting of notices and the date set for the hearing. Advertisement of hearing.

Hearing on report.	SEC. 6. At the date appointed for the hearing the court shall hear and determine any objections that may be offered to the report of the viewers. If it appears that there is any land within the area proposed to be added to an established levee or drainage district that will not be affected by the leveeing or drainage thereof, such land shall be excluded and the names of the owners withdrawn from such proceeding; and if it shall be shown that there is any land not within the area proposed to be added to an established levee or drainage district which ought to be so included, the boundary of the established levee or drainage district shall be so changed as to include such land, and such additional land-owners shall be made parties plaintiff or defendant, respectively, and summons shall issue accordingly as herein provided. After such change in the boundary is made, the sufficiency of the petition shall be verified, to determine whether or not it conforms to the requirements of the statute, as provided in section two hereof.
Land excluded.	
Land included and owners made parties.	
Verification of petition.	
Reference of amended petition.	The matter of improvements in the area added to an established levee or drainage district, and what changes, if any, in the general scheme of the established levee or drainage district, and the efficiency thereof, may also be determined and changes may be made, and, if necessary, the petition as amended may be referred by the court to the engineer and board of viewers for further report. The above facts having been determined to the satisfaction of the court, and the boundaries of the levee or drainage district as enlarged, determined, it shall declare the boundaries of said district to be so enlarged. If any lands shall be excluded from the area added to the established levee or drainage district because of the court having found that such lands will not be affected or benefited, and the names of the owners of such lands have been withdrawn from such proceeding, but such lands are so situated as necessarily to be located within the outer boundaries of said district as enlarged, such fact shall not prevent the enlargement of the district, and said lands shall not be assessed for any drainage tax; but this shall not prevent the district from acquiring a right of way across such lands for constructing a canal or ditch or for any other necessary purpose authorized by law.
Order enlarging district.	
Lands not assessed for drainage.	
Rights of way.	
Condemnation for rights of way.	SEC. 7. If it shall be necessary to acquire a right of way or an outlet over and through lands not affected by the drainage, and the same cannot be acquired by purchase, or in case of disagreement as to price to be paid for a right of way, then and in that event the right of eminent domain is hereby conferred, and the same may be condemned in the manner provided in section seven of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine.
Procedure for condemnation.	
Right of appeal.	SEC. 8. Any person or corporation owning lands within the area thus added to an established levee or drainage district which he or it thinks will not be benefited by the improvement and should not be included in the district, or the commissioners of the district

which it is proposed to enlarge, if they consider the enlargement a detriment to the district, may appeal from the decision of the court to the Superior Court of such county, in term-time, by filing an appeal, accompanied by a bond conditioned for the payment of the costs if the appeal should be decided against him, for such sum as the court may require, not exceeding two hundred dollars, signed by two or more solvent sureties or in some approved surety company to be approved by the court. Bond on appeal.

SEC. 9. After the district is enlarged the court shall refer the report of the engineer and viewers back to them to make a complete survey, plans and specifications for the drains or levees or other improvements necessitated by the enlargement of the district, and fix a time when said engineer and viewers shall complete and file their report, not exceeding sixty days. Reference of report for completion.

SEC. 10. The engineer and viewers shall have power to employ such assistants as may be necessary to make a complete survey of the area to be added to said drainage district, and shall enter upon the ground, make a survey of the main drain or drains and all its laterals, and their connection or connections with the drain, drains, levee or levees of the already established district. The line of each drain, ditch, or levee shall be plainly and substantially marked on the ground. The course and distance of each ditch shall be carefully noted and sufficient notes made, so that it may be accurately platted and mapped. A line of levels shall be run for the entire work in the added area and sufficient data secured from which accurate profiles and plans may be made. Frequent bench marks shall be established along the line, on permanent objects, and their elevation recorded in the field books. If deemed expedient by the engineer and viewers, other levels may be run to determine the fall from one part of the entire district as enlarged to another. If an old water-course, ditch, or channel is being widened, deepened, or straightened, it shall be accurately cross-sectioned, so as to compute the amount of cubic yards saved by the use of such old channel. A drainage map of the district to be enlarged shall then be completed, showing the improvements to be made in the added area, the location of the ditch or ditches and other improvements, and the old and present boundaries, as closely as may be made from the map of the district as at first established and by the records of the lands owned by each individual landowner within the area added. The location of any railroads or public highways and the boundary of any incorporated towns or villages within the district shall be shown on the map. There shall also be prepared to accompany this map a profile of each levee or drain or water-course in the added area, showing the surface of the ground, the bottom or grade of the proposed improvement, and the number of cubic yards of excavation or fill in each mile or fraction thereof, and showing also in detail what each levee, drain, or water-course in the district as first estab- Employment of assistants and entry on land.
Specifications for survey.
Drainage map.
Profiles.

Estimates.	<p>lished is to be in any way changed as to width or depth or direction, and a profile of each, showing surface of ground, the bottom or grade and number of cubic yards of excavation or fill, and the total yards in the proposed improvement and the estimated cost thereof, and the plans and specifications, and the cost of any other work required to be done.</p>
Assessment and payment of damages.	<p>SEC. 11. If damage be claimed by any person or corporation for land taken or for inconvenience imposed because of the construction or improvement, or for any other legal damage sustained, such claims for damages shall be assessed and adjusted and paid in the manner prescribed in section eleven of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine and amendments thereto.</p>
Classification of lands.	<p>SEC. 12. The lands added to an established drainage district under the provisions of this chapter shall be classified according to benefits as provided by section twelve of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine, and amendments thereto.</p>
Account and report of costs.	<p>SEC. 13. The engineer and viewers shall keep an accurate account of cost of survey and expenses, and report same to the court in manner provided by section fifteen of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine, and amendments thereto.</p>
Time for completion of work.	<p>SEC. 14. Should the work of the engineer and viewers be unavoidably delayed, the engineer and viewers shall appear before the court and state in writing the cause of such failure and ask for sufficient time in which to complete the work, and the court shall set another date by which the work shall be completed, and report made and filed.</p>
Examination and order on final report.	<p>SEC. 15. When the final report is completed and filed, it shall be examined by the court, and if found to be in due form and in accordance with law, it shall be accepted, and if not in due form, it may be referred back to the engineer and viewers, with instructions to secure further information to be reported at a subsequent date to be fixed by the court. When the report is fully completed and accepted by the court, a date not less than twenty days there, after shall be fixed by the court for the final hearing upon the report, and notice thereof shall be given by publication in a newspaper published in the county, if any, and by posting notices on the courthouse door and at five conspicuous places throughout the district as enlarged, such publication to be made at least two weeks before the final hearing. During this time a copy of the report shall be on file in the office of the clerk of the Superior Court and shall be open to the inspection of any landowner or other person interested within the district as enlarged.</p>
Date for final hearing.	<p>SEC. 16. At the date set for hearing, any landowner may appear in person or by counsel and file his objection in writing to the report of the viewers, and it shall be the duty of the court to care-</p>
Advertisement of hearing.	
Report open for inspection.	
Proceedings on hearing.	

fully review the report of the viewers and the objections filed thereto and make such changes as are necessary to render substantial and equal justice to all the landowners in the district. If in the opinion of the court the cost of construction, together with the amount of damages assessed, is not greater than the benefits which will accrue to the lands affected, the court shall confirm the report of the viewers. If, however, the court finds that the cost of construction, together with the damages assessed, is greater than the resulting benefit that will accrue to the lands affected, the court shall dismiss the proceedings at the cost of the petitioners, and the sureties upon the bond so filed by them shall be liable for such costs. The court may from time to time collect from the petitioners such amounts as may be necessary to pay costs accruing.

Order of confirmation or dismissal.

Collection for costs.

SEC. 17. Any party aggrieved may within ten days after the confirmation of the assessor's report appeal to the Superior Court in term-time. Such appeal shall be taken and prosecuted as now provided in special proceedings. Such appeal shall be based and heard only upon the exceptions theretofore filed by the complaining party, either as to issues of law or fact, and no additional exception shall be considered by the court upon the hearing of the appeal.

Appeal.

Prosecution of appeal.
Hearing on appeal.

SEC. 18. The clerk of the Superior Court shall transcribe in the drainage record book every petition, motion, order, report, judgment, or finding of the board in every proceeding to enlarge an established levee or drainage district that may come before the court in such a manner as to make a complete and continuous record of the case. Copies of all the maps and profiles are to be furnished by the engineer and marked by the clerk "Official Copies," which shall be kept on file by him in his office, and one other copy shall be posted or otherwise attached to his drainage record.

Records of proceedings.

Maps and profiles.

SEC. 19. After the said drainage district has been enlarged as aforesaid, and the survey and plan therefor approved, the area added to said established levee or drainage district shall immediately be under the control and management of the board of drainage commissioners of the said established levee or drainage district, and such officers and employees of the said board of drainage commissioners as are authorized by law. The board of drainage commissioners shall, as to the area thus added to an established levee or drainage district, be vested with all the powers contained in and perform all duties enjoined upon them by section twenty of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine; section twenty-one of chapter four hundred and forty-two of Public Laws of one thousand nine hundred and nine, as amended by section four, chapter sixty-seven of the Public Laws of one thousand nine hundred and eleven; sections twenty-two, twenty-three, and twenty-four of

Control and management of district.

Powers and duties of drainage commissioners.

chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine; section twenty-five of said chapter as amended by section six, chapter sixty-seven of Public Laws of one thousand nine hundred and eleven; sections twenty-six and twenty-seven of chapter four hundred and forty-two of Public Laws of one thousand nine hundred and nine; section twenty-eight of said chapter as amended by section seven of chapter sixty-seven of Public Laws of one thousand nine hundred and eleven; sections twenty-nine and thirty of chapter four hundred and forty-two of Public Laws of one thousand nine hundred and nine, and all the provisions of said sections are declared applicable to this chapter.

Ascertainment of cost.

SEC. 20. After the classification of lands and the ratio of assessments of the different classes to be made thereon of the area thus added to an established levee or drainage district has been confirmed by the court, the board of drainage commissioners shall ascertain the total cost of the improvement, including damages awarded to be paid to owners of land, all costs and incidental expenses and also including an amount sufficient to pay the necessary expenses of maintaining the improvement for a period of three years after the completion of the work of construction, after deducting therefrom any special assessments made against any railroad or highway, and thereupon the board of drainage commissioners, under the hand of the chairman and secretary of the board, shall certify to the clerk of the Superior Court the said total cost ascertained as aforesaid; and the said certificate shall be forthwith recorded in the drainage record and open to inspection to any landowner in the district.

Certificate of cost.

Assessment rolls.

SEC. 21. The board of drainage commissioners shall immediately prepare in duplicate the assessment rolls, or drainage tax lists, covering only the lands in the area added to the established levee or drainage district, giving therein the names of the owners of the land in said area, so far as can be ascertained from the public records, a brief description of the several tracts assessed, and the amount of the assessment against each tract of land. The first of these assessment rolls shall provide assessment sufficient for the payment of interest on the bond issue to accrue the third year after their issue, and the installment of principal to fall due at the expiration of the third year after the date of issue, together with such amounts as shall have to be paid for collection and handling of the same. The second assessment roll shall make like provision for the fourth year; the third for the fifth year; the fourth for the sixth year; the fifth for the seventh year; the sixth for the eighth year; the seventh for the ninth year; the eighth for the tenth year; the ninth for the eleventh year; the tenth for the twelfth year. Each of said assessment rolls shall specify the time when collectible and be numbered in their order, and the amounts assessed against the several tracts of land shall be in accordance with the

First assessment.

Second and succeeding assessments.

benefits received, as shown by the classification and ratio of assessments made by the viewers. These assessment rolls shall be signed by the chairman of the board of drainage commissioners and by the secretary of said board. One copy of each of said assessment rolls shall be filed with the drainage record and one copy shall be delivered to the sheriff, or other county tax collector, after the clerk of the Superior Court has appended thereto an order directing the collection of said assessments, and the said assessments shall thereupon have the force and effect of a judgment as in the case of State and county taxes. These assessments shall constitute a first and paramount lien upon the lands in the area added to an established levee or drainage district, second only to State and county taxes, upon the lands in the area added to an established levee or drainage district assessed for the payment of said bonds and 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. The said assessments shall be due and payable on the first Monday in September each year, and if the same shall not be paid in full by the thirty-first day of December following, it shall be the duty of the sheriff or tax collector to sell the land or lands so delinquent. The sale of lands for failure to pay such assessments shall be made at the courthouse door of the county in which the lands are situated, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of the first Monday in February each year; and if for any necessary cause the sale cannot be made on that date, the sale may be continued from day to day for not exceeding four days, or the lands may be readvertised and sold on the first Monday in March succeeding, during the same hours, without any order therefor. In all other respects, except as to time of sale of lands, the existing law as to the collection of State and county taxes shall have application to the collection of drainage assessments under this act. It shall be the duty of the sheriff or tax collector to pay over to the county treasurer promptly the moneys so collected by him upon said tax assessments, to the end that the said treasurer may have funds in hand to meet the payments of interest and principal due upon the outstanding bonds as they mature. It shall be the duty of the county treasurer, and without any previous order from the board of drainage commissioners, to provide and pay the installments of interest at the time and place as evidenced by the coupons attached to said bonds, and also to pay the annual installments of the principal due on said bonds at the time and place as evidenced by said bonds, and the said county treasurer shall be guilty of a misdemeanor, and subject, upon conviction, to a fine and imprisonment, in the discretion of the court, if he shall willfully fail to make prompt payments of the said interest and principal upon said bonds, and shall likewise be liable in a civil action

Verification of rolls.

Copy filed with record.
Copy for collection.
Order for collection.

Lien of assessments.

Assessments due.

Collection by sale.

Sales for assessments.

Settlement of collections.

Payment of interest and bonds.

Treasurer failing to pay guilty of misdemeanor.

Liability for damages.

for all damages which may accrue either to the board of drainage commissioners or to the holder of said bonds, to either or both of which a right of action is hereby given.

Assessments payable in one installment.

SEC. 22. If the total cost of the improvement is less than an average of one dollar per acre on all the lands in the area added to an established levee or drainage district, the board of drainage commissioners shall forthwith assess the lands in the area so added to an established drainage district therefor, in accordance with their classification, and said assessment shall be collected in one installment, by the same officer and in the same manner as State and county taxes are collected, and payable at the same time. In case the total cost exceeds an average of one dollar per acre on all lands in the area so added to an established levee or drainage district, the board of drainage commissioners shall give notice for three weeks by publication in some newspaper in a county in which the district or some part thereof is situated, if there be any such newspaper, and also by posting a written or printed notice at the door of the courthouse and at five conspicuous places in the district, reciting that they propose to issue bonds for the payment of the total cost of the improvement, giving the amount of bonds to be issued, the rate of interest they are to bear, and the time when payable.

Advertisement for bond issue.

Release of land on payment in full.

Any landowner in the district not wanting to pay interest on the bonds may, within fifteen days after the publication of said notice, pay to the county treasurer the full amount for which his land is liable, to be ascertained from the classification sheet and the certificate of the board showing the total cost of the improvement, and have his lands released from liability to be assessed for the said improvement, but such land shall continue liable for any future assessment for maintenance or for any increased assessment authorized under this law.

Failure to pay assessment a consent to bond issue.

SEC. 23. Each and every person owning land in the area added to an established levee or drainage district who shall fail to pay to the county treasurer the full amount for which his land is liable as aforesaid within the time specified, shall be deemed as consenting to the issuance of drainage bonds, and in consideration of the right to pay his proportion in installments he hereby waives his right of defense to the payment of any assessments which may be levied for the payment of bonds because of any irregularity, illegality, or defect in the proceedings prior to this 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 any firm, company, or corporation.

Waiver of rights.

Person defined.

Bond issues.

SEC. 24. At the expiration of fifteen days after publication of notice of bond issue, the board of drainage commissioners may issue bonds specifying therein that assessments for the payment thereof shall only be levied or made on the lands in the area added to said established drainage district for an amount equal to the total cost of the improvement made in consequence of said

district being enlarged, less such amounts as shall have been paid in in cash to the county treasurer, plus an amount sufficient to pay interest on the bond issue for the three years next following the date of issue. These bonds shall bear six per cent interest per annum, payable semiannually, and shall be paid in ten equal installments. The first installment of principal shall mature at the expiration of three years from the date of issue, and one installment for each succeeding year for nine additional years. The commissioners may sell these bonds at not less than par, and devote the proceeds to the payment for the work as it progresses and to the payment of the interest on said bonds for the three years next following the date of issue, and in the payment of other expenses of the enlargement of the established levee or drainage district provided for in this act. The proceeds from such bonds shall be for the exclusive use of the levee or drainage district specified on their face, and shall be applied for the purposes herebefore expressed, and said bonds shall be numbered by the board of drainage commissioners and recorded in the drainage record, which record shall set out specifically the lands embraced in the area added to the established levee or drainage district on which the tax has not been paid in full, which land is to be assessed as hereafter provided. If any installment of principal or 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 bond or bonds upon which default has been made, have a right of action against said drainage district or the board of drainage commissioners of said district, wherein the court may issue a writ of mandamus against the said drainage district, its officers, including the tax collector and treasurer, directing the levying of a tax or special assessment on the lands in the area added to the established drainage district as herein provided, and the collection of same, in such sum as may be necessary to meet any unpaid installments 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 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 bonds of the tax collector and county treasurer shall be liable for the faithful performance of the duties herein assigned them. Such bonds may be increased by the board of county commissioners.

Sec. 25. That the fee or commission of the sheriff or other county tax collector for collecting the drainage tax herein provided for shall be two per cent of the amount collected, and the

Interest.

Maturity.

Sale at par.

Use of proceeds.

Specific appropriation.

Record of bonds.

Rights of bondholders in default of payment.

Suits on official bonds.

Officers liable on bonds.

Fees of sheriff and treasurer.

fee or commission of the county treasurer for receiving and disbursing the revenue obtained from the sale of the drainage bonds under this act shall be one per cent of the total amount disbursed: *Provided*, no fee or commission shall be allowed the sheriff or other county tax collector or county treasurer for collecting or receiving the revenue obtained from the sale of the bonds provided for herein, nor for disbursing the revenue for paying off said bonds: *Provided further*, that in those counties where the sheriff or other tax collector and treasurer are on a salary basis, no fee whatever shall be allowed for collecting or disbursing the funds derived under this act.

SEC. 26. Where the court has confirmed an assessment for the construction of any public levee, ditch, or drain, and such an assessment has been modified by the court of superior jurisdiction, but for some unforeseen cause it cannot be collected, the board of drainage commissioners shall have power to change or modify the assessment as originally confirmed to conform to the judgment of the court of superior jurisdiction and to cover any deficit that may have been caused by the order of said court or unforeseen occurrence. The said relevy shall be made for the additional sum required in the same ratio on the lands benefited as the original assessment was made. If any person, or any number of persons, claiming to have title to any tract or tracts of land subject to assessment or drainage tax under the provisions of this chapter shall fail to pay any annual assessment levied against such lands, and the sheriff or tax collector shall be compelled to sell such lands under the law for the purpose of making such collection, the net proceeds of such sale shall be paid to the county treasurer, to be held by him and disbursed for the purpose of paying the current assessment and future annual assessments so far as the said proceeds may be sufficient. When the fund in the custody of the treasurer shall be exhausted in the payment of annual assessments against such lands, or there shall not be a sufficient sum to pay the next annual assessment, the county treasurer shall immediately give written notice to that effect to the chairman of the board of drainage commissioners of the district, and also to the clerk of the Superior Court, whereupon the board of drainage commissioners shall institute an investigation of said tract or tracts of land to determine its market value, and if they shall find that its market value is not equal to all the future annual assessments of principal and interest on the outstanding bonds, they shall proceed, with the approval of the clerk of the Superior Court, to make new assessment rolls on all the remaining lands in the area added to the established levee or drainage district, and increase the sum in sufficient sums to equal the deficit thereby created, and such new assessment rolls shall constitute the future assessment rolls until changed according to

Proviso: commissions not allowed on bonds.

Proviso: officers on salaries.

Modification of assessment.

Ratio of relevy.

Proceeds of sale of lands.

Notice of exhaustion of funds.

New assessment rolls.

law, and shall be certified to the tax collector as herein provided, in lieu of the former assessment rolls. However, the said tract or tracts of land which have been sold by the sheriff or other tax collector shall continue on the assessment roll in the name of the new owner, but reassessed upon the new basis, and the drainage tax collected at the same time and in the same manner as other lands as long as said lands may have sufficient market value out of which to collect the annual drainage tax, and when such lands shall cease to have such value, or shall be abandoned by the person claiming title thereto, the drainage commissioners may omit the same from the assessment roll, with the approval of the clerk of the Superior Court; but the same lands may in the same manner at any time in the future be restored to the assessment rolls. If the funds in the hands of the county treasurer at any time, arising under this section, or in any other manner, shall be greater than is necessary to pay the annual installments of principal and interest, or the annual cost of maintenance of the drainage works, or both, such surplus shall be held by the county treasurer for future disbursement for other purposes as herein provided, or subject to the order of the board of drainage commissioners. If there shall be any impairment or destruction of the drainage works by any unforeseen cause or occurrence not anticipated during the period of construction by the contractor, the said contractor shall nevertheless repair and complete the said works according to the contract and specifications, and shall be liable therefor, and also his sureties on his bond; but if said contractor shall make default, and if there be a failure to collect all resulting damages from such contractor and the sureties on his bond, and it shall thereby be necessary to raise a greater sum of money to complete the drainage works in accordance with the plans, or if for any other unavoidable cause it shall be necessary to raise a greater sum to complete such drainage works, the board of drainage commissioners, having first obtained the approval of the clerk of the Superior Court, shall prepare new assessment rolls upon all the lands in the area added to the established drainage district upon the original basis of classification of benefits, and increase the same in sufficient sum to equal the deficit thereby created, and the same shall constitute the new assessment rolls until changed according to law, and shall be certified to the sheriff or other tax collector as herein provided. If for any of the causes hereinbefore recited in this section, or for any other cause, a sum of money greater than the proceeds of the sale of the drainage bonds shall become necessary to complete the drainage contemplated by this act, and the board of drainage commissioners shall determine that the amount to be raised is greater than can be realized from the collection of one annual assessment upon the lands in the area added to the established drainage district without imposing an

Assessment on
lands sold for
prior assessments.

Custody of surplus.

Impairment or de-
struction of work
not release to
contractor.

Reassessment on
default of con-
tractor.

Issue of additional
bonds.

undue burden upon said lands, or if it is advisable or necessary to raise the money more expeditiously, then under such conditions additional bonds may be issued in such aggregate sum as may be necessary. The proceedings for the issue of such additional bonds shall be substantially as follows: The board of drainage commissioners shall file their petition with the clerk of the Superior Court, setting forth all the facts which require the expenditure of money and the issue of additional bonds to complete the drainage system in the area added to the said district, which shall be accompanied by the recommendation of the drainage engineer who was one of the original viewers, or some other expert drainage engineer selected by the drainage commissioners. Whereupon the court shall issue a notice to all of the owners of lands within the area added to said drainage district, reciting the substance of the petition, and directing each to appear before the court on a certain day, not later than twenty days after the service upon all the parties, and to show cause, if any they have, why the additional bonds should not be authorized, which notice shall be served personally on each such landowner by reading the same and by leaving a copy, and, if the same cannot be personally served, then it shall be served in the manner authorized by law. Any landowner may file an answer denying any material allegation in the petition or setting forth any valid objection to same before the return day thereof. Upon the day when said notice is returnable, or on such day as to which the same may have been conditioned, the court shall proceed to hear the petition and censures. If the court shall find that the allegations of the petition are true, and that the issue of additional bonds is advisable or necessary, the court shall make an appropriate order authorizing and directing the issue of such additional bonds, fixing the amount of such issue, the date of same, the time when the interest and principal shall be payable, and all other matters necessary and appropriate in the premises. Any landowner may appeal from the order of the clerk of the Superior Court, and in such appeal only the issues raised in the answer shall be considered, and such appeal and the further procedure thereon shall be as prescribed in special proceedings, except as modified in this chapter. After the court shall have ordered the additional issue of bonds, the further procedure as to the assessment roll, the levying and collecting of the drainage taxes, the disbursement of the revenue therefrom for the payment of said bonds and interest thereon, and all further procedure shall be the same as required elsewhere herein. The additional bonds issued shall not exceed twenty-five per cent of the total amount originally issued. The additional issue of bonds shall bear six per cent interest per annum and may be made payable in ten annual installments, or lesser number of annual installments as nearly equal as may be, as recommended by the board of drainage commissioners and approved by the court.

Proceedings for issue. Petition.

Recommendation of engineer.

Notice to land-owners.

Answer of land-owners.

Hearing.

Order on hearing.

Right of appeal.

Procedure if bond issue ordered.

Limit of addition.

Interest and maturity.

SEC. 27. Any engineer employed under the provisions of this act shall receive such compensation per diem for his services as shall be fixed and determined by the drainage commissioners. The viewers, other than the engineer, shall receive such per diem as may be agreed upon, not exceeding three dollars per day; the roadmen, axe-men, chainmen, and other laborers shall receive not to exceed two dollars per day each. All other fees and costs incurred under the provisions of this act shall be the same as provided by law for like services in other cases. Said costs and expenses shall be paid, by the order of the court, out of the drainage fund provided for that purpose, and the board of drainage commissioners shall issue warrants therefor when funds shall be in the hands of the treasurer.

Pay of engineer,
viewers, and
employees.

Other fees and
costs.

Payment of costs
and expenses.

SEC. 28. The provisions of this act shall be liberally construed to encourage the enlargement of drainage districts heretofore, or to be hereafter established, and to promote the leveeing, ditching, draining, and reclamation of wet and overflowed lands. Nothing in this act contained shall be construed to prevent the levying of assessments and the collection of revenue from the land in the area added to the established drainage districts for the maintenance and repair of drainage works of the entire drainage district, after same is enlarged; but no assessment shall be made or levied on the lands in the area added to said established drainage district to pay any part of the principal or interest on bonds issued for and in behalf of the drainage district to which said lands are added, nor shall any revenue derived from the lands so added be so applied. The collection of the assessments shall not be defeated, where the proper notices have been given, by reason of any defect in the proceedings occurring prior to the order of court confirming the final report of the viewers; but such order or orders shall be conclusive and final that all prior proceedings were regular and according to law, unless they were appealed from. If on appeal the court shall deem it just and proper to release any person or to modify his assessment or liability, it shall in no manner affect the rights and legality of any person other than the appellant, and the failure to appeal from the order of the court within the time specified shall be a waiver of any illegality in the proceedings, and the remedies provided for in this act shall exclude all other remedies. Procedure under this act may be *ex parte* or adversary. Any engineer, viewer, superintendent of construction, or other person appointed under this act may be removed by the court, upon petition, for corruption, negligence of duties, or other good and satisfactory cause shown.

Construction of
act.

Use of assessments
on added lands.

Orders of court
final.

Release on appeal.

Waiver by failure
to appeal.

Procedure.

Removal of
employees for
cause.

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

Application of act.

SEC. 30. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1913.

CHAPTER 667.

AN ACT TO ESTABLISH A SPECIAL COURT FOR CUMBERLAND COUNTY, WITH CIVIL AND CRIMINAL JURISDICTION, TO BE KNOWN AS THE RECORDER'S COURT OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

- Court established.
Official title. SECTION 1. That an inferior court of record with civil and criminal jurisdiction, as hereinafter prescribed, to be known as Recorder's Court of Cumberland County, is hereby established.
- Seal of court. SEC. 2. Said court shall have a seal with the impression "Recorder's Court of Cumberland County, North Carolina," 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.
- Civil jurisdiction. SEC. 3. Said court shall have jurisdiction in civil actions and proceedings as follows:
- As of 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 Cumberland County.
- Actions on contracts. (2) Concurrent jurisdiction with the Superior Court of Cumberland County in all civil actions, matters, and proceedings founded on contract, wherein the sum demanded shall not exceed five hundred dollars and wherein the title to real estate shall not be in controversy.
- Actions founded on torts. (3) Concurrent jurisdiction with the Superior Court of Cumberland 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.
- Proceedings for attachment and for claim and delivery. (4) Concurrent jurisdiction with justices of the peace and with the Superior Court in attachment and claim and delivery proceedings, wherein the sum demanded or the value of the property claimed is within the jurisdiction of the court, as defined herein.
- Criminal jurisdiction. SEC. 4. Said court shall have jurisdiction in criminal actions and proceedings as follows:
- As of justices of the peace. (1) Concurrent jurisdiction with justices of the peace in all criminal actions, matters, and proceedings arising from criminal offenses committed within the limits of Cumberland County.
- Violations of town ordinances. (2) Exclusive original jurisdiction of all offenses and misdemeanors consisting of a violation of any ordinances of the city of Fayetteville, and all criminal actions, matters, and proceedings cognizable before the mayor of Fayetteville.

(3) Exclusive original jurisdiction of all other criminal offenses committed within the county of Cumberland below the grade of felony, as now or hereafter defined by law; and all such offenses committed within Cumberland County are hereby declared to be petty misdemeanors: *Provided*, that nothing in this act shall prevent the Superior Court of Cumberland County from assuming jurisdiction of all offenses whereof exclusive original jurisdiction is given to said recorder's court of Cumberland County, if within three months after the commission of the offense said recorder's court of Cumberland County shall not have proceeded to take official cognizance of the same.

Offenses below
felony.

Jurisdiction of
superior court.

(4) In addition to the jurisdiction conferred by the preceding sections of this act, said court shall have jurisdiction over the following named offenses, whether such offenses be covered by the preceding section of this act or not, to wit: Violation of the State and Cumberland County prohibition laws; larceny or receiving stolen goods, knowing them to have been stolen, wherein the value of the goods does not exceed twenty dollars, except larceny from the person or from the dwelling by breaking and entering in the daytime; forcible trespass and false pretense. All crimes and offenses covered by this section are hereby declared to be petty misdemeanors.

Jurisdiction of
specific offenses.

Petty misde-
meanors.

(5) In all criminal offenses committed in Cumberland County, whereof original jurisdiction is not given to 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 Cumberland County, or, if capital, to commit him to jail as now provided by law for courts of justices of the peace.

Jurisdiction in
preliminary
inquiries.

SEC. 5. Said court shall have jurisdiction to try all actions for the recovery of any forfeited bonds made returnable to said court, and for recovery of any penalty imposed by law, with the power to dispose of the same as now provided by law.

Recovery of for-
feits and
penalties.

SEC. 6. The justices of the peace and the clerk of the recorder's court of Cumberland County are hereby authorized to issue processes, both civil and criminal, and make the same returnable before the recorder's court of Cumberland County for trial. The mayor of the city of Fayetteville and the mayor of any of the incorporated towns of Cumberland County may issue warrants and other criminal processes, and make the same returnable for trial to the recorder's court of Cumberland County. All warrants shall be issued upon affidavit and made returnable forthwith. Summons and other civil processes shall be made returnable in not less than ten nor more than thirty days from the issuance thereof, where the amount demanded exceeds two hundred dollars on contract or fifty dollars in claim and delivery proceedings, and matters founded on tort. If one or more of the defendants be a nonresident of Cumberland County the summons shall be return-

Issue of process.

Warrant return-
able forthwith.

Return of civil
process.

Return if defend-
ant nonresident.

Issue and service of process.	able in not less than fifteen days from the issuance thereof. The precepts and processes of said court may be issued to the sheriff or other lawful officer of Cumberland County, to any constable thereof, and to the police officers of the city of Fayetteville or any incorporated town in Cumberland County, in such cases as they are now authorized by law to serve processes; and when given under the seal of said court the precepts and processes may be issued and directed to the sheriff or other lawful officer of any county in the State of North Carolina, and be executed anywhere within the bounds of the State. Such officers shall serve the processes and precepts as now required by law. Service by publication may be made by order of said court under the rules now provided for service by publication in the Superior Courts.
Service by publication.	
Trial by jury.	SEC. 7. The State or defendant in criminal actions within the jurisdiction of the recorder's court, and the plaintiff or defendant in civil actions, shall, upon demand before trial, be entitled to a trial of the cause by a jury of six men, upon depositing with the clerk of the said court six dollars in all cases; and jurors serving shall receive one dollar per day and mileage as now allowed by law, and such jury fees shall be taxed against the losing party as part of the costs; the said jurors to be drawn as hereinafter provided. The board of commissioners of Cumberland County shall prepare a jury box and list of the qualified jurors as now provided by law for the Superior Court, and turn said box and list of jurors over to said court, which box shall have two apartments, as now provided by law for the jury box, and the judge of said court shall have the custody of the key to one side of the box containing the list of qualified jurors who have not been drawn out or served, and the clerk of said court shall have the custody of the key to the other side of the box. Such jurors shall be drawn in open court by the clerk thereof, and the list given to the sheriff and served by him within three days from such drawing, and such case shall be continued and set for trial at a time to be fixed by the court, giving sufficient time for the sheriff to serve such jurors. The said jury list shall be revised by the board of commissioners of Cumberland County every two years, as now provided by law for the jury list of the Superior Court of said county: <i>Provided</i> , that where in two or more cases a jury trial has been demanded, not more than two panels of jurors shall be drawn, and such jurors shall be required to try all such cases as may have been set for a jury trial, unless challenged or excused as now provided by law, and in that event the sheriff or other lawful officer shall summons bystanders or other persons qualified to serve as jurors: <i>Provided</i> , that where there are two or more juries summoned and serving in any one day, the costs thereof shall be prorated between the cases having jury trials at the same time: <i>Provided further</i> , that where there are two or more juries summoned for one day a jury in any case may be selected
Deposit of jury fee.	
Jury box.	
Keys.	
Drawing jurors.	
Revision of list.	
Proviso: number to be drawn.	
Proviso: costs prorated.	
Proviso: selection from panel already drawn.	

from among said panel of jurors, where the demand for same has been made, as hereinbefore provided: *Provided further*, that unless demanded in apt time by any of said parties to the action, jurors may be summoned without being drawn from the box. Proviso: summons without drawing.

SEC. 8. In all actions heard by the justices of the peace and other examining magistrates of Cumberland County in respect to any offense whereof the recorder's court of Cumberland County has exclusive original jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in a suitable recognizance with sufficient surety to appear before the recorder's court of Cumberland County for trial on a specified day, and within ten days from such preliminary examination; in default of such recognizance such person or persons shall be committed to Cumberland County jail until the trial. Magistrates to bind over to recorder's court. Commitment in default of bail.

SEC. 9. The recorder's court of Cumberland County shall be open at all times for the dispatch of business, and the recorder, if the business requires it, shall hold daily sessions, Sundays excepted, at the courthouse, city hall, or other suitable place in the city of Fayetteville, North Carolina. Sessions of court.

SEC. 10. 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 recorder in his discretion may require written pleadings in all cases. Rules for filing pleadings and motions and hearings thereon shall be prescribed by the court. Pleadings in civil cases.

SEC. 11. Judgments of said court may be enforced by execution issued therefrom, and transcripts of the same may be docketed in the Superior Court of Cumberland County and become judgments of the Superior Court, as now provided by executions and transcripts of judgments from courts of justices of the peace. Executions. Judgments docketed.

SEC. 12. 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 the judge to sentence the defendant to the common jail of Cumberland County, to be worked on the public roads of said county until such sentence is served. Punishments. Sentence to road work.

SEC. 13. In all cases there shall be the 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 Cumberland 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 practical. Right of appeal. Proceedings on appeal.

SEC. 14. For issuing any warrant, summons, or other original process returnable to the recorder's court of Cumberland County for trial, the official issuing same shall be entitled to a fee of fifty cents. Witnesses shall be entitled to fifty cents per day and mile- Fees.

age at five cents per mile each way, but only such witnesses shall be allowed to prove as are now allowed to prove in the Superior Court. In each action, civil or criminal, within the jurisdiction of the justices of the peace, a fee of one dollar, and in all other cases a fee of two dollars shall be taxed and collected, as other costs are collected, for trial and judgment, and paid to Cumberland County. The prosecuting attorney shall be entitled to a fee of one dollar for each person convicted of an offense within the jurisdiction of the justices of the peace, and for other offenses two dollars for each person convicted, which shall be taxed and collected by the clerk and paid into the treasury of Cumberland County. Except as above provided, the respective officers shall be entitled to the same fees in the recorder's court of Cumberland County as now allowed by law in the Superior Court: *Provided*, that the police officers of the city of Fayetteville shall be allowed the same fees as sheriffs or constables; the same, together with all witness fees allowed such officers, to be paid into the treasury of the city of Fayetteville. Fees due the mayor of said city for issuing warrants and other criminal processes shall also be paid to the treasurer of said city. The jail fees of any prisoner held in custody by the city of Fayetteville shall be taxed as a part of the costs as provided by law, and paid into the treasury of the city of Fayetteville, and the jail fees in all other cases shall be taxed as part of the costs as required by law, and paid into the treasury of Cumberland County. Costs in all actions, civil and criminal, in the recorder's court of Cumberland County shall be payable and collectible as now provided by law. The recorder shall have full power as to taxing bill of costs and the respective items thereof, under the practice now obtaining in the Superior Court in respect to such matters.

Proviso: fees of police officers.

Fees of mayor.

Jail fees.

Half costs paid by county.

Fines and penalties.

Recorder, prosecuting attorney, and clerk.
Terms of office.

Recorder and attorney not eligible for reelection.
First full term.

SEC. 15. In all criminal actions which are not violations of any town ordinances, and of which a justice of the peace has not final jurisdiction, and in which the party is convicted and imprisoned, or put on the county roads, and from whom no costs are collected, the county shall pay one-half the costs as now provided by law.

SEC. 16. All fines collected by the recorder's court of Cumberland County shall be paid into the treasury of Cumberland County for the school fund, and all penalties for the violation of ordinances of the city of Fayetteville shall be paid to the treasurer of said city when imposed and collected as such.

SEC. 17. That a recorder, prosecuting attorney, and clerk of said court shall be elected by the people of said county at the same time and in the same manner as other county officers are elected. They shall hold their offices for two years, and until their successors are elected and qualified: but the recorder and prosecuting attorney shall not be eligible for two terms in succession. Their first full term shall begin on the first Monday in December, one thousand nine hundred and fourteen. Their appointment for the term

beginning the first Monday in June, one thousand nine hundred and thirteen, and ending the first Monday in December, one thousand nine hundred and fourteen, shall be as hereinafter provided. Such appointment shall be deemed as one term. Before entering upon the duties of their said offices they shall each take and subscribe an oath of office as now prescribed by law for judges, solicitors, and clerks of the Superior Court, and shall file same with the clerk of the Superior Court of Cumberland County.

SEC. 18. 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, which shall be kept in a secure place and open to public inspection.

SEC. 19. Said court shall be presided over by a recorder, who shall be a licensed attorney of good moral character and who shall be at the time of his election and qualification an elector in and for Cumberland County. The following annual salaries shall be paid the officers of said court, in monthly installments, by the board of commissioners of Cumberland County, as full compensation for their services: The recorder, nine hundred dollars; the prosecuting attorney, six hundred dollars; the clerk, six hundred dollars.

SEC. 20. The said recorder and prosecuting attorney shall not by reason of their offices be prohibited from practicing the profession of an attorney at law, except as to matters within the jurisdiction, connected with or growing out of said court.

SEC. 21. When the recorder is unable to preside over said court on account of sickness, absence, or other cause, said recorder shall appoint some other person learned in the law, with the same qualifications as provided for the recorder, to act as substitute recorder, with all the powers and duties of the recorder. The compensation of said substitute shall be paid by the recorder. In making the appointment of a substitute recorder, the said recorder shall make such appointment in writing, and file same with the clerk of said court, who shall record the same upon the minutes of said court, and upon the return of the recorder to preside over said court, the clerk shall make a record of the same, and the substitute recorder's right to serve under such appointment shall cease. The prosecuting attorney and clerk of said court may appoint substitutes, respectively, under like circumstances and in like manner.

SEC. 22. The qualifications of the said prosecuting attorney for said recorder's court of Cumberland County shall be the same as provided for the recorder. It shall be the duty of 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 Cumberland 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.

- Clerk. SEC. 23. There shall be a clerk of said court, who shall be a qualified voter of the county of Cumberland, who shall be elected as in this act provided. Before entering upon the duties of his office, said clerk shall enter into a bond, with good and sufficient surety to be approved by the recorder of said court, in the sum of two thousand 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. It shall also be the duty of said clerk to file with the Treasurer of Cumberland County on the first day of each calendar month an itemized statement of all costs, fees, and other moneys coming into his hands, and to pay over to said treasurer at said time all such sums as the county may be entitled to under this act. He shall also file with the treasurer of the city of Fayetteville an itemized statement of all fees, costs, and penalties to which it is entitled, and shall pay over the same to the said treasurer on the first day of each month. Said statements shall be verified on oath by the clerk. All fees required to be paid by this act to county or municipal officers who are on salary shall be paid to the clerk of the recorder's court, unless otherwise provided herein, who shall account for and pay over the same as required by this act.
- Bond of clerk.
- Monthly settlements.
- Verification of statements. Fees of salaried officers.
- Vacancies. SEC. 24. Any vacancy occurring in the office of recorder or prosecuting attorney or clerk of said court shall be filed by the board of commissioners of Cumberland County.
- Cases pending. SEC. 25. All cases pending in the Superior Court, in the courts of justices of the peace, or other courts of Cumberland County, on the first Monday in June, one thousand nine hundred and thirteen, shall be tried in that court where pending, and not transferred to the recorder's court for trial.
- Procedure. SEC. 26. The procedure in the recorder's court of Cumberland County, except that hereinbefore provided, shall follow the rules and practice 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 same may be adapted to the needs and requirements of said court; such changes in the rules of procedure as may be determined by the said court to be duly published.
- Appointment of first officers. SEC. 27. The board of commissioners of Cumberland County, at their meeting to be held the first Monday in May, one thousand nine hundred and thirteen, shall appoint all officers of said court, who upon their qualification shall serve from the first Monday in June, one thousand nine hundred and thirteen, and until their successors are elected and qualified as hereinbefore provided.
- SEC. 28. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 668.

AN ACT TO AMEND CHAPTER 431 OF THE PUBLIC LAWS OF 1911, RELATING TO SALARIES FOR PUBLIC OFFICERS OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter four hundred and thirty-one of the Public Laws of one thousand nine hundred and eleven be and the same is hereby amended by inserting after the words "per annum" and in lieu thereof, "the sum of six hundred dollars as an allowance for clerk hire, and the county commissioners may pay the premiums on all bonds required by law of the sheriff." Allowance for clerk hire.

SEC. 2. Amend section five, line four, of the above act by inserting after the words "per annum" and in lieu thereof the following: "and the sum of four hundred dollars as an allowance for clerk hire for putting on the big tax books furnished by the State Auditor all taxes, including all special school taxes; and the county commissioners may add one hundred dollars more if in their judgment they deem it needful." Allowance for tax books.

SEC. 3. This act shall not take effect until the first day of July, one thousand nine hundred and thirteen. When act effective.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 669.

AN ACT TO REGULATE FEES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The county superintendent of public instruction of Graham County shall only receive or charge for time spent visiting the schools of Graham County as follows, to wit: For one visit to each school in Graham County and for one day for each visit at the rate prescribed by law: *Provided*, that upon written request of two of the committeemen of any school district, he shall be allowed his pay for time spent in any visit made upon such request. Visits to schools.
Proviso: visits on written requests

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 10th day of March, A. D. 1913.

CHAPTER 670.

AN ACT TO FIX SALARIES FOR THE OFFICERS OF CUMBERLAND COUNTY, AND PROVIDE FOR THE AUDITING OF THEIR ACCOUNTS.

The General Assembly of North Carolina do enact:

Officers to collect fees and settle monthly.

SECTION 1. That the sheriff, clerk of the Superior Court, register of deeds, and treasurer of Cumberland 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 or before the fifth day of every calendar month into the treasury of Cumberland 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 shall be kept by the treasurer of said county in a separate fund, to be known as the salary fund.

Moneys chargeable to officers.

Salary fund.

Fees to be collected.

SEC. 2. That the said officers shall faithfully collect all fees, commissions, profits, and emoluments of all kinds now or hereafter belonging or appertaining to, or which may hereafter by any law belong or appertain to, their respective offices; and they shall receive for their services only such salaries, commissions, and compensations as is hereafter 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.

Salaries.

Abstraction, concealment, or misapplication, felony.

Punishment.

Accounts to be kept by officers.

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 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.

Books open for inspection.

Monthly reports.

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 Cumberland County to the board of commissioners of said county, said transcript to contain and show in detail all the entries made upon said books during the preceding calendar month, which shall be sworn to and duly verified by the officers filling the same.

Verification of reports.

SEC. 5. That the Sheriff of Cumberland County shall receive a salary of twenty-five hundred dollars per annum, and he shall be allowed two deputies, one at a salary of nine hundred dollars per annum, who shall also serve as office deputy, and one at a salary of six hundred dollars per annum, who shall also serve as jailer, each of whom shall truly, faithfully, and diligently perform the duties of said office as provided by law. The said sheriff may appoint one or more deputies for each township in said county other than Cross Creek Township, and said sheriff and said deputies shall account for and pay over to the treasurer of said county all fees, commissions, etc., which may come into their hands by virtue of their offices, as required by section one of this act: *Provided*, that nothing herein shall relieve the sheriff of promptly serving all processes and executing all writs issued to him anywhere in said county. Each deputy for the townships outside of Cross Creek Township shall be paid by the board of county commissioners, in the manner other salaries are to be paid as provided by this act, as full compensation for all services rendered by him, all the lawful fees which he may earn and collect, the same to be in lieu of all salary and other compensation. 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. Said sheriff shall be entitled to the fees allowed by law for the capture and destruction of illicit distilleries. Said sheriff shall not receive any other compensation or allowance whatsoever.

Salary of sheriff.

Salaries of deputies.

Township deputies.

Proviso: service of process.

Pay of township deputies.

Allowances from State.

Fees for distilleries.

SEC. 6. The Clerk of the Superior Court of Cumberland County shall receive a salary of two thousand dollars per annum as full compensation for his services, and he shall be allowed one deputy clerk, who shall receive a salary of nine hundred dollars per annum, the same to be paid said deputy by the county.

Salary of clerk of court.

Salary of deputy.

SEC. 7. The Register of Deeds of Cumberland County shall receive a salary of eighteen hundred dollars per annum as full compensation for his services, and he shall be allowed one deputy, who shall receive a salary of seven hundred and twenty dollars per annum: *Provided*, should no county auditor be elected as authorized in this act, the register of deeds may be allowed reasonable extra compensation for making one copy of the tax lists of the several townships of the county, but no extra compensation shall be allowed for making up the original tax sheets and computing the same.

Salary of register of deeds.

Salary of deputy.

Proviso: allowance for tax lists.

SEC. 8. That the Treasurer of Cumberland County shall receive a salary of one thousand five hundred dollars annually for performing his duties as treasurer of Cumberland County school fund, and such other duties as may be required of him by law, in lieu of all other compensation whatsoever.

Salary of treasurer.

Semiannual audits.

SEC. 9. The county commissioners shall cause to be audited at least once every six months, or oftener if they shall deem advisable, the reports, books, and accounts of all public officers required to report under this act, by the auditing committee of the county, or by some other competent person appointed for the purpose by said board of commissioners. In the event a county auditor is elected, said auditing shall be done by the county auditor as hereinafter provided.

Election of auditor authorized.

SEC. 10. The board of county commissioners may, if they shall deem advisable and for the best interest of the county, elect some competent and suitable person as auditor for said county. Such election shall be held on the first Monday in December in each year, except the first election, which may be held at any regular meeting of the board. The auditor shall receive such salary as may be fixed by the board of county commissioners, not exceeding the sum of twelve hundred dollars annually, and shall give bond in the sum of five thousand dollars, payable to the county of Cumberland, conditioned that he shall diligently and faithfully perform all the duties of his office, and shall faithfully account for and pay over to said county all penalties, moneys, or other things of value coming into his hands, or which should come into his hands by virtue of his office, and he shall be liable for any negligence, default, malfeasance, or misconduct in office.

Salary of auditor.

Bond.

Monthly audits.

Accountant for county.

SEC. 11. Said auditor shall audit monthly the reports of all public officers of the county, and it shall be his duty to act as accountant for the county in settling with the county sheriff and treasurer; 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 Cumberland 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 report his findings to the county commissioners; and he is hereby authorized to administer oaths or 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 the officers of said county, in an expert and intelligent manner, assigning distinct accounts for each and every of said officers, which books shall be permanently kept as the records of his office, and always open to public inspection. He shall likewise visit at least once in every calendar month the county jail and examine the same, also the books and accounts kept by the jailer. It shall likewise be his duty to audit all bills and claims presented to the board of county commissioners for payment, which bills shall first be verified on oath by the person to whom they may be due, and no claim or bill filed with said board of commissioners shall be allowed or paid until it has been audited and approved by said auditor; and all

Examination of dockets.

Account books.

Jail inspections.

Audit of bills and claims.

Warrants counter-signed.

warrants drawn upon claims or bills allowed by said board of commissioners shall be countersigned by said auditor before they shall be paid by the treasurer of said county.

SEC. 12. It shall be the duty of said auditor to familiarize himself with the market prices, and to assist in buying all the supplies of said county, including office books, stationery, and supplies, to the best advantage of the county, whenever the board of county commissioners shall so order. Assistant purchasing agent.

SEC. 13. It shall be the duty of said auditor to make out, by transcribing from the original sheets delivered to him by the register of deeds, after said sheets have been properly computed by the register of deeds, one copy of the tax lists of each township, and deliver the same to the Sheriff of Cumberland County, with the order of the register of deeds indorsed thereon as required by law, and to perform all of the duties required of the register of deeds pertaining to making out and delivering said copies of tax books, except the receiving of the original tax sheets and computing the same, which shall be done by the register of deeds as heretofore provided by law, as a part of the duties of register of deeds. That before making out the copy of the tax books as Tax lists for sheriff.

herein provided, the said auditor shall prove the computations made on the original tax sheets by the register of deeds. The said auditor shall investigate and inquire for all delinquent taxpayers and require all delinquent property and polls to be placed upon the tax list and keep a record of all the transfers of property in the county, and the names and parties transferring the same and prices paid for same, as shown by the public records of the county. Computations.
If the board of county commissioners shall so order, he shall also instruct, direct, and supervise tax listers and assessors, and recommend the amount to be allowed each as reasonable compensation for their services, and shall direct and supervise the listing and assessment of all property liable to taxation in said county; and he shall perform such other duties as may be required of him by the board of county commissioners. Delinquent taxpayers. Records of transfers.

SEC. 14. That all salaries herein provided for shall be paid by the Treasurer of Cumberland County to the persons entitled thereto, in monthly installments upon warrants drawn by the board of county commissioners and countersigned by the county auditor, and the actual expenses of maintaining the public jail of said county shall be paid by the treasurer of said county upon warrants drawn by said board of commissioners and countersigned by said auditor, if one shall be appointed. Instruction and supervision of tax listers and assessors.
Payment of salaries.

SEC. 15. That the officers hereinbefore mentioned shall faithfully and truly perform all the duties of their several offices now or hereafter imposed upon them by law, and shall receive no other compensation or allowance of any kind whatsoever for any extra or additional service rendered to the county or State or Officers to perform duties. Sole compensation.

other governmental agency, and they shall be liable to all the pains and penalties provided by law for failure to perform the duties of their several offices.

Failure to collect fees misdemeanor.

SEC. 16. Any officer, deputy, clerk, or assistant herein mentioned 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 all fees, commissions, or emoluments shall be demanded and collected in advance, unless otherwise provided by law.

Fees collected in advance.

Moneys held as separate fund.

SEC. 17. All moneys coming into the hands of the Treasurer of Cumberland County by virtue of this act shall be held by him as a separate and distinct fund for the benefit of said county, to be used by the board of commissioners of the 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 accounts shall be at all times open for public inspection.

Accounts with officers.

Monthly settlements.

SEC. 18. The officers hereinbefore required to turn over to the Treasurer of Cumberland County moneys coming into their hands shall make settlement with said treasurer on or before the fifth 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.

Exhibit of books and accounts.

Repealing clause.

SEC. 19. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

When act effective.

SEC. 20. This act shall be in full force and effect from the first day of July, one thousand nine hundred and thirteen.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 671.

AN ACT TO AMEND CHAPTER 764 OF THE PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

Law restricted.

SECTION 1. That chapter seven hundred and sixty-four of the Public-Local Laws of one thousand nine hundred and eleven be amended by striking out in line two, section one, the word "Greene."

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 672.

AN ACT TO APPOINT A COTTON WEIGHER FOR THE TOWN OF BURGAW, PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be appointed for the town of Burgaw, Pender County, one public cotton weigher, sworn to perform his duties faithfully, whose duties shall be to weigh all cotton sold in bales in the said town and make just and proper deduction for water and other damage. Appointment and duties.

SEC. 2. That all cotton sold in bales in the town of Burgaw 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 Burgaw, 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. Bond of weigher. Compensation.

SEC. 3. That the term of said officer shall be two years, beginning the first day of April, one thousand nine hundred and thirteen, and that his successor shall be elected biennially thereafter by the board of commissioners of the town of Burgaw, on the first Tuesday in January, and be approved by the board of county commissioners of said county on the first Monday in February of each year when such election shall recur as by this act provided. Term of office. Election of successor. Approval by county commissioners.

SEC. 4. That it shall be the duty of said cotton weigher to keep 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, showing the names of seller and buyer. Record of cotton.

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 request to be allowed such privilege. Records received in evidence.

SEC. 6. That A. H. Paddison shall be and is hereby appointed to fill the first term of office under this act, that is to say, April first, one thousand nine hundred and thirteen, to April first, one thousand nine hundred and fifteen. Weigher named.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 673.

AN ACT TO AUTHORIZE NORTH WHITAKERS TOWNSHIP,
NASH COUNTY, TO ISSUE BONDS FOR ROAD IMPROVE-
MENT.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

Amount.

Proviso: issue to
be authorized by
voters.

Interest.

Maturity.

Denominations.

Payable in current
funds.

Authentication.

Obligation of
bonds.

Special tax.

Tax for sinking
fund.

SECTION 1. That the board of commissioners of Nash County are hereby authorized and directed to issue bonds for North Whitakers Township, Nash County, to be styled "North Whitakers Township Road Bonds," to an amount not to exceed fifteen thousand dollars (\$15,000): *Provided*, a majority of the qualified voters of said 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 to be sold at less than par and to be of denominations of one hundred dollars (\$100) each or multiples thereof, interest to be due and payable semiannually 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 numbered and have attached thereto sixty coupons, each coupon to represent the interest that shall become due semiannually 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, or it shall be sufficient for the coupons attached to said bonds to bear the facsimile lithographed or engraved signatures of said chairman of the board of commissioners and the register of deeds, instead of requiring them to sign the same, 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 taxes to be levied on the taxable property and polls of North Whitakers Township, Nash County, in order to pay the interest on any bonds issued under or by provision of this act. The county commissioners of Nash County shall on the first Monday in May after the election at which this bond issue has been voted, and annually thereafter, levy a sufficient tax on the taxable polls and property of said North Whitakers Township, to be collected by the sheriff or tax collector of Nash County as other taxes are collected, and when collected the taxes shall be kept separate and used only for the payment of interest on said bonds of North Whitakers Township. 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 North Whitakers 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.

SEC. 2. That for the purpose of carrying this act into effect the county commissioners of Nash County are hereby directed and authorized to call an election in North Whitakers Township, Nash County, and submit to the qualified voters of said township the question of issuing bonds and levying taxes as hereinbefore provided, after first giving thirty days notice of said election by publication in some newspaper published in Nash County, and by posting notices in four public places in North Whitakers Township, said notices setting forth the objects of the election and the authority by which the same is called.

County commissioners to call election.

Notice of election.

SEC. 3. That for the purpose of holding any election herein provided, the board of commissioners of Nash County shall appoint one registrar and two judges of election for North Whitakers Township, Nash County, and the registrar so appointed shall keep the registration books of said township 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 in said township, 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.

Appointment of election officers.

Registration.

Challenge day.

SEC. 4. The county commissioners of Nash County shall call the election provided for in this act not later than the fifteenth day of May, one thousand nine hundred and fourteen, and in case the proposition thus submitted shall be rejected, the board of commissioners of Nash County are hereby authorized, empowered, and directed, in their discretion, to resubmit the question of issuing bonds in North Whitakers Township, Nash County, as provided in this act, to the qualified voters of said township at other elections to be called by them under the same provisions of this act relating to the first election herein provided for: *Provided*, said other elections shall not be called by the board of commissioners later than the second Tuesday in February, and shall not be held in said township later than the last Monday in April of any year.

Time for election.

Further election.

Proviso: time of other elections.

SEC. 5. That at any election held under the provisions of this act the polls shall be opened on the day of the election at eight o'clock in the morning and closed at sundown of the same day, when the registrars and judges of election shall count up the votes and make their return of the same 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 courthouse in Nashville, on the third day after the

Hours of election.

Count and return of votes.

Canvass of returns and declaration of result.

- election held under this act and canvass the returns of said election and declare the result thereof. That the result of said election shall be spread upon the minutes of the board of county commissioners.
- Record of result.**
- Ballots.** SEC. 6. 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. 7. That 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: *Provided, however,* that the board of county commissioners in calling the first election hereunder shall order a new registration of the voters of said township in which the election is called, and at any subsequent election the board of county commissioners of Nash County shall in its discretion, if it sees fit to do so, order a new registration of the voters of said township in which the election is called and directed.
- Proviso: new registration.**
- Issue of bonds.** SEC. 8. That if at any election held under and by authority of this act the majority of the qualified voters of said North Whitakers Township shall vote "For Road Improvement," then the board of county commissioners of Nash County are hereby authorized, empowered, and directed to issue the bonds for said township and sell the same, in such manner and upon such terms, not in conflict with the provisions of this act, as said board shall deem most advantageous.
- Proceeds of bonds to credit of township.** SEC. 9. That the board of county commissioners of Nash County shall deliver to the Treasurer of Nash County, to the use and for the credit of North Whitakers Township, Nash County, the proceeds derived from the sale of said bonds so voted, 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: *Provided, however,* before delivering the proceeds of bonds to said treasurer, the board of commissioners may require of said treasurer an additional official bond as may seem to said board necessary, and may also require of the road commissioners of North Whitakers Township such bond as to the said board of commissioners may seem necessary, not to exceed the amount of money in the hands of the treasurer for said township at the time the bond is required.
- Proviso: additional bond of treasurer.**
- Bond of road commissioners.**
- Use of proceeds of bonds.** SEC. 10. The proceeds of sale of said bonds so held by the Treasurer of Nash County to the credit of North Whitakers Township, Nash County, shall be used and applied to the objects and purposes of building, repairing, improving, and constructing the public roads of North Whitakers Township, and no part of said sum shall be paid by the treasurer except upon orders signed by the
- Orders for disbursements.**

chairman and countersigned by the clerk of the road commission of North Whitakers Township, Nash County, created by chapter four hundred and fifty-one, Public-Local Laws of one thousand nine hundred and eleven. The treasurer, upon said order, will pay the amount thereof and charge the same to said road fund: *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 been first presented to the board of commissioners of Nash County for its approval and shall have been approved by it.

Proviso: payments approved by county commissioners.

SEC. 11. 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 said North Whitakers Township, and if in the judgment of the road commissioners of North Whitakers Township the said bonds shall be retired at any time after ten years, then a clause to that effect may be embraced in the face of such bond.

Issue of bonds.

Bonds subject to call.

SEC. 12. That all expenses for holding any election under the provisions of this act shall be paid for by the county commissioners of Nash County out of the taxes collected in North Whitakers Township applicable to said township or road district.

Expenses of election.

SEC. 13. That no bonds shall be issued by virtue of any election held under this act unless a majority of the qualified voters of said township 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 North Whitakers Township in said county, for which they are issued.

Bonds not issued by majority of qualified voters. Obligation of bonds.

SEC. 14. That the county commissioners of Nash County shall have authority to loan the sinking fund that may be raised for said 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 at 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 North Whitakers Township to which the sinking fund belongs. All mortgages or deeds of trust that may be taken by virtue of this act shall be executed to the chairman of the board of commissioners of Nash County, with full power of sale embraced in said mortgage or deed of trust.

Investment of sinking fund.

Execution of mortgages and deeds of trust.

SEC. 15. That if at the expiration of thirty years any bonds issued by virtue of this act should be outstanding or unpaid, then the county commissioners of Nash County, or other governing officers of Nash 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 or refund 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

Power to refund bonds.

Term of refunding bonds. 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 the same may be done without any further act of the Legislature

Proviso: obligation of refunding bonds. than this act: *Provided*, that such renewal shall be secured by the polls and property of North Whitakers Township, and shall not be in any wise or at any time a charge upon the polls or property of Nash County other than North Whitakers Township.

Taxes heretofore levied. SEC. 16. That nothing in this act shall prevent the collection of any taxes that may be levied for the public roads in North Whitakers Township, Nash County, as provided for in chapter four hundred and fifty-one, Public-Local Laws of one thousand nine hundred and eleven, but the same shall be collected and disposed of as therein provided for.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 674.

AN ACT TO APPOINT A BOARD OF AUDIT AND FINANCE FOR THE COUNTY OF COLUMBUS.

Preamble: appointment provided for. Whereas section one of chapter four hundred and forty-two of the Public-Local Laws of one thousand nine hundred and eleven provided for the appointment of a board of audit and finance by the General Assembly for the county of Columbus: therefore,

The General Assembly of North Carolina do enact:

Beginning of term. SECTION 1. That the Public-Local Laws of one thousand nine hundred and eleven, chapter four hundred and forty-two, be amended by adding after the word "years" and before the word "and," in line eight of section one of said act, the following: "and shall commence on the first day of July."

Board named. SEC. 2. That G. Herbert Smith, K. Clyde Council, and J. G. Butler are hereby appointed to constitute the board of audit and finance of Columbus County as provided in chapter four hundred and forty-two of Public-Local Laws of one thousand nine hundred and eleven.

Judge having jurisdiction. SEC. 3. That the word "seventh" in line twelve and the word "of" which follows the word "district" and being last word in line twelve, and words "North Carolina" in line thirteen, all being in section one of chapter four hundred and forty-two, are hereby stricken out.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 675.

AN ACT TO AMEND THE GAME LAWS OF CLEVELAND COUNTY, CHAPTER 725 OF PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter seven hundred and twenty-five of the Public-Local Laws of one thousand nine hundred and eleven, relating to game laws of Cleveland County, be amended by striking out the words "three years" in line four, between the word "of" and "from," and inserting in lieu thereof the word "five." Time extended.

SEC. 2. Amend section two by striking out the words "more than ten in any one day" in lines two and three of said section and insert the words "trap, catch, kill, or in any manner destroy any quail, partridges, or song birds" during the period of two years: Full protection for quail and song bird.
Provided, that this amendment does not prevent any person killing with gun on his own premises any quail or partridges between December first and February first in any year; and *Further provided*, that this privilege of landowner does not apply to any other months in the year. Proviso: shooting quail on owned land.

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 10th day of March, A. D. 1913.

CHAPTER 676.

AN ACT TO CREATE A RECORDER'S COURT FOR THE TOWN OF DENTON, AND EMMONS TOWNSHIP, AND A PART OF OTHER TOWNSHIPS, AND DEFINE THE 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 Denton," which shall comprise all of Emmons Township and the territory lying south of Emmons Township beginning at the southwest corner of Emmons Township and running south two miles; thence east to Randolph County line; thence north to Emmons Township; thence along Emmons Township to the beginning in Davidson County. Court established. Official title. Territory constituting district.

SEC. 2. That said court shall be a court of record, and shall be presided over by an elector of Davidson County residing in the Court of record.

- Recorder. district aforesaid, who shall be a man of good moral character and who shall be known as the "Recorder of the Denton District."
- Election of recorder. SEC. 3. That on Wednesday after the first Monday in May, one thousand nine hundred and thirteen, it shall be the duty of the board of commissioners of the town of Denton 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 by the judges of the Superior Court, and shall forthwith be inducted into office and shall thereafter perform the duties herein prescribed, and shall hold his office until his successor is qualified.
- Oath of office.
- Induction into and term of office.
- Election and term of successors. SEC. 4. That it shall be the duty of the board of commissioners of the town of Denton, on Wednesday after the first Monday in May, one thousand nine hundred and fourteen, and biennially thereafter, to elect a recorder of the required qualifications of this act, who shall at once take and subscribe the oath specified in section three, and who shall thereafter perform the duties herein prescribed for a term of two years and until his successor is qualified.
- Compensation of recorder. SEC. 5. That 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 trials 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.
- Sessions of court. SEC. 6. That said recorder shall hold a session on every Saturday in the town of Denton and on such other days as he may appoint in his discretion, in some building to be provided by the board of town commissioners of Denton.
- Criminal jurisdiction. As of justices of the peace. SEC. 7. That the jurisdiction of said court shall be as follows:
 (a) Said court shall have exclusive jurisdiction of all criminal offenses committed within the town of Denton which are now within the jurisdiction of a justice of the peace or which may hereafter be within the jurisdiction of a justice of the peace.
- Violations of town ordinances. (b) Said court shall have exclusive original jurisdiction of all violations of town ordinances committed within the limits of the town of Denton.
- Offenses within district outside of town. (c) Said court shall have concurrent jurisdiction with the courts of justices of the peace of all criminal offenses within the jurisdiction of the justices of the peace committed outside of the town of Denton and within the aforesaid district.
- Offenses below felonies. (d) That said court shall have concurrent jurisdiction to hear and determine all other criminal offenses committed within said district below the grade of felony as is now defined by law, and all such offenses committed within said district 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
- Proviso: jurisdiction of superior court.

prosecution has been commenced within six months from the commission thereof, the Superior Court of Davidson County may proceed to try the same as though this court did not exist.

(c) In any other criminal matter wherein the said court has not final jurisdiction it shall have power, and it is hereby authorized, to hear such cases and bind the defendant to the Superior Court, or, if capital, to commit him to jail as now provided by law for courts of justices of the peace. Said court shall have power and authority to sentence any person convicted in the said court for which punishment is imprisonment, to be confined in the common jail of Davidson County, to be worked on the public roads of Lexington Township; but any person convicted and punished by fine may be required to work on said road for the nonpayment 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 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 the same, together with all the 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*, said appeal to be allowed and perfected as from the court of justices of the peace.

Jurisdiction in preliminary inquiries.

Sentences.

Road work in payment of fines and costs.

Proviso: bonds on appeals.
Record on appeals.

SEC. 8. Said court shall have the civil jurisdiction of actions of contract where the sum demanded does not exceed two hundred dollars, and all actions of tort wherein the property in controversy or the sum demanded does not exceed fifty dollars. This judgment to be acquired and enforced as in the provisions of the Revisal of nineteen hundred and five, regulating the institution and trials of actions before the judges of the Superior Court: *Provided*, that all civil actions and tort actions tried under and by virtue of this section the losing party may appeal to the Superior Court in term, where the trial shall be *de novo*.

Civil jurisdiction.

Proviso: right of appeal.

SEC. 9. That said court shall have a seal with the impression, "Recorder's Court for the District of Denton," 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 same manner and to the same effect as the seals of the other courts of North Carolina.

Seal of court.

SEC. 10. That the said recorder shall provide and keep a permanent docket and record of all papers, proceedings, and processes, which is to be open to public inspection at all times.

Dockets and records.

SEC. 11. The said recorder shall at least one time in each month prepare and transmit an official record of all his acts to the clerk of the Superior Court of Davidson 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.

Monthly reports and settlements.

Issue and execution of process.

SEC. 12. The recorder may issue his process to the chief of police of the town of Denton, or the sheriff, constable, or other officer of the county of Davidson, 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.

Trials by jury.

SEC. 13. That in all trials, upon a demand for a jury by either party in a civil action, or by the defendant in a criminal action, the said recorder shall try 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. 14. That in case of a vacancy in the said recorder's office for any cause, it shall be the duty of the board of commissioners of the town of Denton to elect a recorder for the balance of the unexpired term.

Cases hearable by mayor.

SEC. 15. All cases which have heretofore been hearable by the mayor of Denton shall after this act goes into effect be tried by the recorder provided for in this act.

Repealing clause.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

When act effective.

SEC. 17. That this act shall be in force from and after the first Monday in May, one thousand nine hundred and thirteen.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 677.

AN ACT FOR THE PROTECTION OF OWNERS OF CATTLE AND OTHER ANIMALS IN CHOWAN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Driving cattle into stock-law territory misdemeanor.

SECTION 1. That any person who shall willfully and unlawfully toll, drive, or in any way move any other person's horse, mule, ass, neat cattle, sheep, goat, hog, dog, or other animal from the range or elsewhere into any stock-law district, or into the limits of any incorporated city or town in Chowan County and Washington County, having the right to impound or destroy the same, with intent to secure the poundage or other penalty, or with intent to injure the owner of such animals, or require him to pay any penalty or poundage on account of such animal, or for hire or reward, shall be guilty of a misdemeanor; and every person who shall unlawfully and willfully remove any animal above named from any lawful inclosure, with intent to injure the owner, shall be guilty of a misdemeanor.

Removal from lawful inclosure misdemeanor.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 678.

AN ACT TO PREVENT ANY PERSON, FIRM, OR CORPORATION ENGAGED IN SELLING GAS, WATER, OR ELECTRICITY IN THE COUNTY OF BEAUFORT TO CHARGE FOR RECONNECTING THEIR WIRES OR PIPES WITH ANY RESIDENCE OR BUILDING IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation engaged in selling gas, water, or electricity in the county of Beaufort to charge for reconnecting their wires or pipes with any residence or building in said county. Charge for reconnection forbidden.

SEC. 2. That any person guilty of violating said law shall be guilty of a misdemeanor, punishable by fine or imprisonment, and if a corporation shall be guilty of violating said law, it shall forfeit its charter or franchise. Misdemeanor. Punishment. Forfeiture.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 679.

AN ACT RELATING TO THE PUBLIC ROADS OF THE COUNTIES OF BLADEN, BERTIE, JONES, NORTHAMPTON, MITCHELL, AND WILKES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or corporation to use sling carts or log wagons having a foot or drag piece, or to obstruct or cause to be obstructed in any way any or all cart roads, or neighborhood roads being used by mail carriers of Bladen County. That any person or corporation violating this section shall be guilty of a misdemeanor and be fined not less than five dollars nor more than twenty-five dollars for each and every offense. Acts declared misdemeanors in Bladen county. Punishment.

SEC. 2. That section seven of chapter one hundred and seven, Public-Local Laws of one thousand nine hundred and eleven, be amended by striking out the words "compensation as may be fixed by said commission" after the word "such" in line six of said section seven, and insert in lieu thereof the following: "the same per diem as is herein provided for other members of said commission for the days he may be actually employed in the discharge of his duties as superintendent." That section eighteen of said chapter be and the same is hereby amended by striking out Pay of road superintendent, Cherokee county.

the words "to draw on the Treasurer of Cherokee County" after the word "two" in line twelve, and insert in lieu thereof the following: "file claim with the commissioners of Cherokee County."

Tuckahoe town-
ship, Jones county.

SEC. 3. That section twelve of chapter six hundred and thirty-six of the Public Laws of one thousand nine hundred and five, relative to the road laws of Jones County, be and the same is hereby amended by adding immediately after the last word in said section the following: "*Provided*, this section shall not apply to Tuckahoe Township."

Width of roads,
Jones county.

SEC. 4. That authority is hereby vested in the road commissioners of Jones County or either of them within their respective townships to make or extend the width of the public roads of the said county to a width not exceeding thirty feet. That in the event of any extension or change of width of any public road as above provided, across or through any cleared land upon which a crop is being cultivated, six months notice shall be given from May the first of any calendar year before any such extension or change shall be made: *Provided, however*, that if all the interested parties shall agree to waive said notice, then the commissioners or either of them within their respective townships may proceed at once to make such change or extension as above provided.

Apportionment of
road fund, Tran-
sylvania county.

SEC. 5. That section seventeen of chapter three hundred and ninety of the Public Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended by adding at the end of said section, after the words "twenty-four feet wide," the following: "*Provided, however*, that nothing in this section shall be construed to relieve said board of the duty of seeing that at least seventy-five per cent of the net proceeds of the taxes paid on the property and polls shall be expended on the improvement of the roads and bridges of the township from which the same was collected."

Special road work,
Mitchell county.

SEC. 6. That the old road beginning at the new road at the ford of the creek at Loafers' Glory west of J. G. Wilson's store, Mitchell County, thence across the Dale Hill and connecting with the new road east of the old ford in Cane Creek near the Dale residence, be kept open for the benefit of return vehicles and the traveling public, and for this purpose the county commissioners of Mitchell County shall allow not less than ten days free labor, or its equivalent, to be used on said road in each and every year for the purpose of keeping said road in repair.

Apportionment to
roads in North
Wilkesboro and
Wilkesboro.

SEC. 7. That section thirty-nine of chapter two hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and eleven be amended by adding at the end of said section the following: "*Provided*, that sixty per cent of the funds raised and set apart in North Wilkesboro Township for working roads in the year one thousand nine hundred and twelve, and every year thereafter, shall be used by the supervisors of said township for permanent improvements of roads within the corporate limits of

the town of North Wilkesboro, and that thirty per cent of the funds raised and set apart in Wilkesboro Township for working roads in the year one thousand nine hundred and twelve, and every year thereafter, shall be used by the supervisors of said township for permanent improvements of the roads within the corporate limits of the town of Wilkesboro."

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 10th day of March, A. D. 1913.

CHAPTER 680.

AN ACT RATIFYING AND APPROVING THE ACTS AND THINGS DONE BY J. N. SILLS WHILE ACTING AS DEPUTY CLERK OF THE SUPERIOR COURT OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all acts and things done and performed by J. N. Sills while acting as deputy clerk and as clerk of the Superior Court of Nash County be and the same are hereby ratified and approved. Acts ratified and approved.

SEC. 2. That this act shall not be construed to affect any pending litigation. Pending litigation.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 681.

AN ACT TO PROTECT THE PUBLIC ROADS OF FRANKLINTON TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. On all wagons, engaged in the business of hauling lumber, logs, or other building materials, which may be operated on the public roads of Franklinton Township, Franklin County, an annual license tax shall be imposed and collected as follows: On each one-horse wagon, with tires less than two and one-half inches wide, fifty dollars; on each two-horse wagon with tires less than three and one-half inches wide, seventy dollars; on each wagon of greater draft than two horses, having tires less than four and one-half inches wide, ninety dollars. License tax for wagons. Rate of tax.

Lumber wagons.	SEC. 2. Any wagon used to haul lumber from any sawmill for purposes other than the personal use of the owner or driver, shall be presumed to be engaged in the business of hauling lumber.
Issue and term of license.	SEC. 3. The license shall be issued by the chairman and secretary of the board of road trustees of Franklinton Township, and shall run from the first day of April in each year to the thirty-first day of March of the succeeding year. The proceeds of all license taxes paid shall be turned into the road fund of said Franklinton Township.
License taxes to road fund.	
Operating wagon without license misdemeanor.	SEC. 4. Any person operating or causing to be operated any wagon liable to a license tax, as above provided, on the public roads of Franklinton Township, without having first obtained the license therefor, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, and each trip made by any wagon in violation of the provisions of this act shall constitute a separate offense.
Punishment.	
Separate offenses.	
Application of act.	SEC. 5. That the provisions of this act shall apply to Louisburg and Youngsville townships in Franklin County.
When act effective.	SEC. 6. That this act shall be in force from and after the thirty-first day of March, one thousand nine hundred and thirteen. Ratified this the 10th day of March, A. D. 1913.

CHAPTER 682.

AN ACT TAXING DOGS IN RICHMOND COUNTY AND
MAKING THEM A SUBJECT OF LARCENY.

The General Assembly of North Carolina do enact:

Tax on dogs.	SECTION 1. That any person or persons owning or keeping a dog in Richmond County shall pay annually a license or privilege tax of one dollar (\$1) on each dog, male or female. The tax shall be listed at the time and place that personal property is listed: <i>Provided</i> , that any person or persons in said county owning or keeping a pack of fox hounds who shall pay the tax herein provided on each dog or hound composing said pack shall not be liable in addition thereto to pay the license tax provided in section two of chapter three hundred and eighty-two of the Public-Local Laws of one thousand nine hundred and eleven, and the act last referred to is hereby modified accordingly.
Listing for taxation.	
Proviso: tax on fox hounds.	
Stealing listed dogs 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 to the Sheriff of Richmond County as provided for the payment of other taxes.
Tax to school and road funds.	SEC. 4. The net proceeds raised from the collection of said tax shall be turned over to the acting treasurer of Richmond County for the use of the public schools and the public roads of said

county, one-half of said proceeds to be turned over to the board of education of said county and one-half of said proceeds to be turned over to the board of road commissioners of said county; and said funds shall be distributed among the public schools and on the public roads of the various townships of said county in proportion to the number of license taxes paid in each township.

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 (\$10). Failure to list misdemeanor. Punishment.

SEC. 6. That the board of commissioners of said county shall have the power to exempt any person on account of poverty or infirmity from the payment of this tax. Exemption.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 683.

AN ACT TO PROMOTE RAISING QUAIL IN STANLY AND DAVIDSON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That all dogs, or any breed or kind of dogs, shall be kept up in Stanly and Davidson counties during the bird-raising season in each year, the time to be fixed by an order of the board of commissioners of the counties on petition of the majority of the qualified voters setting out the time as is hereinafter provided. Dogs to be kept up during bird breeding season. Settlement of dates.

SEC. 2. That all dogs, or any breed or kind of dogs, permitted to run at large in Stanly and Davidson counties shall be muzzled during such season or period as a majority of the qualified voters in the counties or any township therein may demand by petition as hereinafter provided. Dogs to be muzzled.

SEC. 3. That all dogs, both male and female, shall be taxed the sum of one dollar per head annually, and shall be returned as other property at listing time, and said tax collected by the sheriff of said counties, like any other tax, and the same shall go to the public school fund of the counties. Dogs to be taxed. Tax to use of school fund.

SEC. 3½. That hunting, trapping, killing, or in any way catching partridges or quail in Stanly and Davidson counties shall be unlawful for a period of two years from and after the date of any order made by the board of commissioners for Stanly and Davidson counties, on petition filed, signed by a majority of the qualified voters in the counties or any township therein as hereinafter provided. Protection for two years.

SEC. 4. *Provided*, that any person may release his or their dog or dogs or take the muzzle off of them for the purpose of hunting, Use of dogs for hunting.

Proviso: violation of act misdemeanor.

Punishment.

Petition for enforcement of act.

Order by county commissioners.

but shall not allow said dog or dogs released or the muzzle taken off, in violation of sections one and two of this act, after the same has been put in force for any other purpose as hereinafter provided: *Provided*, that if after any one of the said sections hereof has been put in force as hereinafter provided any person shall allow his or their dog or dogs to run at large or go unmuzzled or do any other act in violation of this act, then he or they shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars or imprisoned for not more than thirty days for each and every day he or they shall violate the provisions of this act.

SEC. 5. That if the citizens of Stanly and Davidson counties, or any township in said counties, desire that any section or all of said act shall be put in force in said counties, they shall first file with the board of commissioners of said counties a petition signed by a majority of the qualified voters in said counties or in any township thereof, as the case may be, setting out fully and concisely what provisions of this act they desire to be put in force; then it shall be the duty of the board of commissioners of said counties at said meeting to make an order setting forth what section or sections of this act shall be put in force in said counties or any township therein, and a copy of said order shall be entered upon the records in which the records of their meetings are kept and a copy thereof filed and recorded in the office of register of deeds for the county, and posted at the courthouse door for thirty days and published in some newspaper published at the county-seat for four successive weeks, and from and after the expiration of the time set out in said order any section or sections therein included shall be in force in the counties or township, as the case may be, and all provisions of any other section herein which is necessary to enforce the same shall be in force from and after said date, and any person violating either of said sections shall be guilty of a misdemeanor as heretofore provided.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 684.

AN ACT TO APPOINT W. A. INGRAM GAME WARDEN FOR ALEXANDER COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Appointment and term.

Law governing employment.

SECTION 1. That W. A. Ingram be and he is hereby appointed game warden for Alexander County, North Carolina, for a term of two years. He shall be subject to all the provisions of chapter seven hundred and fifty-four, Public-Local Laws, nineteen hundred

and eleven. At the expiration of his term of office, or upon his death or resignation, the county commissioners shall fill the vacancy. In case the said W. A. Ingram shall refuse to act and qualify, the county commissioners of Alexander County shall appoint a game warden for said county.

Election of successor and to fill vacancy.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 10th day of March, A. D. 1913.

CHAPTER 685.

AN ACT TO AMEND SECTION 1506 OF CHAPTER 28 OF THE REVISAL OF 1905, RELATIVE TO HOLDING COURTS IN NASH COUNTY ON THANKSGIVING DAY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting therein, at the end of the paragraph providing for the holding of the Superior Courts for the county of Nash, the following language, to wit:

"*Provided*, that no Superior Court shall be held in said county of Nash upon any day set apart and designated by the President of the United States or the Governor of the State of North Carolina as a day of public thanksgiving, commonly known as Thanksgiving Day: *Provided further*, that this act shall not render invalid any act that would be valid if done on any other day."

Proviso: no court shall be held on Thanksgiving day.

Proviso: acts not invalidated.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 686.

AN ACT TO PROVIDE FOR MAKING GOOD ROADS IN UNION COUNTY AND FOR DRAGGING THE PUBLIC ROADS OF THE RESPECTIVE TOWNSHIPS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at every biennial election held in Union County for the election of county officers there shall be elected in each township, as other township officers are elected, a superintendent of roads, whose duties shall be as hereinafter prescribed and defined, and he shall hold his office for two years from the first Monday in December following his election.

Election of township superintendents.

Duties and term of office.

SEC. 2. That the several persons thus elected in the respective townships of Union County shall, as a body, constitute the board

County board of road commissioners.

Incorporation.	of road commissioners of Union County, and shall be a body corporate, charged with the performance of the duties herein prescribed and defined.
Meeting and organization.	SEC. 3. That the several superintendents of roads in the respective townships shall meet on the first Monday in December after their election, at the courthouse in Monroe, and shall organize by the election of one of their number as chairman of the board of road commissioners of Union County and another of their number as secretary of said board, and they shall proceed to elect three of their number, who shall constitute and be known as the executive committee of the board of road commissioners, who shall have charge of the public roads of Union County, see to their being worked and kept in repair, and to perform such additional duties as shall be required by the board of road commissioners of Union County, which shall have general control and supervision of said executive committee.
Executive committee.	
Duties of executive committee.	
General control and supervision.	
Priority of work.	SEC. 4. That it shall be the duty of the board of road commissioners of Union County to designate what public roads of Union County shall be first worked and put in good condition, the extent and character of work to be done thereon, and the manner of its being done, having due regard to the amount of travel on the several roads which are generally used and are of most benefit to the public, and the roads so designated shall be worked, repaired, and placed in good condition under the direction of the executive committee of the board of road commissioners.
Considerations governing priority.	
Election of road overseer.	SEC. 5. That the executive committee of the board of road commissioners shall elect a person skilled in public road building to take charge of the work of building, making, repairing, and improving roads, to lay out the same, determine the grades, and generally to have oversight of the roads, the work, the chain-gang, the tools and machinery, mules, wagons, and other materials used for constructing the roads; that the said person so elected shall be known as overseer of roads; that the overseer of roads shall receive a salary to be paid from the fund raised under this act for general road purposes, not exceeding twelve hundred dollars per annum, payable monthly, and the amount of his salary shall be determined by the board of road commissioners of Union County; the overseer of roads may be suspended or discharged from his office by the executive committee for failure to perform the duties required of him under this act or under the rules established by the board of road commissioners; and in the event of a discharge or suspension of the overseer of roads by the executive committee, the overseer of roads, if dissatisfied with the action of the executive committee, shall have the right to appeal to the board of road commissioners for reinstatement or a reversal of the action of the executive committee, but he shall receive no compensation during his suspension or from the time of his discharge until reinstated.
Salary.	
Suspension or discharge of overseer.	
Right of appeal.	

SEC. 5½. That the board of road commissioners of Union County shall meet at the courthouse in Monroe on the first Mondays of December, March, June, and September of each year, for the purpose of consultation as to the performance of the duties of the several departments herein created, of determining what roads shall be worked and the time of their being worked and the extent to which they shall be worked, of hearing reports from the executive committee, the overseer of roads, and any others charged with the performance of any duty under this act, and generally to do any and all things necessary for the execution of the requirements of this act and the securing of good roads for Union County: *Provided*, if any necessity shall exist therefor, or if the executive committee shall request it, the board of road commissioners of Union County may meet in special meeting upon five days notice being given to the members of the board of road commissioners by the chairman of said board.

Quarterly meetings of board.

Reports.

Proviso: special meetings.

SEC. 6. That the road commissioners of Union County shall take charge of the chain-gang force of the county and the tools, machinery, mules, wagons, and other property connected therewith, and they shall value or cause to be valued all of said property, taking a list thereof, and shall pay out of the general road fund of Union County the value thereof to Monroe Township; and if the road commissioners of Monroe Township now having charge of the said property shall not agree to accept the valuation placed thereon, then the value of said property shall be ascertained by arbitrators, one to be chosen by each party, and these two shall select a third person, and the award of a majority of the arbitrators thus chosen shall be final.

Chain-gang and equipment.

Payment to Monroe township. Arbitration of value.

SEC. 7. That the width of public roads constructed under this act shall not exceed forty feet, except where it shall be necessary on account of cuts and fills to have a greater width, and for the purposes of such construction the right of way shall be of the same width; that the overseer of roads may agree with the owner of any lands as to the damages done by the construction of the public roads, subject to the approval of the executive committee; and if the amount cannot be agreed on, then the same shall be submitted to arbitration, each party selecting an arbitrator, and the two chosen to select a third as umpire, and a report of the damages submitted by a majority of the arbitrators shall be final, and the amount of such damages shall be paid out of the general fund raised under this act upon the presentation of a voucher properly signed by the chairman of the board of road commissioners of Union County and attested by the secretary of said board; that the secretary of the board shall keep a record of all vouchers signed, to whom issued, and the amount thereof, and the purposes for which it was issued.

Width of roads.

Arbitration of damages to land.

Payment of damages.

Record of vouchers.

SEC. 8. That the road overseer shall have authority to purchase from landowners such gravel, rock, or other material as shall be

Purchase and payment for material.

- needed for the construction or improvement of the roads, at an agreed price, subject to the approval of the executive committee, and such amount shall be paid out of the general road fund raised under this act; and the said road overseer may agree with the owner of any land for the rent of a site on which to locate the stockade or camp of the chain-gang, to be paid as other amounts are paid.
- Rent of sites.
- Classification of roads. SEC. 9. That it shall be the duty of the board of road commissioners of Union County to classify the public roads of Union County, making the public roads leading to or from incorporated towns or between the same the first class, and public roads of the county leading between other points or connecting public roads the second class, and it shall be their duty to cause to be worked the roads of the first class before others are worked, by putting them in good condition.
- Priority of work.
- Special road tax. SEC. 10. That it shall be the duty of the county commissioners of Union County, at the time of making the tax levies for the county, to levy and cause to be collected annually a tax for public road purposes, not exceeding fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll, and the taxes so collected shall be paid to the county treasurer and shall be paid out and disbursed by him only on the order of the chairman of the board of road commissioners of Union County and countersigned by the secretary of said board.
- Limit of rate.
- Disbursements. SEC. 11. That all persons using wagons with three-inch tires on the public roads to haul loads greater than one thousand pounds shall annually have a rebate of one-fourth of the road taxes assessed against them: *Provided*, it shall not exceed two and a half dollars per annum; and any person asking for said rebate, who shall make an affidavit that he has for the last preceding year used only wagons with tires not less than three inches in width for hauling loads exceeding one thousand pounds on the public roads of Union County, shall receive the said rebate from the county treasurer upon the order of the chairman of the board of road commissioners of Union County, countersigned by the secretary of said board.
- Rebate for wide tires.
- Proviso: limit. Affidavit for and payment of rebate.
- Pay of road commissioners. SEC. 12. That the members of the board of road commissioners of Union County shall be paid for their services two and a half dollars per day while attending the regular meetings of the board of road commissioners, which shall be paid out of the general road fund of the county; and the executive committee shall be paid for such meetings as are necessary for the proper performance of their duties two and a half dollars per day: *Provided*, they shall not receive, as an executive committee, more than thirty dollars per annum.
- Pay of executive committeemen.
- Proviso: limit.
- Maintenance of roads by drags. SEC. 13. That the superintendent of roads elected in each township shall be charged with the duty of having the public roads in his township kept in good condition so far as the same may be

done with drags, subject to the supervision of the township trustees, and he shall designate the sections of road which shall be dragged as the same may be needed, and shall make contracts with such person or persons as will undertake to drag the roads when necessary; that sections of the public roads, not exceeding three miles in length, shall be let to one or more persons, at a price not exceeding forty cents per mile traveled in the dragging; the superintendent of roads, for his services in attending to the duties of seeing to the dragging of the roads of the township, shall receive such sum as the trustees of the township shall fix for his services, not exceeding two and a half dollars per day; and the trustees of each township shall furnish such suitable road drags as shall be necessary, and pay for the same out of the township road fund assessed in such township, upon the order of the chairman of the board of township trustees, countersigned and approved by the superintendent of roads for such township.

Sections and contracts.

Limit.

Pay of superintendent.

Purchase of and pay for drags.

SEC. 14. That the township trustees shall provide a suitable notice to be given by the superintendent of roads for each township to the persons contracted with for dragging the roads, stipulating the manner of service of the same, and shall furnish to each person contracted with to drag roads return cards substantially in the following form:

Notice to contractors.

To..... Superintendent of Roads for Township: Return cards.

I received your notice to drag District No., on the day of 19.., and did on the day of, 19.. comply with the same, and have charged Township for dragging, the sum of \$..... If not dragged, why not?

(Signed)

The trustees of each township shall provide a book, in which the superintendent of roads shall keep a record of all persons entitled to pay for dragging roads, the time of dragging, the date of notice received, the date of return card, and the amount charged and the amount allowed; the trustees of the township shall allow all claims for dragging recorded therein, that are in accordance with this act and have the approval of the superintendent of roads of the township; the township trustees shall at their regular meetings settle with the superintendent of roads of each township and pay all claims for dragging which have the approval of the superintendent of roads for such township out of the township road fund levied and collected under this act as hereinafter provided, the amount not to exceed forty cents per mile back and forth while dragging the roads, and no claim for dragging shall be allowed unless the return card has been duly returned to the township superintendent of roads, showing said work to have been done within twenty-four hours after receiving notice to drag the road.

Record of claims for dragging roads.

Payment of claims.

SEC. 15. It shall be the duty of the county commissioners to levy each year, as other taxes are levied for township purposes, a tax

Special tax in townships.

- not to exceed ten cents on the hundred dollars worth of property in the township and thirty cents on the polls within the township, upon the recommendation of the trustees of the township, or, if they shall fail to make a recommendation of the amount necessary, then upon the recommendation of the superintendent of roads in each township, and the amount of such taxes levied for the respective townships shall be placed on the tax books, delivered to the sheriff or tax collector, and such taxes so collected shall be exclusively used in the township from which it is collected; and all orders drawn on the said township road fund shall be signed by the chairman of the board of township trustees and countersigned by the superintendent of roads for such township.
- Orders on road funds.** **SEC. 15½.** The superintendent of roads for the township shall keep a dragging record, showing the names of all persons entitled to compensation for dragging, the date of the service rendered, date of return card, the amount allowed for the service and the amount charged, but no person's name shall be recorded therein as being entitled to compensation for dragging unless his return card has been filed with the superintendent of roads of said township showing the performance of the service and within the time limit fixed. It shall be the duty of the township superintendent of roads to cause all roads to be dragged which the township trustees shall designate from time to time, at such times as in his judgment will prove most beneficial; he shall give such notice as the township trustees shall deem sufficient to the persons contracted with, and he shall on or before the fifteenth of January of each year contract with as many suitable and responsible persons, as he shall deem necessary to drag the roads of the township, but shall not apportion more than three miles to any one person, and the superintendent may cancel said contracts for dragging the roads when the stipulations of the contract have not been performed or when the work is not satisfactory.
- Dragging record.** **SEC. 16.** That if any person contracted with to drag the roads of any township shall fail or neglect to drag the road for which he has made a contract when notified to do so as required by this act, he shall for the first offense forfeit and pay two and a half dollars, and for a second offense he shall pay five dollars. If the superintendent of roads for any township shall fail to give notice to any person contracted with as required by this act, he shall forfeit and pay five dollars for the first offense and ten dollars for the second offense.
- Duty of township superintendent.** **SEC. 17.** That it shall be the duty of the county commissioners of Union County to order an election in the county of Union, to be held under the law relative to the election of members of the General Assembly, for the purpose of ascertaining the will of the electors of the county upon the question of adoption or rejection of this act, at which election those in favor of this act shall vote "For Road Law" and those opposed to it shall vote "Against Road
- Notice to contractors.**
- Letting contracts.**
- Forfeit for failure to discharge contract.**
- Forfeit for failure to give notice.**
- County commissioners to order election.**
- Votes.**

Law"; and if a majority of the votes cast in said election shall be "For Road Law," then this act shall be in full force, and if a majority shall vote "Against Road Law," then this act shall be of no force; and at the time of submitting this act to the voters of Union County at an election, there shall be elected in each township a superintendent of roads who shall discharge the duties herein imposed on him, if the said voters of the county shall by a majority vote in favor of this act, and if this act is approved by the voters, then it shall be the duty of the persons elected as superintendent of roads in the respective townships to meet and organize, as hereinbefore required, on first Monday in the month next after said election, and the persons elected as superintendent of roads for their respective townships shall hold their offices until the next general election shall determine their successors and until their successors shall qualify. Effect of election.

SEC. 18. That no person under the age of twenty-one years or over the age of forty-five years shall be required to work on the public roads of Union County, under the general law relating to the working of the roads, and those persons between the ages of twenty-one and forty-five years shall not be required to do road duty by working the roads more than two days in any one year, except where there shall be some extraordinary cause for such work arising from heavy and unusual rain, cyclone, or like cause. Road duty.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 687.

AN ACT TO PROVIDE RURAL POLICEMEN FOR THE COUNTY OF HOKE.

The General Assembly of North Carolina do enact:

SECTION 1. The office of rural policeman for the county of Hoke, with such duties and regulations as are provided in this act, is hereby created. Office created.

SEC. 2. That at the first regular meeting of the board of county commissioners of Hoke County held after the ratification of this act the said board of commissioners shall appoint not more than two able-bodied men of good habits and known as men who are not addicted to the use of alcoholic liquors and are men of good moral character, and shall commission them as rural police of the county of Hoke, whose term of office shall continue until the first Monday in December, one thousand nine hundred and fourteen, and until their successors shall be elected and qualified. That on the first Monday in December, one thousand nine hundred and Election, number, and qualifications of policemen. Term of office. Appointment of successors.

fourteen, and biennially thereafter, the said board of commissioners shall appoint one or more men possessing the qualifications stated in this section to said office for a term of two years. That any policemen appointed under and by virtue of this act shall be subject always to removal by the said board of commissioners for cause; and any degree of intoxication on the part of any policeman appointed under this act caused by use of alcoholic liquors is hereby declared to be a sufficient cause for removal.

Removal for cause.

Intoxication cause for removal.

Salaries.

SEC. 3. That the salary of each of said policemen shall be seventy-five dollars per month, payable monthly by the county treasurer upon the warrant of the said board of county commissioners out of the general fund of the county.

Arms, equipment, and uniforms.

SEC. 4. That it shall be the duty of the said policemen to provide themselves with policemen's billets and such firearms as may be prescribed by the said county commissioners, and with horses for regular use in riding over the county and performing duty as a mounted policeman, and with uniforms if required in the discretion of the said commissioners, and shall bear all expenses incident to their service, except the expense of a badge hereinafter provided for. It shall be the duty of said policemen, under the general control and direction of the sheriff of the county, especially in the rural districts, to patrol and police the county; to detect and prevent the violation of the criminal laws of every kind; to search out, apprehend, and arrest any and all persons charged with the violation of the criminal laws of any and every kind; to make arrests upon their own initiative as well as upon information or complaint; to report their acts and all known or suspected violations of the criminal laws to the sheriff of the county once a week; to obtain warrants of arrest for and prosecute all persons who have violated any of the criminal laws; and they shall at all times obey and carry out the orders and instructions of the sheriff of the county, when not inconsistent with the law and this act.

Badges.

Duties.

Weekly reports.

Orders of sheriff.

Patrol and night duty.

SEC. 5. That the said policemen shall patrol the entire county at least twice a week by section assigned to each by the sheriff and county commissioners, remaining on duty at night when occasion or circumstances suggest that it would be proper to do so in order to prevent or detect crime or to make arrests, and they shall always be on duty not less than ten hours each day, except when granted occasional indulgences or leaves of absence by the sheriff of the county. They shall frequent railroad depots, stores, public gatherings of any and every kind where violations of law are likely to occur, places where vagrants may be loafing or alcoholic liquors may be sold, bartered, or given away contrary to law, and shall use every means to prevent and to detect breaches of the peace, public drunkenness, the use of obscene language, boisterous conduct, discharging firearms on the public highways or at any public place or gathering, carrying concealed weapons, gambling,

Day's work.

Places for special supervision.

violations of the game laws, cruelty to animals, violation of the fire laws, and for the violation of any and every law which is detrimental to the peace, good order, and morals of the said county.

SEC. 6. That said policemen shall have authority, for any freshly committed crime, whether a witness to the commission thereof or has knowledge thereof upon prompt information or complaint, to arrest without warrant. When an arrest is made without a warrant, the person so arrested shall be forthwith carried before a trial officer of the county and warrant of arrest procured, to the end that the person charged may be dealt with according to law.

Arrests without warrant.

SEC. 7. That each of said policemen, before being appointed and entering upon the discharge of their duties, shall enter into bond in an amount to be fixed by county commissioners, with sufficient surety to be approved by the said county commissioners, conditioned upon the faithful performance of all duties imposed or prescribed by this act and for the payment to the county or to any person or corporation all such damages as they or any of them may sustain by reason of his malfeasance in office or by abusing the authority and discretion given him in the preceding section five of this act.

Bonds of policemen.

SEC. 8. That before entering upon the discharge of their duties the policemen shall take and subscribe to the following oath: "I solemnly swear (or affirm) that during my term of office as county policeman I will study the act creating the office and prescribing my duties, and will be alert and vigilant to enforce the criminal laws of the State, and to apprehend and bring to punishment every violator of the same, and will conduct myself at all times with due consideration to all persons, and will not be influenced in any matter on account of personal bias or prejudice: so help me, God." The oath of office, after being taken and subscribed by the said policemen, shall be filed with the clerk of the Superior Court of said county, together with a bond provided in this act.

Policemen to be sworn.
Form of oath.

SEC. 9. That it shall be the duty of the commissioners of said county to furnish to each of the said rural policemen a metal badge bearing the following inscription: "Rural Policeman, Hoke County"; and it shall be the duty of each of the said policemen to wear one of the said badges on the front of his person and on the outside of his clothing in plain view of the public, and the failure of any policeman appointed under this act to wear one of the said badges while discharging any of the duties and services prescribed and provided by this act shall constitute a sufficient cause for removal from office.

Badges.

Policemen to wear badges.

Failure cause for removal.

SEC. 10. That the said county commissioners shall divide the county of Hoke into three sections, and shall assign any one of the said policemen to duty in any one of the said sections: *Provided*, that it shall be lawful for any of said policemen to discharge the duties prescribed by this act anywhere within said county at

Division of county.

Proviso: extent of powers of policemen.

Proviso: rotation of policemen. any time during their term of office: *Provided*, that the county commissioners shall have the authority to rotate the said policemen from one section to another every six months or oftener.

Execution of process. SEC. 11. That the said rural policemen shall have the power and authority, such as deputy sheriffs now have, to execute anywhere within the said county civil processes delivered to them by the sheriff and directed to the sheriff or other lawful officer of Hoke County, and the said rural policemen shall be required to serve all criminal processes and indictments issued by any lawful authority and placed in their hands for service.

Fees. SEC. 12. That in all cases and matters in which the said rural policemen shall perform any service by authority of this act the same fees shall be charged as are now charged for the sheriff of the county for similar service, except that for each arrest made for the violation of any law a fee of one dollar and fifty cents shall be charged. In all matters which are determined before a justice of the peace in which any fee or fees are charged for service performed by any of the said rural policemen, it shall be the duty of the said rural policemen who performed the service to collect such fees and on the first day of each month to pay the same to the Treasurer of Hoke County and to furnish a verified written statement to the said treasurer, showing all amounts collected by him during the preceding month.

Collection and settlement of fees. Failure to furnish statement cause for removal. Fees to salary fund. SEC. 13. In all matters which are determined before any court in the county of Hoke, other than the court of justices of the peace, and in which fees are charged for service performed by the said rural policemen or any of them, it shall be the duty of the clerk of said court to collect the said fees and pay the same to the Treasurer of Hoke County, which said fees shall go into the fund from which the salaries of the said policemen shall be paid.

Fees collected by clerk to use of salary fund. SEC. 14. That all indictments and cases of arrest by the said rural policemen or by the sheriff or deputy sheriff of Hoke County, returnable before any criminal court of said county, shall be disposed of or quashed only in open session of said court before which the same is returnable. Any officer violating this section shall be guilty of a misdemeanor.

Disposal of indictments. Misdemeanors. SEC. 15. This act shall be in force when ordered by the commissioners of Hoke County.

When act effective. Ratified this the 10th day of March, A. D. 1913.

CHAPTER 688.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A
STENOGRAPHER FOR LENOIR COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the Clerk of the Superior Court of Lenoir County, as soon as practicable after the ratification of this act, to appoint a court stenographer for Lenoir County from recommendations made him by the Bar Association of said county, which stenographer shall be an officer of the court and shall attend all regular and special civil terms of the Superior Court of said county, and shall attend trial of such criminal cases at criminal terms as the presiding judge may direct.

Clerk of court to
appoint stenog-
rapher.

Recommendations.
Attendance of
stenographer.

SEC. 2. That before entering upon the duties of the said office such stenographer shall take and subscribe an oath to faithfully, honestly, and conscientiously discharge his or her duties as official court stenographer as defined by this act.

Stenographer to be
sworn.

SEC. 3. That the official stenographer shall take full stenographic notes in every contested civil case tried or heard during any term of said Superior Court, as herein provided, unless otherwise agreed by counsel on both sides, and in every criminal case when directed to do so by the presiding judge, of all oral testimony, the admissions made by either side, the objections made to the introduction of testimony, the ruling of the court thereon, and the exceptions taken thereto, all motions heard and passed upon by the court arising upon matters controverted by the parties, the charge of the court to the jury, make notes of all documentary evidence introduced by either party, and such other proceedings as the court may direct.

Notes in civil and
criminal cases.

SEC. 4. That in all cases on appeal to the Supreme Court, upon request of either party or by direction of the judge presiding, said stenographer shall, as soon as practicable, furnish to the clerk of the Superior Court and counsel for each party one typewritten copy of the entire record taken at the trial, and the copy so furnished to the clerk shall be preserved by him and filed as part of the record in the cause, except that by consent said copy may be used by the clerk in making out the transcript on appeal.

Record on appeal.

SEC. 5. That the official stenographer shall hold office for a term of two years unless removed by the clerk of the said court or the presiding judge for cause; and in case of vacancy for any cause, the clerk shall proceed to fill the vacancy as provided herein for the appointment of the official stenographer; and in case of the absence of the official stenographer, the clerk of the said court shall appoint some competent stenographer in place of the official stenographer, who shall have the same duties and receive the same compensation as herein provided for the official stenographer;

Term of office.

Vacancy.

Substitute.

- Substitute to be sworn. and such stenographer, so appointed, shall take and subscribe the same oath as prescribed for the official stenographer before entering upon the discharge of his or her duties.
- Salary. SEC. 6. That the salary of the said official stenographer shall be fixed by the clerk, and shall not exceed seven and fifty one-hundredths dollars (\$7.50) per day for each day or fraction of a day that the said stenographer attends any criminal or civil term of court: *Provided*, that in event the said stenographer shall not reside in the city of Kinston, such expenses in addition to the salary fixed may be allowed by the presiding judge as he may deem proper and just, and said salary and expenses shall be paid by the Treasurer of Lenoir County out of the general county fund, when certified by the Clerk of the Superior Court of Lenoir County, and a receipt for such sums as shall be paid shall be a valid voucher in the hands of the said treasurer.
- Proviso: allowance for expenses.
- Payment. SEC. 7. That in all cases of appeal, when the said stenographer is required to furnish the typewritten copies as hereinbefore provided for, the said stenographer shall receive fees, to be fixed by the clerk, not to exceed the sum of seven (7) cents per copy-sheet for each original copy, which said sum shall be paid, one-half of said amount by appellant and one-half by appellee, and, if required by the said stenographer, shall be advanced by each of said parties before the said stenographer is required to begin to make the said typewritten copies, and the amount so paid shall be taxed as a part of the cost in the said case and recoverable as other costs therein: *Provided*, in pauper appeals or in all cases where the presiding judge directs the said stenographer to make the said typewritten copies, said stenographer shall be paid for said typewritten copies, as herein provided, by the Treasurer of Lenoir County, as provided in section six for the payment of salary and fees, and in such pauper appeals the amounts so paid shall be taxed as a part of the costs of the said action, to be recoverable as other costs therein.
- Fees for copies of record.
- Fees taxed as costs.
- Proviso: pauper appeals.
- Tax fee in civil actions. SEC. 8. That to reimburse the county for the expenditures required by this act, there shall be taxed by the clerk of court and paid to the county treasurer a fee of one dollar as a part of the costs in all civil actions wherein a jury is not impaneled and a fee of three dollars as part of the cost in all civil actions wherein a jury is impaneled: *Provided*, that where more than one day is required for the trial of such actions, said fee shall be taxed at the rate of three dollars for each day or fractional part thereof; and in all criminal actions wherein the services of the stenographer are required by the presiding judge there shall be taxed as part of the cost and paid to the county treasurer the same fees provided for in the trial of civil actions wherein a jury is impaneled, except that in cases of capital felonies the fee shall be five dollars per day or fractional part thereof; and in any case where jury trial is waived, and it is necessary for the judge pre-
- Tax fee in criminal actions.

siding to have the stenographer to take the evidence, or his findings of facts, the judge shall fix the fee and tax the same as a part of the cost.

SEC. 9. Whenever it shall become necessary, in any court in the State, to prove the testimony of a witness in any former case in Lenoir County, the certified typewritten copy of the notes of such testimony, taken by the official stenographer at the court where the said witness testified, shall be evidence to prove the same. Certificate copies admissible in evidence.

SEC. 10. All laws and clauses of law in conflict with this act are hereby repealed.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 689.

AN ACT TO CONTROL AND TAX DOGS IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any owners of or persons having control of any vicious dogs or any dog that sucks eggs, destroys or injures fowls or sheep, or commits like depredations, to permit the same to run at large. Allowing vicious dogs at large unlawful.

SEC. 2. That any person so offending (after having knowledge of the character of such dog) shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Misdemeanor. Punishment.

SEC. 3. 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. Such dog shall be listed at the same time and place as personal property is listed, and the tax hereby authorized shall be collected as other taxes. Tax on dogs. Dogs to be listed.

SEC. 4. That any person who shall feloniously take, steal, or carry away any dog listed for taxation as herein provided shall be guilty of larceny. Stealing listed dogs larceny.

SEC. 5. That the revenue arising under this act shall be paid into the county treasury and placed in a separate fund to be known as the "Dog Tax Fund" of Orange County. At the end of the year the commissioners of Orange County shall, upon satisfactory evidence of damage to sheep in Orange County, pay to the owner of said sheep the amount of such damage. The balance of said tax shall be placed, one-half to the use of the public schools and one-half to the use of the public roads of said county. Dog tax fund. Use of fund. Use of surplus.

SEC. 6. That the provisions of this act shall apply only to Orange County. Application of act.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 690.

AN ACT TO TAX DOGS IN HARNETT COUNTY AND MAKE THEM SUBJECTS OF LARCENY.

The General Assembly of North Carolina do enact:

License tax for keeping dogs.

SECTION 1. That any person owning or keeping a dog must pay annually on each dog so 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.

Listed for taxes.

Stealing dogs larceny.

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

Payment of tax.

SEC. 3. That said taxes shall be paid to the Sheriff of Harnett County, as provided for the payment of other taxes.

Tax to use of road fund.

SEC. 4. That the net proceeds raised from the collection of said taxes shall be turned over to the Treasurer of Harnett County, to be applied to working the public roads of said county, which said fund shall be distributed among the several townships of the county in proportion to the license tax paid in each township, and the funds herein arising shall be used for no other purpose.

Apportionment.

Use of fund.

SEC. 5. If the taxes herein derived should be insufficient to put and keep in repair the public roads of the several townships, then in that event it shall be applied by the road supervisors of their respective townships to grading hills or other difficult parts of said roads to keep in repair when there is an insufficiency of hands to work said roads or from natural causes arising from geographical conditions of the county.

County treasurer to certify amount and apportionment of tax.

SEC. 6. It shall be the duty of the county treasurer, on or before the first Monday in January of each and every year, to file with the clerk of the board of county commissioners a verified statement of the amount of money received through the provisions of this act, and the several amounts apportioned to each township, and which amounts shall be subject to the order of the road supervisors of their respective townships; and it shall be the duty of the clerk of the board of county commissioners, when furnished with such information, to within ten days notify the chairman of each township road supervisors of the amounts subject to his orders.

Notice to road supervisors.

Road work let to contract.

SEC. 7. That the road supervisors of each township may contract with any individual or individuals, or let to lowest bidder, any road or section of public road to be worked upon under the provisions of this act, upon such terms as may be just and equitable to the party or parties contracting and shall best conserve the public good.

Annual statements.

SEC. 8. That the chairman of the board of road supervisors of each township shall annually, on the first Monday in January of each year, file with the chairman of the board of county commis-

sioners an itemized statement of all moneys coming into his hands for the preceding year under the provisions of this act, and how and to whom paid out and for what purpose.

SEC. 9. That the board of road supervisors of any township, before contracting with any party or parties to work public roads, shall submit plans and specifications in writing, and, when signed and complied with by the contracting party, shall be a valid voucher in the hands of such party or company performing said work, and on completion of same the chairman of the board of road supervisors of said township shall give his warrant for the amount agreed upon: *Provided, however,* no chairman of road supervisors of any township shall give a warrant for a greater amount than is due said township under the provisions of this act.

Plans and specifications for road work.

Warrant for payment.

Proviso: limit.

SEC. 10. That 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 nor more than ten dollars or imprisoned not more than thirty days.

Failure to list dogs misdemeanor. Punishment.

SEC. 11. That this act shall apply to Harnett County only.

Application of act.

SEC. 12. That all laws or 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 10th day of March, A. D. 1913.

CHAPTER 691.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY TO SELL THE PRESENT COURTHOUSE SITE AND ADJACENT REAL ESTATE BELONGING TO THE COUNTY, AND TO PURCHASE A NEW SITE AND ERECT A NEW COURTHOUSE THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of Guilford County are hereby authorized, by the unanimous vote of the entire board at any regular meeting hereafter held, if in their judgment it is for the best interest of said county, to sell the courthouse and lands upon which the same is now located and the adjoining lands lately purchased by said county, to the highest bidder as hereinafter provided.

Sale by unanimous consent authorized.

SEC. 2. The sale of said lands shall be made at public sale to the highest bidder for cash at the courthouse door in the city of Greensboro after said sale has been advertised for thirty (30) days by notice posted at the courthouse door and at one public place in each township and published for at least thirty (30) days in two or more newspapers published in said county; or said sale

Sale by auction.

Advertisement.

Private sale.

- may be made by said board privately to the person or persons offering to give in cash for the same the highest price: *Provided*, that if the said board shall elect to sell privately, then any offer made to them shall, without disclosing the name of the bidder, be published for thirty (30) days in two or more newspapers published in said county and posted at the courthouse door for a like period before the same shall be accepted by said board, and any other responsible person or persons desiring to purchase said property may, within said thirty (30) days, file with the said board a higher bid for said property.
- Proviso: publication of offers.**
- Higher bids.**
- Right to reject bids.** SEC. 3. That the board of commissioners shall have the right to reject any and all bids made either at public sale or privately, as set forth above.
- Use of funds.** SEC. 4. That the proceeds of said sale shall be turned over to the Treasurer of Guilford County and shall constitute a separate fund to be expended for the purchase of lands and the construction thereon of a new courthouse as hereinafter provided.
- Execution of deed.** SEC. 5. That upon the sale of said property the board of commissioners of Guilford County are hereby authorized and directed, upon the payment of the purchase money by the purchaser, to make, execute, and deliver a deed or deeds to the said property to the purchaser of the same.
- Selection and acquisition of site.** SEC. 6. That said board of commissioners shall, immediately upon the sale of said property, proceed to select a suitable location upon which to construct a new courthouse, and shall determine the quantity of land and the location thereof to be acquired for said purpose, and the said board of commissioners is hereby authorized and empowered to acquire the title to the said lands and to build a suitable building thereon to be used as a courthouse building for county purposes.
- Fund for purchase of site and erection of building.** SEC. 7. That for the purpose of acquiring title to the site selected and erecting thereon a suitable courthouse and equipping and furnishing the same, the said board of county commissioners are hereby authorized and empowered to expend the moneys derived from the sale of the courthouse and adjoining lands aforesaid, together with an additional amount not to exceed one hundred thousand dollars (\$100,000), to be derived from the sale of bonds as hereinafter provided.
- Bond issue authorized.** SEC. 8. That for the purpose of acquiring title to the necessary lands and constructing thereon and equipping and furnishing a suitable courthouse as provided by his act, the board of commissioners of Guilford County are hereby authorized and empowered to issue bonds of the county of Guilford, bearing interest at the rate of five per cent per annum for an amount not to exceed one hundred thousand dollars (\$100,000), the said board to prescribe the form and denominations of said bonds, and said bonds when issued shall be signed by the chairman of the board of commissioners and countersigned by the clerk of said board, and attested
- Interest.**
- Amount.**
- Authentication.**

by the official seal of Guilford County. The issue of said bonds is hereby declared to be the lawful exercise of the power of the board of commissioners of the county of Guilford, and the purposes for which they are issued are hereby declared to be a county necessity. Said bonds shall mature and be payable thirty (30) years after the date of their issue, and the interest on said bonds shall be payable semiannually at such place as the county commissioners shall designate. There shall be levied by said board of county commissioners and collected each year upon the taxable property and the polls of the county of Guilford, for the purpose of paying the interest on said bonds, a tax sufficient to pay said interest.

County necessity.

Maturity of bonds.

Special tax.

SEC. 9. The said bonds issued under this act shall be exempt from all State, county, and municipal taxation, and this fact shall appear upon the face of said bonds.

Exemption from taxation.

SEC. 10. That before selling said bonds the county commissioners of the county of Guilford shall advertise the same for thirty (30) days immediately preceding the date of sale in a newspaper published in the city of Greensboro, and in such other manner as they shall see fit, giving the time and the place when bids shall be opened for the sale of said bonds, and the terms upon which said bonds are issued: *Provided*, the said county commissioners shall have the right in their discretion to reject any and all bids for said bonds.

Advertisement for sale of bonds.

Proviso: right to reject bids.

SEC. 11. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall be added to the proceeds of sale of the courthouse and the adjoining lands as herein provided, and, together with said proceeds of sale, shall constitute a separate and distinct fund to be applied and appropriated for the purposes for which said bonds are issued, and for which said fund was created as provided herein; and the county commissioners of Guilford County shall cause the treasurer of the county of Guilford to open and keep separate accounts of said funds, and the said treasurer shall be liable officially to all the requirements of the law now prescribed for other county funds, and the county commissioners shall require the said treasurer to give bond for the faithful and honest performance of his duties in respect to said funds, which bond shall be in an amount not less than the aggregate amount of the funds created herein. The said treasurer shall receive no other compensation than the regular salary paid him for his services as said treasurer for his services in receiving, keeping, and disbursing said funds: *Provided, however*, that if the bond of the treasurer as required by this act shall be executed with corporate surety as now authorized by law, then the board of county commissioners shall pay the reasonable premium which said treasurer may be required to pay for the execution of said bond, the amount to be paid out of the funds arising hereunder.

Funds to be kept separate.

Separate accounts.

Treasurer's bond.

No extra compensation.

Proviso: premium on bond.

Collection of tax. SEC. 12. 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 requirements of the law now or hereafter to be prescribed for the faithful collection and payment of other county taxes, and the bond given by said officers for the collection of the county taxes shall include the taxes levied hereunder.

Officers liable on bonds. Authority conferred on commissioners. Proviso: authority to conform to law. SEC. 13. That full authority is hereby conferred upon the board of county commissioners of Guilford County to do any and all acts necessary for the performance of the duties and obligations imposed upon said board by this act, whether this authority is specifically hereinbefore conferred or not: *Provided, however,* that such additional authority be not in conflict with any of the provisions of this act.

SEC. 14. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. This act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 692.

AN ACT TO ESTABLISH A RECORDER'S COURT IN MOUNT AIRY TOWNSHIP, SURRY COUNTY, NORTH CAROLINA, AND TO PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

Special court established. Official designation. SECTION 1. A special court for the trial of petty misdemeanors and certain civil causes committed in Mount Airy Township, the county of Surry, and to be designated as the Recorder's Court of Mount Airy Township in Surry County, is hereby created and established.

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 Mount Airy Township, Surry County, and a man of good moral character, and may or may not be a lawyer.

Term of office and election of successor. SEC. 3. That the recorder herein provided for shall hold office until the next general election, when his successor shall be elected by the qualified voters of Mount Airy Township, Surry County, in the same manner and at the same time the county and township officers are elected, for a term of two years.

Recorder named. Beginning of term. SEC. 4. That Thomas B. McCargo, Sr., be and he is hereby named and appointed judge or recorder of the recorder's court for Mount Airy Township, Surry County, beginning his office on May sixth, one thousand nine hundred and thirteen, and continuing two years or until his successor shall be appointed and qualified, upon condi-

Act to be adopted by town commissioners.

tion that the board of town commissioners of the town of Mount Airy shall adopt, approve, and order this act to be published and enforced at their regular meeting the first Tuesday in May, one thousand nine hundred and thirteen, and if for any cause the meeting shall not adopt this act, then the same may be adopted at any regular meeting of said board during the year one thousand nine hundred and thirteen; and if the said recorder shall not accept of this office, or shall resign or be removed, or the office become vacant for any cause, then the said board of town commissioners shall have power to fill the vacancy by electing a suitable person, who shall hold said office until the next general election.

Town commissioners to fill vacancy.

SEC. 5. The said court shall be held in the town hall of Mount Airy Township, Surry County, on Monday of each week, or oftener if necessary, except when the Superior Court shall be in session in said county, during which time the session of said recorder's court shall be held at such place as shall be provided by the board of commissioners of Mount Airy Township, Surry County, and it is hereby made the duty of said board of commissioners to provide a suitable place for the holding of said court during the term of the Superior Court of Surry County.

Sessions of court.

SEC. 6. Said court shall have a seal with the impression "Recorder's Court of Mount Airy Township, Surry 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.

Seal of court.

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

Jurisdiction.

(a) Said court shall have final concurrent original jurisdiction of all criminal offenses committed within Mount Airy Township, Surry County, and without the town of Mount Airy, which are now or may hereafter be within the jurisdiction of justices of the peace.

Criminal jurisdiction as justices of the peace.

(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 houses, disorderly houses, larceny of and receiving stolen goods knowing them to be stolen, where the value of the property stolen does not exceed twenty dollars, 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, illicit manufacture of liquors, obtaining advances by false pretense, disposing of mortgaged property, all crimes against public health as contained in

Jurisdiction of enumerated offenses.

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.

Petty misdemeanors.

Jurisdiction in preliminary inquiries.

(c) 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 Mount Airy Township, Surry County, whereof the preliminary investigation is now conferred on the justice 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 instituted shall have jurisdiction thereof, and any and all such cases heard by the recorder of the 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 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 bailable under the law, to appear at the next term of the Superior Court of Surry County, and in default of such bond or recognizance such person or persons shall be committed to the county jail of Surry County, to await trial as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Surry County, to await the action of the Superior Court thereof.

Commitment in default of bond.

Sentences.

(d) Said recorder shall have all the powers and jurisdiction and authority now conferred upon justices of the peace of the Superior Court of Surry 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 Mount Airy Township, Surry County, and said court shall issue commitments thereof in the same manner as now provided by law.

Issue of warrants.

(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 Surry County, and upon such appeal the trial shall be *de novo*.

Right of appeal.

(f) The said recorder's court shall have jurisdiction of any and all criminal offenses hereinabove mentioned and which were committed before the ratification of this act, and of which no court has taken jurisdiction. Offenses heretofore committed.

(g) The said court shall have jurisdiction to issue search warrants and peace warrants in all cases now provided by law. Jury trial shall be had in the same manner as is now provided before justices of the peace. Search and peace warrants. Jury trials.

SEC. 8. The said court shall have jurisdiction in civil actions and proceedings as follows: Civil jurisdiction.

(1) 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 be hereafter within the jurisdiction of justices of the peace of Mount Airy Township, Surry County. As of justices of the peace.

(2) Exclusive original jurisdiction in all civil actions, matters, and proceedings, including all proceedings ancillary to civil actions, founded on contracts or torts, wherein the Superior Court of Surry County now has exclusive original jurisdiction: *Provided*, the sum demanded or the value of the property in controversy shall not exceed the sum of five hundred dollars and the title to real estate shall not be in controversy. As of superior court.
Proviso: limit of amount.

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 court for which a fee is now prescribed by law shall be the same as now fixed by law for 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 cost 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, or justices of the peace, shall be paid on the first Monday in each month by the said court to the Treasurer of Surry County, who shall keep a separate account thereof and who shall report to the board of county commissioners of Surry County at their first meeting in each month the amount paid by such clerk. Titles to real estate.
Costs for service of process.
Fees.
Costs paid to county treasurer.

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 Surry County, and the service thereof shall be lawfully made when made by the sheriff or other lawful officer of said county, 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. Separate account and report.
Issue and execution of process.

- Sentences to road work. 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 of Mount Airy Township, Surry County, until such sentence has been complied with, and the said court shall issue commitment of the defendant in accordance with the judgment of said court.
- Commitments.
- Recorder to preside and try cases. 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, and to either party in civil causes, to the ensuing term of the Superior Court of said county, 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.
- Right of appeal.
- Bond on appeal.
- Commitment on default of bond.
- Dockets. SEC. 13. The recorder 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 have been disposed of in the said court, and what disposition has been made of them.
- Files.
- Recorder may practice law. SEC. 14. The recorder of said court shall not, by virtue of his office as recorder, be prevented from practicing law in the several courts of the State in matters which have not been heard or will not be heard by him as recorder, in the event a lawyer be elected recorder.
- Removal for cause. SEC. 15. The said recorder may be removed from office by the town commissioners of Mount Airy, Surry County, after hearing and notice given said recorder whose removal is being investigated, upon proof of immorality and continued neglect of the duties of his office; and if the said recorder is removed, or in case of vacancy in said office, his successor shall be elected by the town commissioners of Mount Airy, Surry County, for the unexpired term.
- Vacancy.
- Issue and return of magistrates' warrants. SEC. 16. All justices of the peace of Mount Airy Township 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 Surry County may, by order therein or indorsed 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 hereinbefore provided.
- Fees of witnesses. (a) All witnesses compelled to attend by the subpoena of this court shall be entitled to the same fees as now provided in the Superior Court, to be paid as now provided by law.

SEC. 17. That the county or city attorney shall prosecute all cases before the recorder's court when requested to do so by the recorder: *Provided*, that he shall not receive any additional compensation for such services to the salary now paid him as county attorney or city attorney. Prosecuting attorney.
Proviso: no extra compensation.

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 board of town commissioners of Mount Airy, North Carolina. Secretary of State to send copy of act.

SEC. 19. The town commissioners of Mount Airy in Surry County, immediately upon receipt of the certified copy of this bill from the Secretary of State, shall cause the same to be published one time in the *Mount Airy Leader*, a newspaper published in the town of Mount Airy and circulated in Surry County. Publication of act.

SEC. 20. All laws and clauses of law in conflict with this act are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 693.

AN ACT TO REGULATE HUNTING IN QUEWHIFFLE AND LITTLE RIVER TOWNSHIPS, HOKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt with dog or gun upon the lands of another in Quewhiffle and Little River townships, Hoke County, without the written consent of the owner of such lands, and any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Hunting without permission misdemeanor.
Punishment.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 694.

AN ACT TO ESTABLISH A RECORDER'S COURT FOR CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That a special court for the trial of petty misdemeanors committed in the county of Camden is hereby created and designated as the "Recorder's Court of Camden County." Special court created.
Official designation.

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 in the territory above described and a man of good moral character and standing.

Election of
recorder.

SEC. 3. Said recorder shall be 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

Term of office.

time as the members of the General Assembly. The term of office of the recorder elected as herein provided shall be two years from

First recorder.

and after the first Monday in December next succeeding his election. Until said election is held the board of commissioners of Camden County at their regular meeting the first Monday in June, nineteen hundred and thirteen, shall elect, to serve until the first

Oath of office.

Monday in December, nineteen hundred and fourteen, a recorder. Said recorder, before entering upon the discharge of his duties, shall take and subscribe the oath required of judges of the Superior Court before the Clerk of the Superior Court of Camden County or some other person qualified to administer oaths, which said oath shall be recorded by the clerk.

Sessions of court.

SEC. 4. That the said recorder's court shall hold sessions at the courthouse in Camden County on any Monday or Saturday whenever there is business coming before the said recorder's court:

Proviso; session
of superior court.

Provided, that no session shall be held whenever the Superior Court of Camden County shall be in session.

Seal of court.

SEC. 5. Said court shall have a seal with the impression "Recorder's Court, Camden 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.

Clerk of court.
Compensation.

SEC. 6. The said clerk hereinbefore provided for in this act shall be the clerk of the Superior Court of Camden County. He shall receive for his services the compensation as set out in section eight of this act.

Jurisdiction as of
justices of the
peace and of
appeals from
justices' courts.

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 Camden County 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, and all appeals from justices of the peace courts in cases in which jurisdiction is given to this court, the said justices of the peace courts shall certify said cases to the recorder's court hereby created.

Jurisdiction of
enumerated
offenses.

(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, the larceny of and receiving stolen goods, knowing them to

be stolen, where the property stolen does not exceed twenty dollars in value; 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 nineteen hundred and five from section three thousand four hundred forty to three thousand four hundred fifty-eight, inclusive; all misdemeanors as contained in chapter eighty-one of the Revisal of nineteen 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; 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.

Petty misdemeanors.

(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. Any and all cases heard by the recorder's 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 Camden County for the trial of criminal cases; in default of such bond or recognizance, such person or persons shall be committed to the common jail of Camden County, to await trial as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Camden County, to await the action of the Superior Court thereof.

Jurisdiction in preliminary inquiries.

Persons bound over.

Commitment in default of bond.

(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 Camden County, to sentence any person convicted in the said court of a misdemeanor, for which the punishment prescribed by law is imprisonment, to be worked on the public roads of Pasquotank County as now provided by law, and the clerk of said court shall issue commitments therefor in the

Sentences.

Commitments.

same manner as now provided by law for clerks of the Superior Courts.

- Issue of warrants. (e) Warrants may be issued by the recorder of said court for any person or persons charged with the commission of any criminal
- Right of appeal. 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 Camden County, and upon such appeal the trial in the Superior Court shall be *de novo* on papers certified from said recorder's court.
- Offenses heretofore committed. (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.
- Costs for service of process. SEC. 8. The costs of serving warrants, subpoenas, and other process issued by said recorder's court shall be the same as now provided by law, and shall be paid to the officer performing such
- Fees. services. The fees for issuing warrants and subpoenas for witnesses, for making up bills of cost, 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
- Recorder's fees. Court in similar cases, and the recorder shall receive one-half of all the fees collected, and the clerk shall receive one-half of all the fees 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 the justice of the peace has not now cognizance, 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 said clerk to file with the county commissioners of Camden County on the first Monday of each month an itemized statement of all fines and costs collected by him, and also all money paid to the recorder or to himself. The treasurer, until the first Monday in December, nineteen hundred and fourteen, and after that time the Sheriff of Camden County, shall credit to the general school funds the funds above collected as now provided by law.
- Defendants taxed with costs.
- Collection and settlement of fines.
- Funds to school fund.
- Issue and service of process. SEC. 9. The warrants, subpoenas, and other processes issued by said recorder's court shall be directed to the sheriff or other lawful officer of Camden County, and service thereof shall be lawfully made when made by the sheriff of said county or any constable of said county; or, in the absence of such officer, by any proper person specially deputized by the recorder in writing to make such

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 any officer according to law.

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 Pasquotank 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 set forth.

SEC. 11. The recorder shall preside over said court 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 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 Camden County until said defendant shall give bond or be otherwise discharged according to law.

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.

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 defendant, 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 the inspection of the board of commissioners of Camden County and other persons having business relating to said court; and the board of commissioners of Camden County shall 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.

SEC. 14. This act shall in no wise interfere with cases which are pending at the time of the ratification of this act.

SEC. 15. The recorder of said court shall not, by virtue of his office as recorder, be prevented from practicing law in matters in

Sentences to road work.

Commitments.

Recorder to preside and try cases.

Proceedings.

Right of appeal.

Bond on appeal.

Commitment on default.

Recovery of fines, forfeitures, and penalties.

Accounts and records to be kept by clerk.

Records open for inspection.

Dockets and files.

Cases pending.

Recorder may practice law.

- May be justice of the peace. which they are in no way connected by reason of said office. The recorder shall in no wise be deprived or prevented from holding the office of justice of the peace.
- Removal for cause. SEC. 16. The recorder of said court may be removed from office by the board of commissioners of Camden County, after hearing and notice to the officer whose removal is being investigated, upon proof of immorality or incompetence or continued neglect of the duties of his office; and if he is removed, the said board shall meet and elect his successor for the remainder of the unexpired term.
- Repealing clause. SEC. 17. All laws and clauses of laws in conflict with this act are hereby repealed.
- When act effective. SEC. 18. That this act shall be in force and effect from and after the first Monday in June, nineteen hundred and thirteen.
Ratified this the 10th day of March, A. D. 1913.

CHAPTER 695.

AN ACT TO PROVIDE FOR THE SALE OF THE PROPERTY OF CERTAIN STOCK-LAW DISTRICTS IN CUMBERLAND AND HOKE COUNTIES AND FOR THE PAYMENT OF CERTAIN INDEBTEDNESS THEREOF.

Preamble: stock law established.

Whereas, on the twenty-third day of January, one thousand nine hundred and twelve, an election was held in the territory of Cumberland County lying west of the Cape Fear River, upon the issue of stock law or no stock law for said territory, and was carried in favor of stock law, and Hoke County had previously held an election upon the issue of stock law or no stock law, which was carried for the entire county; and whereas, within said territory in Cumberland County lying west of the Cape Fear River there were four local stock-law districts, viz., Carvers Creek, Cross Creek, Grays Creek, and Seventy-first Stock-law districts, the latter extending into Hoke County; and whereas said Seventy-first Stock-law District is indebted for building fences about three thousand dollars, and the other districts aforesaid have some assets now on hand: therefore,

Preamble: previous territory.

Preamble: assets and debts.

The General Assembly of North Carolina do enact:

Sale of stock-law property.

SECTION 1. That the stock-law commissioners of Carvers Creek, of Cross Creek, of Grays Creek, respectively, in Cumberland County, are authorized and directed to sell all fences, wire, posts, gates, and property belonging to said stock-law districts, respectively, as soon as practicable, either at public or private sale for cash, and to make a report of such sales and moneys received thereby to the board of commissioners of Cumberland County, who shall audit the same and, if found correct, shall approve the same, and the

Reports of sales.

Funds paid to county treasurer.

money shown in said reports to be on hand shall be paid into the treasury of Cumberland County, and such stock-law commissioners shall thereby be relieved of further liability and their offices shall terminate.

SEC. 2. That the Treasurer of Cumberland County shall turn said money over to the public school fund of Cumberland County to the credit of the public school districts embracing the territory from which such moneys were derived, respectively: *Provided*, that no part of said money shall be paid into any graded school in any incorporated town.

Money to use of school fund.

Proviso: graded schools excepted.

SEC. 3. That the stock-law commissioners of Seventy-first Stock-law District in Cumberland and Hoke counties are authorized and directed to sell all fences, wire, posts, gates, and property, if any they have on hand, belonging to said stock-law district, as soon as practicable, either at public or private sale for cash, and apply the proceeds thereof as far as it will extend to the payment of the indebtedness of said stock-law district (said indebtedness is now estimated to be about three thousand dollars), and make their report to the commissioners of Cumberland County, showing the amount of money derived from said sales and applied on said indebtedness and the balance due of said indebtedness, which balance of indebtedness shall be certified by said board to the board of commissioners of Hoke County.

Sale of property of Seventy-first district.

Payment of debt.

Report.

Balance of debt certified.

SEC. 4. The board of commissioners of Cumberland County and the board of commissioners of Hoke County, respectively, are authorized to levy a special tax of not exceeding thirty-seven and a half cents on each one hundred dollars worth of property in the said Seventy-first Stock-law District, in their respective counties, said levy to be the same in each county, and to continue said levy, or so much as may be necessary after the first year, until a sufficient amount of money is realized to pay off and discharge said indebtedness, together with the costs and expense connected therewith, and pay the same, when collected as now provided by law, over to the stock-law commissioners of said district for the purpose of paying off and discharging said indebtedness.

Special tax in Seventy-first district.

SEC. 5. When the said indebtedness of the Seventy-first Stock-law District shall have been paid off, the said stock-law commissioners thereof shall make a like report to the board of commissioners of Cumberland County, as herein required by this act of the stock-law commissioners of the other stock-law districts mentioned in this act, which report shall likewise be audited by said board of commissioners, and, if found correct, shall be approved, and, if said report shows any money on hand, the same shall be paid into the treasury of Cumberland County, and said stock-law commissioners shall thereby be relieved of further liability, and their offices shall terminate.

Report of payment of debt.

Relief of stock-law commissioners.

SEC. 5. If the final report of the stock-law commissioners of the said Seventy-first Stock-law District shall show a balance of

Surplus from Seventy-first district prorated.

money on hand, the same shall be prorated between the public school funds of Cumberland County and Hoke County in proportion to the amount paid by each county, and voucher for the amount to which Hoke County may be entitled shall be issued by the Treasurer of Cumberland County in favor of the Treasurer of Hoke County, and said moneys shall be prorated in each county, respectively, among the public school districts within the said stock-law district, respectively.

Pay of stock-law
commissioners.

SEC. 6. The board of commissioners of Cumberland County may allow such compensation to the various stock-law commissioners of the various stock-law districts mentioned in this act as they, in their discretion, may find to be just for the duties imposed by this act, to be paid out of the respective funds provided for by this act.

Vacancies.

SEC. 7. Should a vacancy occur on any of the boards of stock-law commissioners mentioned in this act before the duties enjoined upon them by this act shall have been performed, such vacancy shall be filled by appointments by the board of commissioners of Cumberland County.

SEC. 8. All laws and clauses of laws contrary to the provisions of this act are hereby repealed.

SEC. 9. This act shall be in force from and after its ratification. Ratified this the 10th day of March, A. D. 1913.

CHAPTER 696.

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF EDUCATION OF CAMDEN COUNTY FROM THREE TO FIVE.

The General Assembly of North Carolina do enact:

Additional com-
missioners and
terms of office.

SECTION 1. That in addition to the two members of the board of education of Camden County whose term of office does not expire the first Monday in July, one thousand nine hundred and thirteen, the following additional members are hereby appointed: G. F. Riggs for a term of six years, O. G. Pritchard for a term of two years, and John W. Whitehurst for a term of two years, all of said terms to begin the first Monday in July, one thousand nine hundred and thirteen.

Beginning of term.

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 full force and effect from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 697.

AN ACT TO ESTABLISH AN INFERIOR COURT FOR WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be and hereby is established an inferior court in and for the county of Wayne, which shall be called the County Court of Wayne County, and which shall have an official seal with the words "County Court of Wayne County" thereon, and said court shall be a court of record.

Inferior court established.
Official title.
Seal of court.

SEC. 2. Said court shall be presided over by a judge, who shall be a licensed attorney at law of good moral character and who shall be at the time of his election and qualification an elector in and for Wayne County. Said judge shall be elected by the people of Wayne County at the same time and in the same manner as other county officers are elected, and shall hold office for two years.

Judge.

Election and term of office.

SEC. 3. That the provisions of the code of civil procedure and the processes and pleadings, both criminal and civil, applicable to actions in the Superior Court shall be applicable to actions and proceedings in said court, except as hereinafter provided. That the judge of said court shall have power to transfer causes, civil and criminal, pending therein to the Superior Court of Wayne County for trial, and the judge of the Superior Court shall have like power to transfer to said county court for trial criminal and civil actions pending in the Superior Court that are within the jurisdiction of the county court.

Procedure, process, and pleadings.

Transfer of cases.

SEC. 4. Said court shall have final original jurisdiction of all misdemeanors occurring or committed within the county of Wayne, as follows, to wit: 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, keeping gambling houses, larceny or receiving stolen goods knowing them to be stolen, wherein the value of the articles does not exceed ten dollars; failure to list taxes, assault and battery with 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 being 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 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 section three thousand four hundred and fifty-eight, inclusive;

Jurisdiction.

Enumerated offenses.

- 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 offenses enumerated above are hereby declared to be petty misdemeanors.
- Petty misdemeanors. 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 said county court of Wayne County.
- Misdemeanors at common law.
- Sessions of court. SEC. 5. Said court shall be open for the trial of all cases on each and every Monday morning at ten o'clock at the courthouse in Goldsboro, or at such other place in Wayne County as may be designated by the county commissioners, and shall continue its session until the business before it shall be disposed of.
- Sittings of superior court. SEC. 6. The judge of said court may in his discretion, to suit the convenience of counsel, witnesses, and parties, adjourn said court during the sittings of the Superior Court of Wayne County.
- Warrants. SEC. 7. All trials of criminal actions in said court shall be on warrants issued by the clerk of said county court.
- Summons in civil actions. SEC. 8. All civil actions shall be commenced in said court by summons issued by the clerk and shall be returnable in not less than ten days after issuance, and the plaintiff shall file a written complaint on the return day in all matters beyond the jurisdiction of a justice of the peace, and shall serve a copy of said complaint on the defendant or his counsel, and the defendant shall file his answer or demurrer within ten days following the return day, a copy of which shall be served on the plaintiff or his counsel, and the case shall stand for trial on the first Monday after the return day.
- Pleadings.
- Clerk of court. SEC. 9. The Clerk of the Superior Court of Wayne County shall be *ex officio* clerk of the county court of Wayne County, and shall have full power and is hereby authorized and directed to appoint a deputy clerk to perform the duties of clerk of said county court.
- Deputy.
- Jury trials. SEC. 10. That either plaintiff or defendant in actions in this court may demand and have a jury, which shall be twelve in number. That the judge of 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 herein provided, and submit the issue to the jury.
- Drawing of jury. SEC. 11. That the judge of said court, when a jury is demanded, or when in his discretion he shall order a jury of his own motion, shall direct and order the Register of Deeds of Wayne County to draw a jury from the regular jury box, and upon receipt of said order it shall be the duty of said register of deeds to draw from the jury box such number of jurors as said judge may direct, in such order, and deliver the names so drawn to the Sheriff of Wayne County, with an order to summons such named persons as

jurors. The judge of said court shall have power during any term of court to cause a jury to be summoned from the bystanders as is now or may be hereafter provided by law for summoning tales jurors in the Superior Court. Jury from bystanders.

SEC. 12. Said court shall have jurisdiction in civil actions and proceedings as follows: Civil jurisdiction.

(a) Concurrent jurisdiction with justices of the peace in all civil matters, actions, and proceedings which are now or may hereafter be given justices of the peace of Wayne County. Concurrent with justices of the peace.

(b) Concurrent jurisdiction with the Superior Court of Wayne County in all civil actions, matters and proceedings founded on contract, wherein the sum demanded shall not exceed one thousand dollars, and wherein the title to real estate shall not be in controversy. Concurrent with superior court on contracts.

(c) Concurrent jurisdiction with the Superior Court of Wayne 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 one thousand dollars, and wherein the title to real estate shall not be in controversy; and in all civil matters tried by justices of the peace in said county where either party to the suit appeals from the judgment of said justice's court, the said case on appeal shall be sent to the said county court for a new trial, unless the appellant demands an appeal direct to the Superior Court, as is now provided by law for the trial of cases in the Superior Court upon appeal from justices' courts, and shall be heard at the first sitting of the said court thereafter, and the trial in said county court shall be *de novo*. Concurrent with superior court on torts.

(d) Concurrent jurisdiction with the justices of the peace and with the Superior Court in attachment and claim and delivery proceedings where the sum demanded or the value of the property claimed is within the jurisdiction of said county court of Wayne County, as defined herein. Appeals from justices' courts.

SEC. 13. All judgments rendered in said county court shall be duly docketed in the office of the clerk of said court, and shall have the same force and effect as judgments of the Superior Court, and executions shall issue thereon as is now provided by law for execution. Judgments docketed.

SEC. 14. In all criminal cases heard by justices of the peace or other committing magistrates of said county against any person or persons for any offense mentioned herein, 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 county court for trial, and, in default of such surety such person or persons shall be committed to the common jail of Wayne County, to await trial. Justices to bind over prisoners.

SEC. 15. All mayors of incorporated towns or cities, justices of the peace, committing magistrates, constables, and sheriffs shall have the same fees as are now prescribed by law in the Superior Fees.

Court, to be collected and paid out in the same manner and by the same officers as collect and disburse said fees in the Superior Court.

Sentences.

SEC. 16. All persons convicted in said court for any of the offenses mentioned in this act, wherein the punishment is imprisonment and costs, shall be sentenced by said judge to imprisonment in the common jail in said county, to be worked upon the public roads.

Collection of fines.

All fines imposed shall be collected by the clerk as is now done in the Superior Court, and where a defendant is acquitted, or is convicted and fails to pay the costs, the county shall pay such costs as is now allowed and provided by law in similar cases in the Superior Court.

Fees of clerk.

SEC. 17. The clerk shall receive the same fees, both in civil and criminal matters, as are now received by him as clerk of the Superior Court for similar services, to be collected and paid in the same manner that his fees as clerk of the Superior Court are.

Solicitor's tax fees.

SEC. 18. There shall be solicitor's tax fee of four dollars in every criminal action wherein a defendant is convicted, of which said court has exclusive original jurisdiction, and a solicitor's tax fee of two dollars in every criminal case wherein the defendant is convicted, of which said court has concurrent jurisdiction with mayors of cities or towns and justices of the peace in said county, and in such cases as may be tried in said court upon appeal from such officers.

Tax fees in civil suits.

SEC. 19. There shall be a tax fee of five dollars in every civil suit, to be deposited by the plaintiff with the clerk of said county court when suit is brought. That in cases where plaintiff is allowed to bring his suit *in forma pauperis*, he shall make said deposit unless he shall also make oath that he is unable by reason of his poverty to make such deposit. This tax fee shall be recovered as part of the costs. The tax fees of the solicitor and the five dollars tax fee in civil actions shall be applied to create a fund for the payment of the expenses of said court.

Fund for payment of expense.

Fees and costs.

SEC. 20. As a fee for issuing a warrant, summons, or other original process returnable to the county court of Wayne County for trial, the officer shall be entitled to fifty cents, and witnesses shall be entitled to fifty cents per day and mileage at five cents per mile each way, but only such witnesses shall be allowed to prove as are now allowed to prove in the Superior Court. In each action, civil or criminal, within the jurisdiction of the 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 Wayne County. Except as above provided, the respective officers shall be entitled to the same fees in the county court as now allowed by law in the Superior Court: *Provided*, that the police officers of the city of Goldsboro shall be allowed the same fees as sheriff or constables, the same to be paid into the treasury of the city of Goldsboro. Costs in all actions,

Proviso: fees of police officers.

Collection of costs.

civil and criminal, in the county court of Wayne County shall be payable and collected as now provided by law. The said judge shall have full power as to taxing bill of costs and the respective items thereof, under the practice now obtaining in the Superior Court in respect to such matters: *Provided*, that all costs in all cases tried upon appeal from the mayor of the city of Goldsboro shall be paid into the city treasury, and should any case be brought before said court on appeal from the mayor of any other incorporated town of Wayne County, then, in that event, the costs in such trial shall be paid into the treasury of such incorporated town.

Judge to tax costs.

Proviso: costs on appeals from mayors.

SEC. 21. That the board of commissioners of Wayne County shall provide a summons, minute, trial, judgment, and judgment cross-index docket for the use of the said county court of Wayne County and docket for attorneys.

Dockets.

SEC. 22. That it shall be the duty of the Clerk of the Superior Court of Wayne County to transfer to the clerk of the county court of Wayne County all civil and criminal actions pending in said Superior Court of which said county court of Wayne County has jurisdiction as herein defined, to deliver the papers in said actions to said clerk of said county court, who shall docket the same in court in the order in which they were docketed in the Superior Court, and the same shall then stand for trial and be proceeded in as if they had originally been begun in the said county court of Wayne County.

Actions transferred.

SEC. 23. That D. H. Bland be and hereby is named judge of said county court, to hold the office until the first day of January, one thousand nine hundred and fifteen, and until his successor shall be elected and qualified. That before entering upon the duties of his office he shall take and subscribe the oath prescribed for judges of the Superior Court, before some judge of the Superior Court or other officer authorized to administer oaths, which shall be filed with the clerk of the said county court. That his successor, who shall be a lawyer in good standing and an elector in Wayne County, shall be elected at the general election to be held in one thousand nine hundred and fifteen by the voters of Wayne County.

Judge named.

Oath of office.

Election of successor.

SEC. 24. The said judge shall not be prohibited from practicing the profession of attorney at law in other courts than the one of which he is judge, nor as to litigation not within the jurisdiction of said court or connected with or growing out of some cause pending therein.

Judge may practice law.

SEC. 25. That the judge of said county court shall be paid a salary of twelve hundred dollars a year, to be paid in monthly installments by the treasurer of the county, but the county commissioners may increase the salary of the judge or solicitor at any time. There shall be a substitute judge of said county court of Wayne County, who shall, whenever the judge of said court is

Salary of judge.

Substitute judge.

- unable to perform the duties of his office or is absent from the county, or said office of judge for any reason becomes vacant, be clothed with all the authority of the judge of said county court and perform the duties of the judge of said court, and receive the compensation herein provided for such judge, during the time the said substitute judge is performing said duties, and that A. S. Grady be and he is hereby named substitute judge of said county court, to hold said office until the first day of January, one thousand nine hundred and fifteen, and until his successor shall be elected and qualified. That on the first Monday in November, one thousand nine hundred and fourteen, and biennially thereafter, the board of county commissioners of Wayne County shall elect a substitute judge of said county court, who shall take and subscribe the oath herein prescribed for the judge of said court, and who shall hold his office from the first day of January next following such election for two years, and until his successor is elected and qualified.
- Substitute named. the said substitute judge is performing said duties, and that A. S. Grady be and he is hereby named substitute judge of said county court, to hold said office until the first day of January, one thousand nine hundred and fifteen, and until his successor shall be elected and qualified. That on the first Monday in November, one thousand nine hundred and fourteen, and biennially thereafter, the board of county commissioners of Wayne County shall elect a substitute judge of said county court, who shall take and subscribe the oath herein prescribed for the judge of said court, and who shall hold his office from the first day of January next following such election for two years, and until his successor is elected and qualified.
- Election of successors. SEC. 26. That D. C. Humphrey be and he is hereby named solicitor of said county court of Wayne County, to hold office until the first day of January, one thousand nine hundred and fifteen, and until his successor is elected and qualified; that his successor shall be elected by the voters of Wayne County at a general election in one thousand nine hundred and fourteen; that such person shall be a lawyer in good standing and an elector of Wayne County, and shall hold his office for two years. That before the solicitor enters upon the duties of his office he shall take and subscribe before the judge of the said county court the oath required of the solicitor of the district, which oath shall be filed with the clerk of the said county court.
- Oath and term of office. SEC. 27. That the solicitor of the said county court shall receive a salary of six hundred dollars per year, to be paid in monthly installments by the Treasurer of Wayne County in the same manner as the salary of the judge of said court. In case of a vacancy in said office, from any cause, it shall be filled until the next general election by the board of county commissioners of Wayne County, from electors of the said county.
- Solicitor named. SEC. 28. That the clerk of said county court, before entering upon the duties of his office, shall take and subscribe before the judge of said county court an oath to faithfully perform the duties of his office and to safely keep and honestly account for any moneys that may come into his hands as said clerk by law or order of the court, which oath shall be filed in said court.
- Election and term of successor. SEC. 29. That the clerk of said county court shall have possession and custody of the seal of said court and shall affix the same to all writs, process, and other instruments requiring a seal which run or are to be used outside of the county. He shall keep the records of said court, issuing all writs and other process issuing from and returnable to said court, and in all respects perform the duties of the clerk of a court of record.
- Oath of office. SEC. 29. That the clerk of said county court shall have possession and custody of the seal of said court and shall affix the same to all writs, process, and other instruments requiring a seal which run or are to be used outside of the county. He shall keep the records of said court, issuing all writs and other process issuing from and returnable to said court, and in all respects perform the duties of the clerk of a court of record.
- Salary of solicitor. SEC. 29. That the clerk of said county court shall have possession and custody of the seal of said court and shall affix the same to all writs, process, and other instruments requiring a seal which run or are to be used outside of the county. He shall keep the records of said court, issuing all writs and other process issuing from and returnable to said court, and in all respects perform the duties of the clerk of a court of record.
- Vacancy. SEC. 29. That the clerk of said county court shall have possession and custody of the seal of said court and shall affix the same to all writs, process, and other instruments requiring a seal which run or are to be used outside of the county. He shall keep the records of said court, issuing all writs and other process issuing from and returnable to said court, and in all respects perform the duties of the clerk of a court of record.
- Oath of office of clerk. SEC. 29. That the clerk of said county court shall have possession and custody of the seal of said court and shall affix the same to all writs, process, and other instruments requiring a seal which run or are to be used outside of the county. He shall keep the records of said court, issuing all writs and other process issuing from and returnable to said court, and in all respects perform the duties of the clerk of a court of record.
- Custody of seal. SEC. 29. That the clerk of said county court shall have possession and custody of the seal of said court and shall affix the same to all writs, process, and other instruments requiring a seal which run or are to be used outside of the county. He shall keep the records of said court, issuing all writs and other process issuing from and returnable to said court, and in all respects perform the duties of the clerk of a court of record.
- Duties of clerk. SEC. 29. That the clerk of said county court shall have possession and custody of the seal of said court and shall affix the same to all writs, process, and other instruments requiring a seal which run or are to be used outside of the county. He shall keep the records of said court, issuing all writs and other process issuing from and returnable to said court, and in all respects perform the duties of the clerk of a court of record.

SEC. 30. That the board of county commissioners of said Wayne County be and they are hereby authorized and empowered, in their discretion, to abolish the said county court of Wayne County on the first Monday in November, one thousand nine hundred and fourteen, or at any time thereafter, upon sixty days public notice.

County commissioners may abolish court.

SEC. 31. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 698.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF ALEXANDER COUNTY AND TO AUTHORIZE THE COUNTY COMMISSIONERS TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That all roads and ferries that have been laid out by virtue of any act of the General Assembly, or any order of court are hereby declared to be public roads and ferries; and the justices of the peace in each township shall have the supervision and control of the public roads in their respective townships. They are hereby incorporated and the board of trustees of such township shall be their corporate name. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of the State. The board of township trustees and the board of county commissioners, as hereinafter set forth in this act, shall have full power and authority within said county to appoint and settle ferries and to order the laying out and repairing of public roads where necessary, to appoint where bridges or bridges and fords shall be made, to discontinue such roads and ferries as shall be found useless and to alter roads so as to make them more useful.

Public roads and fences.

Supervision and control of roads.

Incorporation and corporate name.

Corporate powers.

Joint authority of township trustees and of county commissioners.

SEC. 2. The board of township trustees shall meet in some place in their respective townships to be agreed upon by themselves, or in the absence of such an agreement, to be named by their chairman, on the first Monday of May and November and at such other times as a majority of them may deem advisable. They shall keep a record of their proceedings, and shall annually at their May meeting elect one of their number chairman. The board of trustees shall be exempt from the four days labor on the public road. It shall be the further duty of the trustees to examine into the condition of the public roads and highways of their respective townships at least twice in each and every year, and make a report on the condition of said roads and highways and present said report at the spring and fall terms to the judge of the Superior Court, who shall transmit said report to the solicitor with

Meetings of trustees.

Record of meetings and election of chairman.

Exemption from road duty.

Semiannual examination and report on roads.

Neglect of duty misdemeanor.	such instructions as he may deem proper. That each and every chairman of county commissioners, board of county commissioners, justice of the peace, or board of township trustees or supervisor, who shall neglect or refuse to perform the several duties enjoined by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the court, and it is hereby made the duty of the solicitor to prosecute said offenses.
Punishment.	
Solicitor to prosecute.	
Road districts.	<p>SEC. 3. That the township trustees of the several townships of Alexander County shall, within ninety days after the ratification of this act, divide their respective townships into suitable road districts and annually thereafter, at their May or June meeting, may make such alterations therein as they may deem proper, and cause a brief description thereof to be made on the township records, and also furnish each supervisor with a plat of his road district. The trustees of each township, at their May meeting, and annually thereafter, shall elect one road supervisor for each road district; and each supervisor who refuses or neglects to qualify and serve shall forfeit and pay the sum of twenty dollars and cost, to be collected by the township trustees in an action for debt. Money so collected shall go into the road fund of the township and be credited to the proper road district. That when any vacancy shall occur in the office of supervisor by death, resignation, or otherwise, the trustees of the township wherein such vacancy occurs shall appoint some suitable person to fill such vacancy.</p>
Plats.	
Election of super- visors.	
Forfeit for neglect to qualify.	
Money to credit of road fund. Vacancies.	
Roadbeds.	<p>SEC. 4. The roadbed shall not be more than eighteen feet wide, unless so ordered by the board of county commissioners, and in opening new roads not more than five jurors shall be summoned or required; and it shall be the duty of each and every supervisor to open or cause to be opened all public roads and highways which shall have been or may hereafter be laid out and established in his road district, 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 are hereby authorized to enter upon any uncultivated lands, or improved lands unincumbered by growing crops, near to or adjoining such roads, to cut and carry away timber, except fruit trees or groves on improved lands planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, or stone which may be necessary to make, improve, or repair said road lying contiguous to said land; and to enter on any lands adjoining or lying near to 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 the said land 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 to the nearest water-course, or natural escape for the water, and shall be kept open by such supervisors.</p>
Jury of view.	
Duty of super- visors.	
Entry on lands.	
Drains or ditches.	
Penalty for obstructing drains or ditches.	

and shall not be obstructed by the owner or occupant of such lands or any other person or persons having the same in charge, under the penalty of forfeiting a sum not to exceed ten dollars for each and every offense, to be collected by the supervisor and paid over by him to the township trustees and applied to the road fund of the township.

SEC. 5. That all able-bodied male persons, and all male persons able to perform or cause to be performed the labor herein required, between the ages of eighteen and forty-five, except persons permanently disabled in the military service of this State and persons living in incorporated towns, shall be liable annually to do and perform four days labor on the highways under the direction of the supervisor of the road district in which he shall reside: *Provided further*, that if any person, being named as hereinafter provided, shall pay to the supervisor in whose district he may reside the sum of three dollars, the same shall be received in lieu of the four days labor, and shall be applied by the supervisor receiving the same to the improvement of the roads of his district, and accounted for as hereinafter provided.

Road duty.

Proviso: commutation.

SEC. 6. That it shall be the duty of every supervisor to order out every such person resident as aforesaid, between the first day of February and the first day of December, annually, to do and perform the work aforesaid on public roads within the district, and if any such resident, being personally warned by such supervisor or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days notice, to attend by himself or a substitute to the acceptance of 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 one dollar for every such offense, and shall further be liable in all cases of nonattendance to the amount of four days work, to be recovered by action before any justice of the peace of the proper township at the suit of the supervisor within whose district he may reside; and shall also be guilty of a misdemeanor and fined not exceeding five dollars and cost, 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 of the township trustees: *Provided*, no person shall be released from the performance of labor on the public highways by reason of the neglect of any supervisor to order out such person on or before the first day of December, as herein provided.

Supervisor to warn out hands.

Forfeit for failure to discharge road duty.

Misdemeanor. Punishment.

Proviso: neglect of supervisor.

SEC. 7. That in case any person shall remove from one district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such

Proportionate work on removal from district.

labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete discharge for the amount therein specified.

Time for beginning work.

SEC. 8. That any person called upon to perform any labor upon the public roads and highways under any provision of this act shall by himself or substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon, with such necessary tools and implements as the supervisor may direct.

Residence defined.

SEC. 9. That 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 resides, and the residence of any other person shall be where he boards in any road district in this State.

Collection of fines, forfeitures, and penalties.

SEC. 10. That the several supervisors within their respective districts shall collect by suit or otherwise all fines, forfeitures, and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for; and they are hereby authorized and required, before their settlement with the township trustees, to prosecute to a final judgment all persons neglecting or refusing to comply with the provisions of this act from whom such fines, forfeitures, or penalties, in the opinion of the supervisor, can be collected by execution; and the said judgments, if not paid, together with the cost thereon, shall remain and be in force against the judgment debtor as other judgments at law.

Expenditures.

SEC. 11. That the several supervisors shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts; and every supervisor is hereby required to account to the township trustees, at the annual settlement in May, for all moneys expended under this act; and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the four days work as required by this act, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this act shall be paid over on demand by the justice of the peace or constable collecting the same to the supervisors of such road district wherein such fines or forfeitures accrued; and the several supervisors shall also render an account to the township trustees, at the usual settlement in May, 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 said judgment was taken, with the amount thereof; and the township trustees shall make such order as to the prosecution of the suits by the supervisor of the proper district against such delinquents as in the judgment of the trustees the interest of the township may require.

Annual settlements.

Report of work.

Items of accounts.

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

Receipts on settlements.

Executions on judgments.

SEC. 13. That the supervisors of roads and highways within the county be and they are hereby authorized to construct footbridges or other safe means of passage over streams of water on said highways.

Footbridges.

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

Posts and guideboards.

SEC. 15. That if any person shall willfully demolish, throw down, alter or deface any signboard, every person so offending shall upon conviction thereof before any justice of the peace of said county be fined in any sum not exceeding ten dollars and cost of suit, and the money when collected shall be by the justice of the peace collecting the same paid over to the supervisor in whose district the offense was committed, and be by him applied to the repair of the boards and highways within his district.

Penalty for injury to guideboards.

SEC. 16. That the township trustees of the several townships within said county be and they are hereby authorized to furnish plows, scrapers, or other tools for the use of the several districts within their township, to be paid for out of any moneys in the township treasury not otherwise appropriated. The township trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, kind, and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements or to any of them, by improper use thereof or by unnecessary exposure to the weather during the time same may be in his possession, and he shall, on the first Monday in May annually, return the same to said trustees. The amount for which such supervisor may be liable for such improper use or neglect may be recovered by action in the name of the township trustees.

Implements for road work.

Liability of supervisors.

Return of implements.

SEC. 17. That the county commissioners of Alexander County and the board of justices of the peace of the respective townships in Alexander County are hereby authorized to levy at the June session of their board, annually, for road purposes, not less than ten cents on the one hundred dollars worth of property and thirty cents on the poll, nor more than twenty-five cents on the one hundred dollars valuation of property nor more than seventy-five

Road tax.

Limit of rate.

- cents on the poll, and the chairman of the county commissioners shall place the same on the tax list of the current year, to be included in and collected with the annual taxes. That if the trustees of any township shall deem it necessary, and desire a greater rate of tax for their respective townships than the rate agreed upon in joint session for all the townships, they may agree on an additional sum to be levied for their respective township, but in no case shall the levy in any township exceed twenty-five cents on the hundred dollars valuation nor seventy-five cents on the poll, and the money so raised by such additional levy in any township shall be used exclusively on the roads in said township: *Provided*, that in no case shall a greater rate be collected in one township than another, except as hereinabove provided.
- Additional township tax.**
- Limit of rate.**
- Specific appropriation.**
- Proviso: uniformity of rate.**
- Notice of tax rate.** SEC. 18. That the chairman of the county commissioners, immediately after the commissioners at their annual meeting for that purpose have determined the amount to be assessed for road purposes in Alexander County, shall give notice in some newspaper in general circulation in Alexander County of the per centum on each one hundred dollars valuation and amount on each poll, so determined to be assessed in said county and township, and that the said tax may be discharged by labor on the roads under the direction of the supervisor of the several districts, and shall make out a list of the names of each taxpayer, of the amount of the road tax with which he stands charged, and transmit the same to the supervisors of the proper district.
- Road labor in payment of tax.**
- Lists to supervisors.**
- Road labor in payment of tax.** SEC. 19. Any person charged with a road tax may discharge the same by labor on the public highways within the district where the same is charged, within the time designated in this act, at the rate of one dollar per day, and a ratable allowance per day for any team, implements, and material furnished by any person under the direction of the supervisor of such district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than was charged against such person, and the county sheriff shall receive all such certificates as money in the discharge of said road tax. The township trustees in determining the division of this fund shall be governed, not by miles of road in each district, but by necessities of the road, the convenience of getting material necessary to make substantial repairs, and thus make a just and equitable division of said fund between the several districts.
- Certificate of labor performed.**
- Considerations governing apportionments.**
- Forfeits on supervisors.** SEC. 20. 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 in work performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing such receipt or certificate, shall forfeit and pay for every such offense not

less than ten dollars nor more than fifty dollars, to be recovered by an action before any justice of the peace in Alexander County; and it is hereby made the duty of the township trustees to prosecute all offenses against the provisions of this act: *Provided*, that if any supervisor conceives himself aggrieved by the judgment of such justice of the peace, he may, on giving sufficient bond or security to said justice of the peace for the payment of the cost, appeal to the Superior Court, who shall make such order therein as to them may seem just and reasonable.

Trustees to prosecute.
 Proviso: right of appeal.

SEC. 21. That it shall be unlawful for any supervisor to perform or to cause labor to be performed on any road not regularly laid and established by law.

Labor on non-established roads unlawful.

SEC. 22. That each and every supervisor who shall cut and take any timber, stone, or gravel for the purpose of making, improving, or repairing any road or building any bridge or crossway within his district, shall, on the demand of the owner 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, shall 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 was taken.

Certificates for material taken.

SEC. 23. That any person or persons who shall receive a certificate as provided for in the preceding section shall present the same to the county commissioners of Alexander County 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 they are not so satisfied, they shall determine what sum in their opinion would be just.

Presentation and payment of certificates.

SEC. 24. That each supervisor shall receive for his services one dollar per day for the time actually employed on the roads, deducting the commutation for his four days labor. Supervisors having charge of not more than twenty-five hands shall receive not more than ten dollars in any one year, and no supervisor having a greater number shall receive more than twenty-five dollars in any one year, and be paid out of the county treasury.

Pay of supervisors.
 Limit of amounts.

SEC. 25. That at any time during the year when any public highway shall be obstructed, it shall be the duty of the supervisor of the district in which the same may be, forthwith to cause such obstruction to be removed, for which he shall immediately order out such number of persons liable to do work or to pay tax on the public highways of his district as he may deem necessary to remove said obstructions. If the person or persons thus called out shall have performed their four days labor upon the public highways, or paid their road tax, the supervisor shall give to such

Emergency work.

Certificate for overtime.

person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year.

Forfeit for obstructing roads.

SEC. 26. That if any person or persons, corporations, or any conductor of any train of railroad cars, or any other agent or servant of any railroad company, shall obstruct unnecessarily any public road or highway authorized by law, by permitting any railroad car or cars or locomotive to remain upon or across any public road or highway for a longer period than five minutes, or shall permit any timber, wood, or other obstructions to remain upon or across any such road or highway to the hindrance or inconvenience of travelers or any person or persons traveling along or upon said road or highway, every person or corporation so offending shall forfeit and pay for every such offense any sum not exceeding twenty nor less than five dollars, and shall be liable for all damages arising to any person from such obstruction or injury to such road or highway, to be recovered by action at the suit of the trustees of the township in which said offense shall have been committed, or any person suing for the same, before any justice of the peace in Alexander County, or by indictment in the Superior

Liability for damages.

Fines to road fund.

Court in said county; and all fines so accruing under the provisions of this section, when collected, shall be paid over to the supervisor of the district in which such offense was committed, and by the supervisor applied to the improvement of the roads and highways therein, and every twenty-four hours such corporation, person, or persons as aforesaid, after being notified, shall suffer such obstructions to remain to the hindrance or inconvenience of travelers, or any person or persons going along or upon such road or highway, shall be deemed an additional offense against the provisions of this act.

Additional offense.

Liability of corporations for acts of employees.

SEC. 27. That every railroad company or other corporation, the servant or servants, agent or agents, employee or employees of which shall in any way or manner obstruct any public road or highway, shall be liable to pay all fines which may be assessed against such servant or servants, agent or agents, employee or employees, for so obstructing such public road or highway, and such liability may be enforced by execution against such railroad company or other corporation on the judgment rendered against such servant or servants, agent or agents, employee or employees, for so obstructing such road or highway.

Obstructing drainage and turning water on roads forbidden.

SEC. 28. 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 or other private person, being warned by the supervisors of the proper district by leaving a written notice or informing any station agent of said railroad company personally and by a like notice to any private individual personally, shall refuse or neglect to remedy the same

to the acceptance of the supervisor, shall forfeit and pay any sum not exceeding fifty nor less than twenty dollars, to be recovered by an action at the suit of the trustees of the township in which the offense occurs, before any justice of the peace of Alexander County, and every ten days such railroad or private individual, after being notified, shall neglect or refuse to remedy such offense shall be deemed an additional offense against the provisions of this act; and the moneys so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the moneys so paid over shall be used by said supervisor for the improvement of the roads in his district and accounted for in his annual settlement.

SEC. 29. It shall be the further duty of each supervisor 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 company, being duly warned by the supervisor of the proper district, by leaving a written notice with any station agent, or by informing any station agent of said railroad company personally, shall neglect or refuse to construct or repair said roadbed to the acceptance of the supervisor, shall forfeit and pay any sum not exceeding fifty nor less than thirty dollars, to be recovered by an action at the suit of the township trustees before any justice of the peace in Alexander County, and the money so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the money so paid over shall be used by said supervisor for the improvement of the roads in his district and accounted for in his annual settlement; 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 act.

SEC. 30. That the board of county commissioners of Alexander County 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 or 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; and the 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 the public travel; but the said board of commissioners, before locating, relocating, or establishing, widening, or otherwise changing any public road, shall cause a survey to be made of the same by some competent engineer; and said board shall further find that said changes, locations, relocations, and the opening of any new public road are necessary and advantageous to the 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 the public travel. The

Forfeit.

Additional offenses.

Penalties to use of road fund.

Railroads to construct and maintain crossings.

Forfeit for failure.

Forfeit to use of road fund.

Additional offense.

Location, alteration, and discontinuance of roads.

Surveys and orders.

Notice to land-owners.

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 public road is to be made, 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 to be established, or any road to be abandoned or discontinued, are minors, idiots, or lunatics, such notice shall be given to their duly appointed guardians, or if no guardian has been appointed, then such notice shall be given to the person 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 to be published for twenty days at the courthouse door 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 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 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 changes are made or said public road is discontinued or abandoned, shall have the right to appeal to the Superior Court of Alexander 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 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: *Provided*, in all cases where said road has been located within twenty-five feet of any residence or through any yard or grove surrounding any residence, the owner thereof shall have the right to appeal to the Superior Court as to the necessity of locating said road, as well as damages to said land: *Provided further*, that said road shall not be opened and constructed at such points until said appeal shall be determined in the Superior Court.

SEC. 31. 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

Orders by commis-
sioners.

Condemnation of
lands.

Right of appeal.

Bond on appeal.
Appeal not to
delay work.

Proviso: roads
through yards or
groves.

Proviso: work sus-
pended pending
appeal.

Obstructing survey
misdemeanor.

Punishment.

Obstructing work
misdemeanor.

Punishment.

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 cannot 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 county fund of Alexander 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 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.

Duty of solicitor to prosecute.

Assessment of damages.

Payment of damages.

Proviso: right of appeal.

SEC. 32. That for the purpose of carrying out the provisions of section thirty of this act, the board of county commissioners of Alexander County are hereby authorized and empowered to employ some competent engineer to lay out and locate any and all public roads and highways in said county, and pay for the same out of any county fund not otherwise appropriated.

Employment and payment of engineer.

SEC. 33. For the purpose of ascertaining the wishes of the voters of Alexander County upon the question of levying a special tax, 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 Alexander on the second Tuesday in May, one thousand nine hundred and thirteen, it being the thirteenth day of May. At said election all voters in Alexander 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 purposes 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 Alexander County qualified to vote in said election shall vote "For Road Improvements," then the special tax provided for shall be levied 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. The registrars and judges of the election shall be appointed by the board of commissioners

Election on road tax.

Date.

Tickets.

Effect of election.

Law governing election.

Appointment of election officers.

	for the county of Alexander not later than the first Monday in April, one thousand nine hundred and thirteen, and a list of persons so appointed shall be published for two weeks in some newspaper published in Alexander County, or one having a general circulation in said county, during the month of April. 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 the members of the General Assembly.
Count and return of votes.	At the close of the election in each precinct the vote shall be counted and returned over signatures of the registrar and judges of election, or a majority of them, to the board of commissioners of Alexander County. 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 Alexander, one copy to the Clerk of the Superior Court of Alexander County, one copy retained by the registrar of each precinct. On the third Monday in May, one thousand nine hundred and thirteen, being the nineteenth day of May, one thousand nine hundred and thirteen, and the Monday succeeding the election, the board of commissioners of the county of Alexander 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 the office of the register of deeds. If a majority of the votes of Alexander County cast at said election shall be "For Road Improvements," then the special taxes provided for in this act shall be levied by said board of commissioners, and this act shall immediately become operative in all other respects.
Blanks.	
Returns in triplicate.	
Canvass of returns.	
Declaration and record of result.	
Effect of affirmative vote.	SEC. 34. If a majority of the votes cast at said election shall not be "For Road Improvements," then the provisions of this act shall not be operative.
Effect of negative vote.	SEC. 35. The treasurer of the county of Alexander shall semi-annually publish in some newspaper published in the county of Alexander, if there be one, an itemized statement of all receipts by him made of moneys received under the provisions of this act.
Itemized statements published semiannually.	SEC. 36. That all laws and clauses of laws in conflict with this act are hereby repealed upon the ratification of this act by the people of Alexander County.
Repealing clause.	SEC. 37. 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 Alexander County.
Secretary of state to furnish copy.	SEC. 38. That this act shall be in force from and after its ratification by the people of Alexander County.
When act effective.	Ratified this the 10th day of March, A. D. 1913.

CHAPTER 699.

AN ACT TO PROTECT SHEEP AND OTHER DOMESTIC ANIMALS IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That if any person in Ashe County owning or having any dog that kills sheep or other domestic animals, upon satisfactory evidence of the same being made before any justice of the peace of said county, and the owner or keeper duly notified thereof, shall refuse to kill such dog, he shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court; that if said owner or keeper permits said dog to run at large, after having the above notice, he shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court; and the dog may be killed by any one if found going at large.

Refusal to kill sheep-killing dog misdemeanor.

Punishment.

Pemitting dog to run at large misdemeanor.

Punishment.

Killing of dog authorized.

SEC. 2. That if any dog, not being at the time on the premises of the owner or keeper of same, shall kill or injure any live stock or fowls, the owner or person having such dog in charge or keeping, or permits same to remain on his premises, shall be liable in damages sustained by the injury, killing, or maiming of any such live stock or domestic animals, together with the cost of the action.

Liability of owner of dog for damages.

SEC. 3. That this act shall apply only to Ashe County.

Application of act.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 700.

AN ACT TO ALLOW THE COMMISSIONERS OF CARTERET COUNTY TO USE CERTAIN FUNDS FOR THE PURPOSE OF PAYING A CERTAIN DEBT DUE FOR COUNTY COURTHOUSE, AND FOR THE FURTHER PURPOSE OF BEAUTIFYING THE COURTHOUSE SQUARE IN BEAUFORT, CARTERET COUNTY, AND FURTHER PERMIT SAID COMMISSIONERS TO INSTALL ELECTRIC LIGHTS, WATER, AND SEWERAGE IN THE COUNTY COURTHOUSE AND JAIL.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Carteret County, in order to pay a certain note due W. S. Chadwick, trustee, dated December fifth, one thousand nine hundred and ten, for four thousand four hundred and nineteen dollars and forty cents, with interest from

Use of funds authorized.

- said date, due on account of the building of the county courthouse, and for the further purpose of beautifying the county courthouse square, and for installing electric lights, water, and sewerage in the county courthouse and jail, are hereby permitted and allowed to use whatever funds in their discretion may be necessary (for the above mentioned purposes) which have accumulated in the sinking fund for the purpose of paying the Carteret County courthouse bonds, over and above what is necessary to pay all accrued interest and the proper amount necessary to keep enough of the sinking fund, together with the sinking fund to be accumulated during the continuance of said bonds, so as to provide for the payment of said bonds and accrued interest at their maturity.
- Specific fund to be used.
- Application of act. SEC. 2. That this act shall only apply to the funds which have already accumulated in said Carteret County courthouse bond fund, which funds are over and above the amount necessary to pay all interest and the necessary amount for sinking fund.
- Priority of use. SEC. 3. That this fund shall first be applied to the paying of said note and interest, and balance, if any, to be applied as set out in section one, in the discretion of the county commissioners.
- SEC. 4. That this act shall be in force from and after its ratification.
- Ratified this the 10th day of March, A. D. 1913.

CHAPTER 701.

AN ACT TO ESTABLISH THE ALLIANCE-UNION FARM SCHOOL.

The General Assembly of North Carolina do enact:

- Alliance-Union Farm School to be established and maintained. SECTION 1. There shall be established and maintained in Orange County a school to be known as the Alliance-Union Farm School for the training and preparation of the boys of the State of North Carolina for farm life. The aim of said school shall be to prepare boys for agricultural pursuits, and the course of study shall be prepared with that end in view by the trustees of said school.
- Object and course of study.
- Control and management. SEC. 2. The school shall be under the control and management of a board of trustees consisting of eleven members, the Superintendent of Public Instruction of the State, one member selected by the board of education of Orange County and one member selected by the board of county commissioners of Orange County. The Commissioner of Agriculture and the president of the Agricultural and Mechanical College at Raleigh shall be *ex officio* members of the said board of trustees. Three members shall be appointed by the Farmers' Alliance and three members shall be appointed by the Farmers' Union; the term of office of these shall be six years, but the first appointments shall be made so that one
- Constitution of board of trustees.
- Terms of office. Terms of first appointees.

each from the Farmers' Alliance and the Farmers' Union shall expire in two years, one each in four years, and the other two in six years. All vacancies occurring by death, resignation, or otherwise in the number appointed of the Farmers' Alliance and Farmers' Union shall be filled by the body making the original appointment.

Vacancies.

SEC. 3. The board of trustees of the said Alliance-Union Farm School and their successors in office shall be and are hereby constituted a body corporate by the name and style of the Board of Trustees of the Alliance-Union Farm School, and by that name may sue and be sued, make contracts, purchase, hold, and sell real estate and personal property, receive donations by gift or otherwise, and exercise such other rights and privileges as are conferred by law upon corporate bodies. The title to all lands and other property of said school shall vest in said board of trustees.

Incorporation.

Corporate name.

Corporate powers.

Titles to property vested.

SEC. 4. The said board of trustees is authorized to accept from the Farmers' Alliance a deed conveying to it in fee simple that tract of land belonging to said Farmers' Alliance situated in Orange County, about one mile west of the town of Hillsboro, and containing one hundred and forty acres, more or less, together with all buildings and appurtenances belonging thereto. The said board of trustees is further authorized to accept from the Farmers' Union the sum of ten thousand dollars, which shall be used for the purpose of erecting permanent buildings for said school.

Deed from Farmers' Alliance.

Contribution for buildings.

SEC. 5. Whenever it shall be made to appear to the board of county commissioners of Orange County that the Farmers' Alliance property in Hillsboro has been properly conveyed to the said board of trustees as above provided, and that the Farmers' Union has contributed ten thousand dollars for the building fund of said school, then the said board of county commissioners shall order an election to be held in Orange County in accordance with the law governing general elections as nearly as may be. At said election there shall be submitted to the qualified voters of the county the question of levying and collecting a special tax on all taxable property and polls of said county, to be used toward the maintenance of the said farm school. At such election those favoring the levy and collection of such tax shall vote a ballot on which shall be written or printed the words "For Farm School," and those opposed shall vote a ballot on which shall be written or printed "Against Farm School." Said election shall be advertised by posting notice at the courthouse door and three other public places in said county and by publishing a notice for four successive weeks preceding the election in a newspaper published in said county. The registrar and poll-holders shall be appointed by the board of county commissioners, shall canvass the votes cast in the election, declare the result, and certify the returns thereto to the board of county commissioners. A new registration shall be ordered for said election. If a majority of the qualified voters shall

Election to be ordered by county commissioners.

Question to be submitted.

Ballots.

Advertisement of election.

Appointment of election officers.

Canvass and return of votes.

Effect of election.

Donation for main-
tenance of school.

vote "For Farm School," then the county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a tax on all property and polls of the county sufficient to provide annually not less than two thousand five hundred dollars, and the amount so received shall be turned over to the treasurer and the said board of trustees, to be used for the maintenance of said farm school.

Election, duty,
and bond of
treasurer.

SEC. 6. The board of trustees of said farm school shall elect a treasurer, who shall receive and disburse all funds, keeping and rendering annually to the trustees of said school separate accounts of such receipts and disbursements, and shall give such official bond as may be required by the board of trustees.

Appropriation by
State.

SEC. 7. Upon satisfactory evidence furnished to the State Board of Education that all the provisions for the establishment, maintenance, and equipment of said farm school have been complied with, the said State Board of Education shall order the said superintendent of public instruction to issue a requisition upon the State Auditor for the sum of seven thousand five hundred dollars, annually, for the maintenance of said school, and the State Auditor shall issue his warrant in favor of the treasurer of the said board of trustees for said amount, which shall be paid out of the State Treasury.

Reconveyance of
property.

SEC. 8. If the county of Orange shall fail to vote for a special tax to aid in the maintenance of said school, as provided in section five hereof, then the Alliance property shall be reconveyed to the Farmers' Alliance by the board of trustees of said school, and the money advanced by the Farmers' Union shall be refunded to it.

Tuition free.

SEC. 9. Boys from any county in the State shall be admitted to said school without any tuition charges.

SEC. 10. This act shall be in force from and after its ratification. Ratified this the 10th day of March, A. D. 1913.

CHAPTER 702.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MADISON COUNTY TO ESTABLISH A SPECIAL COURT FOR MADISON COUNTY, WITH CIVIL AND CRIMINAL JURISDICTION, TO BE KNOWN AS THE "RECORDER'S COURT OF MADISON COUNTY."

The General Assembly of North Carolina do enact:

Establishment of
court authorized.

SECTION 1. The county commissioners of Madison County, whenever they deem it to the best interest of the county, may establish at Marshall, North Carolina, a recorder's court for the county of Madison.

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 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 annually Election and term
 by the board of county commissioners at any regular meeting of of office.
 said board, and shall hold for the period of one year and until
 his successor is elected and qualifies; and should a vacancy occur Vacancy.
 in said office, the same shall be filled by the said county commis-
 sioners as provided for the appointment of the recorder. The said Oath of office.
 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 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 Madison, which clerk
 shall duly record the same.

SEC. 3. Said court shall be open for the trial of cases on each and Sessions of court.
 every Monday morning at ten o'clock at the county-seat, and shall
 continue in session daily until the business before it shall be dis-
 posed of: *Provided*, the recorder may continue cases to a day Proviso: con-
 certain, and may, by agreement of parties, or whenever necessary, tinuances.
 try causes at any time; and *Provided further*, that no session of Proviso: sitting of
 said court shall be held during the sitting of the Superior Court superior court.
 of Madison County.

SEC. 4. Said court shall have a seal with the impression "Re- Seal of court.
 corder's Court of Madison County," which seal shall be used in
 attestation of writs, warrants, or other proceedings, acts, or judg-
 ments 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.

SEC. 5. The jurisdiction of said court shall be as follows: Jurisdiction.

(a) Said court shall have final, concurrent, original jurisdiction Concurrent with
 of all criminal offenses committed in Madison County which are justices of the
 now or may hereafter be within the jurisdiction of the justices of peace.
 the peace.

(b) Said court shall also have final, exclusive, concurrent with Concurrent with
 the Superior Court, original jurisdiction as hereinafter provided, superior court.
 in the following criminal offenses, to wit: carrying concealed Enumeration of
 weapons, gaming, gambling, keeping gambling places, tables, and offenses.
 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 deadly weapon, or
 where serious damage is done; fornication and adultery, abandon-
 ment, failure to provide adequate support, cruelty to animals,
 malicious injury to real and personal property, trespassing on land
 forbidden, forcible trespass, enticing servants to leave masters,
 indecent exposure of person, retailing spirituous liquors without

license, selling or giving away cigarettes to minors, 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.

Petty misdemeanors.

Jurisdiction in preliminary inquiries.

(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 all persons charged with any crime committed within the county of Madison, 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 be bailable under the law, to appear at the next term of the Superior Court of Madison 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 Madison County, to await trial as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Madison County, to await the action of the Superior Court thereof.

Persons bound over on probable cause.

Commitment on default of bond.

Sentences to road work.

(d) Said recorder shall have all the power, jurisdiction, and authority now conferred by law upon justices of the peace, or the Superior Court of Madison 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 or some other county in this State, as provided by law; and the recorder of said court, or the clerk thereof, shall issue commitments therefor in the same manner as now provided by law for clerks of the Superior Courts.

Commitments.

Warrants returnable to recorders' court.

(e) Warrants may be issued by recorder of said court or by any justice of the peace of Madison 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 Madison County, and upon such appeal, the trial in the Superior Court shall be *de novo*. Right of appeal.

(f) Said court shall have jurisdiction to try all actions for the recovery of any penalties imposed by law or this act for any act done within Madison County, and said penalties shall be recovered in the name of the State of North Carolina. Actions for recovery of penalties.

(g) Said court shall have final, concurrent, and original jurisdiction in all civil matters arising in said county of Madison 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 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 five hundred dollars, including issuing claim and delivery papers when the amount does not exceed two hundred dollars. Civil jurisdiction.

SEC. 6. When upon affidavit made before entering on the trial of any case before any justice of the peace 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 Madison County. Removal of cases.

SEC. 7. 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 named in section five 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. Persons bound over to recorder's court.

SEC. 8. 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 Madison County shall make 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 which cannot be tried at the first term of the court at which they were found, and where the defendant shall be committed to jail, be certified to the clerk of the recorder's court for trial, and upon receipt of such bill of indictment, with the record of the case. Jurisdiction of superior court on nonaction by recorder.
Proviso: indictments certified to recorder's court.

the recorder shall summon the witnesses before his court and proceed to trial in the same manner as if the case had been commenced in his court.

Sentences.

SEC. 9. 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 or any other county within the State of North Carolina. All fines imposed shall be collected by the clerk of the Superior Court, who shall be *ex officio* clerk of the recorder's court; and where a defendant is convicted and fails to pay the cost, the county shall pay such cost as is allowed by law in similar cases in the Superior Court.

Collections.

Payment of costs by county.

Appeals.

SEC. 10. 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 courts of justices of the peace.

Summons in civil actions.

SEC. 11. All civil actions shall be commenced in said court by summons issued by the recorder, or the clerk of the Superior Court, or any justice of the peace in cases where justices of the peace have jurisdiction, made returnable to said 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, if the action be one in which the courts of 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. All judgments rendered either for the plaintiff or defendant shall be duly docketed in the office of the Clerk of the Superior Court of Madison County, and execution shall issue thereon as is now provided by law for executions.

Pleadings.

Judgments docketed.

Election of plaintiff.

SEC. 12. 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 Madison County, as established by this act, or in the Superior Court of Madison County, at his election.

Issue and execution of process.

SEC. 13. All writs, processes, and precepts issued from the recorder's court, when under the seal of said court, 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 the same. That all judgments, orders, and

Force and validity of judgments.

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 of the State and be enforced as judgments of the Superior Court.

SEC. 14. That the procedure in the recorder's court of Madison County, except as herein otherwise 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 said court.

SEC. 15. That the defendant in all criminal trials, and either the plaintiff or defendant 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 all jury trials in this court the jury shall be six in number, except in civil actions above the jurisdiction of justices of the peace, when either party to said action may demand a jury of twelve men, upon making deposit to cover the costs thereof. The jury shall be drawn from Number One Township by the clerk of said court, upon notice to the parties; and jurors shall possess the same qualifications as jurors in like cases 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 the regular juror or jurors excused, who shall possess the qualifications and be subject to the same challenges as tales jurors in the Superior Court, until the jury is completed. All regular jurors who attend, and all tales jurors who serve, shall be allowed one dollar per day. In all civil actions the party demanding the jury trial shall deposit with the clerk of this court six dollars before the jury shall be drawn by the clerk: *Provided*, if a jury of twelve men shall be demanded, a deposit of twelve dollars shall be required.

Procedure.

Jury trials.

Proviso: notice to clerk. Juries.

Drawing and qualification of jurors.

Tales jurors.

Pay of jurors.

Deposit of jury fee.

Proviso: fee for jury of twelve.

SEC. 16. That the board of commissioners of Madison County may appoint a recorder *pro tem.* of the said recorder's court, which 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: *Provided*, the recorder *pro tem.* may be a justice of the peace or other person, not necessarily an attorney at law; and 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 for other causes to preside. The compensation of the recorder *pro tem.* shall be the fees allowed by this act to the recorder in the cases tried by him.

Recorder pro tem.

Proviso: recorder pro tem. not necessarily an attorney.

Compensation.

SEC. 17. The said board of commissioners of Madison County may, in their discretion, appoint a prosecuting attorney for the said

Prosecuting attorney.

Qualifications and oath.	recorder's court, who shall have the same qualifications as the recorder, and shall take an oath similar to the one now required
Duty.	said prosecuting attorney shall prosecute all criminal causes in said court of which said court has jurisdiction, or of which said
Fees.	court acts only as a committing court, and said prosecuting attorney shall receive as full compensation for such services a fee of two dollars in all cases within the jurisdiction of justices of the peace, and three dollars in all cases above the jurisdiction of justices of the peace and within the jurisdiction of the recorder's court, and one dollar in all cases prosecuted by him in said court where said court acts as a committing court only: <i>Provided</i> ,
Proviso: fees only on convictions.	such fees shall be paid only when conviction is secured in said recorder's court, or the defendant is bound to the Superior Court in cases wherein the recorder's court does not have jurisdiction; and all such fees shall be taxed in the bill of costs and collected in the same manner as in cases tried in courts of the justices of the peace or in the Superior Court of Madison County. In all other matters the compensation of the prosecuting attorney shall be the same as the fees allowed by law to solicitors in the Superior Court.
Fees in other matters.	
Fees.	SEC. 18. The fees for issuing warrants, subpoenas, summons, and for other process or writs, 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 Court in similar cases, and all such fees shall be taxed in the bill of courts and collected in the same manner
Separate accounts.	as cases tried in the Superior Court of Madison County, and the clerk of said court shall keep a separate and distinct account of all such fees collected, to be known as the "Recorder's Court Fund," to be used in the payment of costs and fees in all cases tried in the recorder's court wherein costs are taxed against the county, and any surplus remaining to the credit of said fund on the first days of December and June of each year shall be applied to the credit of the salary fund.
Recorder's court fund. Use of fund.	
Surplus to salary fund.	
Costs for service of process.	SEC. 19. 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 for the Superior Courts, and shall be taxed in the bill of costs and applied as provided in the act regulating salaries and fees of the officers of Madison County.
Fees of recorder.	SEC. 20. The recorder shall have and receive as full compensation for the services rendered by him the following fees, to wit: For trial and judgment in all civil and criminal cases within the jurisdiction of justices of the peace, one dollar; for trial and judgment in all civil and criminal actions above the jurisdiction of justices of the peace and within the jurisdiction of said recorder's court, two dollars; for preliminary trial in cases above jurisdiction of recorder's court, one dollar; and said recorder shall have power
Probate powers.	

to administer oaths, take acknowledgment to deeds and other instruments, and collect therefor such fees as allowed by law to justices of the peace and notaries public; and for issuing any process other than those named in section eighteen of this act, shall receive such fees as allowed by law to justices of the peace and clerks of the Superior Court.

SEC. 21. Every defendant in a criminal action who pleads guilty or is adjudged guilty in said court shall be fined or imprisoned, or both, and taxed with all the costs of the prosecution; and all such costs in civil actions shall be taxed against the losing party. All fines collected from defendants in said court shall be paid to the Treasurer of Madison County for the purposes now provided by law.

SEC. 22. It shall be the duty of the clerk of the Superior Court, who shall be *ex officio* clerk of the recorder's 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 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 be kept in the clerk's office of the Superior Court, and at all times be open to and subject to the inspection of the board of commissioners of Madison County and other persons having business relating to said court: *Provided*, said clerk shall not be required to be in constant attendance upon such 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, and shall also provide proper files to properly keep records of all cases disposed of in said court, and what disposition has been made of the same. The cost of all such books, stationery, dockets, files, and other such expenses of said court shall be paid by the Treasurer of Madison County on orders drawn by the board of county commissioners of said county.

SEC. 23. Nothing in this act shall prevent the recorder or the recorder *pro tem.* of the Madison County Recorder's 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 said recorder or recorder *pro tem.*

SEC. 24. That this act shall not take effect unless ratified and approved by the board of commissioners of Madison County at a regular meeting of said board, and after public notice has been given for four weeks, in some newspaper published in Madison County, of the purpose of said board to establish a recorder's court as authorized by this act. The said board of county commissioners are authorized and empowered, after twelve months trial of said court, to discontinue the same, if in their judgment it is to the best interest of the people of Madison County to do so.

Punishment.

Use of fines.

Records to be kept by clerk.

Record open to inspection.

Proviso: constant attendance not required.

Permanent dockets. Files.

Payment of expenses.

Recorder may practice law.

Ratification of act by county commissioners. Notice of consideration.

Discontinuance of court.

- Removal of recorder for cause. SEC. 25. The recorder of said court may be removed from office by the board of commissioners of the county of Madison, 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.
- Terms of recorder pro tem. and prosecuting attorney. SEC. 26. That the term of office of the recorder *pro tem.* and of the prosecuting attorney herein shall terminate at the same time as that of the recorder for any term, and the said recorder *pro tem.* and the prosecuting attorney shall be subject to removal from office at any time in the same manner as provided in section twenty-five of this act for the removal of the recorder.
- Removal for cause.
- Secretary of State to forward copy of act. SEC. 27. That immediately upon the passage of this act the Secretary of State shall send a certified copy of the same to the chairman of the board of county commissioners of Madison County.
- SEC. 28. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 29. That this act shall be in force from and after its ratification.
- Ratified this the 10th day of March, A. D. 1913.

CHAPTER 703.

AN ACT TO AMEND CHAPTER 231 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO RIDER'S CREEK DRAINAGE DISTRICT IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

- Lateral ditches. SECTION 1. That chapter two hundred and thirty-one of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out so much of section three thereof as precedes the word "if" in line three thereof.
- Proceedings for enlargement. SEC. 2. That the provisions of said chapter two hundred and thirty-one, as amended hereby, are made applicable as nearly as may be to any proceedings to enlarge said drainage district, and, as to said drainage district, shall have precedence over general laws relating to the enlargement of drainage districts when the provisions of the general laws are in conflict herewith.
- Use of ditches by landowners. SEC. 3. The owner of any land which has been assessed for the cost of construction of the said drainage district, or which may be hereafter assessed for drainage improvements as a result of having been added to said drainage district, shall have the right to use the ditches, drains, or water-courses of said drainage district as an outlet for drains or ditches from said land, and if said land is separated from said ditches, drains, or water-courses of said

drainage district by the lands of another or others, and the owner thereof shall be unable to agree with the owners of intervening lands as to the terms and conditions on which he may enter upon their lands and construct the ditches and drains necessary to secure an outlet into the ditches, drains, or water-courses of said drainage district, or if the owner or owners of said intervening lands unknown, or the title thereto be in question, or the owners be under legal disability, he may file his ancillary petition in any pending proceeding to which the intervening owners or parties for the condemnation of a right of way for ditches or drains over the land of intervening owners, or the board of drainage commissioners of said district may file its petition for condemnation of a right of way for ditches or drains necessary to secure an outlet from the lands sought to be drained over the lands of intervening owners, and to this end the right of eminent domain is expressly conferred, and right of way for ditches and drains over intervening lands may be condemned in the manner provided by law. But said board of drainage commissioners shall require of the owner of lands thus sought to be drained a sufficient bond to indemnify the said drainage district against the payment of any cost or damages assessed because of said petition and proceeding for condemnation, to be approved by said board of drainage commissioners, and the cost of said petition and condemnation, and damages, if any be assessed, shall be paid by the owner of the land sought to be drained. In all such cases procedure shall be as now provided by law, and when the right of way for a drainway or drainways has been agreed upon, or condemned, it shall become a part of the drainage system of said district, and the drainway or drainways thereon shall be constructed by and kept in repair under the control of the drainage commissioners of said district.

Condemnation of
rights of way.

Indemnifying
bond.

Procedure.

Part of drainage
system.

SEC. 4. This act shall be in force from and after its ratification.
Ratified this the 10th day of March, A. D. 1913.

CHAPTER 704.

AN ACT TO AMEND CHAPTER 451, PUBLIC-LOCAL LAWS 1911, ENTITLED "AN ACT FOR BUILDING AND IMPROVING THE PUBLIC ROADS OF THE DIFFERENT TOWNSHIPS OF NASH COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-nine of chapter four hundred fifty-one, Public-Local Laws of one thousand nine hundred and eleven, be amended by adding at the end of said section the following, to wit: "Provided, that this section shall not apply to the town-

Proviso: territory
excepted.

Proviso: return of license fees.

ships of Baileys, Dry Wells, Ferralls, and Jacksons: *Provided further*, that the road supervisors of said townships are hereby authorized in their discretion to refund out of the funds of the respective townships a pro rata amount of any license collected under said section thirty-nine in advance of the ratification of this act."

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 705.

AN ACT TO PROTECT TELEPHONE WIRES IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Cutting breaking, severing, or injuring wires misdemeanor.

SECTION 1. That where telephone wires are strung twenty feet or more above the level of the ground or above the rails of any railroad or tramroad, any person negligently or willfully cutting, breaking, severing, or otherwise injuring said wires, without first having obtained permission to do so from the person or company owning and maintaining such wires, 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. 2. This act shall apply only to Onslow County.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 706.

AN ACT TO ESTABLISH A POLICE JUSTICE'S COURT FOR THE CITY OF RALEIGH AND RALEIGH TOWNSHIP, AND TO DEFINE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

Special court created.
Official designation.

SECTION 1. That a special court with jurisdiction as hereinafter prescribed, to be known as "The Police Justice's Court of the City of Raleigh," is hereby created.

Jurisdiction.

SEC. 2. That said court shall have jurisdiction as follows:

Violation of charter and ordinances of Raleigh.

(a) With exclusive jurisdiction over all offenses arising from the violation of the provisions of the charter of the city of Raleigh, or of all violations of ordinances, by-laws, rules and regulations of the board of aldermen or their successors, made in pursuance of said charter, within the corporate limits of the city of Raleigh and within Raleigh Township.

(b) With jurisdiction, power, and authority which is now or may hereafter be given to justices of the peace for the trial and determination of criminal cases. Jurisdiction of justices of the peace.

(c) With jurisdiction, power, and authority for the trial and determination of all other criminal offenses created by the laws of the State of North Carolina committed within the corporate limits of the city of Raleigh and within Raleigh Township below the grade of felony as defined by law, and all such offenses committed within said city and township are hereby declared to be petty misdemeanors. Offenses below grade of felonies.

SEC. 3. That in all other criminal matters and offenses committed in Raleigh Township, wherein said court has not final jurisdiction, it shall have jurisdiction, and is hereby fully authorized to examine into the same, and, upon probable cause being shown, to bind the defendant over to the Superior Court of Wake County; or, if the crime charged be a capital offense, to commit said defendant to jail, as is now provided by law in courts of justices of the peace. Jurisdiction in preliminary inquiries.

SEC. 4. That said court shall have jurisdiction to try and determine all actions and proceedings for the recovery of any forfeiture or penalty and for the recovery of any forfeited bail bond, recognizance, or peace bond; to enforce the collections of same by such executions or orders as are provided by law for Superior Courts, together with jurisdiction to issue all necessary notices, orders, or other process as may be required by law. Recovery of forfeitures and penalties.

SEC. 5. The process of said police justice court shall be issued to the chief of police of the city of Raleigh, the city police, or to the sheriff, constable, or other lawful officer of the county of Wake, or other county in the State, and such process when attested by the seal of the police justice court shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law. Issue and execution of process.

SEC. 6. The police justice shall have jurisdiction, power, and authority to hear, determine, and give judgment in all cases tried before him of which the police court is given jurisdiction; to impose fines, penalties, and forfeitures; to sentence any person convicted in the police court for offenses within the jurisdiction of said court to work on the county roads of Wake County, or to imprisonment in the county jail, county workhouse, or city jail, or to any other places of confinement where convicted persons may be sentenced by law; that in event a defendant shall not pay a fine or cost or penalty adjudged against him by the police court, the police justice shall have power and authority to sentence such person in such event to work on the county roads of Wake County or to imprisonment in the workhouse or common jail of said county, or to imprisonment in the city guardhouse, to be worked on the streets or other public works of the city of Raleigh. Sentences.

SEC. 7. The judgments, orders, and decrees rendered by the police justice under the provisions of this act, or any law of the Force and validity of judgments.

State of North Carolina, shall have all force, virtue, and validity of judgments rendered by Superior Courts under the laws of the State of North Carolina, and may be enforced and executed against all parties in the county of Wake or elsewhere in the State of North Carolina, in the same manner and by the same process.

Right of appeal. SEC. 8. All defendants shall have the right of appeal from the judgments or sentences of the police justice court to the Superior Court of Wake County under the same provisions of law that govern appeals from inferior courts or from a justice of the peace court. A defendant may withdraw his appeal from a judgment of the police court to the Superior Court at any time before the papers in his case are actually transmitted to said Superior Court; in event such appeal is withdrawn, the police court may proceed to execute its judgment.

Sessions of court. SEC. 9. That said police justice court of the city of Raleigh shall be open at all times for the dispatch of business; and the judge thereof, if the business requires, shall hold daily sessions at the municipal building or other suitable place in the city of Raleigh. That said police justice shall keep all records of said police justice court, shall have power and authority to issue all writs and warrants which shall be made returnable to the police justice court, and all commitments or other processes.

Records.
Process.
Prosecuting attorney and clerk. SEC. 9a. The board of aldermen or their successors may at their first regular meeting after the municipal election in May elect a prosecuting attorney and a clerk for said court, the latter of whom may be the same person as the city clerk; prescribe their duties and fix their salaries.

Court of record.
Seal of court. SEC. 10. That the police justice court of the city of Raleigh shall be a court of record, and shall have a seal with the inscription "Police Justice Court of the City of Raleigh," which seal shall be used in attesting all writs, warrants, summons; process, 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.

Police justice.
Qualifications. SEC. 11. That said police justice court shall be presided over by a police justice, 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 the city of Raleigh. Said police justice shall be elected by the people of the said city at the same time and in the same manner as the mayor of the said city is elected. He shall hold office for two years and until his successor is elected and qualified. Before entering upon the duties of his office he shall take and subscribe such oath of office as is now provided by law for judges of the Superior Court, which shall be recorded by the clerk of said police justice court. The police justice shall be paid a salary of fifteen hundred dollars per year, payable in equal monthly installments by the city of Raleigh.

Salary.
Police justice may practice law. SEC. 12. That said police justice shall not by reason of his office be prohibited from practicing the profession of an attorney at law

in the courts of North Carolina, except as to matters connected with or growing out of said police justice court of the city of Raleigh.

SEC. 13. That when said police justice is unable to preside over said court on account of sickness, absence, or other cause, the board of aldermen or their successors shall find some other person learned in the law, with the same qualifications as those provided for said police justice, to act as substitute police justice, with all the powers and duties of the said police justice. The compensation of said substitute police justice shall be paid by the police justice.

Substitute.

Compensation of substitute.

SEC. 14. That the costs and fees adjudged in all actions in said police justice court shall be as follows:

Fees.

(a) For all warrants, writs, judgments, notices, decrees, executions, commitments, or other process issued by said court, the same fees as are now or may hereafter be allowed to clerks of the Superior Courts of the State.

For issuing process.

(b) To the police of said city, sheriffs, and constables, for executing all warrants, writs, notices, executions, commitments, or other process issued by said court, the same fees as are now or may hereafter be allowed to sheriffs and constables by the laws of North Carolina. All such fees collected by said court due to sheriffs or constables shall be paid to them, but all fees that are collected by the clerk of said court or by police officers for services performed by them shall be paid into the city treasury.

For executing process.

Fees paid into city treasury.

(c) A turnkey fee of twenty-five cents shall be charged.

Turnkey fee.

(d) For conveying a defendant to the city station-house or county jail in the public patrol wagon, a fee of one dollar shall be charged.

Fee for conveyance.

(e) For each meal furnished a defendant, a fee of twenty-five cents shall be charged.

Meals.

(f) For the prosecuting attorney, a fee of one dollar shall be charged.

Prosecuting attorney.

SEC. 15. That all fees collected in said police justice court of the city of Raleigh shall be paid into the treasury of the city of Raleigh, and the expenses of said court shall be paid monthly by said city. That the police justice shall have full power as to taxing bills of costs and the respective items thereof under the rules of practice obtaining in the Superior Court in respect to such matters.

Fees paid into city treasury.

Expense of court.

Bills of costs.

SEC. 16. 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 Court.

Dockets, files, and records.

SEC. 16a. The chief of police of the city of Raleigh shall be paid a salary of one hundred and twenty-five dollars per month.

Salary of chief of police.

SEC. 17. All laws and parts of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 18. This act shall be in force and effect from and after the sixth day of May, one thousand nine hundred and thirteen.

When act effective.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 707.

AN ACT TO PROMOTE THE CATCHING OF FISH IN THE
WATERS OF NEW RIVER IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Use of seines or
nets forbidden.

SECTION 1. That it shall be unlawful for any person, firm, corporation, or association to catch fish with haul seine, purse net, or drop net in the waters of New River in the main channel between Hatche's Rock and New River Inlet, or within one-half mile of said inlet in the Atlantic Ocean.

Territory affected.

Misdemeanor.

SEC. 2. That any person, firm, corporation, or association violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned in the discretion of the court; fifty dollars of said fine to be paid to the person or persons furnishing evidence sufficient to convict.

Punishment.

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

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 708.

AN ACT TO AMEND AND SUPPLEMENT CHAPTER 324 OF
THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF 1911.

The General Assembly of North Carolina do enact:

Election for
increase of tax.

SECTION 1. That the board of commissioners of Duplin County, in order to provide a fund for better building, constructing, and repairing roads in Rose Hill Township in said county, be and it is hereby authorized and directed, whenever requested so to do by a majority of the road commissioners of Rose Hill Township, to submit to a vote of the qualified voters of Rose Hill Township the question as to whether or not the special road tax of said township shall be raised to the rate of thirty cents on the one hundred dollars worth of property. The said board of county commissioners shall, at least thirty days immediately preceding said election, give public notice of the time and place for holding said election and the purpose for which 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 newspaper is published in Duplin County, then publication of the notice of the time and place for holding said election and the purpose for which said election is to be held shall be made in some newspaper circulating in said county.

Notice of election.

SEC. 2. 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; election officers.
 Count and return of vote.
 Tabulation, declaration, and record of result.

SEC. 3. That at said election all qualified voters who desire to vote in favor of raising said special road tax to the rate of thirty cents on the one hundred dollars worth of property shall vote a ballot upon which shall be written or printed the words "For Supplemental Road Tax," and all qualified voters who desire to vote in opposition to the raising of said special road tax to the rate of thirty cents on the one hundred dollars worth of property shall vote a ballot upon which shall be written or printed the words "Against Supplemental Road Tax." The votes that do not comply with the requirements of this section shall not be counted.

Ballots.
 Votes not counted.

SEC. 4. In the event that a majority of the qualified voters of said township as registered under the new registration shall vote "For Supplemental Road Tax" the said board of county commissioners of Duplin County shall levy annually, on the first Monday in June of each year, upon all taxable property in said township, a special tax of thirty cents on every one hundred dollars worth of said property, in lieu of the special tax of twenty cents on the one hundred dollars worth of property levied under and by virtue of chapter three hundred and twenty-four of the Public-Local Laws of one thousand nine hundred and eleven; and the taxes so levied shall be collected by the sheriff or tax collector as other taxes are collected.

Special tax.
 Rate.

SEC. 5. That the proceeds arising from the special tax authorized under this act shall be turned over to the county treasurer, who shall, before any of the funds provided for in this act are paid over to him, execute a sufficient bond, conditioned as other such bonds, to cover said funds, and the application and disbursements of the funds provided for by taxation under this act shall be governed by chapter three hundred and twenty-four of the Public-Local Laws of one thousand nine hundred and eleven.

Proceeds paid to county treasurer.
 Bond of treasurer.
 Disbursement of funds.

SEC. 6. That the work of constructing, building, and repairing the public roads of Rose Hill Township shall be done under the direction and supervision of the road commissioners of said township, and that hereafter said work of constructing, building, and repairing shall be done at such times as may be deemed best for such work by said road commissioners.

Direction and supervision of road work.

Road duty.

SEC. 7. That all residents of Rose Hill Township who would be liable to road duty under chapter sixty-five of the Revisal of North Carolina of one thousand nine hundred and five shall be liable to road duty under this act, and every person so liable to said road duty shall, upon being summoned so to do by the road superintendent of Rose Hill Township, work six days every year upon the public roads of said township; and said persons shall work the entire six days consecutively if summoned so to do by said road superintendent. Said road superintendent may summon said road hands either verbally or in writing, and said summons shall be sufficient in law if delivered not less than five days from the time when said road hand is to work: *Provided, however*, that in lieu of working his six days on the public roads, any person desiring and offering to do so shall be exempt from any and all road services for one year by paying to the treasurer of the road commissioners of Rose Hill Township the sum of four dollars and fifty cents: *Provided further*, that the road commissioners of Rose Hill Township shall have authority to exempt from road duty for their term of office any person on account of personal infirmity, of which the said commissioners shall be the sole judges. But every person desiring to pay the said sum of four dollars and fifty cents in lieu of working his six days on the public roads as aforesaid shall pay said four dollars and fifty cents to said treasurer on or before the first Monday in August of each year; and the said road commissioners of Rose Hill Township are hereby authorized and empowered to elect one of their members as treasurer of said road commissioners, and said treasurer shall execute his receipt to all persons who may from time to time pay over money into his hands as aforesaid.

Warning.

Proviso: commutation.

Proviso: exemption from road duty.

Time for paying commutation.

Treasurer of road fund.

Oath and bond of treasurer.

Commission of treasurer.

Moneys available as road funds.

Vouchers.

SEC. 8. That the said treasurer, before any of the moneys aforesaid shall be paid into his hands, shall take the same oath as is prescribed by law for the road commissioners of Rose Hill Township, and execute a good and sufficient bond in a sufficient sum to cover all such moneys as may come into his hands by virtue of his office, which bond shall be conditioned for the faithful performance of his duties and for the safe keeping of all funds that may come into his hands as said treasurer. Said treasurer shall be entitled to a commission of not more than five per cent on all moneys received by him as aforesaid, and all vouchers or orders for the payment of the said treasurer's commissions shall be paid by the Treasurer of Duplin County when the same have been subscribed by the chairman of said road commissioners and attested by the secretary of said road commissioners.

SEC. 9. All moneys received by the treasurer of the road commissioners of Rose Hill Township shall be available for the purpose of building, constructing, and repairing the public roads of said township, and said treasurer shall be authorized and empowered to pay out said moneys to the holders of vouchers or orders sub-

scribed by the chairman of said road commissioners and attested by the secretary of said road commissioners. Said treasurer shall keep a complete record of the receipts and disbursements of said funds, and said record shall be at all times subject to public inspection by any interested person.

Record to be kept by treasurer.

Record subject to inspection.

SEC. 10. If any person subject to road duty under this act shall fail or decline to pay the treasurer of the road commission of Rose Hill Township the sum of four dollars and fifty cents on or before the first Monday in August of each year, in lieu of working his six days on the public roads as specified in section seven of this act, he shall work his six days on the public roads in said township; and if he shall then willfully or negligently refuse, fail, or decline to work on said public roads, after being lawfully summoned so to do by the road superintendent of Rose Hill Township, he shall, for each failure or refusal so to work, be guilty of a misdemeanor, and upon conviction he shall be fined not exceeding twenty-five dollars or imprisoned not exceeding fifteen days.

Failure to pay commutation or discharge road duty misdemeanor.

Punishment.

SEC. 11: It shall be the duty of the road superintendent aforesaid to procure warrants against all persons who should be prosecuted under the preceding section, and if he shall willfully or negligently fail, refuse, or decline to discharge said duty for a period of thirty days after said duty shall have devolved upon him, he shall, for each default of duty, be guilty of a misdemeanor, and upon conviction he shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided, however*, that the road commissioner of Rose Hill Township may in their discretion, for good cause shown, allow a person who failed to pay in his four dollars and fifty cents on or before the first day of August of the current year to settle with the treasurer of said commissioners within thirty days thereafter, and in the event of such a settlement with said treasurer, the person so settling shall not be prosecuted for his failure to settle at an earlier date, and it shall not be the duty of said road superintendent to prosecute said person.

Superintendent to prosecute.

Failure a misdemeanor.

Punishment.

Proviso: extension of time.

SEC. 12. That all parts of chapter three hundred and twenty-four of the Public-Local Laws of one thousand nine hundred and eleven that are not in conflict with this act shall stand, and this act shall be a supplement to said chapter; but all parts of said chapter three hundred and twenty-four of the Public-Local Laws of one thousand nine hundred and eleven that are in conflict with this act are hereby superseded and repealed.

Acts supplemental to former act.

SEC. 13. That all laws or clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 14. That this act shall be in effect from and after the first day of August, A. D. one thousand nine hundred and thirteen.

When act effective.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 709.

AN ACT TO PROVIDE FOR CONSTRUCTING AND MAINTAINING PUBLIC ROADS IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

- Special tax. SECTION 1. That the board of county commissioners of Transylvania County shall, in order for the proper construction, maintenance, and amending the said roads of Transylvania County, at the time of levying general State and county taxes in each and every year, levy a special tax on all property subject to taxation under the State laws of North Carolina, of not less than ten cents nor greater than twenty cents on the hundred dollars worth of property, and not less than thirty cents nor more than sixty cents on the poll, said taxes to be collected as all other taxes, but to be kept separate in the tax books of said county, and to be set aside as a special road fund to be used by the township from which such tax is collected for maintaining, improving, and amending the public roads, culverts, and bridges of said township, except as hereinafter provided: *Provided*, the sheriff or tax collector collecting the said taxes shall only retain three per cent of the amount collected of the said funds for collecting and paying the same over to the county treasurer, and the said treasurer shall only receive two per cent for receiving and paying out said road funds.
- Limit of rate.
- Special township road fund.
- Proviso: commission of sheriff and treasurer.
- Road duty. SEC. 2. That all able-bodied males of Transylvania County between the ages of eighteen and forty-five years, except regularly ordained ministers of the gospel and residents of incorporated towns, shall be subject to public road duty, and shall work on the public roads of said county five days of eight hours each in each and every year and at such time and place and in such manner as may be designated by the road overseer of the township in which said road subject may reside; but said road subject shall not be required to work out of the section or district to which he has been assigned. The said township overseer shall give to each road subject in his jurisdiction three days notice by personal warning or by leaving a written or printed notice at the home or residence of such road subject, specifying in said notice the time and place such road work is to be begun and performed, also designating in said notice the tool or implement with which such person shall be required to work: *Provided*, that any road subject may, in lieu of working five days on the public roads, pay to said township overseer on or before the first day of April in each year, or the time when he is first warned, the sum of five dollars for the succeeding year, and shall receive from said overseer a receipt for one year's road duty, or may on or before the first day of April, July, October, and January of each year, pay to said overseer one dollar and twenty-five cents quarterly in advance, or may at the time he is
- Place of work.
- Warning.
- Proviso: commutation.

summoned pay to said overseer the sum of one dollar for each day summoned, for which payment the said overseer shall issue his receipt, and which receipt shall exempt said road subject from road work for the year, quarter, or days for which same was issued: *Provided further*, that any person physically unable to work the public roads may be exempt therefrom by order of the board of county commissioners: *Provided*, that if any person between the ages of eighteen and twenty-one, subject to road duty under the provisions of this act, shall be a *bona fide* student of any public or private school, he shall not in such case be required to perform road duty while attending such school.

Proviso: exemption.

Proviso: students of private schools.

SEC. 3. That any road subject who has been duly summoned and who, without legal excuse, fails to work on the said roads as summoned, or make the payments provided for in the preceding section, shall be guilty of a misdemeanor, and shall upon conviction be fined three dollars and the cost in every case in which he is convicted, or he may be sentenced to work on the road for each offense for a term not exceeding five days; and it shall be the duty of the said overseer to cause a warrant to issue for the arrest and trial of said defaulting subject, and if any road overseer fails to perform his duty in this respect, he shall also be guilty of a misdemeanor, and upon conviction be fined five dollars and the cost, and shall be liable upon his bond for the time of the subject which was not worked out.

Failure to discharge road duty misdemeanor.

Punishment.

Overseer to prosecute.

Failure a misdemeanor.

Punishment.

SEC. 4. That the board of county commissioners shall on or by the first day of May, one thousand nine hundred and thirteen, appoint some competent road man as township overseer for each township in the county, whose duty it shall be to take charge of, to look after and maintain, repair, and keep in repair all of the public roads in the township in which he is appointed. He shall summon the various hands in the said townships and work them on such roads therein to which they have been assigned, for at least five days in each and every year, subject to the provision for paying cash in lieu of such time as designated in section two of this act, beginning with the first day of April in each year. But before summoning the said hands, as hereinbefore provided, he shall divide the roads of said townships into road districts and assign the hands to same, the said hands to be assigned to that road district to which he nearest resides. Said township overseer shall be appointed for a term of one year, and until his successor is elected and qualified as hereinafter provided, but subject to removal for inefficiency or other cause by the board of commissioners or a majority thereof; the compensation of the said township overseers to be fixed by the board of commissioners, but not to exceed one dollar and fifty cents per day, and shall give bond in the sum of two hundred dollars for the faithful performance of his duty: *Provided*, that the qualified voters of each township in Transylvania County shall elect a road overseer for their respective townships at the general election to be

Appointment of overseers.

Summons to road hands.

Division of roads and allotment of hands.

Term of appointment.

Removal for cause.

Pay of overseers.

Proviso: election of overseers.

- held in the year one thousand nine hundred and fourteen, and every two years thereafter; said election to be held under the laws governing general elections for the election of county and township officers.
- Law governing elections.** SEC. 5. The said township overseer shall keep a book designating the districts in his said township, with the names of each hand allotted therefo, and shall mark opposite each man's name the number of days worked by each hand, and the date such work was done, and the amount paid by such hand, when paid, and for what year, quarter, or day such amount was paid; said overseer shall keep in said book an itemized statement of all funds received by him for road purposes, to whom the same was paid, giving name of each person, and the purpose for which same was paid, and shall, on or before the first Monday in April, July, October, and January of each and every year, render the county commissioners a verified statement of all his transactions and dealings as township road overseer for the preceding quarter, which itemized and verified report shall be turned over to the county commissioners for their inspection and approval or disapproval, and then to be filed in the office of the register of deeds for public inspection.
- Records to be kept by overseers.** SEC. 6. That the township overseer shall at the end of each week, or oftener, if necessary, give to each person employed by him to work on the roads of his township a written order to the county commissioners for the payment of the same, who, upon approval of same, shall issue their warrant upon the county treasurer for the payment of same; of which order he shall keep a stub, and shall specify in said order the township in which the work was done for which the order was issued; and the overseer of each township shall, at the end of each quarter of the year, render to the county commissioners a verified itemized statement of all orders given by him, to whom, and for what purpose, and stating therein for what township same was paid, which report shall be carefully examined by the board of commissioners and approved or disapproved and filed with the register of deeds for public inspection; and if the said commissioners shall find any of the township overseers wrongfully paid out or misapplied any of the road funds, they shall hold said overseer and his bondsman accountable therefor. And any township overseer may provide for the use of a split-log drag on the roads of his township whenever in his judgment he may think it advisable so to do.
- Verified quarterly reports.** SEC. 7. That in addition to the means of laying out new roads as now provided for in chapter sixty-five of the Revisal of one thousand nine hundred and five, the board of county commissioners may, upon recommendation of the township overseer of the township in which said new road is sought to be had, or to the laying out of a new road, the amending or widening of a new road, upon it being made to appear to said board that all persons interested in any of the lands adjoining or over which the said road
- Orders for payment of employees.**
- Quarterly report of orders.**
- Split-log drags.**
- Order for establishing new roads.**

or roads are to be constructed or amended have had at least ten days written notice of the time when said recommendations are to be passed upon by the said board, the said board shall have the power and are hereby authorized to order the laying out of said roads or the amending of any old road; and when said order shall have been made, it shall be the duty of said township overseer to summon three disinterested citizens, who are in no wise interested in any of the premises to be affected by said constructing or amending of said road, to assess the damages to the land over which the said new or amended road has been located by the road authorities; and in assessing the said damages the said three freeholders shall take into consideration the actual damages done to the premises over which the road is to be constructed, valuing it according to the amount of land taken and the damage to the land through which it goes; and shall also take into consideration the benefit to the said land on account of having a good road built through and by the same, and shall allow the said landowner damages against the county for such amount as he may sustain over and above the benefits received by him on account of the road: *Provided, however,* that if the said landowner or the board of county commissioners, or either of them, is not satisfied with the amount of damages, they may appeal to the Superior Court for the trial of said issue as to damages.

Assessment of damages.

Proviso: right of appeal.

SEC. 8. That all bridges in Transylvania County that are now county charges shall be kept up at the expense of the county, and all new bridges to be constructed in any township of said county that cost twenty-five dollars or more shall be constructed by the county under the direction of the county commissioners, and paid for by the county, and that chapter sixty-five of the Revisal of one thousand nine hundred and five shall apply to the roads and bridges of Transylvania County, except as modified or changed by the provisions of this act.

Bridges.

SEC. 9. That upon the going into effect of this act all road funds in the hands of any of the old road officers shall be paid over to the county treasurer of said county, to be disposed of under the provisions of this act.

Road funds to be paid over.

SEC. 10. That if any of the officers who have been assigned duties under the provisions of this act shall willfully and negligently fail to perform such duties, they shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, in the discretion of the court: *Provided,* that said overseer shall not receive two dollars, except when he is working five hands or more, and shall not receive more than one dollar and twenty-five cents when working less than five hands. But in no event shall an overseer receive compensation as overseer when working less than three hands, and no overseer shall charge for the work of his own team.

Failure of duty misdemeanor.

Punishment.

Proviso: pay of overseers.

Secretary of State
to forward copy of
act.

(a) The Secretary of State shall within ten days after the ratification of this act forward a certified copy of same to the board of commissioners of Transylvania County, who shall upon receipt thereof have the same published one time in the *Sylvan Valley News*, a newspaper published at Brevard and circulating in aforesaid county.

Repealing clause.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed, except that this act shall in no case be construed as repealing any part of the act passed by the General Assembly of one thousand nine hundred and thirteen, allowing the townships of Transylvania County to vote for the issuance of township road bonds as set out in said act, nor shall this act in any way repeal or affect the act passed by the General Assembly of one thousand nine hundred and thirteen, providing for the working and maintaining of the convicts of Transylvania County by the commissioners of said county.

SEC. 12. This act shall be in force from and after its ratification. Ratified this the 10th day of March, A. D. 1913.

CHAPTER 710.

AN ACT TO ESTABLISH RECORDER'S COURTS IN ROBESON COUNTY AND TO PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

Special courts
established.

SECTION 1. Special courts to be designated "Recorder's Court of Lumberton District, Robeson County," "Recorder's Court of Red Springs Township, Robeson County," "Recorder's Court of Maxton Township, Robeson County," "Recorder's Court of Thompson's Township, Number One, Robeson County," "Recorder's Court of Fairmont District," are hereby created.

Lumberton district.

SUBSEC. (a). Lumberton District shall be composed of Saddle Tree, St. Pauls, Howellsville, Lumberton, Raft Swamp, Back Swamp, Wisharts, Orrum, Britts townships. Fairmont District shall be composed of Fairmont, Sterlings, and Whitehouse townships. The court for the Lumberton District shall be held in the town of Lumberton. The court for the Fairmont district shall be held in the town of Fairmont.

Fairmont district.

Place for holding
courts.

Election of
recorders.

SUBSEC. (b). At the next primary of Robeson County, and every two years thereafter, tickets shall be printed containing names of candidates for recorders in the Lumberton and Fairmont districts, and placed at the polls in each township in the respective districts, where separate ballot boxes shall be provided to receive ballots for the recorder of the district within which the township is located, and the same rules for primary which apply in the nomi-

Nominations.

nating of county officers shall apply as to nominating recorders, and the same officers of the primary for nominating candidates for county officers shall act as officers of the primary for nominating a recorder. Every voter who is a qualified voter in the county primary for the nominating of county officers shall be qualified to vote for the nomination of recorder in this primary, and the candidate receiving the majority of votes cast for recorder in his district in this primary shall be declared the candidate for election, and at the next election of county officers and every two years thereafter the names of the persons legally nominated at the preceding primary shall be printed on separate ballots, and separate ballot boxes shall be provided for recorder in every township in Lumberton and Fairmont districts, and every voter who is qualified to vote in the election for county officers shall be entitled to vote for the election of a recorder for his district. The candidate receiving the majority of votes in his district shall be declared elected recorder of said district, and the judges of election for county officers shall be judges of election of the recorder, and shall declare the recorder's election for each district at the meeting of the judges of election for the other county officers.

Voters and nominees.

Elections.

Persons declared elected.

SUBSEC. (c). The regular term of the recorders herein provided for in Lumberton and Fairmont districts shall begin on the first Monday in December, one thousand nine hundred and fourteen, and until that time John A. Rowland shall be and is hereby appointed as recorder for the Lumberton District, and A. E. Floyd is hereby appointed recorder for the Fairmont District.

Regular terms.

Temporary appointees.

SUBSEC. (d). For the Lumberton District there shall be a prosecuting attorney, whose duty it shall be to see that warrants, subpoenas, and other process are issued properly, and for the proper apprehension and trial of violators of the law in said Lumberton District, and to represent the State of North Carolina in the trial of all criminal actions brought before the said court and to faithfully and diligently prosecute the same. He shall be elected at the same time, for the same term, and in the same manner as the recorder for Lumberton District is elected, and until the first Monday in December, one thousand nine hundred and fourteen, Mr. Woodberry Lennon shall be prosecuting attorney. Before entering upon the duties of his office he shall take and subscribe the oath now prescribed for solicitors, said oath to be taken before the Clerk of the Superior Court of Robeson County and recorded in the office of said clerk. Said prosecuting attorney shall receive a fee of one dollar for each person convicted of any offense, said fee to be taxed in the bill of costs.

Prosecuting attorney for Lumberton district.

Election.

Temporary appointment.

Oath of office.

Fees.

SEC. 2. Each court shall be a court of record and shall be provided over by a recorder, who shall be a qualified elector of the township from which he is elected.

Court of record.

Recorders.

SEC. 3. At the next town elections for Red Springs, Maxton, and Rowland, in Robeson County, and every two years thereafter, there

Elections for Red Springs, Rowland, and Maxton.

- shall be elected by the qualified voters of Red Springs, Maxton, and Thompson's, Number One, townships respectively, recorders who shall preside over the recorder's court in their respective townships as herein provided. Separate boxes shall be provided at the aforesaid town elections to receive the votes cast for recorder, and the judges of the town elections shall be judges of the recorder's election. The recorders hereinafter elected, before entering upon the discharge of their duties, shall take and subscribe the oath subscribed by the judges of the Superior Court, before the Clerk of the Superior Court of Robeson County, which said oath shall be recorded by the said clerk in his office. The salary of each recorder shall be fifty dollars per month, to be paid out of the funds and in the manner as herein provided: *Provided*, that the county commissioners may, if they deem a salary of any recorder inadequate, increase it to an amount not exceeding fifty per cent of the original salary.
- Elections.**
- Oath of office.**
- Salaries.**
- Proviso: increase of salary.**
- Seal of courts.** SEC. 4. Each court herein provided for shall have a seal, bearing the name of the court, which seal shall be used in attestation of writs, warrants, or other proceedings, acts, or judgments of said courts, 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.
- Sessions of courts.** SEC. 5. Each court shall hold daily sessions, Sundays and legal holidays excepted, at some convenient place in the township in which the courts are established. The first session of each of the said courts shall be on the first Monday in June, one thousand nine hundred and thirteen, after the qualification of the recorders herein provided.
- First sessions.**
- Jurisdiction.** SEC. 6. The jurisdiction of the said courts shall be as follows:
- Violations of town ordinances.** (a) Said courts shall have final, exclusive, original jurisdiction of all violations of town ordinances committed within the limits of the city or town where the several courts are held.
- Offenses within magistrate's jurisdiction.** (b) Said courts shall have final, concurrent, original jurisdiction of all criminal offenses committed in Robeson County which are now or may hereafter be within the jurisdiction of the justices of the peace.
- Enumerated offenses.** (c) Said courts, in addition to the jurisdiction conferred in subsections (a) and (b) of this section, shall have final, concurrent, original jurisdiction with the Superior Court, as hereinafter provided, for the following criminal offenses, to wit: carrying concealed weapons, gaming, gambling, keeping gambling places, tables, and houses; keeping bawdy and disorderly houses, the larceny of and 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 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 lands after forbidden, forcible trespass, enticing servants to leave masters, indecent ex-

posure of person, retailing spirituous liquors without license, selling or giving away spirituous liquors to minors, selling or giving away cigarettes, obtaining advances by 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 the justice of the peace, or 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 punishment therefor shall be as now prescribed by law.

Petty misdemeanors.

(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 Robeson, and to render such judgment in such matters as now provided by law for justices of the peace: *Provided*, 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 recorders' courts established by this act as committing magistrates 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 Robeson 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 Robeson County, to await trial as aforesaid; if the crime be notailable, then to commit the defendant so charged to the common jail of Robeson County, to await the action of the Superior Court thereof.

Jurisdiction of preliminary inquiries.

Proviso: prosecutions pending.

Persons bound over on probable cause.

Commitment in default of bond.

(e) Said recorders shall have all the power, jurisdiction, and authority now conferred by law upon justices of the peace or the Superior Court of Robeson 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, or any township of said county, as now provided by law; and the recorders of said courts shall issue commitments therefor in the same manner as now provided by law for clerks of the Superior Courts.

Sentences.

Commitments.

Warrants return- able to recorders' courts.	(f) Warrants may be issued by the recorders of said courts or by any justice of the peace of Robeson County, made returnable to said courts for any person or persons charged with commission of any offenses of which the said courts have jurisdiction; and any person convicted in said courts 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 Robeson County, and upon such appeals the trial in the Superior Court shall be <i>de novo</i> .
Right of appeal.	
Recovery of penalties.	(g) Said courts shall have jurisdiction to try all actions for the recovery of any penalties imposed by law, or this act, or any ordinance of a city wherein the court is held, for any act done within Robeson County 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 the city wherein the court is held, and, if inside of said limits, in the name of any such city.
Offenses heretofore committed.	(h) Said courts 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.
Civil jurisdiction.	(i) Said courts shall have final, concurrent, and original jurisdiction in all civil matters arising in said county of Robeson which are now or may hereafter be given to the justices of the peace.
Removal of causes.	SEC. 7. When upon affidavit of the defendant, made before entering upon the trial of any cause before any justice of the peace of Robeson 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 the nearest recorder's court of Robeson County, at the instance of the defendant.
Jury trials.	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; and the county commissioners shall provide a jury box for each recorder's court, and the jurors shall receive the same compensation as now provided in courts of justices of the peace.
Jury boxes. Pay of jurors.	SEC. 9. All civil actions shall be commenced in said courts by summons issued by the recorder or justices of peace in such cases as they would have jurisdiction, made returnable to the said court: <i>Provided</i> , either plaintiff or defendant may appeal from any judgment rendered by any recorder's court in the same manner as is provided by law for appeals from the courts of the justices of the peace.
Summons in civil actions.	SEC. 10. The cost of serving warrants, subpoenas, summons, and other process issued by any of said recorder's courts 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
Proviso: appeals.	
Costs for serving process.	
Fees.	

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 courts, except the costs due to the sheriff, constable, police officers, or special deputized officers, shall be paid on Monday of each week by the recorders of said courts to the Treasurer of Robeson County, who shall keep a separate account thereof and report to the board of county commissioners of Robeson County, on the first Monday of each month, the amount paid him by each recorder; and each 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 Robeson for the month preceding. Out of the cost fees so paid to the treasurer of the county shall be paid the salaries of said recorders and the expense of books, stationery, dockets, files, and other such expenses of said courts: *Provided*, if said fees are insufficient to pay the salaries of said recorders for any one month, the recorders shall receive only the amount of their fees for that month.

Costs and fines paid to county treasurer.

Separate accounts.

Monthly reports.

Statements filed by recorders.

Payment of salaries and expenses.

Proviso: limit of salaries.

Issue and execution of process.

SEC. 11. The warrants, subpoenas, summons, and other process issued by said courts shall be issued to the sheriff or other lawful officer of Robeson 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 officers of any city wherein the court is held, or by any rural policemen hereafter elected in Robeson County, or, in the absence of such officer, by any person specially deputized by the recorder in writing to make service; and said warrants, subpoenas, summons, and other process of said courts, when attested by the seal of any of the said courts, shall run anywhere in the State of North Carolina and shall be executed by all officers according to law.

SEC. 12. The mayors of Lumberton, Red Springs, Maxton, and Rowland and Fairmont shall issue warrants directed to any policeman of their respective towns, or other lawful officers, in the same manner and for the same offenses that they are now authorized by law to issue same. Said warrant shall be returnable before the recorder of the township or district in which said towns are located.

Warrants issued by mayors.

SEC. 13. That the same rules and practices as to venue of causes of action cognizable in said recorder's courts, civil or criminal, shall apply as is now provided by law for the Superior Court.

Practice and venue.

SEC. 14. That the same rules of challenge for jurors shall apply to the recorders' courts as apply under the present law in the courts of the justices of the peace.

Challenge of jurors.

SEC. 15. The grand jury drawn and selected for the Superior Court for Robeson County shall make presentments of all matters it was their duty to present under the general law prior to the creation of the recorders' courts of Robeson 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

Presentments by grand jury.

Warrants on presentments.

Jurisdiction of superior court.

fall within the jurisdiction of the said recorders' courts, without any information or evidence to support said warrant other than the presentment of the said grand jury, and should any of the said recorders' courts 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 recorders' courts.

Jury tax.

SEC. 16. That there shall be taxed as costs in all causes in the said recorders' courts 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 taxes are paid in the Superior Court, and applied to the salaries of said recorders.

Recorders pro tem.

SEC. 17. That the board of town commissioners or aldermen of the cities of Red Springs, Maxton, and Rowland may each appoint a recorder *pro tem.* of the court within their respective townships, and they shall fix his salary, which shall be paid as the recorder's salary is paid, and the said recorders *pro tem.* shall have the same qualifications, and, before entering upon the duties of their offices, shall take the same oath and be subject to the same rules as recorders of said courts, and the said recorders *pro tem.* shall preside at all hearings and try all cases when the recorder shall be a party to any case or be unable by sickness or otherwise to preside, and the salary of each recorder *pro tem.* shall be paid out of the money due the regular recorder.

Qualifications, oath of office, and duties.

Substitute recorders for Lumberton and Fairmont districts.

SUBSEC. (a). Whenever the recorder of Lumberton or Fairmont districts is unable to preside over the court on account of sickness, absence, or other cause, said recorder shall appoint some other person, who shall possess the same qualifications as provided herein for the recorder, to act as substitute recorder, and the person so appointed shall have all the powers and duties of the recorder. The compensation for the said substitute recorder shall be paid by the recorder. Any vacancy occurring in the office of recorder or any vacancy occurring in the office of prosecuting attorney for the Lumberton District shall be filled by the board of county commissioners of Robeson County.

Compensation. Vacancies.

Sentences and commitments.

SEC. 18. Whenever any person is convicted of any offense of which said courts have 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 Robeson County until such sentence has been complied with, and the recorder 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

Costs certified to and paid by county.

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.

SEC. 19. It shall be the duty of the recorders of the said courts to keep an accurate account and true record of all costs, fines, penalties, forfeitures, and punishment by said courts imposed by 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 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 Robeson and other persons having business relating to said courts. Each recorder shall provide a permanent docket for recording all the processes issued by this 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 his court and what disposition has been made of them.

Records to be kept by recorders.

Records open to inspection.

Dockets.

Files.

SEC. 20. That the recorders of said courts shall not by virtue of his office as recorder 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 him as recorder of said court.

Recorders may practice law.

SEC. 21. The recorders 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 all such acknowledgments so taken, when directed outside of the county of Robeson, 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.

Probate jurisdiction.

SEC. 23. The salaries herein provided for shall be paid by the county treasurer to the recorders, upon warrant issued by the county board of commissioners.

Payment of salaries.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A. D. 1913.

CHAPTER 711.

AN ACT TO REQUIRE CERTAIN REPORTS OF COUNTY OFFICERS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be the duty of the clerk of the Superior Court, register of deeds, sheriff, coroner, surveyor, and other county officers of Franklin County, whose compensation for ser-

Officers to file annual reports.

vices performed shall be derived from fees, to render to the board of county commissioners of Franklin County, on the first Monday in December of each year, a statement, verified under oath, showing the total gross amount of all fees collected during the preceding fiscal year, also the total amount paid out during the preceding calendar year for clerical or office assistance.

- Penalty for failure. SEC. 2. Any county officer subject to this act who shall refuse or fail to file such report, as above provided on or before the first Monday in December of each and every year shall be subject to a fine of fifty dollars, and ten dollars additional for each day or fraction of a day for such failure. The board of county commissioners shall assess and collect the penalty above provided for, and apply same to the general school fund of the county.
- Collection and application of penalty.
- When act effective. SEC. 3. This act shall go into effect the first day of December, nineteen hundred and fourteen.
- Application of act. SEC. 4. This act shall apply to Franklin County only.
Ratified this the 11th day of March, A. D. 1913.

CHAPTER 712.

AN ACT TO PROVIDE FOR THE ELECTION OF THE BOARD OF COMMISSIONERS FOR LONG CREEK DRAINAGE DISTRICT IN GASTON COUNTY, AND AMENDING CHAPTER 287 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING THERETO.

The General Assembly of North Carolina do enact:

- Suspension of contracts and work. SECTION 1. That no further contracts shall be made and no further work shall be done by the commissioners of Long Creek Drainage District under or by virtue of chapter two hundred and eighty-seven of the Public-Local Laws of one thousand nine hundred and eleven until the first of June, one thousand nine hundred and thirteen; and for the purpose of electing commissioners to succeed those now in office, an election is hereby ordered to be held at the voting place in Bessemer City, on Saturday, May third, one thousand nine hundred and thirteen.
- Election to be held.
- Date.
- Election officers. SEC. 2. That M. L. Plonk, T. S. Royster, Adam Deck, and W. L. Huffstetler are hereby appointed judges, and I. A. White registrar, for the election hereinafter provided.
- Registration. SEC. 3. That said registrar shall open registration books for said election on the first Monday in April, one thousand nine hundred and thirteen, and keep same open each day thereafter (Sundays excepted) up to and including May first, one thousand nine hundred and thirteen; and all duly qualified electors residing in said Long Creek Drainage District and all male electors residing in the State of North Carolina, owning land in said district, shall be entitled to register for said election.
- Persons entitled to register.

SEC. 4. That the registrar of said election shall advertise said election from April first, one thousand nine hundred and thirteen, to May first, one thousand nine hundred and thirteen, by posting notice of same at three public places in said district, and by publication once a week for four weeks in some newspaper published in Gaston County.

Advertisement of election.

SEC. 5. At said election only those lawfully registered for the same shall be permitted to vote, and at such election five commissioners for the Long Creek Drainage District shall be elected, and the five receiving the highest votes shall be declared elected, and the commissioners thus elected shall succeed the commissioners now in office.

Voters.

Election of commissioners.

SEC. 6. Said judges, after counting the vote, shall make a certificate in duplicate of the result of said election, one copy of which shall be kept with the records of the Long Creek Drainage District and one shall be returned to the board of county commissioners of Gaston County, which board of county commissioners shall, at its next meeting, have same recorded upon the minutes of its proceedings and shall declare the result of said election.

Certificate of result of election.

Record and declaration of result.

SEC. 7. Biennially thereafter the board of commissioners of the said district shall cause an election for said commissioners to be held in said district, appointing two judges and one registrar for same, which election shall be held otherwise as provided hereinbefore.

Biennial election of commissioners.

SEC. 8. That the board of commissioners elected in accordance with the provisions of this act shall be invested with all the powers and be charged with all the duties set out in chapter two hundred and eighty-seven of the Public-Local Laws of one thousand nine hundred and eleven for the board of commissioners provided for therein.

Powers and duties of commissioners.

SEC. 9. That the board of commissioners elected under the provisions of this act shall hold office from the first day of June, one thousand nine hundred and thirteen, until their successors are elected and qualified.

Term of office.

SEC. 10. That vacancies on said board may be filled by the remaining members of said board.

Vacancies.

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

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 713.

AN ACT TO AMEND CHAPTER 633 OF THE PUBLIC-LOCAL LAWS OF 1911, ADDING HERTFORD COUNTY TO SAID CHAPTER AND PROVIDING FOR A PRIMARY ELECTION IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That chapter six hundred and thirty-three of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended as follows: That section one be amended by striking out the word "county" in line two and adding in lieu thereof the words "and Hertford counties," and that section seventeen be amended by striking out the words "the county of" and inserting after the word "Beaufort" and before the word "only" the following: "and Hertford counties."

To apply to Hertford county.

SEC. 2. That said chapter and all sections thereof shall apply in all respects to Hertford County.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 714.

AN ACT TO ABOLISH THE OFFICE OF TREASURER, FIX SALARIES FOR COUNTY OFFICES, AND PROVIDE FOR APPOINTMENT OF AUDITOR IN JONES COUNTY.

The General Assembly of North Carolina do enact:

Office of treasurer abolished.

Financial agent.

SECTION 1. That the office of Treasurer of Jones County be and the same is hereby abolished and the board of county commissioners of said county are hereby authorized and empowered to designate some solvent bank located at the county-seat to act as financial agent for said county, which said bank shall perform all the duties now performed by the treasurer of said county.

Term of appointment.

SEC. 2. That said bank appointed and acting as financial agent for said county of Jones shall be appointed for a term of two years from the first Monday in December, one thousand nine hundred and fourteen, and biennially thereafter, and shall be required to execute the same bond for the safe keeping and proper accounting for such funds as may come into its possession and belonging to said county, and for the faithful discharge of such duties, as is now or hereafter may be required of the treasurer of the county.

Bond of financial agent.

Officers to collect fees.

SEC. 3. That the sheriff, clerk of Superior Court, register of deeds, and treasurer or bank acting as financial agent of Jones

County, or their respective deputies or clerks, shall collect and receive and account for all the fees, commissions, or emoluments of any kind to which they are entitled by virtue of their respective offices, and pay the same, on the first day of every calendar month, into the bank designated by the board of county commissioners as financial agent for said county of Jones; 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 bank selected as financial agent for said county in a separate fund to be known as the "Salary Fund."

Monthly settlements.

Salary fund.

SEC. 4. That the said officers, including the bank designated and selected as financial agent for said county, 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, and 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 felony.

Punishment.

SEC. 5. That each and all of said officers shall open and keep a separate set of account books, in which shall be promptly, correctly, and 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 kept safely so as to prevent loss by theft or accident.

Accounts to be kept by officers.

Books open for inspection.

SEC. 6. 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 Jones County, including the bank designated as financial agent for said county, to the board of county commissioners of said county, said transcript to contain and show in detail all 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 books of accounts pertaining to his respective office mentioned in section five.

Accounts returned monthly.

Verification.

SEC. 7. That the Sheriff of Jones County shall receive a salary of thirteen hundred and fifty dollars per annum in lieu of all other compensation whatsoever.

Salary of sheriff.

- Salary of clerk of court. SEC. 8. That the Clerk of Superior Court of Jones County shall receive a salary of eight hundred dollars per annum in lieu of all other compensation whatsoever.
- Salary of register of deeds. SEC. 9. That the Register of Deeds of Jones County shall receive a salary of nine hundred dollars per annum in lieu of all other compensation whatsoever.
- Salary of financial agent. SEC. 10. That the bank designated as financial agent in lieu of treasurer shall not charge nor receive more than ten dollars per month for its services in addition to such advantage and benefit as may accrue from the deposit of the county funds in the regular course of banking: *Provided*, the county shall pay the cost of the execution of such bond as is required, out of the salary fund account.
- Proviso: cost of official bonds. SEC. 11. That the board of county commissioners of Jones County, at such time or for such term as they may designate, and for such compensation as may be fixed by them, shall 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 Jones County which show fees and commissions collected and received by them; to investigate and inquire for and keep a record of all delinquent taxpayers; to keep a record of all transfers of property sold for taxes, and price paid for same, and shall instruct and assist the register of deeds in making out the tax lists, provided this meets with the approval of the board of county commissioners.
- Appointment of auditor. SEC. 12. It shall be the duty of the auditor to inquire into and investigate and file a detailed and itemized account of the condition of all the county finances, the accounts of all public officers, including the board of education and the board of road commissioners or their successors; 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 Jones County. He shall within ten days after the first Monday in December, in each and every year, publish or post at the courthouse door a statement of the financial condition of the county of Jones, showing by itemized statement the permanent and floating debt of the county, when contracted, for what contracted, and when due, and shall also publish or post at the courthouse door a statement of the receipts and disbursements of all of the public funds of the county, showing the total amount received and disbursed for each particular purpose; also the amount of fees and commissions received by each county officer and the amount of
- Duties of auditor.
- Record of transfers of property.
- Tax lists.
- Investigation and report of county finances.
- Accounts of public officers.
- Annual publication of statements.

salary paid to each officer, and balance, if any, left to the credit of the "Salary Fund" after paying the salaries of all the county officers.

SEC. 13. All moneys left to the credit of the "Salary Fund" at the end of each year shall be deposited in some bank by the board of county commissioners and held as a sinking fund, to be used in paying off the Jones County bridge bonds when they become due.

Balance of salary fund to sinking fund.

SEC. 14. That the salaries herein provided for shall be paid by the bank designated and acting as financial agent for said county to the persons entitled to receive the same, in monthly installments or otherwise, upon warrants drawn by the board of county commissioners of said county and countersigned by the chairman and the secretary or clerk of said board of commissioners.

Payment of salaries.

SEC. 15. That the said bank designated and acting as financial agent for said county of Jones 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, upon demand.

Accounts with officers.

Accounts open to inspection.

SEC. 16. Any officers herein mentioned who shall willfully fail or refuse to collect any fee, commission, or emolument of any kind belonging to his office shall be guilty of a misdemeanor.

Failure to collect fees misdemeanor.

SEC. 17. The Sheriff of Jones County shall, on the first Monday of each and every calendar month after he receives his tax books for collection of taxes, and until he makes final settlement with the board of county commissioners and treasurer, make a written report to the board of county commissioners, showing the total amount of taxes collected for the preceding month, also the total amount collected up to date, said report to be filed with register of deeds for information of the board of commissioners.

Sheriff to report monthly.

SEC. 18. The treasurer, or bank designated as financial agent for Jones County, shall as near as possible keep a record of the amount of moneys due the general county fund, the road fund, and the school fund, and shall not use the moneys to the credit of either one of these funds to pay a voucher that should properly be paid by moneys belonging to either of the other funds.

Financial agent to keep funds separate.

SEC. 19. The treasurer, or bank designated as financial agent for Jones County, shall on the first Monday of every calendar month make a written report to the board of county commissioners of said county, showing the amount of moneys received from the sheriff as taxes for the previous month and the total amount received since last settlement, also the amount on hand to the credit of the county fund, the school fund, and the road fund.

Financial agent to report monthly.

SEC. 20. That the board of county commissioners of Jones County are hereby authorized to set aside and place to the credit of the "Salary Fund," each and every year, all such fees or commissions as have heretofore been allowed the Treasurer of Jones County,

Moneys paid to salary fund.

Proviso: acceptance of act by county commissioners.

to be disposed of as hereinbefore set forth: *Provided*, that this act shall only become effective after its terms have been accepted by the board of county commissioners of Jones County by order duly made and entered of record.

When act effective.

SEC. 21. Sections seventeen, eighteen, and nineteen of this act shall be in force from and after the first day of October, one thousand nine hundred and thirteen, and all the remainder of this act shall be in force from and after the first Monday in December, one thousand nine hundred and fourteen.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 715.

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF WAYNESVILLE TOWNSHIP TO MAKE CERTAIN CHANGES IN THE PUBLIC ROADS LEADING FROM WAYNESVILLE TO CLYDE.

The General Assembly of North Carolina do enact:

Change authorized.

SECTION 1. That the board of commissioners of Waynesville Township are hereby authorized and empowered, if in their discretion they deem it proper and expedient, to change and relocate that part of the public road leading from Waynesville to Clyde in Waynesville Township, beginning at the forks of the road at the home of John Murry and conforming said road to the contour of the proposed lake on Raccoon Creek and ending at the W. H. Leatherwood home on said road, and are hereby authorized and empowered to condemn the land that may be necessary for such road.

Locality affected.

Condemnation of land.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 716.

AN ACT TO AMEND CHAPTER 80 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1909, RELATIVE TO LAYING OUT AND WORKING THE PUBLIC ROADS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter eighty of the Public Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby repealed, and the following inserted in lieu thereof:

All male persons able to perform the labor herein required, Road duty. residing in the county, and between the ages of twenty-one and forty-five years, shall work on the public roads of said county four days in each year, under such rules and regulations as the board of county commissioners shall prescribe, but the board of county commissioners shall have authority to exempt from road Authority of commissioners to exempt. duty all indigent persons or persons disabled by sickness or other misfortune to perform said labor in cases where they are not able to pay for such services as provided in the next succeeding section hereof. The said board of commissioners may also exempt all *bona fide* active members of the State militia and all persons actually engaged in the ministry of the gospel.

SEC. 2. That section five of said chapter eighty, Public Laws of Commutation for road work. North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended by striking out in line five, of said section the words "one dollar" and by inserting in lieu thereof the words "seventy-five cents."

SEC. 3. That section fourteen of said chapter eighty be and the Convict work in maintenance. same is hereby amended by striking out the word "macadamizing," in line thirty-one thereof, and inserting in lieu thereof the word "maintenance," and by placing a colon after the word "county" in said line thirty-one, and striking out "until the same shall have been completed to its several boundary lines" of lines thirty-one and thirty-two of said section.

SEC. 4. That section sixteen of said chapter eighty, Public Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended by inserting after the words "justice of the peace" and before the word "but," in line sixty-two, the following: "and upon the trial of said issue of damages Tax assessment evidence of value. in the Superior Court the tax records showing the assessment of said lands for taxes shall be evidence of the value of said lands."

SEC. 5. That section eighteen of said chapter eighty of the Public Laws of North Carolina, session one thousand nine hundred and nine, be amended by adding after the word "attention," in line eleven, the following: "*Provided*, that said board of commissioners by special contract may allow and pay a sum not exceeding twenty-five cents per diem for any able-bodied prisoners sent from other counties and worked upon the said public roads of Buncombe County." Proviso: hire of convicts.

SEC. 6. That section twenty of the said chapter eighty, Public Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended by striking out all of said section after the word "to," in the third line of said section, and by inserting the following in lieu thereof: "any rules and Rules and regulations. regulations that the board of county commissioners of said county may from time to time prescribe and adopt for the control and management of the said convicts and convict camps."

Lists of road hands.

SEC. 7. That in addition to the duty of the road overseers hereinbefore prescribed, it shall be the duty of the road overseer of each road district in said county to furnish to the county commissioners a list of all persons subject to road duty residing in his district within thirty days after his appointment, which said list shall be verified and approved by the said commissioners.

Receipts for road duty or commutation.

SEC. 8. That upon the approval of said list the said commissioners shall issue a stub receipt book to each supervisor, and require said supervisor to issue his receipt to each person performing road duty or paying the amount for road services hereinbefore prescribed, and shall enter upon the stubs from which said receipt was taken the name of each person, the date upon which he performed road service, or if such person paid cash in lieu thereof, the amount paid, the name of the person paying, and the date upon which same was paid.

Return of stub book for inspection.

SEC. 9. That the said commissioners shall require each supervisor to present his stub book to the county auditor on the first Mondays of March and September in each year for inspection, at which said time the county auditor shall take up and inspect said receipt book and file the same in the office of the board of county commissioners for reference and inspection, and shall issue new books in lieu thereof to said supervisors.

Settlement of commutation money.

SEC. 10. That all sums of money paid to road overseers in lieu of free labor shall be turned over to the county treasurer by the said road overseers within thirty days from the receipt of such money, and the said county treasurer shall enter upon his book the name of each overseer paying such sum, together with the amount and the date when same was paid, and shall issue to said overseer his receipt, which when presented to the county auditor shall discharge said road overseer from further liability on account of the money so received; and any road overseer failing or refusing to comply with the provisions of this act shall be guilty of a misdemeanor, and shall be fined or imprisoned, in the discretion of the court.

Obstruction of roads misdemeanor.

SEC. 11. That it shall be unlawful for any person, firm, or corporation to obstruct the public roads or bridges of Buncombe County by waste dirt, stone, débris, or timbers upon same, or to fill or cause to be filled any drainings, drain pipes, ditches, side drains or under-drains, with leaves, trash, rocks, dirt, or other obstruction which shall in any manner obstruct the free passage of water, or to turn water into or upon said public roads from any field or adjacent lands, or to in any manner injure or damage the said public roads or bridges.

Regulations of use of roads.

SEC. 12. That it shall be unlawful for any person, firm, or corporation to drive or cause to be driven over and upon the said public roads or public bridges of Buncombe County any wagon, cart, vehicle, traction engine, automobile or automobile truck, or

any other conveyance propelled by horse-power, steam, electricity, gasoline, or other motive power, which are of any unusual or excessive weight or tonnage and calculated to or which may or does do damage to said roads or bridges to any unusual extent or degree. It shall be unlawful for any person, firm, or corporation to haul, drive, or carry loaded wagons, carts, or other vehicles over and upon said public roads and bridges of Buncombe County, coupled entrain in such a manner as to cut up and damage the public roads of the county; or to drag or haul logs, rocks, or other timber over the improved roads of Buncombe County in such a manner as to damage said roads to a degree in excess to that caused by ordinary use and travel.

SEC. 13. Any person, firm, or corporation violating any of the provisions of this act, except other than those sections in which penalties are prescribed, shall be guilty of a misdemeanor, and upon conviction may be fined not exceeding the sum of fifty dollars or imprisoned not more than thirty days, and shall also be liable to the said county of Buncombe for any damages to the extent of the injuries or damages to the said public roads or bridges in any civil action to be instituted by the said county against any person or persons violating the provisions of this act; and all fines, penalties, and sums collected and recovered as damages for violations of this act shall be paid to the Treasurer of Buncombe County, and shall be placed in the general road funds of said county, to be used by the board of commissioners upon the said public roads.

Penalties not elsewhere prescribed.

Liability for damage.

Penalties to use of road fund.

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 full force and effect from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 717.

AN ACT TO PROTECT FOOD FISH IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to catch any food fish in a purse seine or purse net in any waters within the limits of Pender, Onslow, and New Hanover counties, extending to the extreme limits of the State's jurisdiction in and over such waters, making the boundaries of said counties to which said waters shall extend to be the distance of three nautical miles, measured from the outer beach or shores of said counties out into the waters of the Atlantic Ocean.

Use of purse seines or purse nets forbidden.

- Waters of counties defined. SEC. 2. That any waters within a distance of three miles of any beach or shore of said counties shall be deemed the waters of said counties for the purpose of this act.
- Dealing in fish unlawful. SEC. 3. That it shall be unlawful for any person, firm, or corporation to purchase, buy, or trade for, or deal in, or sell any food fish caught as is set forth in section one of this act.
- Misdemeanor. Punishment. SEC. 4. That any person, firm, or corporation violating any provision of this act shall be deemed guilty of a misdemeanor, and shall be fined not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500), or imprisoned, in the discretion of the court.
- Renting, leasing, or permitting use of nets misdemeanor. SEC. 5. That any person, firm, corporation, partnership, or association who shall knowingly rent, lease, or permit to be used any purse seine or purse net, rent or lease any vessel, boat, or steamer upon which is used a purse seine or purse net in the catching of food fish in the waters of said counties shall be guilty, as a principal, of a misdemeanor.
- One-half fine to informer. SEC. 6. Any person who shall furnish information upon which any person, firm, or corporation shall be convicted of a violation of any of the provisions of this act shall be entitled to one-half of the fine imposed therefor.
- SEC. 7. That this act shall be in force from and after its ratification.
- Ratified this the 11th day of March, A. D. 1913.

CHAPTER 718.

AN ACT TO REPEAL CHAPTER 364 OF THE PUBLIC-LOCAL LAWS OF 1911, AND TO DECLARE CHAPTER 516 OF THE PUBLIC LAWS OF 1909 IN FORCE IN REGARD TO THE GAME LAW OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

- Law repealed. SECTION 1. That chapter three hundred and sixty-four of the Public-Local Laws of one thousand nine hundred and eleven be
- Law made effective. and the same is hereby repealed, and the provisions of chapter five hundred and sixteen of the Public Laws of one thousand and nine hundred and nine are hereby declared to be in full force and effect.
- SEC. 2. This act shall be in force and effect from and after its ratification.
- Ratified this the 11th day of March, A. D. 1913.

CHAPTER 719.

AN ACT TO AMEND SECTION 4152, CHAPTER 89, REVISAL OF 1905, SO AS TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF WAKE COUNTY TO DESIGNATE SOME BANK OR TRUST COMPANY TO ACT AS TREASURER OF THE SCHOOL FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand one hundred and fifty-two, chapter eighty-nine, Revisal of one thousand nine hundred and five, be amended as follows: Add at the end of the said section the following: "The county board of education of Wake County may elect some bank or trust company as treasurer of the Wake County school fund, to serve without compensation, said bank or trust company to be subject to all the regulations now imposed upon the county treasurer as treasurer of the school fund."

Election authorized.

Compensation. Regulations.

SEC. 2. All laws and clauses of laws in conflict with this amendment shall not apply to Wake County.

Application of conflicting laws.

SEC. 3. This amendment shall be in force from and after June thirtieth, one thousand nine hundred and thirteen.

When act effective.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 720.

AN ACT REGULATING USE OF TRACTION ENGINES IN FRANKLINTON TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be imposed and collected annually on all traction engines which may be operated on the public roads of Franklinton Township, Franklin County, for the purpose of hauling or transporting lumber, logs, or other building material, a license tax as follows: On each traction engine having smooth tires not less than six inches wide, an annual license tax of ten dollars; on each traction engine with tires other than smooth or less than six inches wide, an annual license tax of two hundred dollars.

License tax on traction engines.

SEC. 2. The license therefor shall be issued by the board of road trustees of said Franklinton Township, countersigned by its chairman and secretary, and shall run from the first day of April of each year to the thirty-first day of March of the succeeding year. The proceeds of such tax shall be paid into the road fund of Franklinton Township.

Issue and term of license.

Tax to use of road fund.

Operation without
license misde-
meanor.

Punishment.

Separate offenses.

When act effective.

SEC. 3. Any person operating or causing to be operated any traction engine on the public roads of Franklinton Township for the purposes above set out, without having first paid and obtained the license therefor, shall be guilty of a misdemeanor, and fined not to exceed fifty dollars, and every trip made by such engine shall constitute a separate offense.

SEC. 4. This act shall be in force from and after the thirty-first day of March, one thousand nine hundred and thirteen.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 721.

AN ACT TO PREVENT THE CARRYING OF CONCEALED WEAPONS IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Punishment for
carrying pistols.

SECTION 1. That any person who shall be convicted of carrying a pistol in Yancey County shall be fined not less than twenty-five dollars or imprisoned, in the discretion of the court.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 722.

AN ACT TO ENABLE THE COUNTY BOARD OF EDUCATION OF WAKE COUNTY TO EMPLOY PRIMARY TEACHERS.

The General Assembly of North Carolina do enact:

Employment
authorized.

SECTION 1. That the county board of education of Wake County be and it is hereby authorized and empowered to employ one or more primary teachers to aid and generally assist the teachers in the primary department of the public schools of Wake County; that no such teacher shall be employed by the county board of education of Wake County who does not hold a first-grade certificate issued by the county superintendent of public instruction for Wake County, or a certificate issued by the State Board of Examiners.

Teachers' certifi-
cates.

Control and direc-
tion of work.

SEC. 2. That the teacher or teachers so employed shall be under the control and direction of the county board of education of Wake County and the county superintendent of public instruction of Wake County, and shall receive such salary or salaries as may be fixed from time to time by said county board of education of Wake County, said salaries to be paid out of the contingency fund of said county.

Salaries.

SEC. 3. That this act shall apply only to Wake County.

Application of act.

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

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 723.

AN ACT TO AMEND SECTION 641 OF THE REVISAL, IN REFERENCE TO THE MANNER OF ADVERTISEMENT OF REAL ESTATE.

The General Assembly of North Carolina do enact:

SECTION 1. That section six hundred and forty-one (641) of the Revisal of one thousand nine hundred and five (1905) be amended by inserting in line seven (7) thereof, after the word "county" and immediately before the colon, the following: "or in lieu Location of paper. thereof in some newspaper published in any city or town nearest the property advertised."

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

SEC. 3. That this act shall apply only to Nash and Edgecombe Application of act. counties.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 724.

AN ACT TO AMEND CHAPTER 684 OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF THE GENERAL ASSEMBLY OF 1911, RELATIVE TO TAXING DOGS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and eighty-four of the Law extended. Public-Local Laws of one thousand nine hundred and eleven shall apply to Halifax County.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 725.

AN ACT TO AMEND CHAPTER 847, PUBLIC LAWS OF 1909.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That chapter eight hundred and forty-seven, section one, Public Laws of one thousand nine hundred and nine, be amended by adding thereto immediately after the word "Rowan," in line two, the words "or the county of Lee."

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

Ratified this 11th day of March, A. D. 1913.

CHAPTER 726.

AN ACT TO REPEAL CHAPTER 557 OF PUBLIC-LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter five hundred and fifty-seven of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby repealed.

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

Ratified this 11th day of March, A. D. 1913.

CHAPTER 727.

AN ACT TO PROHIBIT THE SALE OF MERCHANDISE WITHIN ONE-HALF A MILE OF CERTAIN CHURCHES IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Sales unlawful.

Churches affected.

SECTION 1. That it shall be unlawful to sell or offer for sale on the Sabbath day within one-half a mile of the following churches in Vance County, the Protestant Episcopal Church near the Henderson Cotton Mills; the North Henderson Baptist Church; the North Henderson Methodist Episcopal Church, South; South Henderson Methodist Episcopal Church, South; South Henderson Baptist Church, any goods, wares, or merchandise, or drinks, except medicines.

Punishment.

SEC. 2. Any person violating this act shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 728.

AN ACT TO APPOINT CERTAIN JUSTICES OF THE PEACE
FOR CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. H. H. Hartley be and he is hereby appointed Appointment.
a justice of the peace for Hudson Township, Caldwell County, for Term.
a term of six years from the ratification of this act.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 729.

AN ACT TO ALLOW JOHN S. DIXON AND GEORGE W.
VENTERS TO QUALIFY AS JUSTICES OF THE PEACE OF
CHICOD TOWNSHIP, PITT COUNTY, AND TO VALIDATE
CERTAIN OF THEIR ACTS AS SUCH.

Whereas John S. Dixon and George W. Venters were, prior to Preamble: prior election.
the first Monday in December, one thousand nine hundred and
twelve, duly elected and qualified justices of the peace of Chicod
Township, Pitt County; and whereas the said John S. Dixon and Preamble: reëlection and failure to qualify.
George W. Venters were reëlected as justices of the peace of and
for said township at the general election in November, one thou-
sand nine hundred and twelve, but failed to requalify within the
time required by law; and whereas the said John S. Dixon and Preamble: acts done.
George W. Venters have since the time when they should have
qualified under such reëlection performed certain marriage cere-
monies and discharged other functions as justices of the peace:
Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the election of John S. Dixon and George W. Election validated.
Venters as justices of the peace in and for the said township is
hereby validated and confirmed, and the Clerk of the Superior Qualification authorized.
Court of Pitt County be and he is hereby authorized and directed
to administer the oaths of office and otherwise qualify them as
such. That all acts as justices of the peace had and done by said Acts validated.
John S. Dixon and George W. Venters between the first Monday
of December, one thousand nine hundred and twelve, and this
date, are hereby ratified and confirmed and declared in all respects
regular, legal, and valid.

SEC. 2. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 730.

AN ACT TO TAX DOGS AND TO REPLENISH THE SCHOOL FUNDS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

- Tax on dogs. SECTION 1. That all persons owning or keeping a dog or dogs in Duplin County must pay a tax of one dollar on each male dog and two dollars on each female dog; and they shall be listed at the same time and in the same manner as other property.
- Dogs to be listed.
- Failure to list misdemeanor. SEC. 2. That any person failing or refusing to list any and all dogs over six months of age shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars, or imprisoned not more than thirty days.
- Punishment.
- Taxes to credit of school fund. SEC. 3. That all taxes under this act shall be collected by the sheriff as other taxes are collected and turned over to the treasurer of the county, and placed by him to the credit of the public school funds.
- Notice of act. SEC. 4. That the board of county commissioners of Duplin County, at their regular meeting in April, one thousand nine hundred and thirteen, shall order the clerk of their board to post up or cause to be posted up at one or more public places in each township a notice of the passage of this act.
- SEC. 5. That this act shall be in force from and after its ratification.
- Ratified this the 11th day of March, A. D. 1913.

CHAPTER 731.

AN ACT TO PREVENT THE KILLING, SELLING, AND SHIPPING OF HEIFER CALVES IN WILKES AND OTHER COUNTIES, FOR VEAL.

The General Assembly of North Carolina do enact:

- Buying and selling heifer calves for veal forbidden. SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to buy or sell, or engage in the business of buying and selling or shipping, heifer calves for veal under the age of one year, either dead or alive: *Provided*, that this act shall not apply to persons buying or selling heifer calves to be raised for milk cows.
- Proviso: sales as for milch cows.
- Misdemeanor. SEC. 2. That any person or persons, firm or corporation violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction shall pay a penalty of not less than twenty-five dollars (\$25) nor more than fifty (\$50), or
- Punishment.

be imprisoned for not less than thirty nor more than sixty days, or both, in the discretion of the court, for each and every offense.

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

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 732.

AN ACT FOR REPAIRING THE PUBLIC ROADS OF THE SEVERAL TOWNSHIPS OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person, persons, or corporation engaged in the lumber business and using any public road or roads of any township of Wayne County for the purpose of carrying on the business of hauling, either personally or by agents and servants, or by contracting with or hiring other persons, any lumber on wagons, log wagons, log carts, or other heavy vehicle, shall pay a license or privilege tax of two (2) cents per mile on each one thousand (1,000) feet of lumber so hauled, said tax being payable monthly to the Treasurer of Wayne County, and it shall be the duty of any person, persons, or corporation engaged in the lumber business as hereinbefore set out to make a monthly report to the board of commissioners of Wayne County, said report to be made on the first Monday of each and every month, and said report shall be sworn to and shall contain an itemized statement of all the lumber hauled over the public roads of any township in said county, and the number of miles the same was so hauled, during the preceding month, and the said license or privilege tax shall be paid thereon at the time such report is made. That any person, persons, or corporation so engaged in the lumber business failing to make such report, or failing to make the same accurately and truthfully, or failing to pay said license or privilege tax hereinbefore set out as and when the same shall fall due, shall be guilty of a misdemeanor, and shall be fined fifty dollars for each and every offense, and be liable in a civil action at the instance of the treasurer of the county for the recovery of the license tax herein imposed. The failure to make such report and pay said privilege or license tax each and every month shall constitute a separate offense. All moneys collected under this act shall be applied by the board of county commissioners of Wayne County to the repair and improvement of the public roads of the several townships of said county over which such hauling was done, the funds derived from such hauling in

License tax on
lumber and log
wagons.

Sworn monthly
returns.

Failure to report
and pay tax mis-
demeanor.

Punishment.

Recovery of tax.

Separate offenses.

Moneys applied to
road funds.

Proviso: rate of tax.

each township to be kept separate and applied to the repair and improvement of the public roads of such township: *Provided*, that when lumbermen haul lumber a distance of six miles or more the tax shall be one cent for every one thousand feet per mile.

Supplement to general law.

SEC. 2. That this act is supplemental to the general road law applicable to said county.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 733.

AN ACT FOR THE RELIEF OF G. W. COLE, FORMER SHERIFF AND TAX COLLECTOR OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Collection of arrears authorized.

SECTION 1. That G. W. Cole, former sheriff and tax collector of Madison County, be and he is hereby authorized and empowered to collect all remaining taxes due and unpaid in the county of Madison for the years one thousand nine hundred and six, 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.

Extension of time.

SEC. 2. That the time for collecting the taxes mentioned in section one of this act is hereby extended for two years from and after the ratification of this act.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 734.

AN ACT TO AMEND CHAPTER 442 OF THE PUBLIC LAWS OF 1909, FOR THE PURPOSE OF ENCOURAGING THE ESTABLISHMENT OF DRAINAGE DISTRICTS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter four hundred forty-two of the Public Laws of North Carolina, session one thousand nine hundred and nine, be and it is hereby amended by adding thereto the following:

Summons to non-residents.

If any of the defendant landowners cannot be found after due diligence in the district, or the county or counties in which such

district is situate, and his or her residence shall be unknown, summons shall issue to the county in which such landowner was last known to have resided, and if the same shall be returned unserved, and indorsed thereon, "Not to be found in my county," by the sheriff of such county, and it shall be made to appear to the court by affidavit that such landowner's residence is unknown and that he or she cannot be found after due diligence in the State of North Carolina, then service upon such nonresident landowner may be obtained by publication, upon order of the court, by publishing, once a week for four successive weeks, in some newspaper published in Rowan County, a notice giving the title of the action, the purpose of the same, and requiring the defendant landowner or landowners to appear and answer or demur to the petition at a time and place therein mentioned; and no publication of the summons nor mailing of the summons and the petition shall be deemed necessary; and service having been obtained, such nonresident landowners shall be conclusively presumed to be before the court as fully as if personally served with process.

SEC. 2. That chapter four hundred forty-two of the Public Laws of one thousand nine hundred and nine be and the same is hereby further amended by adding at the end thereof the following:

(a) 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 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 drainage 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.

(b) 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 rent the same to any drainage district in Rowan County for such length of time and on such terms as said board of commissioners shall deem just.

(c) That the commissioners of Rowan County are authorized and empowered 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.

(d) 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

Service by publication.

Alternative methods of work.

Purchase and rental of equipment.

Removal and replacement of bridges.

Work to be done by landowners.

Work done by commission on default of landowners.

Cost a lien on land.

and removed, and they shall charge the expense of the same to such landowner, and the same shall be a lien on the land of said landowner classified in said drainage district.

Application of act.

(e) That this act shall apply only to Rowan County.

(f) That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 735.

AN ACT FOR THE RELIEF OF A. T. DELAP, EX-SHERIFF OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Collection of arrears authorized.

SECTION 1. That A. T. Delap, ex-Sheriff of Davidson County (and in 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 eight, one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven, and one thousand nine hundred and twelve, 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 the first Monday in December, one thousand nine hundred and fourteen.

Proviso: termination of authority.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 736.

AN ACT TO PROVIDE COURT STENOGRAPHERS FOR CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Employment authorized.

SECTION 1. The county commissioners of Lee County and the county commissioners of Moore County are hereby authorized to employ court stenographers for their respective counties at a compensation not exceeding thirty-five dollars per week: *Provided*, that in the discretion of the judge holding the court, an order may be made allowing any part of said week's compensation or the whole thereof for any part of the week's work.

Compensation.

Proviso: allowance by judge.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 737.

AN ACT TO AMEND SECTION 9 OF CHAPTER 153 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1909, RELATING TO THE COMPENSATION OF THE OFFICIAL STENOGRAPHER OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine, chapter one hundred and fifty-three of the Public Laws of one thousand nine hundred and nine, be and the same is hereby amended by striking out in line two thereof the words "of seventy-five" after the word "sum," and insert in lieu thereof the following: "not less than seventy-five dollars and ^{Salary.} not more than one hundred dollars per month," the same to be fixed by the county commissioners.

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 11th day of March, A. D. 1913.

CHAPTER 738.

AN ACT TO REGULATE HUNTING IN NEWPORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt or trap upon the land of another in Newport Township, Carteret County, North Carolina, without first securing the written permission of the owner, or his or her duly authorized agent, of said land. ^{Hunting or trapping without permission forbidden.}

SEC. 2. That it shall be unlawful to hunt or kill deer in Newport Township except during the months of November and December of each year, and then not for commercial purposes. ^{Open season for deer.}

SEC. 3. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than twenty-five dollars or imprisoned not to exceed fifteen days. ^{Misdemeanor. Punishment.}

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 11th day of March, A. D. 1913.

CHAPTER 739.

AN ACT TO PREVENT DEPREDACTIONS BY FOWLS IN
YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Affidavit of
depredations and
of notice.

SECTION 1. That upon affidavit from any person in Yancey County that he is being damaged by the depredations of fowls belonging to another in Yancey County, and that notice of such depredations has been given by the affiant in writing, and that the owner still refuses to prevent his fowls from running at large, any justice of the peace of said county, upon presentment of such affidavit, shall issue an order to any officer qualified to serve same, or deputize some competent person, to kill such fowls running at large: *Provided*, such officer or person shall find such fowls running at large.

Order to kill fowls.

Proviso: fowls to
be running at
large.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 740.

AN ACT TO PROTECT THE FISH IN LUMBER RIVER AND
ITS TRIBUTARIES IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Fishing forbidden.

SECTION 1. That it shall be unlawful for any person, firm, or corporation to fish with seine, traps, gigging, striking, or dynamiting, by shooting with gun or rifle, in Lumber River or its tributaries in Columbus County: *Provided*, that this section shall not apply to any person fishing on own lands or those who may have written consent of owner of the land where fishing.

Proviso: fishing on
owned lands or by
permission.

Open season for
gill nets.

SEC. 2. That it shall be unlawful for any person, firm, or corporation to fish with gill net in Lumber River or its tributaries in Columbus County, except during the months of October, November, December, January, and February.

Misdemeanor.

Punishment.

SEC. 3. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor less than ten dollars, one-half to go to the informant, or imprisoned not more than thirty days nor less than ten days, in jail, with authority to county commissioners of Columbus County to hire out such convict.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 741.

AN ACT TO REQUIRE THE BURIAL OF DEAD ANIMALS.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall leave exposed and unburied the dead body of an animal on his own land, or shall deposit such dead animal on the land of another without having the same buried, shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court.

Exposure and deposit of unburied dead animals misdemeanor. Punishment.

SEC. 2. That if any person shall allow the dead body of an animal to be deposited on his premises and remain unburied, so that such body shall become offensive to the public, he shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court.

Allowing deposit of unburied dead animals misdemeanor. Punishment.

SEC. 3. That this act shall apply only to Robeson County.

Application of act.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 742.

AN ACT TO CUT SHADE TREES ON PUBLIC ROADS IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Alamance County be authorized to order the superintendent of roads to cut trees or groves or trees left for ornament or shade upon improved or unimproved land on either side of all public roads that may shade said roads, or to cut any trees that may fall and obstruct the passage over such roads: *Provided*, that the landowner or owners through whose land such roads may pass shall be given sixty days notice to remove such trees that may be designated by said road superintendent: *Provided further*, that this act shall not include shade trees located in front of dwelling-houses or within the inclosure of any front yard.

Cutting authorized.

Proviso: notice to landowners.

Proviso: exceptions.

SEC. 2. That if the owner or owners of any land shall present an account for the same, through the county road superintendent or supervisor or at any regular meeting of the county commissioners within thirty days after the cutting of such trees, it shall be the duty of the commissioners to pay for the same a fair price; and before deciding upon this, they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent or supervisor, one by the party

Presentation and payment of accounts.

Assessment of amount.

Proviso: right of appeal.

claiming damages, the third to be selected by these two, which jury shall report in writing to the county board of commissioners their decision for revision or confirmation: *Provided*, that the said landowner or owners shall have the right of appeal as provided for in section thirteen of the road law of eighteen hundred and ninety-nine.

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 the date of its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 743.

AN ACT TO AMEND CHAPTER 771 OF THE PUBLIC LAWS OF 1905, RELATIVE TO THE ROAD LAW OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Salary of road engineer.

SECTION 1. That section nineteen of chapter seven hundred and seventy-one of the Public Laws of one thousand nine hundred and five be and the same is hereby amended by striking out all after the word "of," in line eleven, and to the word "to" in said line, and insert in lieu thereof "not to exceed sixty-five per month."

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 11th day of March, A. D. 1913.

CHAPTER 744.

AN ACT TO PROHIBIT KILLING AND OFFERING FOR SALE QUAIL OR OTHER GAME BIRDS IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Killing and offering game birds for sale forbidden.

Misdemeanor.

Punishment.

SECTION 1. That it shall be unlawful for any person to kill and offer for sale quail, woodcock, or other game birds of market value in Vance County. Any person who shall violate this act after its passage shall be guilty of a misdemeanor and fined ten dollars or imprisoned not exceeding ten days.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 745.

AN ACT SUPPLEMENTARY TO AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A PUBLIC BRIDGE NEAR ELKVILLE, IN WILKES COUNTY, PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY OF 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of House Bill one thousand one hundred and sixty-six, Senate Bill eight hundred and ninety-eight, entitled "An act to provide for the construction of a public bridge near Elkville, in Wilkes County," passed at the regular session of the General Assembly of one thousand nine hundred and thirteen, be amended by striking out the words "within three hundred yards of Barlow's Ford," appearing in said section, and insert in lieu thereof the words "within three miles of Barlow's Ford." Location of bridge.

SEC. 2. That all laws and clauses 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 11th day of March, A. D. 1913.

CHAPTER 746.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BRUNSWICK COUNTY TO ISSUE THE BONDS FOR CERTAIN TOWNSHIPS AUTHORIZED BY CHAPTER 420, PUBLIC LAWS OF 1909.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners for Brunswick County are hereby authorized to issue the bonds for Lockwoods Folly and Shallotte townships, authorized by chapter four hundred and twenty of the Public Laws of one thousand nine hundred and nine, and heretofore voted by a majority of the voters in said townships, and to cause the said bonds to draw interest at the rate of six per centum per annum; the said bonds to mature and bear such date as the board of commissioners may determine. Issue of bonds authorized.
Interest.
Maturity and date.

SEC. 2. That the election proceedings and all the proceedings heretofore taken with respect to said bonds are hereby ratified, approved, and confirmed. Elections and proceedings validated.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 747.

AN ACT TO REGULATE THE HUNTING OF DEER, SQUIRRELS, AND WILD TURKEYS IN HOKE COUNTY.

The General Assembly of North Carolina do enact:

Open season for deer and turkeys.

SECTION 1. That it shall be unlawful to hunt deer or wild turkeys in the county of Hoke except from October twenty-fifth to December twenty-fifth, and squirrels from November first to February fifteenth of each and every year.

Open season for squirrels.

Misdemeanor.
Punishment.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and shall be fined not exceeding ten dollars or imprisoned not more than ten days.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 748.

AN ACT TO ALLOW THE COMMISSIONERS OF ROCKINGHAM COUNTY TO TAX CERTAIN DOGS.

The General Assembly of North Carolina do enact:

License tax on open females.

SECTION 1. That any person or persons owning or keeping on his premises an open female dog more than three months old, capable of bearing young, shall pay annually a license or privilege tax of two dollars for each female dog so kept; said license or privilege tax to expire on the thirtieth day of June of each and every year. It shall be the duty of any person owning any such dog, or permitting same to be kept on his premises, to pay the proper officer as herein described said tax and secure his receipt therefor. Any person who shall own or allow to stay on his premises any such female dog for more than thirty days without paying said tax shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars.

Payment of license.

Keeping unlicensed dog misdemeanor.
Punishment.

Collection of tax.

SEC. 2. That said tax shall be collected by the sheriff as is required by law for the collection of other taxes. The sheriff or tax collector shall have power to levy on property and may enforce the payment of said taxes in like manner as is prescribed by law for the collection of other taxes.

Approval of act by commissioners.

SEC. 3. That the foregoing sections of this act shall not take effect unless and until ratified and approved by the board of commissioners of Rockingham County, at a regular meeting of said board held on or before the first Monday in July, one thousand nine hundred and thirteen, such ratification and approval

to appear in the minutes of the meeting of said board. When the foregoing sections are so ratified and approved by said board of commissioners of Rockingham County, the foregoing sections shall be in full force and effect in Rockingham County, North Carolina.

SEC. 4. That any person owning any dog in Rockingham County is hereby granted the privilege of paying the sheriff of said county a tax of one dollar on any such dog, and the said sheriff is hereby directed to accept such tax when tendered and to issue his receipt therefor: *Provided*, that in the event sections one and two of this act shall be approved and ratified by the board of county commissioners the privilege granted under this section shall apply to only such dogs as are not taxed in accordance with sections one and two of this act; in the event sections one and two of this act are not so approved and ratified, the privilege granted under this section shall apply to all dogs.

Privilege of paying tax on dogs.

Proviso: dogs entitled to privilege.

SEC. 5. Any person taking and carrying away and appropriating to his own use, or the use of another, any dog on which a tax, in accordance with the provisions of section one or section four of this act, is paid, or any person receiving any such dog, knowing same to have been stolen, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Stealing dogs misdemeanor.

Punishment.

SEC. 6. That all moneys collected under the provisions of this act shall be a part of the public school fund of Rockingham County.

Moneys to use of school fund.

SEC. 7. That this act shall apply to Rockingham County only. Ratified this the 11th day of March, A. D. 1913.

Application of act.

CHAPTER 749.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF ONSLOW COUNTY, NORTH CAROLINA, TO AID IN THE ERECTION OF A MONUMENT ON THE COURTHOUSE SQUARE IN THE TOWN OF JACKSONVILLE, TO COMMEMORATE THE VALOR AND HEROISM OF THE CONFEDERATE SOLDIERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Onslow are hereby authorized and empowered to appropriate a sum, not to exceed one thousand five hundred dollars, out of the general fund belonging to the county of Onslow, to aid in the expense of erecting on the courthouse square in the town of Jacksonville, Onslow County, North Carolina, a suitable monument to commemorate

Appropriation authorized. Amount.

Selection of inscription. the valor and heroism of the Confederate soldiers of Onslow County, and to have placed thereon such inscription or inscriptions as may be selected by the Onslow County Chapter, United Daughters of the Confederacy.

Appropriation by town of Jacksonville. Amount. SEC. 2. That the town commissioners of the town of Jacksonville, North Carolina, are hereby authorized and empowered to appropriate a sum, not to exceed three hundred dollars, out of any moneys belonging to said town, to aid in erecting the said monument upon the courthouse square in the town of Jacksonville.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 750.

AN ACT TO MAKE SCHOOL ATTENDANCE COMPULSORY IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Persons in charge of children to enforce attendance on schools. School age. SECTION 1. That from and after the first day of July, one thousand nine hundred and fifteen, every parent, guardian, or other person in Guilford County, North Carolina, having charge or control of a child or children between the ages of eight and twelve years, shall cause such child or children to attend the local public school in the district, town, or city in which he resides, continuously for four months of the school term of each year, except as hereinafter provided. This period of compulsory attendance shall commence at the beginning of the compulsory period nearest to the eighth birthday of such child or children, and shall cover the compulsory period of four consecutive school years thereafter. This period of compulsory attendance for each public school shall commence at the beginning of the school term of the said school, unless otherwise ordered by the county board of education, or, in case of towns or cities of twenty hundred or more inhabitants, by the board of trustees of the public schools of said towns or cities. Continuous attendance upon some other public school or upon any private or church school taught by competent teachers and approved upon examination or inspection by the superintendent of schools of county, town, or city in which the child resides may be accepted in lieu of attendance upon the local public school:

Minimum of term. Period. Alternative schooling. *Provided*, that said period of continuous attendance upon such other school shall be for at least four months of each year: *Provided further*, that any private or church school receiving for instruction pupils between the ages of eight and twelve shall be required to keep such records of attendance of said children and to render such reports as are hereinafter required of public

Proviso: minimum. Proviso: record of attendance on public schools.

schools; and attendance upon any such school refusing or neglecting to keep such records and to render such reports shall not be accepted in lieu of attendance upon the local public school of the district or city which the child shall be entitled to attend.

EXEMPTIONS.

Exemptions.

SEC. 2. This act shall not apply in any case in which the child's physical or mental condition, as attested by any competent physician before any court having jurisdiction under this act, renders his attendance impracticable or inexpedient; or in any case in which the child resides two and one-half miles or more by the nearest traveled route from the schoolhouse; or in any case in which, because of extreme poverty, the services of such child are necessary for his own support or the support of his parents, as attested by the affidavit of said parent and of such witnesses as the attendance officer may require; or in any case in which said parent, guardian, or other person having charge or control of a child shall show before any magistrate, by affidavit of himself and of such witnesses as the attendance officer may require, that the child is without necessary books and clothing for attending school, and that he is unable to provide the necessary books and clothing: *Provided*, that when books and clothing shall have been provided through charity or by other means, the child shall no longer be exempt from attendance under this provision.

Physical or mental condition.

For distance from school.

For extreme poverty.

Proviso: books and clothing otherwise provided.

PROVISION FOR TEMPORARY ABSENCE.

SEC. 3. Every parent, guardian, or other person in the State of North Carolina, Guilford County, having charge or control of a child or children between the ages of eight and twelve years shall cause such child to attend school as aforesaid: *Provided*, that occasional absence from such attendance by such child amounting to not more than two unexcused absences for four consecutive weeks shall not be unlawful: *Provided further*, that the superintendent, principal, or teacher in charge of schools may excuse any child for temporary absence because of unusual storm or bad weather, sickness or death in the child's family, unforeseen or unavoidable accidents, not to exceed four days in four consecutive weeks, and such excuse and the reason therefor shall be recorded by said superintendent, principal, or teacher in charge of school and reported to the attendance officer, as hereinafter provided: *Provided further*, that in case of protracted illness of any child whose attendance is required under this act, or the protracted illness of any member of the family which necessitates the child remaining at home, or in case of quarantine of the home in which such child resides, upon report of the health officer or upon certificate of any legally qualified physician to this effect, the attendance officer shall excuse from attendance such child until he is fully restored to health or until the time required by law that he shall stay out of school after quarantine has been raised.

Enforcement of attendance.

Proviso: occasional absence.

Proviso: excuses by principals or teachers.

Proviso: protracted illness and quarantine.

PENALTY FOR NONCOMPLIANCE.

Misdemeanor. SEC. 4. Any parent, guardian, or other person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than one dollar and not more than five dollars, and upon failure or refusal to pay such fines, said parent, guardian, or other person shall be imprisoned not to exceed five days in the county jail: *Provided*, that the fine for any first offense may, upon payment of costs, be suspended and not collected until the same party is convicted of a second offense: *Provided further*, that after the expiration of three days from the service of the notice by the attendance officer, each and every day, a parent, guardian or other person shall willfully keep such child or children from school, or allow him to remain out of school, shall constitute a separate offense and shall subject such person to the penalties herein prescribed.

Punishment.

Proviso: suspension of judgment.

Proviso: separate offenses.

ATTENDANCE OFFICERS.

Appointment of attendance officer. SEC. 5. The county board of education of Guilford County shall appoint and remove at will an attendance officer for each township to enforce the provisions of this act, who shall serve also as taker of the census, performing the duties heretofore required of the school committee as to the census under section four thousand one hundred and forty-eight of the Revisal of one thousand nine hundred and five of North Carolina, and as keeper of the attendance records, for which service he shall be allowed three cents per child of school age each school year. It shall be his duty to take an annual census and to furnish each superintendent, principal, or teacher in charge of school with an accurate school census of the district at the opening of the school each year. The attendance officer shall serve written or printed or partly written and partly printed notices upon every parent, guardian, or other person violating the provisions of this act, and prompt compliance on the part of such parent, guardian, or other person shall be required. For serving such notice the attendance officer shall be allowed a fee of twenty-five cents, to be paid out of the school fund of the county, and if any parent, guardian, or other person upon whom such notice is served fails to comply with the law within three days, then it shall be the duty of said attendance officer to prosecute such person. Prosecution under this act shall be brought in the name of the State of North Carolina before any justice of the peace, or police justice, or recorder of Guilford County, town or township in said county, in which the person prosecuted resides. The attendance officer shall have the right to visit and enter any office or factory or business house employing children, for the purpose of enforcing the provisions of this act; when doubt exists as to the age of a child, he may require a properly attested birth certificate or affidavit stating such child's age; he shall keep an accurate record of all notices served, all cases prosecuted, and all

Census taker.

Keeper of attendance record.

School census.

Notices to parents.

Fee for serving notices.

Prosecutions.

Venue.

Entrance to offices and factories.

Records and reports.

other services performed, and shall make an annual report of same to the county board of education. In the discretion of the county board of education, the attendance officer may be allowed reasonable additional compensation from the county school fund for such services as are required of him under this act, compensation for which is not specifically provided for herein: *Provided*, that in case the county board of education shall appoint a school committeeman or township constable as attendance officer, the duties of such officer herein prescribed are hereby declared to be a part of his duties *ex officio*: *Provided further*, that the school committee or board of trustees of any school in any town or city of five thousand or more inhabitants, operating its schools under special charters, is hereby authorized and empowered, if in their judgment such action is wise, to appoint an attendance officer for the schools under their direction, fix his compensation and pay the same out of the school funds of said town or city, and assign to him other duties in addition to those enumerated above.

Additional compensation.

Proviso: school committeemen as attendance officers.

Proviso: special officers for towns or cities.

TEACHERS REQUIRED TO COÖPERATE.

SEC. 6. It shall be the duty of all principals and teachers to coöperate with the attendance officers in the enforcement of this law. To this end it shall be the duty of the principal or teacher in charge in every school in which pupils between the ages of eight and twelve years are instructed, to keep an accurate record of the attendance of such pupils, to render weekly reports of same to the attendance officer and the county superintendent of public instruction, showing all absences, excused and unexcused, and in the case of an excused absence, to state the reason for which the pupil was excused. Upon willful or negligent failure of any principal or teacher in charge of any school to comply with the provisions of this section, the county superintendent shall deduct from his or her salary for the current month the sum of five dollars before approving the voucher therefor.

Principals and teachers to coöperate.

Records of attendance.

Weekly reports.

Penalty for failure.

COUNTY BOARD MUST CIRCULATE LAW.

SEC. 7. It shall be the duty of the county board of education of Guilford County to cause this act to be published in full in some newspaper published in the county, and the same be given the widest possible circulation at least four weeks prior to the opening of the schools for the school year beginning July first, one thousand nine hundred and fifteen, and annually thereafter, if in their discretion it seems necessary.

Publication of act.

SEC. 8. That at the general election held in November, one thousand nine hundred and fourteen, there shall be provided at each voting precinct in Guilford County a separate box marked "For and Against Compulsory Attendance"; that each qualified voter shall be permitted to place therein a ballot, according to his wishes, marked either "For Compulsory Attendance" or "Against Com-

Election on acceptance of law.

Ballots.

- Returns and canvass. pulsory Attendance," and the result of the election on this measure shall be canvassed and declared in the same manner in which it is done for officers of Guilford County. In case a majority of the ballots cast shall be in favor of compulsory attendance, then and in that event this act shall be in full force and effect; otherwise, it shall be null and void.
- Effect of election. SEC. 9. It shall be the duty of the board of education of Guilford County to provide a sufficient number of tickets for said election, both "For Compulsory Attendance" and "Against Compulsory Attendance," and place the same in the hands of the chairman of the board of elections of Guilford County at least ten days previous to the general election in November, one thousand nine hundred and fourteen, and it shall be the duty of the said chairman of the board of elections to distribute these tickets to the various election officers.
- Board of education to provide tickets. SEC. 10. This act shall apply only to Guilford County.
- Distribution. SEC. 11. That this act shall be in force from and after its ratification.
- Application of act. Ratified this the 11th day of March, A. D. 1913.

CHAPTER 751.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FIX THE SALARIES OF THE SHERIFF, CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS, AND TREASURER OF IREDELL COUNTY," AND RATIFIED THE 7TH DAY OF MARCH, 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill number one thousand one hundred and seventy-four, Senate Bill number one thousand three hundred and thirty-four, being "An act to fix the salaries of the sheriff, clerk of the Superior Court, register of deeds, and treasurer of Iredeell County." and ratified the seventh day of March, one thousand nine hundred and thirteen, be amended as follows: By inserting between sections fifteen and sixteen of said act a new section, to be numbered section fifteen and a half, as follows, to wit:

County to furnish office supplies.

"SEC. 15½. That the county commissioners shall furnish, at the expense of the county, each of said officers with all necessary records, books, furniture, files, stamps, and stationery of every description."

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 11th day of March, A. D. 1913.

CHAPTER 752.

AN ACT TO REGULATE FISHING IN THE COUNTIES OF
BURKE, BRUNSWICK, CALDWELL, COLUMBUS, AVERY,
MITCHELL, DUPLIN, PAMLICO, PASQUOTANK, AND
YANCEY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-seven, Public- Burke county.
Local Laws one thousand nine hundred and eleven, entitled "An
act to regulate fishing and hunting in Burke County," be and the
same is hereby repealed. That it shall be unlawful to fish in any
manner in the waters of Upper Creek, Steele's Creek, Cranberry
Creek, or Linville River above the gorge, or the tributaries of
such streams above Smyrna Church, without the permission of
the owners or lessees of the land through which said streams flow.
That any legally constituted game warden shall have the power
to arrest without warrant any person found dynamiting fish, sein-
ing fish, or sacking fish in any of the said water-courses, and that
it shall be unlawful to seine, sack, or dynamite fish in any of
the said water-courses. That any person violating any of the
provisions of this section shall be guilty of a misdemeanor, and
upon conviction for any such violation shall be fined not less than
twenty dollars or imprisoned not more than thirty days, or both,
in the discretion of the court, one-half of the fine to go to the
person informing or furnishing the evidence for such conviction.
This section shall apply to Burke County only.

SEC. 2. That chapter six hundred and seventy-five of the Public-
Local Laws of one thousand nine hundred and eleven, entitled
"An act to regulate the fishing for rainbow trout in Mitchell and
Caldwell counties," be amended to read as follows: That it shall
be unlawful for any person to seine, spear, snare, kill, or other-
wise to take any rainbow trout or other fish whatever from any
of the water-courses of Caldwell, Mitchell, and Avery counties,
except with hook and line; that it shall be unlawful for any person
to so fish, catch, or take any fish whatever from any of said
streams, even with hook and line, except and only during the
months of May, June, July, August, and September of each year,
and these months shall be the open season in which fish may be
so caught; that it shall be unlawful for any person to enter upon
the lands of another for the purpose of fishing in any of said
water-courses above named without first having the permission
of said landowner or his agents. That any person or persons vio-
lating any of the provisions of this section 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.

- Waccamaw river. SEC. 3. That chapter four hundred and sixty of the Public-Local Laws of one thousand nine hundred and eleven, relating to fishing in Waccamaw River and its tributaries, be and the same is hereby repealed.
- Duplin county. SEC. 4. That any person who shall take fish from any of the waters of Duplin County from the first day of June till the fifteenth day of August of any year shall be guilty of a misdemeanor, and shall pay a fine of not less than twenty nor more than thirty dollars: *Provided*, this section of this act shall not apply to private ponds constructed and maintained for the exclusive purpose of propagating fish. That the offender against this section shall also be liable to a civil penalty of ten dollars, to be paid to the informer.
- Proviso: private ponds.
- Civil penalty.
- Pamlico sound. SEC. 5. (a) That it shall be unlawful for any person or association of persons or corporation to set or cause to be set, fish or cause to be fished in Pamlico Sound from the mouth of Bay River to Neuse River and in Neuse River, more than four pound, pond, or dutch nets in any one string, with leads of more than two hundred yards in length for each pound or net, or at a greater distance than one and one-half miles from the shore at right angles or thereabout from the place opposite where such net may be set; and it shall be unlawful for any person, association of persons, or corporation to set or cause to be set any pound, pond, or dutch net or string of net of any kind, or shall fish any such nets nearer to a net or string of such nets already set and being fished than five hundred yards, and no pound, pond, or dutch net nor any lead thereto shall be set other than at right angles or thereabouts from the shore. It shall be unlawful for any person or persons, firm or corporation to use, set, or fish any drag or haul net in the waters of Smith's Creek or its tributaries in Pamlico County.
- Smith's creek, Pamlico county.
- Pamlico county, Neuse river. (b) That it shall be unlawful for any person or persons or corporation to set or fish or cause to be set or fished any pound, pond, or dutch net in the waters of Pamlico County on the south and east sides thereof or in Neuse River, of a size smaller than one and one-quarter mesh or bar measure or two and one-half inches string measure: *Provided*, this provision of this section of this act shall not go into effect until January first, one thousand nine hundred and fourteen.
- Proviso: when section effective.
- Dutch nets in Smith's creek. (c) That any person or persons or corporation who shall set or fish or cause to be set or fished any pound, pond, or dutch net at a greater distance than one and one-half miles from the shore, or shall set more than four such nets in one string, or shall set or fish any such nets nearer than five hundred yards to a string of such nets already set, or shall set such net otherwise than at right angles or thereabout from the shore, or shall set or fish any drag or haul net in the waters of Smith Creek or its tributaries in Pamlico County, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding
- Misdemeanor. Punishment.

thirty days, in the discretion of the court, and shall also forfeit such net or nets any portion of which may be set beyond such distance from the shore or set in any manner or place forbidden in this act.

(d) It shall be the duty of the Sheriff of Pamlico County, upon reliable information that any person or persons or corporation has set or caused to be set any pound or dutch net, or that any portion of any such net has been set at a greater distance than one and one-half miles from the shore from the mouth of Bay River to Neuse River and from Neuse River to Bairds Creek or nearer than five hundred yards to any nets already set, to ascertain the truth thereof, and if such report be correct, take into his possession at once any such net so set, and after ten days public notice at three public places in his county sell the same at public sale, and from the proceeds he shall retain the actual cost of taking such net and a fee for services of two and one-half dollars, and the remainder of said proceeds he shall pay one half to the informer and the other to be paid to the county treasurer, who shall place the same to the credit of the public school fund of Pamlico County.

Sheriff to examine into complaints and seize and sell nets.

(e) That it shall be lawful for any person or persons to set pound, pond, or dutch nets in the manner prescribed in this act in the waters of Pamlico County and in Neuse River upon the north side thereof from its mouth to Bairds Creek, at any time during the year, and from the northern end of outer Swan Island to Adams Creek on the south side of Neuse River, from the first day of January to the first day of May.

Dutch nets in Pamlico county and Neuse river.

SEC. 6. That it shall be unlawful for any person, firm, or corporation to fish in Pasquotank River above Stinking Gut on either side of said river with pound or pike nets, or any other kind of net with nudge or leads: *Provided*, that this act shall not be construed to prohibit any person, firm, or corporation fishing in said territory with gill nets. 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 not to exceed fifty dollars or imprisoned not to exceed thirty days, in the discretion of the court.

Pasquotank river.

Proviso: gill nets.

Misdemeanor.

Punishment.

SEC. 7. That section two of chapter two hundred and ninety of the Public-Local Laws of one thousand nine hundred and eleven, regulating fishing and hunting in Yancey County, be amended by striking out of line one thereof the words "Cane River" and by striking out of line three thereof the words "South Toe River and its tributaries." That section three of said act be stricken out.

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

Repealing clause.

SEC. 9. That this act shall be in force from and after its ratification, except subsection (b) of section five thereof, which shall not go into effect until January first, one thousand nine hundred and fourteen.

When act effective.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 753.

AN ACT TO ALLOW THE BOARD OF EDUCATION OF GUILFORD COUNTY TO ESTABLISH AND MAINTAIN A FARM OR TRAINING SCHOOL OR SCHOOLS.

The General Assembly of North Carolina do enact:

Establishment and maintenance of school authorized.

SECTION 1. That the board of education of Guilford County are hereby authorized and empowered, in their discretion, to establish and maintain a school for the training of youth who, by reason of moral delinquency or other reasons, are not properly to be educated in the ordinary schools of the county, and for this purpose the said board of education, out of funds appropriated by the county commissioners, may purchase a farm or farms or other property; may build and construct buildings, dormitories, and such other structures, and may purchase such implements, machinery, and other appliances as they may deem best for the proper education and training of such youth.

Purchase of farm and construction of buildings.

Equipment.

Rules, by-laws, and regulations.

SEC. 2. The said board of education are hereby authorized to make rules, by-laws, and regulations for the government of such school or schools, and may in their discretion receive such children to be educated at such school or schools as may be sent to them, either by parent or parents, by guardians or other persons having charge of such child or children, or by any court.

Children received in school.

Labor.

SEC. 3. The said board of education may require the said children to perform suitable labor, which shall be applied towards the support of the institution or institutions, and shall also educate the said children suitably, and give them a training, either in farming or in some useful trade or vocation.

Education and training.

Appropriation by county.

SEC. 4. The county commissioners of Guilford County are hereby authorized and empowered, in their discretion, to contribute towards the maintenance and support of such school or schools, or the purchase of lands or other property for such purpose, out of the general funds of the county.

Children sent to school by courts.

SEC. 5. That the Superior Court of Guilford County, or any magistrate, recorder's or municipal court in said county, may, in its discretion, send any child convicted of a crime to the school hereinbefore provided for.

Segregation of races and sexes.

SEC. 6. That the said board of education may, in its discretion, establish a school, as hereinbefore described, either for the white or colored race, or both, and may also, in its discretion, have separate schools for boys and girls.

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 11th day of March, A. D. 1913.

CHAPTER 754.

AN ACT TO APPOINT A. L. STONE A JUSTICE OF THE PEACE FOR BRITT'S TOWNSHIP, ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That A. L. Stone be and he is hereby appointed a Appointment. justice of the peace for Britt's Township, Robeson County, for a Term. term of four years.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 755.

AN ACT TO ALLOW THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY EXTRA PAY.

The General Assembly of North Carolina do enact:

SECTION 1. That the chairman of the board of county commis- Allowance for sioners of Haywood County be and he is hereby allowed the sum extra services. of fifty dollars per annum extra pay over and above his mileage and per diem now allowed by law for extra services.

SEC. 2. That it shall be the duty of the chairman of the board Inspection of books and accounts. of commissioners of Haywood County to inspect the books and accounts of all county officers of said county from time to time and to report to said board as he may deem proper. Reports.

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

SEC. 4. That this act shall be in force from and after the first When act effective. Monday in December, one thousand nine hundred and seventeen.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 756.

AN ACT TO PROVIDE FOR THE PAY OF THE COMMISSIONERS OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Bladen County shall be Per diem and entitled to four dollars per day and mileage at the rate allowed mileage. by law for all services rendered by them in attending the meetings of said board or serving as committeemen of said board in attend-

Proviso: appointments for committee work.

ing to the business of Bladen County: *Provided*, that no commissioner shall be construed as acting as committeeman unless he was appointed as such at a previous meeting of said board, the same appearing in the minutes thereof: *Provided further*, that no commissioner, except the chairman of the board, shall receive pay for more than four days in any one month.

Proviso: limit of employment.

Proviso: duty and pay of chairman.

SEC. 2. *Provided further*, that this shall in no way interfere with the duties or pay of the chairman of the board of county commissioners as provided for in any previous act.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 757.

AN ACT TO REPEAL SECTION 2484, CHAPTER 58, OF THE REVISAL OF 1905, RELATIVE TO FISHING IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That section two thousand four hundred and eighty-four, chapter fifty-eight, of the Revisal of nineteen hundred and five, be and the same is hereby repealed.

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

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 758.

AN ACT RELATIVE TO AMENDING CHAPTER 58, SECTION 2462 OF THE REVISAL OF 1905, BY STRIKING OUT THE WORDS "IN LINVILLE RIVER FROM ITS MOUTH TO LINVILLE FALLS" IN LINES 25 AND 26.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter fifty-eight, section two thousand four hundred and sixty-two of the Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out in lines twenty-five and twenty-six of section two thousand four hundred and sixty-two the words, "in Linville River from its mouth to Linville Falls."

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 759.

AN ACT TO VALIDATE CERTAIN PROBATES OF E. C. CLARK,
A NOTARY PUBLIC OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all probates made prior to March Probates validated. tenth, one thousand nine hundred and thirteen, by E. C. Clark, a notary public in and for Bladen County, State of North Carolina, for the Bank of Bladen, of which he was cashier at the time of taking and making such probates, be and the same are hereby validated and declared to be legal and binding.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 760.

AN ACT TO APPOINT E. B. PAUL A JUSTICE OF THE PEACE
FOR SADDLE TREE TOWNSHIP, ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That E. B. Paul be and he is hereby appointed a Appointment. justice of the peace for Saddle Tree Township, Robeson County, North Carolina, and shall hold office for six years from and after Term. February first, one thousand nine hundred and thirteen.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 761.

AN ACT TO PREVENT THE DEGRADING OF PUBLIC
MORALS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to sell, furnish, or give away any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, in greater quantity than is prescribed in the United States Pharmacopœia, except upon the original written order or prescription of a lawfully licensed prac- Selling, furnishing, or giving certain drugs unlawful. Enumeration of drugs. Prescription for forbidden drugs.

- Prescriptions not to be filled.
- Limit of amount.
- Prescriptions to be filed.
- Refilling prescriptions forbidden.
- Copies or duplicates forbidden.
- Prescriptions open to inspection. Proviso: specifics excepted.
- Proviso: further exceptions.
- Limit of sales to doctors.
- Limitation on possession of drugs by dealers.
- tioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated, and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the order or prescription; and in no case shall any person, firm, or corporation fill any prescription or order for cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, in flake or crystals, but only in a solution, or ointment, which shall not contain over four per cent of the above named substances, or any of them, and no such order or prescription shall be for a greater quantity than one ounce of any such solution or ointment sold and dispensed in one-ounce bottles. Such written order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be again compounded or dispensed, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber, and properly authorized officers of the law: *Provided, however,* that the above provisions shall not apply to preparations containing opium, or its derivatives, and recommended and sold in good faith for diarrhoea, cholera, or coughs, each bottle or package of which is accompanied by specific directions for use, and a caution against habitual use; nor to the compound powder of ipecac and opium, commonly known as "Dover's powders"; and *Provided further,* that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers, and manufacturers to retail druggists or qualified physicians, or to each other, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations, for use in the manufacture of such preparations, nor to sales to hospitals, colleges, or scientific institutions.
- Sec. 2. That it shall be unlawful for any person, firm, or corporation to sell, furnish, or dispense to any regular practitioner of medicine, dentist, or veterinary medicine more than one dram of cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances, or their salts or compounds, at one time; or more than one-half ounce of opium, morphine, heroin, codine, or any salt or compound of any of the said substances, or their salts or compounds, at one time.
- Sec. 3. That it shall be unlawful for any person, firm, or corporation, doing a retail drug business to have more than one

ounce of cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances or their salts or compounds, or more than one and one-half ounces of opium, morphine, heroin, codine, or any salt or compound of any of them, or their salts or compounds, in his or its possession at any one time.

SEC. 4. That it shall be unlawful for any practitioner of medicine, dentist, or veterinarian, to have or keep in his possession at any time more than one dram of cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances, or their salts or compounds, or more than one-half ounce of opium, morphine, heroin, codine, or any salt or compound of any of them, or their salts or compounds, and each practitioner of medicine, dentist, and veterinarian shall keep a complete record of all purchases, the date and amount of each purchase, and the name of the person or party from whom each purchase was made, and a complete record of any disposition of said drugs, or any of them, and said record shall be open at all times to the inspection of the legally authorized officers of the law.

Limitation on possession by doctors.

Record of purchase and disposition of drugs.

Records open to inspection.

SEC. 5. That it shall be presumptive evidence of an illegal sale if the amount shown by the amount on hand, plus the amount legally dispensed with, does not tally with the amount shown to have been purchased by the retail druggist, practitioner of medicine, dentist, or veterinarian.

Presumptive evidence of illegal sale.

SEC. 6. That it shall be unlawful for any practitioner of medicine, dentist, or veterinary medicine to furnish to or prescribe for the use of any habitual user of the same any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of any of the foregoing substances, or their salts or compounds; and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment, in the regular practice of his profession, or for any practitioner of medicine to prescribe any of the foregoing substances for the use of any human being: *Provided, however*, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith for the use of any habitual user of narcotic drugs, who is under his professional care, such substances as he may deem necessary for his treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this act.

Prescriptions forbidden.

Proviso: prescriptions for treatment of drug habit.

SEC. 7. That it shall be unlawful for any jobber, wholesaler, or manufacturer to sell or furnish to any retail druggist cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances, or their salts or compounds, in greater quantity than one ounce, at one time, or to likewise sell or furnish opium, morphine, heroin, codine, or any salt or compound of any of them, or their salts or compounds, in greater quantity than one

Limitation of sales to dealers.

- Limitation of sales to doctors. and one-half ounces at one time; and it shall be unlawful for any jobber, wholesaler, or manufacturer to sell or furnish to any practitioner of medicine, dentistry, or veterinary medicine, cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances, or their salts or compounds, in greater quantity than one dram, at one time, or to likewise sell or furnish opium, morphine, heroin, codine, or any salt or compound of any of them, or their salts or compounds, in greater quantity than one-half ounce at one time; and that every package sold or furnished by any jobber, wholesaler, or manufacturer shall bear a serial number, stamped upon the outside wrapper or cover; and that all jobbers, wholesalers, and manufacturers shall keep a complete record of every sale made by them, showing the name of the buyer, his place of business, the date of sale, the kind of drug sold, and if a salt or compound, the percentage of any substance therein enumerated, the amount sold, the serial number of each package, and the name of the clerk or employer by whom each order was filled, and these records shall be open at all times to the inspection of the legally authorized officers of the law.
- Packages to be numbered.
- Record of sales.
- Records open to inspection.
- Possession of drugs forbidden.
- Process for securing evidence.
- Persons not excused from testifying.
- Immunity to witnesses.
- Issue of search warrants.
- SEC. 8. That it shall be unlawful for any person, firm, or corporation, other than those enumerated in this act, and also those into whose hands possession may come, in enforcing or attempting to enforce the provisions of this act, to have in his or their possession any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of the foregoing substances, or their salts or compounds.
- SEC. 9. That upon affidavit being made that there is reason to believe that the provisions of this act are being violated at any place, or by any person, those officers or persons authorized to issue process in cases provided in section three thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five, and the amendments thereof, may and are hereby authorized to issue to any lawful officer of the city or county where such place or person may be a *subpœna capias ad testificandum*, or summons in writing, commanding any person who may have information concerning such violation of the law to appear and give evidence upon oath concerning the same.
- SEC. 10. That no person shall be excused from testifying in any prosecution for violating this act, or at any investigation concerning the violating of any law prohibiting the sale, dispensing, or possession of any of the substances, mixtures, or compounds enumerated in this act, or any other law of the State concerning the same; but no discovery made by such person shall be used against him in any penal or criminal prosecution, and he shall be altogether pardoned for the offense done or participated in by him.
- SEC. 11. If any credible witness shall make oath before any person authorized to issue process in cases provided in section three thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five, and the amendments thereof, that

there is a reasonable cause to suspect that any provision of this act is being violated, or any other act prohibiting the sale, dispensing, or possession of the substances, mixtures, or compounds enumerated herein, it shall be lawful and the duty of such officer or person to grant a warrant, to be executed within the limits of Guilford County, to any lawful officer of said county, authorizing him to search the place where, or the person by whom, it is alleged (in such affidavit) this act has been or is being violated, and to seize and preserve any evidence of the violation of this act, to be used in the trial of any person arrested by reason of the examination, search, or seizure herein provided; all cocaine, the alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any mixture of either, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, seized under this act, shall be held, and upon acquittal of the person so charged, shall be returned to him, and upon conviction shall be destroyed.

Seizure and keeping of drugs.

Disposal of drugs.

Sec. 12. That the city prosecuting attorneys of said counties are hereby authorized and directed to secure from the Federal internal revenue collectors of North Carolina, on or before the fifteenth day of January, April, July, and October of each year, certified copies of the names of all persons who have paid to the Federal Government special taxes imposed upon the business of selling intoxicating liquors within their respective counties, and to pay to the internal revenue collector the fee prescribed by the statutes of the United States. Said city attorneys shall file with the county auditor of his county or city a certified statement of the amount paid to such internal revenue collector, and the board of commissioners shall audit and allow the same at their next regular or special meeting.

Prosecuting attorneys to secure lists of federal licenses.

Payment of fees.

Reimbursement.

Sec. 13. Upon receipt by the city prosecuting attorneys of certified copies of the names of all persons in his county who have paid the Federal Government the special tax imposed on the business of selling intoxicating liquors as aforesaid, the city attorney shall, after examination of said list, file the same with the clerk of the court, and with the clerk of the recorder's or municipal courts of this county, who shall record the same in a book kept therefor, which shall be open to public inspection.

Record of federal licenses.

Sec. 14. The certified copy furnished by the internal revenue collector of the name of any person who has paid to the Federal Government the special tax imposed upon the business of selling intoxicating liquors shall be *prima facie* evidence that said person is engaged in the sale of, or keeping with intent to sell, intoxicating liquors in violation of law.

Lists prima facie evidence.

Sec. 15. That it shall be unlawful for any person, firm, or corporation to sell the compound known as jamaica ginger, except upon the prescription of a duly licensed and regular practicing physician; that the person, firm, or corporation selling jamaica ginger upon prescription shall keep a list of all said prescriptions, and shall allow said list to be examined by any officer of the law, and no

Sale of jamaica ginger forbidden.

List of prescriptions. Examination of lists.

Refilling prescriptions forbidden.
Prescriptions forbidden.

prescription shall ever be filled but once; that it shall be unlawful for any physician to give a prescription for jamaica ginger except to a person directly under his care, and then only in good faith, for medicinal purposes only.

Keeping disorderly houses forbidden.
Illicit intercourse for hire forbidden.

SEC. 16. That it shall be unlawful for any person to keep a house for immoral or lewd purposes, and it shall be unlawful for any woman to have illicit intercourse with men for hire or reward.

Unlawful detention of women misdemeanor.

SEC. 17. Whoever shall unlawfully detain or confine any female by force, false pretense, or intimidation, in any room, house, building, or premises in this State, against the will of such female, for purposes of prostitution, or with intent to cause such female to become a prostitute, and be guilty of fornication or concubinage therein, or shall by force, false pretense, confinement, or intimidation, attempt to prevent any female, so as aforesaid detained, from leaving such room, house, building, or premises; and whoever aids, assists, or abets by force, false pretense, confinement, or intimidation, in keeping, confining, or unlawfully detaining any female in any room, house, building, or premises in this State, against the will of such female, for the purpose of prostitution, fornication, or concubinage, shall be guilty of a misdemeanor.

Permitting women in bawdy houses misdemeanor.

SEC. 18. Whoever, being the keeper of a house of prostitution, or assignation house, building, or premises in this State where prostitution, fornication, or concubinage is allowed, or practiced, shall suffer or permit any unmarried female under the age of eighteen years to live, board, stop, or room in such house, building, or premises, shall be guilty of a misdemeanor.

Obscene, indecent, and immoral shows forbidden.

SEC. 19. Any person who, as owner, manager, director, or agent, or in any other capacity, prepares, advertises, gives, presents, or participates in any obscene, indecent, immoral, or impure drama, play, exhibition, show, or entertainment, which would tend to the corruption of the morals of youth or others, and every person aiding or abetting such act, and every owner or lessee, or manager of any garden, building, room, place, or structure, who leases or lets the same or permits the same to be used for the purposes of any such drama, play, exhibition, show, or entertainment, or who assents to the use of the same for any such purpose, if it be so used, shall be guilty of a misdemeanor.

Misdemeanors.

Officers subject to removal.

SEC. 20. Any city prosecuting attorney, any sheriff, police officer, or constable, shall be removed from office by the judge of the Superior Court upon charges made in writing, and hearing thereunder, for the following causes:

For neglect of duty.

First. For willful or habitual neglect or refusal to perform the duties of his office.

For willful misconduct.
Corruption.

Second. For willful misconduct or maladministration in office.
Third. For corruption.

Extortion.

Fourth. For extortion.

Conviction of felony.

Fifth. Upon conviction of a felony.

Sixth. For intoxication, or upon conviction of being intoxicated. *Intoxication.*

SEC. 21. The complaint or petition shall be entitled in the name of the State of North Carolina, and may be filed upon the relation of any five qualified electors of the county in which the person charged is an officer, upon the approval of the county attorney of such county, or the solicitor of the district, or by any such officer upon his own motion. It shall be the duty of the county attorney or solicitor to appear and prosecute this proceeding. *Petition for removal.*
County attorney or solicitor to prosecute.

SEC. 22. The accused shall be named as defendant, and the petition shall be signed by some elector, or by such officer. The petition shall state the charges against the accused, and may be amended, and shall be filed in the office of the clerk of the Superior Court of the county in which the person charged is an officer. The accused may at any time prior to the time fixed for hearing file in the office of the clerk of the Superior Court his answer, which shall be verified. *Specifications of petition.*
Answer of accused.

SEC. 23. That upon the filing of the petition in the office of the clerk of the Superior Court, and presentation of the same to the judge, the judge may suspend the accused from office if in his judgment sufficient cause appear from the petition and affidavit, or affidavits, which may be presented in support of the charges contained therein. In case of suspension, as herein provided, the temporary vacancy shall be filled in the manner provided by law for filling of the vacancies in such office. *Suspension pending hearing.*
Vacancy filled.

SEC. 24. In the trial of the cause in the Superior Court the cause shall be advanced and take precedence over all other causes upon the court calendar, and shall be heard at the next term after the petition is filed, provided the proceedings are filed in said court in time for said action to be heard. The Superior Court shall fix the time of hearing. If the final termination of such proceedings be favorable to any accused officer, said officer shall be allowed the reasonable and necessary expense, including a reasonable attorney fee, to be fixed by the judge, he has incurred in making his defense, by the county, if he be a county officer, or by the city or town in which he holds office, if he be a city officer. If the action is instituted upon complaint of citizens as herein provided, and it appears to the court that there was no reasonable cause for filing the complaint, the costs may be taxed against the complaining parties. *Precedence in hearing.*
Allowance on acquittal.
Costs.

SEC. 25. Whoever shall erect, establish, continue, maintain, use, own, or lease any building, erection, or place used for the purpose of lewdness, assignation, prostitution, gambling, or illegal sale of whiskey, is guilty of nuisance, and the building, erection, or place, or the ground itself, in or upon which such lewdness, assignation, prostitution, gambling, or illegal sale of liquor is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments and contents, are also declared a nuisance, and shall be enjoined and abated as hereinafter provided. *Nuisance.*
Abatement.

Action for
abatement.

SEC. 26. Whenever a nuisance is kept, maintained, or exists as defined in this act, the city prosecuting attorney, the solicitor, or any citizen of the county may maintain civil action in the name of the State of North Carolina upon the relation of such city prosecuting attorney, solicitor, or citizen, to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same, and the owner or agent of the building or ground upon which said nuisance exists. In such action the court, or a judge in vacation, shall, upon the presentation of a petition therefor, alleging that the nuisance complained of exists, allow a temporary writ of injunction without bond, if it shall be made to appear to the satisfaction of the judge by evidence in the form of affidavits, depositions, oral testimony, or otherwise, as complainant may elect, unless the judge, by previous order, shall have directed the form and manner in which it shall be presented. When an injunction has been granted it shall be binding on the defendant throughout the county in which it was issued, and any violation of the provisions of injunction herein provided shall be a contempt, as hereinafter provided.

Temporary
injunction.

Action triable.

Evidence.

SEC. 27. The action when brought shall be triable at the first term of court after service of the summons has been made, and in such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney, setting forth the reason why the action should be dismissed, and the dismissal approved by the city prosecuting attorney, or solicitor, in writing or in open court. If the court is of the opinion that the action ought not to be dismissed, he may direct the city prosecuting attorney, or the solicitor, to prosecute said action to judgment; and if the action continued more than one term of court, any citizen of the county, or the county attorney, may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen, and the court finds there was no reasonable ground or cause of said action, the costs may be taxed to such citizen.

Dismissal of com-
plaint.

Direction of judge.

Costs taxed on
complainant.

Punishment for
violation of
injunction.

Punishment for
contempt.

SEC. 28. In case of the violation of any injunction granted under the provisions of this act, the court, or, in vacation, a judge thereof, may summarily try and punish the offender. A party found guilty of contempt under the provisions of this section shall be punished by a fine of not less than two hundred or more than one thousand dollars, or by imprisonment in the county jail not less than three or more than six months, or by both fine and imprisonment.

Order abating
nuisance.

SEC. 29. If the existence of the nuisance be established in an action as provided in this act, or in a criminal proceeding, an order of abatement shall be entered as a part of the judgment in the cause, which order shall direct the removal from the building or

place of all fixtures, furniture, musical instruments, or movable property used in conducting the nuisance, and shall direct the sale thereof in the manner provided for the sale of chattels under execution, and the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released. If any person shall break and enter, or use said building, erection, or place so directed to be closed, he shall be punished as for contempt, as provided in the preceding section. For moving and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

Conduct punishable as for contempt.

Fees of officers.

SEC. 30. The proceeds of the sale of the personal property as provided in the preceding section shall be applied in the payment of the costs of the action and abatement, and the balance, if any, shall be paid to the defendant.

Application of proceeds of sales.

SEC. 31. If the owner appears and pays all costs of the proceeding and files a bond, with sureties to be approved by the clerk, in the full value of the property, to be ascertained by the court, or, in vacation, by the clerk of the Superior Court, conditioned that he will immediately abate said nuisance, and prevent the same from being established or kept within a period of one year thereafter, the court may, if satisfied of his good faith, order the premises closed under the order of abatement to be delivered to said owner, and said order of abatement canceled so far as same may relate to said property; and if the proceeding be a civil action, and said bond be given and costs therein paid before judgment and order of abatement, the action shall be thereby abated as to said building only. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

Property released on bond.

Action abated on bond.

SEC. 32. That the court shall tax as part of the cost in any action brought hereunder such fee for the attorney prosecuting the action or proceedings as may in the court's discretion be reasonable remuneration for the services performed by such attorney.

Attorney's fee taxed as costs.

SEC. 33. Any person, firm, or corporation violating any provision of this act shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court.

Misdemeanor. Punishment.

SEC. 34. In any proceedings under the provisions of this act the charge may be brought against any or all of the members of a partnership, or against the directors or executive officers of a corporation, or against the agent or employee of any person, partnership, or corporation.

Persons subject to act.

SEC. 35. All laws and parts of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 36. This bill shall apply only to Guilford County.

Application of act.

SEC. 37. This act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 762.

AN ACT TO AMEND CHAPTER 108 OF THE PUBLIC LAWS OF 1909, RELATIVE TO FISHING IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Proviso: New river and tributaries.

SECTION 1. That chapter one hundred and eight of the Public Laws of one thousand nine hundred and nine be amended by adding to the end of section one thereof the following: "*Provided*, this section shall not apply to New River and its tributaries, except as to rainbow and speckled trout."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 11th day of March, A. D. 1913.

CHAPTER 763.

AN ACT TO LEGALIZE PRIMARY ELECTIONS IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Candidates, delegates, and party officers to be chosen by primary election.

SECTION 1. That for the purpose of choosing party candidates for Congress and all State and county offices, for the selection of delegates to the county conventions and precinct committeemen, every political party in the said county of Pitt shall hold at the several voting places in said county, on the second Tuesday in September, one thousand nine hundred and fourteen, and biennially thereafter, a primary election.

Date of election.

Hours.

SEC. 2. The hours for holding said election shall be between the hours of seven o'clock in the morning and six o'clock in the afternoon.

Appointment of managers. Rules and regulations.

Proviso: representation of candidates.

SEC. 3. That the executive committee of the several parties shall appoint managers for the primaries of their respective parties and shall prescribe rules and regulations for the same, not in conflict with this act: *Provided*, that as near as possible each candidate shall be represented in the number of poll-holders and registrars, and in all respects fair treatment shall be accorded the different candidates.

Persons permitted to participate in primaries.

SEC. 4. Every *bona fide* member of a political party who is a qualified elector shall be permitted to participate in the primary election of the political party to which he belongs, upon taking an oath 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 into the office of the Clerk of the Superior Court of said Pitt County.

Poll books.

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 executive committee of their respective political parties on or before eleven o'clock on the second day after said election; and the said executive committee of each political party participating and holding said primary election shall meet at eleven o'clock on the second day after said election at the courthouse in Greenville, North Carolina, and canvass the vote and declare the result. The person receiving a majority of the votes cast for the office for which he is a candidate shall be declared by said committee the nominee of his party.

Count of votes and declaration and certificate of result.

Canvass of returns.

Persons declared nominees.

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 second Tuesday following said election, and the one receiving a majority of the votes then cast shall be the nominee of his party. This election shall be conducted by the said officers and in like manner as the first election.

Second primary.

SEC. 7. At said primary election an executive committee of five shall be elected for each political party participating in said primary, which said committee shall be known as the precinct executive committee. There shall also 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 of their political party. The executive committee of the several political parties shall make such rules and regulations as they may deem necessary to govern the selection and balloting for said precinct committeemen and delegates.

Precinct executive committee.

Delegates.

Rules and regulations.

SEC. 8. Every person who wishes to become a 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 executive committee of the political party to which he belongs a written announcement, naming the office for which he is a candidate, and shall pay to the said chairman of the executive committee the sum of ten dollars, which said money shall be immediately paid by said chairman to the Treasurer of Pitt County, to be credited by said treasurer to the general fund of said county: *Provided, however,* that candidates for county commissioners, township offices, and precinct committeemen, and delegates to the county conventions shall not be required to pay the said sum of ten dollars.

Announcement of candidacy.

Payment of entrance fee.

Provido; officers not subject to entrance fee.

SEC. 9. The chairman of the executive committee of each political party shall publish a list of all candidates announced in some newspaper published in Pitt County, which shall appear in each issue of said paper until after said election.

Publication of lists of candidates.

- Ballots.** SEC. 10. The executive committees of the political parties which shall participate in said primary election shall meet in the town of Greenville, North Carolina, not later than six days before said primary 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.
- Division of parties.** SEC. 11. No political party shall hold its primary election within three hundred yards of another.
- Acts declared misdemeanors.** SEC. 12. Any person who shall unlawfully vote at any primary election or who shall vote at any primary except that of the party to which he belongs, 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.
- Punishment.**
Candidates to file accounts. 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.
- Rules and regulations by executive committee.** SEC. 14. The executive committee of each political party participating in the primary election herein provided for shall make and prescribe all such rules and regulations, not inconsistent with this act and the general election law of the State of North Carolina, which it may deem advisable for the better carrying into effect the object and terms of this act.
- Pay of managers.** SEC. 15. The managers 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 Pitt in like manner as all other election expenses provided for in the general election law of the State of North Carolina.
- Payment by county.**
- Application of act.** SEC. 16. That this act shall apply only to the county of Pitt.
SEC. 17. This act shall be in force and effect from and after its ratification.
Ratified this the 11th day of March, A. D. 1913.

CHAPTER 764.

AN ACT TO PROTECT THE PUBLIC ROADS OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

Traction engines not to be run on roads.
Rule of the road.

SECTION 1. That it shall be unlawful for traction engines, having spiked or corrugated tires to their wheels, to be run or operated upon any public road within the county of Warren. That traction

engines, as above described, moving upon the public roads of said county, shall give one-half of the said road to the vehicles meeting or passing said engine, and that when being approached by any animal seemingly frightened by said engine, the person or persons in control of said engine shall stop it and hold said engine noiseless until said animal passes or is out of the way. Any engine of said description damaging any bridge or public road in said Warren County shall immediately repair the same, and any failure to repair same within one day after notice, the owner or person in control of same shall be fined not less than five dollars nor more than fifty dollars.

Repairs of damages.

Fine for failure.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court. That no traction engine corrugations longer than one and one-half inches shall be allowed to run upon the public roads of Warren County upon the penalty set out in section two of this act.

Misdemeanor.

Punishment.

Engines forbidden.

SEC. 3. That so much of this act as relates to engines having corrugations longer than one and one-half inches go into effect upon its passage, and all other parts of the bill go into effect January first, one thousand nine hundred and fourteen.

When act effective.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 765.

AN ACT TO FACILITATE TRAVEL IN PERQUIMANS COUNTY.

Whereas a certain portion of the highway between the towns of Hertford and Winfall, in Perquimans County, consists of a swamp road, commonly known as the "Causeway"; and whereas it is necessary for foot passengers in order to cross said "Causeway" to use a plank footway, provided by the county authorities for that purpose; and whereas, in order to permit said passengers to pass upon said footway, said county authorities have established along said footway, at frequent intervals, certain "sidings": Now, therefore,

Preamble: footways.

Preamble: sidings.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever hereafter one or more persons shall meet or overtake one or more other persons along said plank footway, the right of way shall belong to such person or persons as, at the time, counting from such point of meeting, shall be farthest removed from such "sidings," or any one of same, and in such event it shall be the duty of such other person or persons being at the time nearest to such "sidings" or any one of same to yield

Right of way.

Yielding of right of way.

such right of way; and, for such purpose, such other person or persons nearest at the time to such "sidings" or any one of same shall either descend from said footway, or else proceed with all proper dispatch to the nearest "siding."

Misdemeanor.
Punishment.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction, be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, a copy of this act shall be posted at three conspicuous places along this "Causeway" for sixty days immediately after this act goes into effect: *Provided further*, this act shall not go into effect till ordered by the board of commissioners of Perquimans County.

Proviso: act to be posted.

Proviso: order making act effective.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 766.

AN ACT TO AMEND CHAPTER 232 OF THE PUBLIC LAWS OF 1909, AND CHAPTER 171 OF PUBLIC-LOCAL LAWS OF 1911, RELATING TO THE FEES OF THE OFFICERS OF MADISON COUNTY, AND TO ALLOW ADDITIONAL AMOUNTS FOR CLERK HIRE.

The General Assembly of North Carolina do enact:

Assistance to clerk superior court.

SECTION 1. That section seven of chapter two hundred and thirty-two of the Public Laws of nineteen hundred and nine be and the same is hereby amended by striking out the word "full" in line four of said section and adding at the end of said section the following: "and also two hundred and twenty dollars per annum for clerk hire."

Allowance to register of deeds.

SEC. 2. That section eight of chapter two hundred and thirty-two of the Public Laws of nineteen hundred and nine be and the same is hereby amended by striking out the words "and the making out of the tax list," and adding at the end of said section: "and the county commissioners shall pay the register of deeds a reasonable sum for making the tax list, not exceeding the sum of three hundred dollars."

Salary of sheriff.

Deputy.

SEC. 3. That section three of chapter one hundred and seventy-one of the Public-Local Laws of nineteen hundred and eleven be amended by striking out all of the second paragraph of said section and inserting in lieu thereof the following: "The Sheriff of Madison County shall receive a salary of twelve hundred dollars per annum, and shall be allowed one salaried deputy, who shall be paid fifty dollars per month for his services, the same to be

in lieu of all fees, salaries, and other compensation as sheriff and tax collector, except also the sum of three hundred dollars per annum for deputy or clerk hire."

SEC. 4. That section four of chapter one hundred and seventy-one of the Public-Local Laws of nineteen hundred and eleven be and the same is hereby amended by striking out all of paragraph two of section four after the word "county" in line four of said paragraph two, and insert in lieu thereof, "the said Sheriff of Madison Jailer. County shall have charge of the common jail of said county and receive such fees as prescribed by section two thousand seven hundred and ninety-nine of Revisal of nineteen hundred and five, North Carolina." The provisions of this act shall not take effect until December first, one thousand nine hundred and fourteen: *When act effective.* *Provided, however,* that the county commissioners are hereby *Proviso: power of commissioners.* authorized and empowered to put into operation the provisions of this act relating to the sheriff and the county jail and the abolishment of the jail deputy whenever it shall appear to the said board that it will be to the best interest of the county.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 767.

AN ACT TO LICENSE PEDDLERS IN SAMPSON COUNTY AND TO INCREASE AMOUNT OF LICENSE TAX.

The General Assembly of North Carolina do enact:

SECTION 1. Any person who shall carry from place to place any goods, wares, or merchandise, and offer to sell or barter the same, shall be deemed to be a peddler and shall pay a license tax of five hundred dollars. Any person carrying a wagon, cart, or buggy, or traveling on foot, for the purpose of exhibiting or delivering any goods, wares, or merchandise, shall be considered a peddler. 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 license tax of five hundred dollars, said license tax to be applied to general school fund of the county. *Peddler defined.* *License tax.* *Further definition.* *Itinerant salesmen.* *License to school fund.*

SEC. 2. Upon every itinerant oculist or person selling or offering for sale spectacles or eye-glasses, a license tax of one hundred dollars: *Provided,* this shall not apply to medical doctors or licensed oculists. *Itinerant oculists.* *Proviso: exceptions.*

SEC. 3. *Provided,* this act shall not apply to persons or their agents engaged in exchanging woolen goods for wool: *Provided further,* this act shall not apply to drummers selling by wholesale and *bona fide* residents who are blind. *Proviso: exchange of woolen goods for wool.* *Proviso: further exceptions.*

Reduction of license.

SEC. 4. That the board of county commissioners may reduce the amount of licenses named in this act or relieve entirely of the license tax persons who are aged or infirm or Confederate soldiers who are *bona fide* residents of the county in which they apply for license.

Proviso: exceptions.

SEC. 5. *Provided*, this act shall not apply to those who sell or offer for sale books, periodicals, printed music, ice, fuel, fish, vegetables, fruits, meats, or any articles of the farm or dairy or articles of their own individual manufacture, except medicines or drugs.

Application for and issue of license.

SEC. 6. Every person mentioned in this act shall apply in advance for a license to the board of county commissioners of the county in which he proposes to peddle or sell, and the board of commissioners may, in their discretion, issue the license upon the payment of the tax to the sheriff of the county, which shall expire at the end of twelve months from its date.

Application of act.

SEC. 7. This act shall apply only to Sampson County.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 768.

AN ACT TO PROMOTE THE TEACHING OF AGRICULTURE AND DOMESTIC SCIENCE IN THE PUBLIC SCHOOLS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Schools in which departments shall be maintained.

SECTION 1. That there shall be maintained in one or more of the public schools of Wake County, maintaining a four-year course of high school instruction and 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.

Control and direction of work.

SEC. 2. That all schools enjoying the benefits of this act and all extension work shall be under the control and direction of the county board of education and the county superintendent of public instruction, and that the principal and teachers of said schools shall submit to the county superintendent such reports and perform such other duties as he may require.

Reports.

Selection of schools.

SEC. 3. That, after due advertisement, inviting bids from the public schools of the grade above named, of said county, the county board of education of Wake County shall designate the places at which such agricultural and domestic science work shall be established. In designating a school, the said county board of education

Considerations governing selection.

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 two thousand inhabitants, nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

Proviso: schools not to be selected.

SEC. 4. That for the maintenance of said school or schools, the county board of education of Wake County shall provide annually out of the public school fund, or by donation, or local tax, not exceeding twenty-five hundred dollars (\$2,500): *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 benefits 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 dormitories as the county board of education of said county may require, and 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 Wake 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.

Provision by county.

Proviso: average school item.

Location and equipment to be provided by school.

SEC. 5. That the purpose of said school or schools is to give to the boys and girls such preparation as is now given in the county public high schools, and, in addition to that, to give the boys training in agricultural pursuits and to prepare the girls for home-making and home-keeping.

Proviso: inspection and approval by State superintendent.

Purpose of school.

SEC. 6. That upon its being made to appear to the State Board of Education that Wake 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 schools of said county, it shall appropriate and pay to the county board of education of Wake County for such purposes an amount equal to that appropriated and furnished by the county of Wake for said purposes: *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 be hereafter 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 Wake County absolutely, or upon contingency or contingencies, then and in that event such appropriation that would go to Wake County shall be turned over to the county board of education of Wake County to aid in carry-

Appropriation from State.

Proviso: limit of amount.

Apportionment from State.

Warrant for State appropriation.

Proviso: specific appropriation.

Employment of teachers.

Qualifications. Teachers' certificates.

Students from other counties.

Residents of Wake county.

Proviso: discrimination forbidden.

Coöperation in work.

Township and district meetings. Coöperation in county work.

ing out the provisions of this act. That compliance with the provisions of this act by the authorities of Wake County shall be sufficient to entitle the county of Wake 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 Wake County, and said Auditor shall issue his warrant upon the State Treasurer, payable 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 Wake County in which agricultural or 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. 7. That all persons employed as teachers of agriculture or domestic science in the school or schools herein provided for shall be employed by the county board of education of Wake County, and said county board of education shall not employ as a teacher in agriculture or domestic science any person who has not furnished to the said board of education 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 Wake 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. 8. That the county board of education of Wake County 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 county board of education may fix from time to time, but all students who are residents of Wake 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.

SEC. 9. That it shall be a part of the duty of the teachers of agriculture and domestic science to conduct agricultural farm-life and extension work in Wake County in coöperation, 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 Wake County for farmers and farmers' wives; to coöperate with the county superintendent of education of said county and with the county commissioner of agriculture, if such officer

exists, in stimulating, directing, and supervising practical farm-life work in the public schools 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 said county: *Provided*, that the county board of education of Wake County may require the teachers of the schools enjoying the benefits of this act to conduct short-term summer sessions at such times and places as the said board of education may select: *Provided further*, that additional teachers and helpers may be employed for the said summer session work, and that the said board of education may use a reasonable portion of the funds provided by this act for the promotion of practical and farm-life instruction in the said summer sessions.

Proviso: summer sessions.

Proviso: additional teachers and helpers.

SEC. 10. That this act shall apply only to Wake County.

Application of act.

SEC. 11. That all laws and clauses of laws in conflict with this act, so far as they are applicable to Wake County, are hereby repealed.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 769.

AN ACT TO CREATE A SYSTEM OF WORKING THE PUBLIC ROADS OF PITT COUNTY AND TO CREATE A COUNTY ROAD COMMISSION AND ROAD COMMITTEES FOR THE SEVERAL TOWNSHIPS WITHIN THE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of electing the road committees of the several townships hereinafter provided, and for the purpose of ascertaining the will of the people as to whether the provisions of this act shall become in full force and effect concerning the betterment and improvement of the county roads, the board of commissioners of Pitt County are herewith empowered and directed to hold an election in and for the county of Pitt on or before the first day of September, one thousand nine hundred and thirteen. The said election shall be advertised for thirty (30) days next preceding the date of the same by public notices thereof in at least four newspapers published in said county and by posting notices thereof at the courthouse door and at each voting precinct. The said election shall be held as nearly as may be under the laws governing general elections, excepting, however, that the board of commissioners of Pitt County shall appoint the registrars and poll-holders, who shall at the close of the election canvass and

Election for road committees and on acceptance of act.

Date of election.

Advertisement.

Law governing election.
Appointment of election officers.

Count and return of votes.

Declaration and record of result.	count the votes cast at the several precincts and make report of said canvass to the board of commissioners immediately thereafterward by sending the returns of the election to the clerk of the board of commissioners, and the said commissioners shall meet within ten days after the close of the said election and declare the results of the same, and shall spread a report of their said proceedings upon the minutes of the said board of commissioners; and no other canvass, report, or record shall be necessary.
Election of road committee.	SEC. 2. That at said election and at every general election after the year one thousand nine hundred and fourteen the voters of each township of said county shall elect a township road committee consisting of three (3) members, all of whom shall be residents and taxpayers within the township from which they are elected, whose term of office shall be for two years or until their successors in office are elected and qualified: <i>Provided, however,</i> that the first members shall hold their office until the first of December, one thousand nine hundred and sixteen.
Number, qualification, and term of committeemen.	
Proviso: term of first committees.	
Meeting and organization.	SEC. 3. That the several township committees, after elected, shall meet on the first Monday of the first month after their election within their respective townships in special session, and shall organize by electing one of their number chairman and one secretary. The said chairman shall preside over the meetings of the same and shall perform such duties as shall be prescribed by the rules of the township committee, and shall be empowered to call special meetings of the committee whenever he shall deem it necessary or wise: <i>Provided, however,</i> that any two of the said committee may call a meeting at any time. The secretary of the said committee shall keep a record of all the meetings and proceedings thereof and perform such duties as shall be prescribed by the township committee.
Duties of chairman.	
Special meetings.	
Proviso: call by committeemen. Duty of secretary.	
Quarterly examinations and reports on roads.	SEC. 4. That it shall be the duty of the several township road committees to examine into the condition of the public roads of their respective townships quarterly and make a report of the condition of their public roads semiannually to the Pitt County Road Commission hereinafter provided, with such recommendations as they deem proper for the guidance and enlightenment of the said county road commission. The said township committees shall have the right, either upon petition from persons within their townships or without such petitions, if they deem it wise and for the best interest of the public, to lay out, alter, or discontinue public roads that are wholly within their townships; but whenever such road is to be laid out, altered, or discontinued, three days notice to the persons interested or affected thereby shall be made. Such proposed alterations, changes, or laying out of public roads shall be done with as little injury to the lands through which the same are made as may be consistent with the interest of the public, and at all times having due regard to the rights of the landowner. The said township committees shall assess such
Recommendations.	
Establishment, alteration, and discontinuance of roads.	
Notice to landowners.	
Assessment of damages.	

damages, if any, as may be caused by their altering or laying out public roads, which assessment of damages shall be made by a hearing given to the party aggrieved upon ten days notice thereof, and the amount awarded, if acceptable to the landowner or such person aggrieved, shall be paid immediately out of the township road fund; but any person or persons aggrieved by the action of the township road committee in laying out or altering any public road, as aforesaid, may appeal to the board of commissioners of Pitt County, who shall hear the evidence of the parties and decide the matter. Notice of appeal must be given to the township road committee at the time the decision is made or within ten days thereafterward, as is now provided in case of appeal from the court of a justice of the peace. From the decision of the board of commissioners either party may appeal to the Superior Court of Pitt County, to be tried before a judge and jury, and such judgment finally entered for such amounts shall be paid out of the township road fund from which the action came: *Provided*, that the costs shall be taxed as is now provided by law; and *Provided* further, that in laying out or altering public roads, the same shall not be laid out within ten feet of a graveyard or burial ground without the permission of the owners thereof, nor the said road be so changed as to cause the removal of a dwelling-house or the destruction of the close surrounding the same, unless with the agreement of the owner.

SEC. 5. That the said township road committee of the several townships shall at their first meeting divide their respective townships into suitable road districts, and annually thereafter make such alterations as they deem proper, and shall cause a brief description thereof to be entered upon the records of the committee. At the said meeting they shall elect a township overseer for their several road districts within the township, who shall hold his office in the discretion of the township road committee. The said road committees shall have the control over the public roads in their respective townships and shall confer with and direct the said overseer as to the best methods of constructing, maintaining, and repairing the public roads.

SEC. 6. That the said township road committees shall meet quarterly, on the first Mondays of January, April, July, and October, within their respective townships, and may meet at such other times as they deem necessary, but they shall not receive pay for more than eighteen (18) days in any one year.

SEC. 7. That each overseer elected by the said township committee, before entering upon the duties of his office, shall take an oath to faithfully and impartially discharge the duties of his office, and shall execute a bond of such amount as the township committee shall prescribe, the obligation of which shall be that he account for all the moneys placed in his hands; and the said overseer shall, at each quarterly meeting of the township com-

Payment of
damages.
Right of appeal.

Notice of appeal.

Appeals to superior
court.

Proviso: costs.

Proviso: limitation
on location.

Road districts.

Election of over-
seer.

Control of work.

Quarterly meetings.

Limit of pay.

Oath of office and
bonds of overseers.

- mittee, and oftener if directed by them, make a report of the condition of the roads and the work done on the same. He shall also report the number of days worked by the persons upon each of the several road districts and the number of persons worked; the name of each person who has paid cash in lieu of services and the amount paid by each; the amount and manner of all expenditures made during the said quarter and the number of days he has worked in fulfilling the duties of his office.
- Reports of overseers.
- Duty of overseers. SEC. 8. That it shall be the duty of each and every overseer, under the direction of the township committee, to open all public roads which have been or which may be laid out and established in the township; to keep the same in repair, and to remove all obstacles that may from time to time be found thereon. The said overseers are hereby empowered, when directed by the township committee, to enter upon any lands unencumbered by crops, which said lands are near to or adjoining the public road, and to cut and carry away trees and timber for the purpose of repairing the said roads or the bridges, excepting, however, trees planted for shade or ornament, fruit trees, or other trees planted for timber; also to dig gravel, sand, clay, or other substance which may be necessary to improve or repair said roads; or to enter on any lands adjoining or lying near the roads to make such drains or ditches through the same as may be deemed necessary for the benefit of the roads: *Provided*, that the said entry shall only be made after notice to the owner of the lands, and that in taking of said trees or other material as little damage shall be done to the lands as possible. The drains or ditches made by the said overseer shall be conducted to the natural water-courses and shall be kept open by the overseer, and shall not be obstructed by any person or persons under the penalties hereinafter prescribed; and *Provided further*, that the township committee shall be liable for any damages or injury done to the lands, and shall also pay out of the township funds to the owner a reasonable price for all material, timber, or all other things taken from his lands, which shall be assessed and collected in the same manner as is herein provided in the case of alteration or laying out a public road; and *Provided further*, that at no time shall the overseer maliciously or unreasonably injure the lands of any person.
- Entry on lands for material.
- Drains and ditches.
- Proviso: notice to landowners.
- Proviso: payments for damages and material.
- Proviso: malicious injury forbidden.
- Road duty. SEC. 9. That all able-bodied male persons able to perform the labor required, between the ages of eighteen (18) and forty-five (45) years, shall be liable annually to do and perform five (5) days labor on the public roads of the district to which he shall be assigned by the committee of the township in which he resides: *Provided*, that the said person shall be subject to the penalties for failure to perform road duty as is now provided by law.
- Proviso: penalties for failure.
- Commutation. SEC. 10. That if any person desiring to be released of road duty to which he is assigned shall pay to the overseer of the township the sum of three dollars and fifty cents in a lump sum, he shall

be relieved of road duty for the term of one year. The overseer shall give him a receipt for the same and the person so paying shall keep the same as evidence of his release: *Provided further*, that if from heavy rains, floods, washouts, or other extraordinary causes the township committee shall be of the opinion that the condition of the roads of their township demands it, they may increase the number of days labor prescribed for each person subject to road duty to one additional: *Provided further*, that ten (10) hours shall constitute the day's work as required in this act; and *Provided further*, that each person liable for road duty shall receive the notice to perform such said labor as is now required by law.

Receipt.

Proviso: emergency work.

Proviso: day's work.

Proviso: warning.

SEC. 11. That if any person shall remove from a township to another and should have, prior to such removal, performed the whole or part of the labor herein prescribed, or has paid the amount prescribed for a release therefrom, the road committee of the township to which he removes shall give him credit for the number of days he has worked, and if he has been released by paying the amount herein prescribed, then the township committee from which he moves shall pay over to the township committee to which he removes the unearned pro rata part of the same.

Proportional work on removal.

SEC. 12. That persons subject to road duty, as defined in this act, who shall be summoned as herein provided to perform any labor upon the public roads under the provisions of this act, by himself or by an able-bodied substitute, shall appear at the place named by the overseer, at an hour not earlier than seven a. m., with such tools and implements as the overseer may have directed, and the overseer may arrange for the use of teams, wagons, plows, or other tools and machinery to be employed and used under his direction, upon such terms and prices as may be approved by the township road committee.

Road hands to appear and work.

Teams and implements.

SEC. 13. That for the purposes provided in this act the residence of any person who has a family shall be where his family resides, and the residence of any person shall be where he sleeps in any road district in Pitt County.

Residence defined.

SEC. 14. That if any township road committee deem it wise, they may authorize the overseer to employ labor other than that of the persons subjected to road duty, upon such terms and prices as they deem wise, who shall be paid out of the township road fund.

Employment of labor.

SEC. 15. That all the moneys expended by the overseers shall be accounted for to the township road committee, and the moneys shall be paid out only upon a voucher signed by the chairman and the secretary of the township committee, and all the moneys collected by the overseer shall be paid over to the secretary of the township committee, who shall deliver the same to the treasurer of the county and be placed to the credit of the township road fund from which it was received.

Moneys to be accounted for. Vouchers.

Moneys to credit of road fund.

- Footlogs. SEC. 16. That the overseers of the several townships are directed to construct footlogs over such streams of water as it shall be necessary, and shall erect and keep up at the forks and crossings of the public roads a guideboard containing in plain letters an explanation of the way and distance to the towns or other public places situated on a public road; and shall erect and maintain mile-posts on all public roads, with convenient information for the guidance of the traveling public.
- Guideboards.
- Mile-posts.
- Purchase of equipment. SEC. 17. That the township road trustees of the several townships are authorized, in their discretion, to purchase plows, teams, and such other equipages for the use of the hands upon the several roads in the townships, to be paid for out of the township road fund.
- Pay of township trustees. SEC. 18. That the township trustees of the several townships of the county shall be paid as compensation for their services the sum of two dollars per day while actually engaged in the duties of their office; and the said township trustees are herein authorized and empowered to pay the road overseer employed in the respective townships such sums as they may deem just and proper, taking into consideration the work to be done and the time to be expended thereon, and such salary shall be paid out of the township road fund.
- Pay of road overseers.
- Pitt county road commission. SEC. 19. That *ex officio* the several chairmen of the township committees shall be and are hereby created the Pitt County Road Commission. The said county road commission shall meet semi-annually at the county-seat on the first Mondays in January and July of each year: *Provided*, that upon the call of the chairman, seconded by two members of the same, or upon a call signed by five members, they may hold special meetings at such times and places as may be designated. That the said Pitt County Road Commission shall elect a chairman and a secretary, and shall prescribe the duties of each, and may elect an executive committee of three members to act for them, but at all times to be subject to the direction of the county commission.
- Semiannual meetings.
- Proviso: special meetings.
- Organization.
- Executive committee.
- Jurisdiction of commission. SEC. 20. That the said Pitt County Road Commission shall have supervision in the laying out or altering of roads running from one township into another, or, in case a road shall be a dividing line between two townships, to direct what hands shall be assigned to the same over which there may be conflict between the township committees of the several townships.
- Convict force. SEC. 21. That the board of commissioners of Pitt County are directed to turn over to the said Pitt County Road Commission the entire convict force of the county for the purpose of having them to work upon the public roads. The said convict force shall be under the direction of the said county road commission, who shall elect a superintendent of the same and such guards as shall be
- Superintendent and guards.

necessary for their supervision and the prevention of escape; and said county commission shall pay to said superintendent and guards such salaries as they may deem wise and just. Salaries.

SEC. 22. That the convict force shall consist of the prisoners as is now prescribed by law, and shall, after delivery to the said Pitt County Road Commission, be fed, clothed, and otherwise cared for at the expense of the said Pitt County Road Commission: *Provided, however,* that the board of commissioners of Pitt County shall see that the said convict force is properly looked after and cared for, clothed and fed, and shall have the general supervision of the same so far as not to conflict with the powers conferred upon the Pitt County Road Commission. Care and maintenance of convicts. *Provido:* supervision of county commissioners.

SEC. 23. That the keeping of the convict force shall be paid for out of the funds of the Pitt County Road Commission, which said funds are hereinafter provided. Fund for keeping convicts.

SEC. 24. That all moneys paid out by the said Pitt County Road Commission shall be upon a voucher properly signed by the chairman and secretary, and an account of all receipts and disbursements shall be kept by the said county road commission. Vouchers. Accounts.

SEC. 25. That for their services the said members of the said Pitt County Road Commission shall be paid the sum of two dollars per day while actively engaged in the duties connected with the county road commission, and which shall be paid out of the funds of said commission: *Provided,* that the said members shall not be paid for more than five days in any one year and over and above such amounts as may be for the duties performed as members of the several township committees. Pay of commissioners. *Provido:* limit.

SEC. 26. That the said Pitt County Road Commission is herewith empowered and authorized to purchase such tools, teams, and other appliances as they may deem necessary and wise for the use of the convict force out of such funds as they may have to their credit as the Pitt County Road Commission, and may employ an engineer or other help upon such terms as they may deem wise. Equipment for convict force.

SEC. 27. That the said county road commission shall supervise and direct the superintendent of the convict force and the guards thereof in the work of building and improving the public roads of Pitt County: *Provided, however,* that the said convict force may be used in the several townships upon application of the township committees, who shall pay therefor out of the township road funds such amounts as shall be agreed upon between the county commission and the township committee. That it shall be the duty of the county commission to use the said county convict force as nearly as may be in the construction of fills, embankments, and such other heavy work as shall be impracticable to be performed by the township overseers, and shall also use the same as much as possible in the construction of permanent public roads: *Provided further,* that in the construction of unusually Supervision and direction of convict work. *Provido:* use by townships. Work to be done by convict force. *Provido:* work paid for from county fund.

heavy work, or in places of dams, fills, or embankments to provide passage across creeks or rivers, the township committee shall not be required to stand the expense of the same, but the same shall be paid out of the funds of the county commission.

Width of roads. SEC. 28. That the width of all public roads in said county shall be not less than eighteen feet and not more than thirty-six feet, to be determined by the authorities laying out or altering the same.

Destruction of mile-posts or guideboards misdemeanor. Punishment. SEC. 29. That it shall be unlawful to destroy any mile-posts or guideboards erected for the purpose as prescribed in this act, and any person so offending shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days.

Obstructing drains misdemeanor. Punishment. Snaking or dragging logs misdemeanor. Punishment. SEC. 30. That if any person shall obstruct or fill up any of the drains or ditches constructed for the benefit of any public road, he shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days. That it shall be unlawful for any person to snake or drag logs upon any of the public roads, and any person so offending shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Townships excepted. SEC. 31. That this act shall not apply to any township having issued or that may hereafter issue bonds for the improvement of the roads within its boundaries.

Increase of tax to be voted on. SEC. 32. That at the election provided in section one of this act there shall be submitted to the voters of the county a proposition to increase the road tax within the county to the amount not to exceed twenty-five cents upon the one hundred dollars valuation of real and personal property and an amount not to exceed seventy-five cents on the poll, the constitutional equation to be observed at all times; and for the purpose of obtaining the desires of the people upon the question as to whether or not this act shall become in full force and effect, there shall be provided at each voting precinct a box in which shall be cast the names of the persons to be voted for as township trustees, and two other boxes, in one of which, if the voter be in favor of the said increased tax and other provisions of this act, he shall vote a ballot, written or printed, "For the Road Law," and if he be against the same, he shall vote a written or printed ballot "Against the Road Law"; and if at the said election a majority of the votes cast be "For the Road Law," then this act shall become in full force and effect, and the said board of commissioners of Pitt County shall annually thereafter levy upon the real and personal property in the county a tax not to exceed twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on the poll, as shall be recommended to the said board by the Pitt County Road Commission:

Ballot boxes. Ballots. Effect of election. *Provided*, that the constitutional equation shall at all times be followed; and *Provided further*, that if a majority of the votes

Provido: constitutional equation. *Provido*: act voided by negative vote.

cast in said election be "Against the Road Law," this act shall be void and of no effect; and *Provided further*, that this act shall not take off the board of commissioners of Pitt County the bridges now under their control, nor shall it interfere with the tax now levied for bridge purposes.

Proviso: bridges and bridge tax.

SEC. 33. That the said Pitt County Road Commission shall recommend to the board of commissioners of Pitt County, each year, a levy of taxes for road purposes, not to exceed the limit prescribed by this act and in such an amount as they may deem wise, and the said county commission shall designate the proportion of the same to be placed to the credit of the county road commission and the remainder to the credit of the several township road committees, and the said tax shall be collected as other taxes and placed in the hands of the county treasurer, to be credited to the several townships according to the provisions of this act.

Road commission to recommend tax levy.

Apportionment of tax.

Collection.

SEC. 34. That the Treasurer of Pitt County shall be treasurer of the Pitt County Road Commission and of the several township committees; and he shall keep an accurate account of all amounts received and disbursed for the several township committees, and the said treasurer shall pay out such funds only upon vouchers as prescribed in this act.

Treasurer of road funds.

Accounts.

Vouchers.

SEC. 35. That if at any time the Pitt County Road Commission shall deem it wise, it may distribute any funds to its credit among the several townships according to the amount paid in from the taxes levied thereon. That it shall be unlawful to use the Pitt County convict force for any work other than that of the public roads: *Provided, however*, that upon application by the board of commissioners of Pitt County to the county road commission, the said county road convict force may be used for any strictly public work of the county.

Distribution of funds.

Work of convict force.

Proviso: public work.

SEC. 36. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars or imprisoned more than thirty days.

Misdemeanor.

Punishment.

SEC. 37. That this act shall only repeal such laws as are in direct conflict with its provisions.

SEC. 38. That this act shall be in force from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 770.

AN ACT TO REGULATE THE FEES FOR REGISTERING REAL ESTATE MORTGAGES.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever the board of county commissioners shall have provided a record book or books, containing printed forms, for registering therein real estate mortgages, the fee of

Fee for registration in printed form books.

- the register of deeds for registering any such mortgage, conforming to the forms in such record book, shall be one dollar: *Provided*, that ten cents per copy-sheet shall be charged for certificates, descriptive matter, and other contents, in addition to that provided for in said record book.
- Proviso: additional fees.
- Repealing clause. SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Application of act. SEC. 3. This act shall apply only to the county of Catawba. Ratified this the 11th day of March, A. D. 1913.

CHAPTER 771.

AN ACT AMENDING CHAPTER 447 OF THE PUBLIC LAWS OF 1905, RELATING TO AN ACT TO RE-ESTABLISH SELF-GOVERNMENT IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter four hundred and forty-seven of the Public Laws of one thousand nine hundred and five be and the same is hereby amended by striking out the words "twenty-five" in line eight, between the words "and" and "for," and writing in lieu thereof the word "five."

Number of magistrates.

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 the ratification of this act.

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 772.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COURT STENOGRAPHER FOR CERTAIN COUNTIES IN THE FIRST JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Resident judge to appoint stenographers.

Counties.

SECTION 1. It is hereby made the duty of the resident judge of the First Judicial District of North Carolina, as soon after the ratification of this act as practicable, to appoint a court stenographer for the Superior Courts of the counties of Beaufort and Washington, which said stenographer shall be an officer of the court and shall attend all the regular or special terms of the courts of said counties.

Stenographer to be sworn.

SEC. 2. Before entering upon the discharge of the duties of his office such stenographer shall take and subscribe before the clerk of either of said counties an oath to faithfully, impartially, and honestly discharge the duties of his office as defined by this act.

SEC. 3. Such official stenographer shall take full stenographic notes in every case, tried or heard during any term of said courts, of the oral testimony, the admissions made by the parties, the objections to testimony, the rulings of the court thereon, and the exceptions taken thereto, all motions and matters heard and passed upon by the court arising upon matters controverted by the parties, the charges of the court to the jury; and upon demand of the referee shall attend all hearings before any referee, and in the same manner take such notes of the testimony, admissions, objections, rulings, exceptions, and motions; shall make a note of all documentary evidence and such other proceedings as the court or referee may direct, and shall also take such notes as he may be requested by the presiding judge at chambers, except when excused by the parties and such presiding judge. Upon the request of any party or his or their counsel, such stenographer shall furnish a typewritten copy of any part of his stenographic notes of the proceedings above named to such party, his counsel, or the court, at such time as such party or the court may direct, if practicable, not to exceed one day.

Stenographic notes.

Hearings by referees.

Proceedings in chambers.

Typewritten copies.

SEC. 4. Whenever directed by the court, upon a motion by either party to any cause for a new trial and the noting of an appeal to the Supreme Court, such stenographer shall within five days after the adjournment of the court, unless further time be granted, furnish one full copy of his stenographic notes in type to the counsel for each party to the record taken by him or her.

Copies on motions for new trials and on appeals.

SEC. 5. In case of the necessary absence of such official stenographer, the judge presiding in said district shall have authority to appoint some competent stenographer in place of the official stenographer herein provided for, for the time of such absence, who shall have the same duties and receive the same compensation as the official stenographer for the time of his or her service. Such person shall take the oath prescribed for the official stenographer before entering upon such duties.

Appointment of substitute.

Substitute to be sworn.

SEC. 6. The official stenographer herein provided for shall hold office for two years, unless removed by the resident judge of said district for cause, and in case of any vacancy in said office the resident judge shall proceed to fill the same.

Term of office.

Vacancies.

SEC. 7. The said official stenographer shall receive the sum of thirty-five dollars (\$35) per week or a fraction of a week for each court in which he serves, the same to be paid by the county in which such court is held. The said stenographer shall at the end of any term of court present to the judge presiding a statement setting forth the number of days or fractional parts of days which he or she shall have served, and the judge shall approve the same if correct, and upon the presentation of said statement to the board of commissioners of the county in which such term of court shall have been held, it shall be the duty of the board to make an order upon the treasurer of the county in favor of said stenog-

Salary.

Presentation, approval, and payment of account.

rapher for his or her compensation upon the basis hereinbefore provided for, and the same is hereby made a valid charge against such county.

Attendance and services in other counties.

SEC. 8. In case a court stenographer shall be necessary in the trial of any cause in the Superior Court of any other county of the First Judicial District, and no competent stenographer can be obtained, the presiding judge may give notice to such official stenographer, before the commencement of the term of said court, to attend upon said court, and to act at said court or courts in like manner and upon the same terms of compensation as herein provided for in the counties of Beaufort and Washington, including his or her expenses, and his or her compensation and expenses shall be a liability upon such county in the same manner as hereinbefore provided for for such official stenographer in the said counties of Beaufort and Washington, and cost as hereinafter provided for shall be in like manner cast and adjudged.

Payment of compensation and expenses.

Fees taxed as costs.

SEC. 9. In all Superior Courts where the stenographer herein provided for shall act, there shall be taxed as a part of the cost of every case tried, as other items of cost may be taxed, the following fees: In all criminal actions where costs are not taxed against the county, two dollars; in civil actions where a jury is impaneled and the demand in the complaint does not exceed five hundred dollars (\$500), three dollars; and where the demand exceeds five hundred dollars (\$500), not less than five nor more than ten dollars, to be fixed by the trial judge. Said cost shall be collected by the clerk of the court and paid to the treasurer of the county for the benefit of such county; and for service rendered before any referee the said stenographer shall receive ten cents per copy-sheet for such transcription of evidence or other record as he or she shall be required to make, to be taxed as between the parties in the discretion of the judge. Whenever the said stenographer shall be required by any party to any cause to transcribe the record as provided in sections three and four, he or she shall receive seven and one-half cents per copy-sheet, double space, for such transcription in type, in addition to the compensation herein provided for.

Collection and settlement of costs.

Fees before referee.

Fees for transcripts.

Typewritten copy of notes received in evidence.

SEC. 10. Whenever it becomes necessary in any court in the State to prove the testimony of a witness at the trial of any former case tried in said counties, the certified typewritten 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.

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

Ratified this the 11th day of March, A. D. 1913.

CHAPTER 773.

AN ACT TAXING DOGS IN WAYNE COUNTY AND MAKING THEM A SUBJECT OF LARCENY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person or persons owning or keeping a dog Dog tax. in Wayne County shall pay annually a license or privilege tax of fifty cents on each dog, male or female. The tax shall be listed Dogs to be listed. at the time and place that personal property is listed.

SEC. 2. That any person who shall feloniously take, steal, or Stealing dogs larceny. 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 paid to the tax collector of Wayne Payment of tax. County as provided for the payment of other taxes.

SEC. 4. The net proceeds raised from the collection of said tax Tax to use of road fund. shall be turned over to the Treasurer of Wayne County for the use of the public schools.

SEC. 5. Any person failing to list any dog as required by this Failure to list misdemeanor. Punishment. act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars.

SEC. 6. That the board of commissioners of said county shall Exemption. have the power to exempt any person on account of poverty or infirmity from the payment of this tax.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 774.

AN ACT TO ESTABLISH IN THE COUNTY OF BRUNSWICK A SPECIAL COURT TO BE CALLED THE RECORDER'S COURT, AND PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. A special court for the trial of misdemeanors, and Special court established. Official title. court established to be designated as "The Recorder's Court of the County of Brunswick," is hereby established.

SEC. 2. Said court shall be a court of record, and shall be pre- Court of record. Recorder. sided over by a recorder, who shall be an elector of the county of Brunswick, who shall hold office for a term of four years from Term of office. and after the first day of May, one thousand nine hundred and thirteen, and at the same time as hereinafter provided there shall Election and term of clerk. be elected from the qualified voters of the county of Brunswick a clerk of said court, who shall hold office for a term of four years from the first day of May, one thousand nine hundred and thirteen,

- which said clerk shall be *ex officio* a justice of the peace. The said recorder and clerk are to be elected by the justices of the peace of said county at a meeting to be held on the first Monday of April, nineteen hundred and thirteen, at the courthouse in Southport at two o'clock p. m. That it shall be the duty of the clerk of the Superior Court of said county, and he is hereby instructed and directed to call a meeting of all the qualified justices of the peace of the said county, to take place at the time and place above designated, by publishing a notice for two issues in the *Southport News*, a newspaper published in the city of Southport, and posting the same at the courthouse door and one public place in each township of the county, giving the purpose of the said meeting to be the election of a recorder and clerk as provided for in the advertisement, and mailing to each justice of the peace a like notice to his present postoffice address. That at said time and place the said justices of the peace shall assemble and, a majority being present, shall elect a chairman and a secretary, and shall immediately proceed to elect one of their number to be recorder of said court and one clerk thereof: *Provided*, that if a majority of said justices shall not be present, they shall adjourn from day to day until a majority of all said justices of the peace shall attend and elect the said recorder and clerk. They shall take and subscribe the oath required by law of the judges of the Superior Court, and said recorder shall receive a salary of not less than one hundred dollars or more than one hundred and fifty dollars per month, to be paid monthly by the county of Brunswick, and said clerk shall receive a salary of not less than twenty-five dollars nor more than fifty dollars per month, to be paid by the county of Brunswick, said salaries to be fixed by the board of commissioners of said county. The said clerk shall give bond in the penal sum of one thousand dollars, with good and sufficient surety, to be approved by the board of commissioners of Brunswick County, and which bond, when accepted and approved by the board of commissioners of Brunswick County, shall be filed with the register of deeds of said county as provided for other bonds of the county officials.
- Election of recorder and clerk. said recorder and clerk are to be elected by the justices of the peace of said county at a meeting to be held on the first Monday of April, nineteen hundred and thirteen, at the courthouse in Southport at two o'clock p. m. That it shall be the duty of the clerk of the Superior Court of said county, and he is hereby instructed and directed to call a meeting of all the qualified justices of the peace of the said county, to take place at the time and place above designated, by publishing a notice for two issues in the *Southport News*, a newspaper published in the city of Southport, and posting the same at the courthouse door and one public place in each township of the county, giving the purpose of the said meeting to be the election of a recorder and clerk as provided for in the advertisement, and mailing to each justice of the peace a like notice to his present postoffice address. That at said time and place the said justices of the peace shall assemble and, a majority being present, shall elect a chairman and a secretary, and shall immediately proceed to elect one of their number to be recorder of said court and one clerk thereof: *Provided*, that if a majority of said justices shall not be present, they shall adjourn from day to day until a majority of all said justices of the peace shall attend and elect the said recorder and clerk. They shall take and subscribe the oath required by law of the judges of the Superior Court, and said recorder shall receive a salary of not less than one hundred dollars or more than one hundred and fifty dollars per month, to be paid monthly by the county of Brunswick, and said clerk shall receive a salary of not less than twenty-five dollars nor more than fifty dollars per month, to be paid by the county of Brunswick, said salaries to be fixed by the board of commissioners of said county. The said clerk shall give bond in the penal sum of one thousand dollars, with good and sufficient surety, to be approved by the board of commissioners of Brunswick County, and which bond, when accepted and approved by the board of commissioners of Brunswick County, shall be filed with the register of deeds of said county as provided for other bonds of the county officials.
- Call for meeting of magistrates. That it shall be the duty of the clerk of the Superior Court of said county, and he is hereby instructed and directed to call a meeting of all the qualified justices of the peace of the said county, to take place at the time and place above designated, by publishing a notice for two issues in the *Southport News*, a newspaper published in the city of Southport, and posting the same at the courthouse door and one public place in each township of the county, giving the purpose of the said meeting to be the election of a recorder and clerk as provided for in the advertisement, and mailing to each justice of the peace a like notice to his present postoffice address. That at said time and place the said justices of the peace shall assemble and, a majority being present, shall elect a chairman and a secretary, and shall immediately proceed to elect one of their number to be recorder of said court and one clerk thereof: *Provided*, that if a majority of said justices shall not be present, they shall adjourn from day to day until a majority of all said justices of the peace shall attend and elect the said recorder and clerk. They shall take and subscribe the oath required by law of the judges of the Superior Court, and said recorder shall receive a salary of not less than one hundred dollars or more than one hundred and fifty dollars per month, to be paid monthly by the county of Brunswick, and said clerk shall receive a salary of not less than twenty-five dollars nor more than fifty dollars per month, to be paid by the county of Brunswick, said salaries to be fixed by the board of commissioners of said county. The said clerk shall give bond in the penal sum of one thousand dollars, with good and sufficient surety, to be approved by the board of commissioners of Brunswick County, and which bond, when accepted and approved by the board of commissioners of Brunswick County, shall be filed with the register of deeds of said county as provided for other bonds of the county officials.
- Notice to magistrates. Meeting and election. and mailing to each justice of the peace a like notice to his present postoffice address. That at said time and place the said justices of the peace shall assemble and, a majority being present, shall elect a chairman and a secretary, and shall immediately proceed to elect one of their number to be recorder of said court and one clerk thereof: *Provided*, that if a majority of said justices shall not be present, they shall adjourn from day to day until a majority of all said justices of the peace shall attend and elect the said recorder and clerk. They shall take and subscribe the oath required by law of the judges of the Superior Court, and said recorder shall receive a salary of not less than one hundred dollars or more than one hundred and fifty dollars per month, to be paid monthly by the county of Brunswick, and said clerk shall receive a salary of not less than twenty-five dollars nor more than fifty dollars per month, to be paid by the county of Brunswick, said salaries to be fixed by the board of commissioners of said county. The said clerk shall give bond in the penal sum of one thousand dollars, with good and sufficient surety, to be approved by the board of commissioners of Brunswick County, and which bond, when accepted and approved by the board of commissioners of Brunswick County, shall be filed with the register of deeds of said county as provided for other bonds of the county officials.
- Proviso: adjournment for quorum. *Provided*, that if a majority of said justices shall not be present, they shall adjourn from day to day until a majority of all said justices of the peace shall attend and elect the said recorder and clerk. They shall take and subscribe the oath required by law of the judges of the Superior Court, and said recorder shall receive a salary of not less than one hundred dollars or more than one hundred and fifty dollars per month, to be paid monthly by the county of Brunswick, and said clerk shall receive a salary of not less than twenty-five dollars nor more than fifty dollars per month, to be paid by the county of Brunswick, said salaries to be fixed by the board of commissioners of said county. The said clerk shall give bond in the penal sum of one thousand dollars, with good and sufficient surety, to be approved by the board of commissioners of Brunswick County, and which bond, when accepted and approved by the board of commissioners of Brunswick County, shall be filed with the register of deeds of said county as provided for other bonds of the county officials.
- Oath of office. They shall take and subscribe the oath required by law of the judges of the Superior Court, and said recorder shall receive a salary of not less than one hundred dollars or more than one hundred and fifty dollars per month, to be paid monthly by the county of Brunswick, and said clerk shall receive a salary of not less than twenty-five dollars nor more than fifty dollars per month, to be paid by the county of Brunswick, said salaries to be fixed by the board of commissioners of said county. The said clerk shall give bond in the penal sum of one thousand dollars, with good and sufficient surety, to be approved by the board of commissioners of Brunswick County, and which bond, when accepted and approved by the board of commissioners of Brunswick County, shall be filed with the register of deeds of said county as provided for other bonds of the county officials.
- Salaries. said salaries to be fixed by the board of commissioners of said county. The said clerk shall give bond in the penal sum of one thousand dollars, with good and sufficient surety, to be approved by the board of commissioners of Brunswick County, and which bond, when accepted and approved by the board of commissioners of Brunswick County, shall be filed with the register of deeds of said county as provided for other bonds of the county officials.
- Bond of clerk. The said clerk shall give bond in the penal sum of one thousand dollars, with good and sufficient surety, to be approved by the board of commissioners of Brunswick County, and which bond, when accepted and approved by the board of commissioners of Brunswick County, shall be filed with the register of deeds of said county as provided for other bonds of the county officials.
- Jurisdiction. SEC. 3. Said court shall have all the jurisdiction and powers in all criminal offenses occurring within the county of Brunswick which are now or may hereafter be given to justices of the peace, and shall also have jurisdiction to hear and determine all offenses and misdemeanors consisting of a violation of the ordinances of the city of Southport. Said court shall hold its sessions twice in each calendar month, on the first and third Mondays respectively, and shall continue in session from day to day until the business shall be disposed of. The court shall be held at Southport on the first Monday of each month in a suitable room to be provided by the commissioners of said county for that purpose, and on the second Monday of each month in the town of Shallotte and the
- Sessions. Said court shall hold its sessions twice in each calendar month, on the first and third Mondays respectively, and shall continue in session from day to day until the business shall be disposed of. The court shall be held at Southport on the first Monday of each month in a suitable room to be provided by the commissioners of said county for that purpose, and on the second Monday of each month in the town of Shallotte and the
- Places for holding sessions. The court shall be held at Southport on the first Monday of each month in a suitable room to be provided by the commissioners of said county for that purpose, and on the second Monday of each month in the town of Shallotte and the

town of Lanvale, respectively, the session at Shallotte to be in the months of May, July, September, November, January, and March, and at Lanvale in June, August, October, December, and February of each year. The said commissioners to provide a suitable place for said session in each of said towns.

SEC. 4. Said court shall, in addition to the jurisdiction conferred by section three of this act, have exclusive original jurisdiction of all other criminal offenses committed within the county of Brunswick below the grade of felony as now defined by law, and all such offenses committed within said county are hereby declared to be petty misdemeanors.

SEC. 5. 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 Brunswick County, and upon such appeal the trial in the Superior Court shall be *de novo*.

SEC. 6. In all cases heard by justices of the peace and other committing magistrates 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 suitable recognizance with sufficient surety to appear at the next succeeding term of said recorder's court for trial, and in default of such recognizance such person or persons shall be committed to the common jail of Brunswick County, awaiting trial.

SEC. 7. All costs incurred in issuing said warrants and for the service of process arising from warrants shall belong to and be the property of said justice of the peace and sheriff or constable serving the same, as the case may be, and the same shall be paid to them by the proper authority.

SEC. 8. Any person convicted in said court of any of the offenses mentioned in section four of this act shall be fined or imprisoned, or both fined and imprisoned, according to law, and every person convicted of any offense shall pay the costs of the prosecution.

SEC. 9. Whenever any person is convicted in said court of any of the offenses mentioned in section four of this act, and the punishment imposed is fine and imprisonment, or imprisonment and cost or costs, the recorder shall sentence the defendant to the county jail of Brunswick County, to be worked upon the public roads of said county until such sentence has been complied with or fine or cost paid in cash.

SEC. 10. Said recorder shall preside over said 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 the defendant, removed for trial to such other court of the county of Brunswick as would, but for this act, have jurisdiction of the same. Such legal incompetency shall be considered

Further jurisdiction.

Issue of warrants.

Right of appeal.

Magistrates to bind over to recorder's court.

Fees.

Punishment.

Costs on convictions.

Sentences to road work.

Recorder to preside and try cases.

Removal of cases.

Legal incompetency defined.

to mean only such incompetency as would disqualify a judge of the Superior Court to try, under the same circumstances, a case pending in such last mentioned court.

Proceedings.

SEC. 11. The proceedings of the said 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 a right to appeal, on the part of the defendant adjudged guilty, to the next term of the Superior Court of Brunswick County, and 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 recorder shall commit such defendant to the common jail of Brunswick County until such defendant shall give said bond or be otherwise discharged according to law.

Right of appeal.

Bond on appeal.

Committal in default of bond.

Actions for recovery of penalties.

SEC. 12. 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 ordinances of the city of Southport for any act done within said city of Southport, and said penalty shall be sued for and recovered in the name of the city of Southport, and if incurred by a minor, shall be recovered from and in an action against the parent or guardian. From any judgment for such penalty imposed or allowed to be imposed by this act, or for the violation of any ordinance of the city of Southport, either party may appeal to the next term of the Superior Court of Brunswick County, in like manner and under the same rules and regulations as are prescribed for appeals from justices of the peace; and in case the recorder shall be disabled by reason of relationship or is otherwise incompetent to hear and determine such action, the same may be instituted and prosecuted in any court within the county of Brunswick which would but for this act have jurisdiction thereof, under the same rules and regulations as if instituted and tried in said recorder's court where applicable. In all cases where judgment may be entered up against any person for fines or penalties according to law and the ordinances of said city of Southport, and the person or persons against whom same is adjudged refuse, fail, or are unable to pay such judgment, it shall be lawful for the recorder of said court to order and require said person or persons to be worked on the public roads of said county of Brunswick until, at a fair rate of wages, such person or persons shall have worked out the full amount of such judgment and costs.

Penalties incurred by minors.

Right of appeal.

Work in payment of fines, penalties, and costs.

Seal of court.

SEC. 13. The said court shall have a seal with the impression "The Recorder's Court of the County of Brunswick," which seal shall be used in attestation of writs, warrants, summons, or other proceedings or 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.

Issue and execution of process.

SEC. 14. That the recorder may issue his process to the chief of police or to the city police of the city of Southport, or to the

sheriff, constable, or other lawful officer of the county of Brunswick, 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.

SEC. 15. The board of justices of the peace of Brunswick County are hereby authorized and directed to elect one of its number to fill the office of substitute recorder, which is hereby created. The term of office of said substitute recorder shall be concurrent with that of the said recorder; and any vacancy occurring in said office of recorder shall be filled by the board of justices of the peace.

Election and term of substitute recorder.

SEC. 16. Said substitute recorder shall receive in full compensation for his services the sum of five dollars per day for such time as he may be actually engaged in the performance of the duties of said recorder, the same to be deducted from the salary of said recorder, and not to exceed in any calendar month the full salary of said recorder for the month. Should the recorder of said court be prevented from attending the said court on account of sickness, or other temporary disability, or by absence from the county of Brunswick, then in that case said substitute recorder, elected as hereinbefore provided, shall have all the jurisdiction, power, and authority herein conferred upon the duly elected recorder of said court.

Pay of substitute recorder.

Duty of substitute recorder.

SEC. 17. The recorder of said court shall be allowed such costs as are allowed by law in similar proceedings before justices of the peace, as near as may be, and the clerk of said court shall be allowed such costs as are allowed by law in similar proceedings to the clerks of the Superior Courts of North Carolina: *Provided, however,* that all costs recovered and collected in said court shall be turned over by the officer collecting the same within ten days after collection to the treasurer of said county.

Costs of recorder and clerk.

Proviso: costs to use of county.

SEC. 18. That 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 each offender, the nature of the offense, the date of hearing or trial and punishment imposed, which said record shall at all times be open to and subject to inspection of the board of commissioners of Brunswick County or by any auditor appointed for that purpose.

Records to be kept by clerk.

Records open for inspection.

SEC. 19. That all laws and clauses of laws, and parts of laws, whether of a general or private nature, inconsistent with any of the provisions of this act, be and the same are hereby repealed.

SEC. 20. This act shall be in force and effect from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 775.

AN ACT TO PROHIBIT DISORDERLY CONDUCT, PREVENT PUBLIC DRUNKENNESS, AND PROTECT CERTAIN CHURCHES AND ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Drunkenness, disorderly conduct, and improper language forbidden in public places in Buncombe county.
Misdemeanor.
Punishment.

SECTION 1. That it shall be unlawful for any person to act in a drunken or disorderly manner or to use profane, vulgar, indecent, obscene, or boisterous language on, at, or near any public highway, public place, or public meeting in Buncombe County, North Carolina. That any person violating any of the provisions of this section of this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace of Buncombe County shall be fined not more than fifty dollars or be imprisoned not more than thirty days.

Disturbance of quiet and good order forbidden.

SEC. 2. That it shall be unlawful for any person or persons to disturb the quiet and good order of any community by loud and boisterous talking, halloaing, swearing, or other unseemly conduct, whether in a public place or not. That it shall be unlawful for any person or persons to exhibit himself or be seen in a drunken condition, whether in a public place or not, or to use any profane, vulgar, or indecent language in the presence of another in any public place or in the public highway. That it shall be the duty of the sheriff or his deputies, township constable, or other lawful peace officer, and they are hereby given the power and directed, to suppress all disturbances of the peace and good order of any community, and to arrest the offender where the offense is committed in the presence of such officer, and such officer shall have the power also to summon a sufficient number of men to assist him when resisted in the discharge of said duty, and any person failing to respond to the demand of the said officer shall be guilty of a misdemeanor, and the said officer is authorized, and it shall be his duty, to report such violation of his command for assistance to the nearest justice of the peace, to the end that the party so offending may be dealt with as the law directs. That any such person so arrested and apprehended by such officer shall as soon as practicable be taken before some justice of the peace in the county where the offense is committed, for trial, when and where formal complaint shall be filed against him for the violations of the provisions of this act, and whenever a prompt trial cannot be had, such officer is authorized and may place such person in his custody in the county jail (unless bond is given for his appearance as provided by law in like cases) or other suitable place for detention until the trial of his said cause is had. In all such cases the said officers shall have the same and like power and authority as provided by law for policemen in incorporated cities or towns. That it shall

Drunkenness and improper language forbidden.

Powers conferred on officers to suppress disturbances.

Power to summon posse.

Failure to respond misdemeanor.

Report by officer.

Trial of persons apprehended.

Detention pending trial.

Sheriff to appoint deputies.

- be the duty of the sheriff to appoint some discreet person in each township where no bonded constable resides, or where he has no deputy, and such township constable or deputy sheriff shall wear at all times in plain view a badge or shield on which the word "Policeman" is inscribed, except when engaged in or employed as a detective. That any one violating any of the provisions of this section of this act shall be guilty of a misdemeanor, and shall upon conviction be fined not less than ten dollars or more than fifty dollars, or imprisoned not more than thirty days. That it shall be the duty of the grand jury of the county to make presentment of all offenses against and violations of this act in all cases where more than six months has elapsed since such violations and no warrant has been issued, or where after the lapse of such time the party has escaped and remains in hiding and has not been tried by a justice of the peace for such offense. That this section of this act shall apply to Caldwell, Avery, and Mitchell counties only.
- 39* **SEC. 3.** That if any person be found drunk or intoxicated, or shall in an angry, loud, or boisterous manner use any profane, vulgar, or obscene 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 more than fifty dollars or be imprisoned not more than thirty days. That this section of this act shall apply only to Leechville Precinct, Pantego Township of Beaufort County.
- SEC. 4.** That it shall be unlawful for any person to be drunk in any public place at any meeting, or on the public highways in Yancey County, and any person violating this section of this act shall, upon conviction, be guilty of a misdemeanor, and fined not less than fifteen dollars nor more than fifty dollars, or imprisoned not less than five days nor over thirty days. That after the expiration of sixty days from any violation of this section of this act the Superior Court shall have concurrent jurisdiction, and if a violation shall occur within sixty days of any term of the Superior Court at which criminal cases are tried, the Superior Court shall have concurrent jurisdiction.
- SEC. 5.** That it shall be unlawful for any person, firm, or corporation to sell wine or cider or other vinous or malt liquors within a radius of two miles of Fairfield Baptist Church in New Salem Township or Antioch Baptist Church in Goose Creek Township, Union County. That it shall be unlawful for any person or persons to exhibit themselves in a drunken condition within a radius of two miles of Antioch Baptist Church in Goose Creek Township, Union County, or Fairfield Baptist Church in New Salem Township, Union County, on the days on which services of any kind are held or to be held at said churches. That any person, firm, or corporation violating any of the provisions of this section of this act shall be guilty of a misdemeanor, and upon conviction shall be imprisoned, in the discretion of the court.
- Badge.
- Misdemeanor.
- Punishment.
- 40* Grand jury to make presentments.
- 41* Application of section.
- Drunkenness and improper language in public misdemeanor.
- Punishment.
- Application.
- Public drunkenness forbidden in Yancey county.
- Misdemeanor.
- Punishment.
- Jurisdiction of court.
- Sale of wine, cider, and other liquors forbidden.
- Locality affected.
- Public drunkenness forbidden.
- Locality affected.
- Misdemeanor.
- Punishment.

Sale of wine, cider, and other liquors prohibited.

Locality affected.

Misdemeanor.

Punishment.

Improper language and opening whiskey packages forbidden in Duplin county.

Misdemeanor.

Manufacture and sale of wine, cider, and other liquors forbidden.

Locality affected.

Proviso: manufacture for personal use.

Misdemeanor.

Punishment.

Sales of merchandise forbidden.

Localities affected.

Misdemeanor.

Punishment.

Proviso: agricultural products.

Law extended.

SEC. 6. That it shall be unlawful for any person, firm, or corporation to sell or offer for sale or give away any cider, wine, beer, beerine, or other spirituous, intoxicating, or alcoholic liquor, or drinks, within two miles of Saint Mary's Free-Will Baptist Church (colored) in Jason Township, Greene County, North Carolina. Any person, firm, or corporation violating this section of this act shall be guilty of a misdemeanor, and upon conviction shall be fined twenty-five dollars or imprisoned twenty days.

SEC. 7. That it shall be unlawful for any person or persons to use obscene or profane language, or open a whiskey package on the public highways in Duplin County. That any person violating any of the provisions of this section of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than ten dollars nor less than five dollars, or imprisoned not more than ten days nor less than five days, in the discretion of the court.

SEC. 8. That it shall be unlawful for any person to manufacture or sell any wine, cider, or other spirituous or intoxicating liquors within three miles of Oak Grove Free-Will Baptist Church, or within three miles of Oak Grove Universalist Church in Westbrook Township, Sampson County: *Provided, however,* that this act shall not apply to or prevent any person manufacturing wine and cider for his or her own use. 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.

SEC. 9. That if any person shall sell any merchandise within one mile of any meeting of the East Cedar Grove Baptist Association (colored) in the counties of Granville, Durham, Orange, and Wake, 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: *Provided,* that this act shall not apply to agricultural products.

SEC. 10. That section four of chapter five hundred and ninety-seven. Public-Local Laws of one thousand nine hundred and eleven, be and the same is hereby amended as follows: Strike out the period at the end of said section and add thereto a comma, followed by the words "and all the churches included in the Little River Primitive Baptist Association in Johnston, Harnett, and Wake counties."

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

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 776.

AN ACT TO PROVIDE RECORDS FOR THE RECORDER'S COURT OF LEXINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the board of county commissioners of Davidson County and the board of commissioners of the town of Lexington, jointly, to furnish and provide all necessary books and records for the recorder's court of Lexington Township, the cost of said books and records to be paid one-half by the said board of county commissioners of Davidson County and one-half by the board of commissioners of the town of Lexington.

Books and records to be furnished.

Apportionment of cost.

SEC. 2. That all laws and clauses of laws in conflict herewith are repealed.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 777.

AN ACT TO SUPPLEMENT THE PUBLIC SCHOOL LAW IN ITS APPLICATION TO CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That trustees or committeemen be and are hereby appointed for certain special-tax school districts in Chowan County, whose term of office shall begin on the first Monday in July, one thousand nine hundred and thirteen.

Appointment of trustees.

Term of office.

FOR RIVER VIEW SPECIAL-TAX DISTRICT.

River View district.

For a term of three years, E. N. Elliott.

For a term of two years, Ephraim Hollowell.

For a term of one year, J. J. Bunch.

FOR EDGEWOOD SPECIAL-TAX DISTRICT.

Edgewood district.

For a term of three years, W. W. Bunch.

For a term of two years, Calvin Haste.

For a term of one year, Fate Winslow.

SEC. 2. Any vacancy occurring by death, resignation, or otherwise shall be filled by appointment by county board of education.

Vacancies.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 778.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED MARCH 5, 1913, BEING AN ACT TO PROVIDE FOR RURAL POLICEMEN FOR ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Additional policeman.

SECTION 1. That an act of the General Assembly, ratified March the fifth, one thousand nine hundred and thirteen, being an act to provide for rural policemen for Robeson County, be amended by adding the words "and Eli Phillips" after the words "Red Springs." in line thirteen, section one of said act.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 779.

AN ACT TO AUTHORIZE CERTAIN TOWNSHIPS IN HARNETT, JOHNSTON, WAYNE, ONSLOW, LENOIR, JONES, AND CARTERET COUNTIES TO ISSUE BONDS FOR THE PURPOSE OF INVESTING IN THE CONSTRUCTION OF THE CENTRAL CAROLINA RAILROAD.

The General Assembly of North Carolina do enact:

Townships authorized to petition for election on bond issue.

SECTION 1. That upon presentation of a written petition to the board of county commissioners of the counties of Harnett, Johnston, Sampson, Wayne, Duplin, Lenoir, Jones, Onslow, and Carteret, or either of them, signed by one-third of the resident taxpayers of Lillington Township and Grove Township, or either of them, in Harnett County; Banner Township and Meadow Township, or either of them, in Johnston County; Westbrook Township and Newton Grove Township, or either of them, in Sampson County; Grantham Township, Brogden Township, Fork Township, Goldsboro Township, and Indian Springs Township, or either of them, in Wayne County; Trenton Township, Woodington Township, and Pink Hill Township, or either of them, in Lenoir County; Chinquapin Township, Tuckahoe Township, Trenton Township, Cypress Creek Township, Pollocksville Township, and White Oak Township, or either of them, in Jones County; Richlands Township, White Oak Township, Jacksonville Township, and Swannsboro Township, or either of them, in Onslow County; Wolf Scrape Township, Glisson Township, Albertson Township, Kenansville Township, Smith Township, Lime Stone Township, and Cypress Creek Township, or either of them, in Duplin County, requesting that an elec-

tion be called for said townships, or either one of said townships, said petition being presented to the board of county commissioners of the county in which said townships so petitioning, or either one of said townships is situated, requesting to vote upon the question of issuing bonds in the amount not exceeding twenty-five thousand dollars (\$25,000) for each township so petitioning, except Banner, Newton Grove, Granthams, Brogden, Goldsboro, Kenansville, Swannsboro, and Jacksonville townships, which shall petition to vote upon the question of issuing bonds in the amount not exceeding forty thousand dollars (\$40,000) each, with interest-bearing coupons, to invest in the construction of the Central Carolina Railroad from, at, or near Lillington, North Carolina, in an eastwardly direction through the townships hereinbefore mentioned, or either of them; said petition being filed with the board of county commissioners of the county in which such township petitioning is located, and the same recorded on the minutes of the said board of the county commissioners, it shall be the duty of the said board of county commissioners so petitioned 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 so petitioning the question of issuing bonds of said townships so petitioning, for the purpose of investing the same in the construction of the Central Carolina Railroad, the said bonds to be used upon the terms and conditions hereinafter set forth. The said board of county commissioners shall, at least thirty (30) days preceding the election, give public notice of the same, stating the purpose of the election. The notice of said election shall be published by posting a copy at the courthouse door of the county in which said township election is to be held and at three public places in each township, asking for an election, and also by publishing said notice in some newspaper published in the county in which the township or townships asking for said election are situated.

SEC. 2. That the board of county commissioners of each and every county hereinbefore named shall, upon the filing of the petition provided for in section one of this act, order a new registration of the voters of each township herein authorized and empowered to hold 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 hereinbefore 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, canvass and

Amounts to be voted on.

Purpose of issue.

County commissioners to call election.

Notice of election.

Publication of notice.

New registration.

Proviso: appointment of election officers.

Count and return of votes.

Canvass and return of returns.

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.

Ballots. 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."

Issue of bonds. 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 the said election vote for the said bond issue, the said board of county commissioners of the county in which such township or townships are situated shall have prepared bonds, in such denomi-

Denominations. nations as said board may direct, the total amount not to exceed twenty-five thousand dollars (\$25,000) for each township wherein the majority of the qualified voters shall have voted for the bond issue, except the townships hereinbefore authorized to vote on forty thousand dollars each, and as to these, the amount shall not

Amounts. exceed forty thousand dollars (\$40,000) each; said bonds to have interest-bearing coupons attached, at a rate to be determined by said board: *Provided*, the same shall not be less than four nor

Interest. more than six per centum per annum, payable semiannually during the time the 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 the county issuing the same, or at some other place designated by said board; both the bonds and the coupons shall be

Proviso; limit of interest rate. numbered consecutively, and shall be signed by the chairman of the board of county commissioners of the county issuing the same, 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 reg-

Maturity. ister of deeds of the county issuing said bonds. The said bonds shall be styled "Investment Bonds," and the said bonds and coupons shall express upon their face that they are issued for and on account of 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.

Authentication. SEC. 5. That the board of county commissioners of the counties before named are authorized and empowered and shall issue and deliver to the Central Carolina Railroad 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 and place as the interest of said township bonds.

Entitlement.

Exchange for railroad bonds.

SEC. 6. That before the county commissioners of any of the counties herein mentioned shall issue any bonds herein provided for, after the same has been voted by any township herein mentioned, the Central Carolina Railroad Company shall begin the construction of its line of railroad from some point on either the Raleigh, Charlotte and Southern Railroad or the Atlantic and Western Railroad at or near Lillington, North Carolina, and the said company shall have built and completed at least two miles of its railroad in the manner hereinafter described as a continuous, connected portion of its main line entering into such township, and when the said Central Carolina Railroad Company has completed two miles as hereinafter described, in any township hereinbefore mentioned, then the county commissioners of the county in which any such township is situated, and the same having voted for the bonds as hereinbefore provided for, shall issue the bonds of said township as hereinbefore provided for, in the sum not exceeding five thousand dollars per mile of completed road, and deliver the same to the Central Carolina Railroad, upon the said Central Carolina Railroad delivering to the county commissioners or their agents an equal amount of its first-mortgage bonds, bearing the same rate of interest and the same dates and the same date of maturity as the township bonds so issued, and thereafter the said county commissioners of any county herein mentioned shall issue and deliver the sum of five thousand dollars in bonds of any township, in like manner as hereinbefore provided, for every mile of railroad completed by the said Central Carolina Railroad Company in the township voting said bond issue, until the sum of bonds voted by said township have been taken up; and in the event that the said bond issue of any township is not taken up on the basis of five thousand dollars per mile on completed railroad before the road is completed through such township, then upon the completion of the railroad by said Central Carolina Railroad Company through any such township the county commissioners of the county in which such township is situated are hereby authorized and shall issue and deliver to the Central Carolina Railroad any surplus of the issue voted in such township that may not have been taken up after the completion of the road through said township: *Provided, however,* that no bond of any township in any county through which said railroad runs shall be issued and delivered to the Central Carolina Railroad Company, except upon the Central Carolina Company having completed its road for the miles for which the bonds are to be issued, upon the said railroad company issuing and delivering to the county commissioners of any such county an equal amount of first-mortgage bonds upon said completed railroad, bearing the same rate of interest and the same date of maturity as the said township bonds.

Work to be done by railroad company.

Exchange of bonds proportionate to progress of work.

Exchange on completion of work.

Proviso: delivery of bonds forbidden until conditions complied with.

SEC. 7. The county commissioners of any county herein mentioned may enter into an agreement with the Central Carolina Rail-

Appointment of trustee.

Duty of trustee. road Company by which they and the said railroad company may appoint a mutual trustee, whose duty it shall be to hold in trust all the bonds issued by any such county for the townships, and shall hold an equal amount of the said Central Carolina Railroad Company first-mortgage bonds, to be delivered as provided for in this act, upon the request of the board of county commissioners of such county and the proper officers of said railroad company: *Provided*, that said trustee shall be a reputable trust company of not less than two hundred and fifty thousand dollars capital.

Proviso: trust company as trustee.

Specifications for construction and equipment of railroad.

SEC. 8. That before the Central Carolina Railroad Company can demand from the county commissioners or their trustee the delivery of the township bonds as provided for in this act, it must have built the number of miles of road hereinbefore provided, of substantial construction, using not less than eighty-eight tons of good condition steel or iron rails per mile, applied with sufficient bolts, spikes, and splice bars, securely fastened and constructed, and using not less than twenty-five hundred cross-ties of good material of approximate standard dimensions per mile, with practical grades and curves, and substantial trestles and bridges, and equipped with one locomotive and one passenger car for every ten miles of road constructed, with sufficient siding for conducting the business of the company.

Railroad bonds held in trust.

SEC. 9. That the railroad first-mortgage bonds hereinbefore referred to shall be held in trust by the board of county commissioners of any county herein authorized to issue the same for the benefit of the township or townships in such county that may have exchanged its township bonds with the Central Carolina Railroad Company, and all interest accruing from the said first-mortgage railroad bonds shall be applied in the same manner as the taxes hereafter provided for in the payment of the interest and principal of said township bonds so issued: *Provided, however*, that the first-mortgage bonds issued by the Central Carolina Railroad Company shall not exceed the sum of twelve thousand dollars per mile for all construction and equipment of said road.

Application of interest.

Proviso: limit of railroad bond issue.

Special tax.

SEC. 10. That it shall be the duty of the board of county commissioners of any county herein named to levy annually on all the taxable property and polls in each township of such county 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 the board of commissioners of any such county herein named 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 commis-

Application of tax.

Specific appropriation.

Investment of sinking fund.

sioners, be invested in municipal, county, or State bonds, or in notes secured by first mortgage upon real estate situate in the township to which said fund belongs, 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 the discretion of the board of commissioners, be refunded and retired by the commissioners of any such county, and such refunding bonds, if issued by them, shall be styled "County Refunding Bonds," and when issued shall be held and disposed of in the same manner and subject to the same provisions governing the "Investment Bonds" authorized herein: *Provided further*, that if the said Central Carolina Railroad Company shall fail or refuse to build said road within three years from the date of the ratification of this act, then such townships through which it has failed to build, and the county commissioners of the counties through which it has failed to build, are hereby released from the force and effect of this act, so far as it applies to said townships or counties, and the same shall be null and void as to such.

Proviso: refunding bonds.

Proviso: time for construction of railroad.

SEC. 11. That for the purposes of this act the townships herein-before named 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 each county herein named are hereby declared to be corporate agents of their respective townships so incorporated.

Townships incorporated.

Corporate agents.

SEC. 12. This act shall be in force from and after its ratification. Ratified this the 12th day of March, A. D. 1913.

CHAPTER 780.

AN ACT TO PROTECT PUBLIC HEALTH.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person or persons to throw, unload, or deposit within two hundred and fifty yards of any public road or public highway in this State any dead animal or fowl, garbage, excreta, decaying vegetable matter, or anything of such nature as to make it offensive to the public.

Deposit of offensive substances forbidden.

SEC. 2. That any person or persons found guilty of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars nor imprisoned less than ten or more than thirty days.

Misdemeanor. Punishment.

SEC. 3. This act shall not be construed to apply where manures and fertilizers are used for soil improvement.

Manures and fertilizers.

SEC. 4. That this act shall apply to Rowan County only.

Application of act.

SEC. 5. This act shall be in effect on and after its ratification. Ratified this the 12th day of March, A. D. 1913.

CHAPTER 781.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO CREATE A ROAD COMMISSION FOR EDGECOMBE COUNTY," BEING H. B. 1869, S. B. 967, RATIFIED MARCH 3, 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That House bill one thousand eight hundred and sixty-nine, Senate bill nine hundred and sixty-seven, entitled "An act to create a road commission for Edgecombe County, being file number six hundred and twenty-two, and ratified March the third, one thousand nine hundred and thirteen, be amended by striking out in section seven, line nine (enrolled act), the word "five" after the word "than" and before the word "years," and inserting in lieu thereof the word "ten."

Time extended.

Secretary of State to make change.

SEC. 2. That the Secretary of State be and he is hereby authorized to make the change herein authorized in the printed copy of the laws of this session.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 782.

AN ACT RELATING TO THE ELECTION OF COMMISSIONERS FOR ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next election for commissioners held for the county of Rowan, and every two years thereafter, there shall be elected in said county of Rowan seven commissioners, with the power and duties which now are, or may be hereafter, prescribed by law for county commissioners.

Number of commissioners.

Residence.

SEC. 2. That hereafter one of the said commissioners of Rowan County shall come from Salisbury Township in said county, and the remaining six shall come from the county of Rowan: *Provided*, no two commissioners shall come from the same township.

Proviso: no two from one township.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are repealed in so far only as they apply to Rowan County.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 783.

AN ACT FOR THE RELIEF OF THE TREASURER OF
RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas the Treasurer of Rutherford County is now paid a fixed salary; and whereas there has been laid a special road tax for said county; and whereas there has been called an election for a road bond issue for said county in the sum of two hundred and fifty thousand dollars, thus increasing said treasurer's bond:

Treasurer paid salary.
Increase of bond.

SEC. 2. That it shall be lawful, and the board of county commissioners of Rutherford County are hereby directed, to take out a sufficient amount of money out of the special road tax above referred to, and out of the bond issue above referred to, such amount as may be necessary to pay the premium on whatever bond the Treasurer of Rutherford County may have to give on account of said special road tax or bond issue.

Payment of premium on bond.

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 12th day of March, A. D. 1913.

CHAPTER 784.

AN ACT TO PROTECT THE PUBLIC ROADS OF SAMPSON
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. On all wagons engaged in the business of hauling lumber, logs, or other building material, which may be operated on the public roads of Sampson County, an annual license tax shall be imposed and collected as follows: On each one-horse wagon with tires less than two and one-half inches wide, fifty dollars; on each two-horse wagon with tires less than two and one-half inches wide, seventy-five dollars; on each wagon of greater draft than two horses, having tires less than four and one-half inches wide, ninety dollars.

License tax on lumber and log wagons.

Graduation of tax.

SEC. 2. Any wagon used to haul lumber from any sawmill for purposes other than a personal use of the owner or driver, shall be presumed to be engaged in the business of hauling lumber.

Business defined.

SEC. 3. The license shall be issued by the chairman and secretary of the board of road commissioners of Sampson County, and shall run from the first day of January in each year to the thirty-first

Issue and term of license.

- License taxes to road fund. day of December of the same year. The proceeds of all license taxes paid shall be turned in to the general road fund of Sampson County.
- Operating wagons without license misdemeanor. SEC. 4. Any person operating or causing to be operated any wagon, liable to a license tax as above provided, on the public roads of Sampson County, without having first obtained a license therefor, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, and each trip made by any wagon in violation of the provisions of this act shall constitute a separate offense.
- Punishment. Separate offenses.
- When act effective. SEC. 5. This act shall be in force from and after the first day of January, one thousand nine hundred and fourteen.
Ratified this the 12th day of March, A. D. 1913.

CHAPTER 785.

AN ACT TO AMEND SECTION 1679 OF THE REVISAL OF 1905, RELATIVE TO IMPOUNDING STOCK IN STOCK-LAW TERRITORY.

The General Assembly of North Carolina do enact:

- Limit of charges. SECTION 1. That section one thousand six hundred and seventy-nine of the Revisal of nineteen hundred and five be and the same is hereby amended by striking out all the words between the word "demand" and the word "so," in line four of said section, and inserting in lieu thereof the following: "fifty cents for the first and ten cents each for every other animal belonging to the same owner."
- Application of act. SEC. 2. This amendment shall apply to Madison County only.
SEC. 3. This act shall be in force from and after its ratification.
Ratified this the 12th day of March, A. D. 1913.

CHAPTER 786.

AN ACT RELATING TO POLICE POWERS IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

- Powers of officers in Leaksville township. SECTION 1. That it shall be the duty of the sheriff or deputy sheriffs in Rockingham County, living and residing in Leaksville Township in said county, and all of said officers who may be present in said Leaksville Township and all constables in Leaksville Township, whether holding office by election or appointment, and all other peace officers in Leaksville Township, and he or they shall

have power and authority to suppress all disturbances of the quiet and good order of and in the township of Leaksville in said county, and to arrest all offenders against the same, and to prevent as far as possible all injury to property in said township, and in said township said sheriff, or deputy sheriff, and all other of the aforesaid officers shall have power and authority, 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 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 sheriff or deputy sheriffs shall have power to enter the inclosure and house of any person in the aforesaid township 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 or deputy sheriffs for any offense shall, as soon as practicable, be taken before some justice of the peace of Rockingham 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 guardhouse or calaboose provided for that purpose for any of said officers, unless bail is given as provided for by law.

Power to summon posse.

Reports of refusal to assist.

Power of entrance on premises.

Trials on arrests.

Detention pending trial.

SEC. 2. Such sheriff or deputy sheriffs shall have the same power and authority in said township as policemen in incorporated cities and towns.

Powers as policemen.

SEC. 3. Such sheriffs or deputy sheriffs when on duty shall severally wear a metallic shield with the word "Policeman" or "Deputy Sheriff" inscribed thereon, and the said shield shall always be worn in plain view, except when employed as detectives.

Badges.

SEC. 4. That every person found drunk on the streets or roads, or in any public place in said township, 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.

Public drunkenness misdemeanor.

Punishment.

SEC. 5. That any person who shall use any profane or indecent language on any public road or street or public place in Leaksville Township shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Profane or indecent language misdemeanor.

Punishment.

SEC. 6. That no person, firm, association, or corporation shall keep any mercantile establishment, or other place of business where goods and commodities are sold, open for the purpose of selling any goods, wares, merchandise, or commodities on the Lord's Day, commonly called Sunday. Nor shall any person, firm,

Keeping stores open and sales on Sunday forbidden.

- association, or corporation sell any article of merchandise or commodities at such place of business on the Lord's Day, commonly called Sunday: *Provided*, this shall not prevent any person, firm, association, or corporation from keeping open any place of business for the purpose of selling drugs, medicines, and undertakers' goods: *Provided further*, that this act shall not be so construed as to prevent any person, firm, association, or corporation, running a restaurant in connection with any mercantile establishment, from selling or furnishing meals or food otherwise prepared for immediate consumption to persons on Sunday: *Provided*, that this act shall not be so construed as to permit or allow any person, firm, association, or corporation, engaged in running a restaurant, to sell, either directly or indirectly, any article of merchandise or other commodity other than such food usually sold or furnished in a restaurant. Any person, firm, association, or corporation violating the provisions of this section shall be guilty of a misdemeanor, and be fined not more than fifty dollars or imprisoned not more than thirty days.
- Proviso: drugs, medicines, and undertakers' goods.
- Proviso: restaurants.
- Proviso: sales by restaurant keepers.
- Misdemeanor.
- Punishment.
- Application of act. SEC. 7. That this act shall apply to Leaksville Township, Rockingham County, only.
- SEC. 8. That this act shall be in force from and after its ratification.
- Ratified this the 12th day of March, A. D. 1913.

CHAPTER 787.

AN ACT TO FIX THE TIME FOR THE TERMINATION OF FARM LEASES.

The General Assembly of North Carolina do enact:

- SECTION 1. That unless otherwise stipulated in the contract, all annual rentals for farm purposes, whether verbal or written, shall expire and terminate on the first day of December of the year in which the crop is made or is contemplated to be made: *Provided, however*, any tenant in such contract of rental who shall, for good cause and in good faith, fail and be unable to collect and gather the crops so raised by him by the said date, shall be permitted to go upon said lands and complete the gathering of said crop if he do so with reasonable diligence and industry, and shall complete the same by the first of January following.
- Termination of annual lease.
- Proviso: outgoing tenant to gather crop.
- Application of act. SEC. 2. That the provisions of this act shall only apply to Chat-ham County.
- SEC. 3. That this act shall be in force from and after its ratification.
- Ratified this the 12th day of March, A. D. 1913.

CHAPTER 788.

AN ACT TO AMEND AN ACT RATIFIED MARCH 10, 1913, THE SAME BEING "AN ACT TO ESTABLISH A RECORDER'S COURT IN MOUNT AIRY TOWNSHIP, SURRY COUNTY, NORTH CAROLINA, AND TO PRESCRIBE THE JURISDICTION THEREOF."

The General Assembly of North Carolina do enact:

SECTION 1. That House bill two thousand one hundred and thirty-eight, Senate bill one thousand eight hundred and fifty-seven, ratified at this session of the General Assembly, the same being entitled "An act to establish a recorder's court in Mount Airy Township, Surry County, North Carolina, and to prescribe the jurisdiction thereof," be and the same is hereby amended as follows, to wit: By adding at the end of section eight of said act the following: "Provided, that any party to any civil action in said recorder's court shall have the right of appeal to the Superior Court of Surry County, and shall also have the right of trial by a jury as is now allowed or provided by law for trials of civil actions before justices of the peace under the general laws for the trial of civil actions by justices of the peace."

Proviso: appeals and jury trials in civil actions.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 789.

AN ACT TO PROMOTE THE TEACHING OF AGRICULTURE AND DOMESTIC SCIENCE IN THE PUBLIC SCHOOLS OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to better prepare the boys and girls in said county for farm life and home-making, the board of commissioners of Rockingham County, upon compliance with the provisions of this act, is hereby authorized and empowered to establish and maintain in one or more of the public high schools of said county a department of agricultural instruction and a department of training in domestic science and home economics.

Establishment of departments authorized.

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.

Control and management of schools.

- Selection of schools. 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 Rockingham County shall designate the place or places at which such agricultural and 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.
- Considerations governing selection. SEC. 4. That for the maintenance of said school or schools, if same is established as herein provided, the county board of education of Rockingham County shall provide annually out of the public school fund, or by donation or local tax, not exceeding twenty-five hundred dollars. Any such school applying for the benefits 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 within a reasonable distance of the school buildings: *Provided*, that the said board of education of said county may provide and establish or assist any school in providing and establishing the land, building, and equipment herein required: *Provided further*, that before the county board of education of Rockingham 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.
- Appropriation from county. SEC. 5. That the board of commissioners of Rockingham County is hereby authorized and empowered to contribute out of the general funds of said county such amount as they may deem proper for the purpose of providing and establishing the equipment herein required for the establishment of the agricultural and domestic science department in any such school, and are likewise empowered and authorized to donate by lease or deed any lands now or hereafter owned by said county for the purposes of this act.
- Location and equipment provided by school. SEC. 6. That the purposes of said school or schools are to give to the boys and girls such preparation as is now given in the 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 courses 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.
- Proviso: assistance by county. SEC. 7. 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
- Proviso: inspection and approval of State superintendent.
- Contribution by county for equipment.
- Donation of location.
- Purposes of school.
- Courses of study.
- Faculty.
- Schedule of work.

the weekly schedule of work and submit such weekly schedule to the county superintendent of education of Rockingham County for his approval.

SEC. 8. That upon its being made to appear to the State Board of Education that Rockingham County has complied with all the provisions of this act for establishment, maintenance, and equipment of 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 Rockingham County for such purpose an amount equal to that appropriated and furnished by the county of Rockingham for said work: *Provided, however,* that said appropriation by the said 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 Rockingham County absolutely, or upon a contingency or contingencies, then and in that event such appropriation which would go to Rockingham County shall be turned over to the county board of education of Rockingham 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 Rockingham County shall be sufficient to entitle the county of Rockingham 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 appropriated to Rockingham 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 Rockingham 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.

Appropriation by State.

Proviso: limit of amount.

Apportionment from State.

Warrant for State appropriation.

Proviso: specific appropriation.

SEC. 9. 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. 10. 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 public instruction of Rockingham County, and, if

Qualifications for teachers.

- Teachers' certificates. approved, submit 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.
- Students from other counties. SEC. 11. That the board of trustees of the school or schools herein provided 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 Rockingham 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.
- Resident students. SEC. 12. That it shall be part of the duty of teachers of agriculture and domestic science to conduct agricultural farm-life and extension work in Rockingham County in coöperation, as far as possible, with such work carried on in said county by the State Department of Agriculture, the North Carolina Department of Agriculture and Mechanic Arts, and the United States Department of Agriculture; to hold township and district meetings in various parts of Rockingham County from time to time for farmers and farmers' wives; to coöperate 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 agricultural and domestic science instruction is given for the public school teachers of the said county.
- Proviso: discrimination forbidden.
- Coöperation in farm life and extension work.
- Township and district meetings.
- Coöperation with county officials.
- Application of act. SEC. 13. That this act shall apply only to Rockingham County.
- SEC. 14. That this act shall be in force from and after its ratification.
- Ratified this the 12th day of March, A. D. 1913.

CHAPTER 790.

AN ACT TO ESTABLISH THE OFFICE OF COMMISSIONER
OF AGRICULTURE IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Appointment authorized.

Title and duties of officers.

SECTION 1. That the board of commissioners of Rockingham County is hereby authorized and empowered to appoint some competent, practical, and scientific farmer, who shall be known as the "Commissioner of Agriculture in Rockingham County," and shall

be charged with the duties prescribed in this act, which appointment shall be made after a conference with the Department of Farmers' Coöperative Demonstration Work in North Carolina. The said commissioner shall hold office for a term of one year from the date of his appointment, unless a shorter time be designated by the said board of commissioners at the time of his appointment. Term of office.

SEC. 2. Said commissioner of agriculture, after his appointment, shall give his whole time to the duties of his office, and his duties shall consist in general as adviser to any farmer in said county requiring his services or requesting same; organizing farmers' clubs, conducting corn clubs and other agricultural contests; to arrange for exhibitions of agricultural products; to give practical demonstrations and instruction in crop rotation, soil building, farm management, live stock, dairying, horticultural work, and other subjects of interest and practical value to farm life, including assistance in the purchase and use of the best improved farm machinery; to coöperate with the public educational forces of the county in teaching the rudiments of agriculture. He shall coöperate with the farmers and with all other agencies having for their object the best agricultural, commercial, social, civic, and material interests of country life in said county. Exclusive employment.
Duties.

SEC. 3. The salary of said commissioner of agriculture shall be fixed by the board of commissioners of Rockingham County, one-half of said salary to be paid by the commissioners of the county of Rockingham out of the general county funds, and one-half of said salary to be paid by the Farmers' Coöperative and Demonstration Work in North Carolina: *Provided*, said Farmers' Coöperative and Demonstration Work shall not be charged with more than six hundred dollars for said salary in any one year. Salary.
Payment of salary.
Proviso: limitation.

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

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

Ratified this 12th day of March, A. D. 1913.

CHAPTER 791.

AN ACT TO AMEND CHAPTER 120, PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That section six (6) of chapter one hundred and twenty (120), Public Laws of nineteen hundred and seven (1907) of North Carolina, be amended by adding after the word "Surry" at the end of said section six (6) the words "and Columbus." Extension of law.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 792.

AN ACT TO AMEND SECTION 2802 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section twenty-eight hundred and two of the Revisal of nineteen hundred and five be amended by inserting the word "Catawba" before the word "Rowan" in next to the last line of said section, so as to make the compensation of the county surveyor three dollars per day.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 793.

AN ACT TO AMEND CHAPTER 120 OF THE PUBLIC LAWS OF 1907, RELATING TO WITNESS TICKETS IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

Extension of law.

SECTION 1. That section six of chapter one hundred and twenty of the Public Laws of North Carolina of one thousand nine hundred and seven be amended by adding at the end of said section, and after the word "Surry," the words "and Buncombe."

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 794.

AN ACT RELATING TO DOGS AND DOG TAXES IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapters one hundred and four and seven hundred and seventy-one of the Public-Local Laws of one thousand nine hundred and eleven, requiring the sheriffs of Anson and Transylvania counties to purchase and keep bloodhounds, are both hereby repealed.

Law repealed as to Catawba county.

SEC. 2. That chapter six hundred and ninety-four of the Public Laws of one thousand nine hundred and nine is hereby repealed so far only as it applies to Catawba County. That it shall be

Dogs to be confined.

unlawful for the owner or person having possession or control of any dog to allow such dog to run at large upon the premises of another person, after being notified in writing, by such other person, who has cause to believe that any such dog trespasses upon his premises to the injury of his property or to the annoyance of himself or family, to keep such dog off of such premises; and that it shall be unlawful for the owner or person having possession or control of any dog to allow any such dog to run at large, off of the premises of the owner or person having possession or control of such dog, after having personal knowledge or information that such dog is dangerous, or annoys or does injury to persons, domestic animals, or property of any kind, or has been exposed to rabies or is diseased. Any person violating any of 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. This section shall apply only to Catawba County.

Allowing dogs to run at large unlawful.

Misdemeanor.

Punishment.

Application of act.

SEC. 3. That chapter six hundred and eighty-four of Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by adding a new section as follows:

"SEC. 3a. That this act shall only apply to the counties of Pitt, Moore, Hoke, and Rowan." Law extended.

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 12th day of March, A. D. 1913.

CHAPTER 795.

AN ACT TO PROVIDE A LEGALIZED PRIMARY ELECTION FOR ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every political party, organization, or association in Rockingham County, by whatever name called or known, naming or running a ticket for election at the general election held every two years for the election of the county officers, members of the General Assembly, and township officers, shall nominate all of its candidates for the aforesaid offices by a primary election to be held as hereinafter provided, and in no other way: *Provided*, that nothing herein contained shall prevent or prohibit the General Assembly of North Carolina from appointing or electing justices of the peace in Rockingham County in the manner now provided by law. Said primary election shall be held every two years in Rockingham County on the last Saturday in July in year in which any general election is held, at each and all of the regular selected

Officers to be nominated by primary elections.

Proviso: justices of the peace.

Times for holding primary elections.

and designated voting places or precincts in said county, between the hours of eight o'clock a. m. and six o'clock p. m., and at no other time.

Ballot boxes.

SEC. 2. That the county board of elections of Rockingham County shall provide at each election precinct in said county a separate ballot box for each political party that participates in any primary election that may be held under this act, in which box shall be deposited all the votes cast for that party in said primary election; and each box shall bear a label on which shall be written or printed, in plain letters, the name of the political party which said ballot box represents participating in said primary.

Labels.

Publication of notice of election.

SEC. 3. Notice of the date on which said primary election is to be held shall be published for at least thirty days before the holding of any primary election under this act in at least two newspapers published in said county; and said notice shall also give the hours of opening and closing the polls of said primary election and the purpose for which the same is called and the names of the offices to be filled.

Ballot boxes to be opened and exhibited.

SEC. 4. Before any ballots are cast in any election held under this act, and immediately before opening the polls the poll-holders shall open each ballot box to be used in the election, and exhibit the same publicly to show that there are no ballots in such box; and they shall then close, lock, or seal each box, except the opening to receive the ballots, and shall not again open said box until the close of the primary election. The poll-holders shall keep a poll list with the name of each voter who votes in said primary election, and shall, if a voter is challenged for any cause by any elector, before receiving his ballot, administer to him an oath that he is a duly qualified voter and that he has not voted before in said primary election; and at the close of the primary election the poll-holders shall proceed publicly to count the votes and declare the results. The poll-holders shall certify the result of said election and transmit their certificate with the poll list, ballots cast, tally-sheets, and all other papers relating to the election, on the second day after the primary election, to the board of elections of Rockingham County. The county board of elections of Rockingham County shall meet at the courthouse of said county in the town of Wentworth at eleven o'clock a. m. on the second day after the primary election is held, and shall receive, canvass, and declare the result of the election; and if any person shall have received a majority of all the votes cast by the members of his party for the office for which he is a candidate, the said board of elections shall so declare, and the said person shall be the nominee of his party for that office, and not otherwise. After the said board of elections shall have received, canvassed, and declared the result of the election, they shall file all of the papers and returns made to them in the office of the Register of Deeds of Rockingham County, who shall file them away in his office.

Poll lists.

Oaths to persons challenged.

Count of votes.

Returns.

Canvass of returns and declaration of result.

Persons declared nominees.

Papers filed with register of deeds.

SEC. 5. Any person entitled to vote at any primary which may be held under this act shall, on the day said primary is held, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of one hour, or longer, if necessary, between the time of opening and closing the polls, and such primary elector shall not, because of so absenting himself, be liable to any penalty nor shall any deduction be made, on account of such absence, from his usual salary or wages: *Provided, however,* that notice of such leave of absence shall be given prior to the taking of same. Any employer who imposes any penalty or forfeiture on account of such absence or refuses to allow any employee in his employment to attend said primary shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court.

Voters entitled to leave of absence.

Proviso: notice to employer.

Imposing penalty for absence misdemeanor.

Punishment.

SEC. 6. A space of not more than fifty feet nor less than twenty-five feet in every direction from the polls or room in which said primary election is held may be kept clear of all persons except the election officers herein provided for, which space may be railed off, with a narrow passage leading to and from the polls, and each elector may be required to approach the polls from one direction through the 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. The said railed or roped space may at all times during the hours for balloting be kept open and cleared of all persons except the officers aforesaid, and the said election officers or poll-holders are hereby authorized and empowered to keep such space clear and open. The executive committees of the different parties of the county may appoint one or more competent and discreet persons as challengers; and in the event of any executive committee failing to appoint such challengers, the poll-holders of the primary, or either of them, may appoint a challenger for his party, and if the vote of any elector shall be challenged, then the election officers or poll-holders may permit within the inclosure such witnesses as either the challenger or the elector may desire.

Space around polls.

Approach and departure.

Space kept open and clear.

Appointment of challengers.

Admission of witnesses.

SEC. 7. The several candidates for offices shall, at least ten days prior to any primary election held under this act, file with the Clerk of the Superior Court of Rockingham County, in writing, notice that he will be a candidate in such primary election, and state therein the office for which he is a candidate, which notice shall be signed by him, and the said clerk shall indorse on the back of each of said notices the date the same is filed in his office, and shall preserve said notices, subject to the inspection of any elector. The chairman of the executive committee of each political party that may desire to participate in any primary election held under this act shall have ballots prepared containing the names of the candidates of such political party and the offices for which they are candidates, upon one ballot. Each ballot shall be on plain white paper and without device, and to the right of the name of each

Notice of candidacy.

Indorsement and preservation of notices.

Ballots.

Specifications for ballots.

Indication of choice.	candidate shall be placed two blank squares of equal size, so placed on the ballot as that they will fall in two perpendicular columns, the first of which columns shall be headed "First Choice" and the second of which shall be headed "Second Choice"; and the voter shall indicate by a cross mark in one of these squares his first or second choice, as the case may be: <i>Provided</i> , any elector may designate his first and second choice by the words "First" and "Second" or by the figures 1 and 2. No candidate's name shall be placed on any ticket unless notice shall have been given in the manner herein provided, and no ballot as herein provided shall be printed or distributed by any candidate or other person prior to or at the time of such primary election, and no other ballot shall be voted except such as are furnished to the elector at the time he presents himself to vote.
Proviso: alternative method of indicating choice. Names not printed on ballots.	
Ballots not voted.	
Contributions by candidates for expenses.	SEC. 8. To provide funds for holding primaries under this act and to help defray the necessary expenses thereof, every candidate for county, legislative, and township offices shall, not less than ten days before the primary election is held, pay to the chairman of the executive committee of that party on whose ticket he expects his name to be placed, the following sums, to wit: Sheriff, register of deeds, and clerk of the Superior Court (in the year in which the clerk is a candidate), the sum of ten dollars; legislative, five dollars; all other county officers, two dollars; township officers, one dollar; and only the names of the candidates complying with this provision of this act shall be placed upon the ticket: <i>Provided</i> , that if there is any surplus after paying all the expenses of preparing the ballots used in the primary election, such surplus shall be prorated among the candidates, according to the amounts so paid, and returned to them.
Graduation of contributions.	
Proviso: disposal of surplus.	
Distribution of ballots.	SEC. 9. That the said chairman of the said executive committee shall, not later than sunset of the day preceding such primary election, supply the poll-holders of each and every precinct or polling place with as many of the said printed ballots as may be needed at said polling places or precincts or wards, and it shall be the duty of said poll-holders to have said ballots or tickets at the polling place at the time designated for opening said primary election, and shall cause the same to be placed and kept at said polling place, and shall not allow any of said tickets to be taken away, marked, or handled by any one except the electors as they may present themselves for the purpose of voting, and such ticket shall be marked as herein provided by the elector himself or by one or more of the poll-holders at the request of the elector, or by some other person designated by said elector; and the poll-holders shall give to each elector presenting himself to vote a ticket which the said elector shall mark so as to vote for the candidates of his choice, or cause the same to be marked by one or more of said poll-holders, or by such person as he may request, and
Marking ballots.	
Tickets furnished to voters.	

- said ticket, when so marked so as to express the choice of the elector as herein provided, shall be deposited by the elector, and no other person, except that either one of the poll-holders may deposit said ticket when requested to do so by the elector: *Provided*, that if any elector by his ballot votes for more candidates than he is entitled to vote for in said primary election, such ballot shall not be counted, except for those candidates for whom he votes properly; and *Provided further*, that any poll-holder assisting any elector to prepare his ballot, who shall willfully fail to prepare said ballot as directed by said elector, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.
- SEC. 10. All expenses necessary to the calling, holding, and canvassing of all primary elections held under this act shall be paid by the board of commissioners of Rockingham County out of the county treasury, except the expense of preparing the ballots as provided in section eight hereof.
- SEC. 11. The county board of elections may require each and every candidate to file an itemized and verified statement of all moneys expended by him during the campaign in which he was a candidate, and all moneys or things of value expended by himself or any one for him, to his knowledge. This statement shall be filed with the Clerk of the Superior Court of Rockingham County at least six days before the day of holding any primary hereunder, and a supplemental statement shall be filed in said clerk's office by said candidates not later than ten days after the primary is held, giving same facts required in first statement.
- SEC. 12. In determining the result of said primary election, the board of elections of said county shall ascertain whether or not any candidate has received a majority of all the votes cast in said primary election of his political party in said primary, and if such majority be found in favor of any candidate, he shall be declared the nominee of said party; but if no candidate shall be found to have received a majority of all the votes cast as first choice, then the candidate receiving the smallest number of first-choice votes shall be eliminated, and the second choice of those voting for said candidate shall be added to the vote of each candidate respectively as they may appear on said ballots, and the candidate showing the lowest number of votes at each succeeding count shall be eliminated, and the second choice as expressed on all ballots cast for him shall be added to the vote of the remaining candidates as before, which process shall be continued until some candidate shall have received a majority of all the votes cast in said primary or until all the candidates but one have been so eliminated, whereupon said remaining candidate shall be declared the nominee of said party for said office: *Provided*, that in the event that two or more candidates of the same party for the same office shall each receive
- Deposit of tickets.
- Proviso: ballots not counted.
- Proviso: mis-marking ballots misdemeanor.
- Punishment.
- Payment of expenses.
- Statements of expenses of candidates.
- Time for filing statement.
- Supplemental statement.
- Ascertainment of result.
- Proviso: settlement of ties.

the same number of votes, then in that event the executive committee of the political party to which said candidates belong shall select one of said candidates as the nominee of said party.

Qualifications for voters.

SEC. 13. The qualifications for voting in any and all primary elections held under this act shall be the same as are now provided by law in general elections. Any person who shall swear falsely as to such qualifications in taking the oath provided for in this act, or who shall impersonate another person and take the oath in his name, in order to vote, shall be guilty of a misdemeanor, and be punished, upon conviction, in the discretion of the court.

False swearing and impersonation of voter misdemeanor.

Punishment.

Candidates named by executive committee.

SEC. 14. In case there is any office or offices for which there are no candidate or candidates from any political party who have announced themselves in writing within the time prescribed by this act, then in that event, and in that event only, the executive committee of any and all political parties in said county may each name, in writing, a candidate for said office or offices.

Application of general law.

SEC. 15. That such portions, paragraphs, and provisions of the general election laws of this State regulating the conduct of general elections for which said primary elections are held to name candidates as are not inconsistent with the true purpose and intent of this act 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 elections under this act, relative to making false returns, intimidation of voters, qualifications for voting, bribery, and the use of intoxicating liquors in general elections, shall be in full force and effect and applicable to the holding of any primary elections provided for under the provisions of this act; and the said county board of elections is hereby authorized and empowered to change the day herein designated for holding said primary, and to alter or change the machinery and rules herein prescribed for holding any primary hereunder, and to make such other and further rules and regulations governing the conduct of any primary held hereunder as said board of elections may find necessary or deem expedient.

Changes authorized.

Repeating a misdemeanor.

SEC. 16. If any voter having voted once in a primary election held hereunder, shall vote a second time in the same primary election, at the same or at a different poll or voting precinct, he shall be guilty of a misdemeanor, and shall be punished in the discretion of the court.

Punishment.

Appointment of poll-holders.

SEC. 17. The county board of elections shall, at least twenty days before a primary shall be held under the provisions of this act, appoint two poll-holders for each party participating in such primary; and the said party poll-holders shall take the name, on a separate sheet, of every person voting in their party box. Before entering upon the discharge of their duties the poll-holders selected to conduct any primary elections held under this act shall take an oath that he will fairly, impartially, and honestly conduct the same according to the provisions of this act. Should one or more of the

Poll lists.

Poll-holders to be sworn.

Vacancies.

officers appointed to hold such election fail to appear on the day of the election, the remaining officers shall appoint others in their stead and administer to them the oath herein prescribed before a notary public or other officer authorized to administer oaths; and any one of the poll-holders who has taken such oath may administer same to all other poll-holders.

SEC. 18. *Provided*, that if any precinct or precincts shall fail or refuse to conduct and hold a primary pursuant to the spirit and intent of this act, the entire vote of said precinct or precincts so disregarding the provisions of this act shall not be counted or received in determining the result of said primary election for said county as provided herein. Proviso: precincts not counted.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 796.

AN ACT TO AMEND CHAPTER 382, PUBLIC-LOCAL LAWS OF 1911, RELATING TO GAME IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three hundred and eighty-two of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out the word "ten" in line four and inserting in lieu thereof the word "five." Number of hounds in pack.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 797.

AN ACT TO AMEND CHAPTER 195, PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-five, Public Laws of one thousand nine hundred and seven, be amended as follows, to wit: By adding in line seven, section three, and between the words "township" and "and," the words, "whatever taxes collected by said sheriff by virtue of the special railroad tax in Elkin Township levied and collected for the paying interest on bonds voted by said Elkin Township to aid in the construction of the Elkin and Alleghany Railway Company." Taxes for interest on railroad bonds.

Proviso: treasurer-ship not an office.

SEC. 2. Amend section five of chapter one hundred and ninety-five, Public Laws of one thousand nine hundred and seven, by adding at the end of section five the following words: "*Provided*, that the office of Treasurer of Elkin Township shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina."

SEC. 3. That all laws and clauses of laws, in so far as they 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 12th day of March, A. D. 1913.

CHAPTER 798.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF McDOWELL COUNTY TO CALL AN ELECTION FOR THE PURPOSE OF VOTING ON A BOND ISSUE TO IMPROVE THE CENTRAL HIGHWAY IN OLD FORT TOWNSHIP, McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Petition for election on bond issue.

Amount to be voted on.

Purpose of issue.

County commissioners to order election.

Notice of election.

SEC. 1. That upon the presentation of a written petition to the board of commissioners of McDowell, signed by fifty resident taxpayers of Old Fort Township, McDowell County, requesting that an election be called for the said township to vote on the question of issuing bonds in an amount not to exceed twenty thousand dollars (\$20,000), with interest-bearing coupons, for the purpose of grading, building, constructing of macadam, gravel, sand, clay, or other hard surface, and otherwise improving and maintaining the public roads of Old Fort Township, said petition to be recorded in the minutes of said board, it shall be the duty of the commissioners to call an election to be held at such time as called for in the petition, at the regular voting place in said township, and submit to the voters of said township the question of issuing bonds for said purpose, the bonds to be issued upon the terms and conditions hereinafter set out. The said board of commissioners shall, for at least thirty days preceding the election, give notice of the election and the purpose thereof by notice posted at five public places in Old Fort Township and in a newspaper published in McDowell County.

New registration.

Registration and challenges.

Proviso: appointment of election officers.

SEC. 2. That the said board of commissioners shall order a new registration of the voters of said township for said election: that the registration and challenge of voters shall be conducted in the same manner as is now prescribed by law for holding elections for members of the General Assembly, except as herein otherwise provided: *Provided*, that the said board of commissioners shall

appoint registrars and judges of election and any other election officers; that the registrar and judges of election at the close of the polls shall count the votes, certify the result, and on or before the second day after said election shall make returns to the board of county commissioners, and said board shall, on or before the fourth day after the said election, canvass and determine the returns, declare the result, and cause the same to be entered on the minutes kept by said board.

Count and return of votes.

Canvass of returns and declaration and record of result.

SEC. 3. That at said election the ballots tendered and cast by the voters of said township shall have written or printed upon them the words "For Good Roads" or "Against Good Roads," and all qualified voters who favor the issue of the said bonds upon the conditions and terms set out in this act shall vote "For Good Roads," and all qualified voters opposed thereto shall vote "Against Good Roads."

Ballots.

SEC. 4. In the event that a majority of the votes cast in said election in said township shall be "For Good Roads," this act shall immediately become operative, and it shall be the duty of said board of commissioners of McDowell County to cause to be prepared bonds in such denominations as the highway commission hereinafter provided may direct, not to exceed the sum of twenty thousand dollars (\$20,000), with interest-bearing coupons attached, at a rate to be determined by said highway commission, not to exceed six per centum per annum, payable semiannually during the time said bonds shall run, at such time and place as may be determined by said highway commission, and the principal of said bonds shall be payable thirty years from the date of issue; both the bonds and coupons shall be numbered consecutively, and shall be signed by the board of commissioners of said county and countersigned by the secretary of said board, and the said bonds shall have impressed upon their face the official seal of the Register of Deeds of McDowell County or the official seal of the said board of commissioners, and the said bonds shall express upon their face that they are issued for and on account of Old Fort Township, in said county, and payable out of the taxable property and polls of said township.

Act to become operative.

Issue of bonds.

Denominations.

Amount.

Interest.

Maturity.

Authentication.

SEC. 5. That it shall be the duty of the said board of commissioners to levy annually on the taxable property and the polls of said township a separate tax, the proceeds of which shall be applied to the payment of interest on said bonds, to create a sinking fund for the payment of said bonds at maturity, and for keeping the public roads of said township in repair: *Provided*, said special tax so levied shall not exceed the sum of thirty cents on each one hundred dollars of taxable property and ninety cents on each poll.

Special tax.

Proviso: limit of tax rate.

SEC. 6. That if a majority of the votes cast at said election is for good roads, then for the purpose of carrying out the provisions of this act the Governor shall appoint three freeholders and residents of Old Fort Township, who when thus appointed shall con-

Governor to appoint highway commission.

Term of office.	stitute a highway commission of Old Fort Township, and shall hold their offices for a term of two years and until their successors are elected and qualified. The county commissioners of McDowell County shall have power to remove any member of the highway commission for incompetency or willful neglect of duty or any other good cause, and shall have power to fill all vacancies occurring on said highway commission, including the power to fill vacancies caused by expiration of term. The highway commissioners shall each receive for their services the sum of one dollar per day and expenses necessarily incurred in performance of duty during the time they are actually engaged in the duties assigned to them by this act. Within ten days after the result of any election hereunder has been declared in favor of a bond issue for good roads, the highway commission herein named shall meet and organize by electing one of their number chairman and another secretary.
Commissioners removable for cause.	
Vacancies.	
Pay of commissioners.	
Meeting and organization.	
Charge of expenditures.	SEC. 7. The highway commission of Old Fort Township herein created shall have entire charge of expenditures of the proceeds of the sale of the said bonds herein authorized to be issued, and the expenditures derived from the taxes herein authorized to be levied and collected, less the interest on the bonds issued and sold and the amount set apart for the sinking fund; and before entering upon the discharge of their duties under this act each of them shall take and subscribe an oath for the faithful performance of their duty under this act, and shall file a bond with approved sureties, to be approved by the Clerk of the Superior Court of McDowell County, payable to the board of commissioners of McDowell County, in the sum of one thousand dollars each, conditioned for the faithful performance of their duties under this act. That upon the taking of the said oath and the filing of said bond and approval of the same, the board of commissioners of McDowell County shall turn over to the said highway commission the bonds so issued.
Commissioners to be sworn and to give bonds.	
Bonds turned over to commissioners on qualification.	
Sale of bonds.	SEC. 8. That when said bonds shall be turned over to said highway commission as herein provided, it shall be the duty of said commission to sell them to the best advantage to such township by securing the lowest rate of interest at which said bonds can be sold, and said bonds shall not be sold for less than their par value. That the moneys derived from a sale of said bonds shall be paid to the treasurer of said county, who shall disburse the same on written order of the chairman of said highway commission, countersigned by the secretary thereof. The said treasurer is hereby required and directed to keep a separate book of the moneys received by him from the proceeds of the sale of said bonds, and the taxes collected under this act, and the disbursements and date therein made by him of the same; and the bond of said treasurer shall be liable for the faithful accounting of the moneys received by him under this act: <i>Provided</i> , the said treasurer shall receive as his compensation for receiving and dis-
Sale below par forbidden.	
Proceeds paid to county treasurer.	
Orders for disbursements.	
Separate accounts.	
Treasurer liable on bond.	
Proviso: compensation of treasurer.	

bursing the moneys derived from the sale of said bonds one-half of one per centum, and shall receive as his compensation for receiving and disbursing the taxes levied and collected under this act the sum of one per centum; said taxes to be collected by the sheriff or tax collector of said county and accounted for as other taxes levied and collected in said county.

Collection and settlement of taxes.

SEC. 9. It shall be the duty of said highway commission herein created, immediately upon their qualification and organization, to appoint some competent and practical road builder to lay out and supervise the building and improving the public roads of said township; to fix his compensation and to appoint such assistants and overseers as may be necessary. Said highway commission may let the improvement of said roads by contract, or may do the work thereon with hired labor. If the building and improvement of said roads shall be let by contract, then it shall be the duty of such highway commission to require all contractors to execute and deliver a good and sufficient bond to insure the performance of the contract according to the specifications required, and to complete the same within the time required for the performance of the work to be performed.

Employment of road builder.

Assistants and overseers.
Methods of work.

Bonds of contractors.

SEC. 10. That all male persons between the ages of twenty-one and forty-five years, except such as shall reside within the corporate limits of the town of Old Fort, who shall have resided in said township for thirty days, shall perform five days work annually on the public roads in said township, or in lieu thereof shall pay to the said highway commission the sum of five dollars:

Road duty.

Commutation.

Provided, that the said amount to be paid on or before a date fixed by the said highway commission. That when any person liable to perform road duty as aforesaid shall fail or neglect to work when warned by the proper person authorized for that purpose by said highway commission, or shall refuse to work when so warned, he shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

Proviso: date for payment.
Failure to discharge road duty misdemeanor.

Punishment.

SEC. 11. Said highway commission shall have full power, and it shall be their duty, to appoint such overseers or supervisors as may be necessary to keep the public roads in repair, and assign the duty to such overseer or supervisor that he is required to perform, or they may appoint an overseer or supervisor whose duty shall be to supervise the working and repairing of all the roads of said township; and when such overseer or supervisor shall be appointed, or any overseer or supervisor appointed by said highway commission and assigned certain duties to perform on said public roads shall fail, neglect, or refuse to perform the duty assigned him, he shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

Overseers and supervisors.

Failure in duty by supervisor misdemeanor.

Punishment.

SEC. 12. That all laws now pertaining to the public roads of said township, except such as are modified or repealed by this act, are hereby reënacted.

Laws reënacted.

Corporate powers
of highway com-
mission.

SEC. 13. That said highway commission herein created shall have the power to sue and be sued in the courts of the State for the enforcement of, or for the penalty for any violation of contract made by said highway commission in the performance of the duties assigned them under this act.

Width and grade
of roads.

SEC. 14. The width and grade of all roads to be laid out, built, constructed, or improved under the provisions of this act shall be in the discretion of the said highway commission. The said highway commission is hereby authorized, where a public road crosses a branch, creek, or river, to submit plans and specifications for such bridges, as in their judgment may be deemed necessary, to the board of commissioners of said county, and when such plans and specifications shall be so presented, it shall be the duty of the board of commissioners of said county to cause such bridge to be constructed according to the plans and specifications so presented, and pay for the same out of the funds heretofore or hereafter to be collected for the purpose of building bridges for said county; and it is hereby made the duty of the said board of commissioners to keep the bridges in said township in good repair.

Plans and speci-
fications for bridges.

Construction and
payment.

Maintenance of
bridges.

Further election.

SEC. 15. That in the event a majority of the said votes cast in said election shall be "Against Good Roads," then and in that event it shall be the duty of the board of commissioners of said county, after six months, to order another election for said purpose: *Provided*, it is requested so to do by a petition signed by one hundred of the voters of said township; and if another election shall be called as aforesaid, it shall be held in the same manner as the election herein provided, and at such time as shall be fixed by the said board of commissioners.

Proviso: petition
for further election.

SEC. 16. That all laws and clauses of laws inconsistent with the provisions of this act affecting said Old Fort Township, McDowell County, shall be repealed when this act shall become operative as hereinbefore provided, as to said Old Fort Township.

SEC. 17. This act shall be in force from and after its ratification. Ratified this the 12th day of March, A. D. 1913.

CHAPTER 799.

AN ACT TO ALLOW JUSTICES OF THE PEACE FEES IN CERTAIN CASES IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Full fees allowed.

SECTION 1. That in all cases tried before justices of the peace of Buncombe County where the justices shall adjudge the defendants guilty and sentence them to the county roads or imprisonment in the county jail, and such defendants shall actually serve for a period of thirty days on said roads, the county commis-

sioners of Buncombe County shall pay full fees as now allowed or may hereafter be allowed to the justices of the peace, constables, and such deputy sheriffs as are now or may hereafter be placed on fees in Buncombe County.

SEC. 2. That the county commissioners of Buncombe County shall pay full fees to justices of the peace, constables, and such deputy sheriffs of Buncombe County as are entitled to be paid fees, in all cases where the defendants have been bound over by a justice of the peace to a higher court of competent jurisdiction, and by such court sentenced to the county jail or to be worked on the county roads, and shall actually serve on said roads. Full fees in convictions in superior court.

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 12th day of March, A. D. 1913.

CHAPTER 800.

AN ACT IN RELATION TO THE APPOINTMENT OF AN OFFICIAL REPORTER FOR THE NINTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That there may be appointed by the boards of commissioners of the several counties of the Ninth Judicial District a competent stenographer for reporting the proceedings of the Superior Courts of the several counties during the sessions of the courts held therein. Appointment of stenographers authorized.

SEC. 2. That such appointment shall be made by the said boards of commissioners upon the recommendation of a majority of the members of the bar actually resident in, and actually engaged in the practice of law in, said several counties, and said reporter shall hold office, when so appointed, for a term of three years, unless removed from such office in either county by the board of commissioners thereof, which said removal shall be based upon a petition of a majority of said members of the bar of the said several counties. Appointment on recommendation. Term of office.

SEC. 3. That the said stenographer shall be selected at a meeting of the bar upon five days notice in some newspapers published in said several counties or by personal letter by the chairmen of the bar committees as now constituted or his successor, and ten members of the said bars shall constitute a quorum, and a majority thereof shall have power to select said stenographer, as provided in section one. Notice of election. Quorum of bar.

SEC. 4. Such official stenographer shall take full stenographic notes in every case tried or heard during any term of said Superior Courts, unless counsel on each side agree that it need not be done, Notes to be taken by stenographers.

which fact shall be made to appear of record, of all oral testimony, the admissions made by either side, the objections to the introduction of testimony, the ruling of the court thereon and the exceptions 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 shall take notes of all documentary evidence introduced by either party, and all other proceedings such as the court may direct. The judge shall not be required to take any notes of the evidence. Such stenographic notes shall be typewritten and the original notes and copy filed with the clerks of the said Superior Courts, and shall become a part of the record of the case. Said official stenographer shall furnish a typewritten copy of his notes of the evidence to the court and to counsel for each side in all cases when practicable or when directed by the court: *Provided*, that in the trial of criminal cases not punishable by imprisonment in the county jail, or service upon the roads not exceeding two years, the counsel for the State and the defendant, with the consent of the court, may agree that no notes shall be taken or that the stenographic notes may not be typewritten and filed with the court, and in that event it shall not be necessary to do so. Should the defendant not be represented by counsel, it shall be in the discretion of the court whether such notes shall be typewritten as hereinbefore provided.

Judge not required to take notes.
Notes and copy part of record.

Typewritten copies.

Proviso: criminal trials.

Defendant without counsel.

Copies in cases on appeal.

Fee for copy on appeal.

Fee for typewritten copies.

Pay of stenographer if resident.

Pay of non-residents.

Proviso: tax fees for reimbursement of county.

SEC. 5. In all cases of appeal to the Supreme Court, and in all other cases where required by the court, the official stenographer shall, as soon as practicable after the adjournment of the courts, furnish to the clerk of the said courts and to counsel for each party one copy each of the entire record as reported by him. The copy so furnished the clerk shall be used by him in making up the case on appeal, and a charge of 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. In all cases in which the official stenographer is required to furnish typewritten copies of the record, he shall be allowed as compensation for making such copies a fee of ten cents per copy-sheet, counted on one copy, said fee to be taxed as an item in the bill of costs in such case, and to be in addition to the compensation hereinafter provided for.

SEC. 6. That said official stenographer for the said counties, if resident within the county, shall be paid a per diem of six dollars; if resident without the county and traveling to and from the courts therein, he shall be paid a per diem of six dollars, and in addition thereto a mileage allowance each way of five cents per mile: *Provided*, that each of said boards of commissioners of said counties in said district shall provide for the taxation of some specified amount in the bills of cost in each case submitted to a jury, or in which said official stenographer is required to take notes, which will reimburse said counties for the expense of said

stenographer, said amount to be fixed by the clerk of the court and taxed in the bill of costs.

SEC. 7. After the selection of said stenographer, and before entering upon the duties of said office, the official stenographer shall take and subscribe an oath, faithfully, correctly, honestly, and conscientiously to discharge the duties of said office as prescribed by this act. Stenographers to be sworn.

SEC. 8. That when a vacancy in the office of said stenographer shall occur for any cause, his successor shall be selected in the same manner as prescribed in sections two and three. Vacancies.

SEC. 9. In the case of an unavoidable absence of the official stenographer from any term of said court, the clerk of said court shall appoint some competent stenographer in the place of said official stenographer, who shall have the duties and receive the compensation of the official stenographer for the time the official stenographer is so absent. Such person so appointed shall take and subscribe the oath prescribed for the official stenographer before entering upon discharge of the duties of such office. Appointment, duties, and compensation of substitute. Oath of office.

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

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 801.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A COTTON WEIGHER FOR THE TOWN OF SCOTLAND NECK, HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be appointed for the town of Scotland Neck, Halifax 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 deduction for water or any other damages. Appointment and duty.

SEC. 2. That all cotton sold in bales in said town of Scotland Neck shall be weighed by said sworn cotton weigher, who shall give bond in the sum of five hundred dollars, payable to the State of North Carolina, conditioned for the faithful performance of his duties, to be approved by the board of commissioners of the said town of Scotland Neck, 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 pur- Bond of weigher. Compensation.

chaser 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 thirteen, who shall be elected by the board of commissioners of said town of Scotland Neck.

Election by town commissioners.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 802.

AN ACT TO ESTABLISH A STOCK LAW IN INDIAN SPRINGS TOWNSHIP, WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Stock law established.

SECTION 1. That the stock law be and hereby is established in Indian Springs Township, Wayne County, North Carolina, for the entire township.

Law applicable.

SEC. 2. That all the provisions of chapter thirty-five of the Revisal of one thousand nine hundred and five, relating to stock law, and the amendments thereto, shall be applicable to the territory embraced herein.

When act effective.

SEC. 3. That this act shall be in force and effect from and after January first, one thousand nine hundred and fourteen.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 803.

AN ACT SUPPLEMENTAL TO AND AMENDATORY OF AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 452 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO SALARIES FOR COUNTY OFFICERS OF WAKE COUNTY," RATIFIED MARCH 3, 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to amend chapter four hundred and fifty-two of the Public-Local Laws of one thousand nine hundred and eleven, relating to salaries for county officers of Wake County," ratified March third, one thousand nine hundred and thirteen, be and the same is amended as follows: Strike out all of section one of said act and insert in lieu thereof the following: "That section one of chapter four hundred and fifty-two of

the Public-Local Laws of North Carolina, session one thousand nine hundred and eleven, be amended by striking out all after the word "on," in line seven thereof down to the words "by the board of county commissioners," in line eight thereof, and inserting in lieu thereof the following: "All taxes collected in their respective townships, whether paid to them or to the sheriff of the county: ^{Commissions on tax collections.} *Provided*, this shall not apply to Raleigh Township."

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

Ratified this 12th day of March, A. D. 1913.

CHAPTER 804.

AN ACT TO APPOINT J. L. YOUNG A JUSTICE OF THE PEACE FOR CRABTREE TOWNSHIP, YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. L. Young be and he is hereby appointed a ^{Appointment.} justice of the peace for Crabtree Township, Yancey County, to ^{Term.} serve for a term of two years.

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 and effect from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 805.

AN ACT TO AMEND CHAPTER 879, PUBLIC LAWS OF 1909, RELATIVE TO CATCHING CLAMS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter eight hundred and seventy-nine, Public Laws of one thousand nine hundred and nine, be amended, so far as it relates to Brunswick County, by striking out "twenty-fifth day of March to the fifteenth day of December" and adding in lieu thereof "first day of March to the first day of ^{Close season.} November." That it shall be unlawful for any person or persons ^{Minimum size.} to catch any clams for use or for sale under one and one-half inches in diameter in the waters of Brunswick County; and upon conviction shall be guilty of a misdemeanor.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 806.

AN ACT FOR THE RELIEF OF THE SHERIFF AND TAX COLLECTORS OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Compensation for collecting tax.

SECTION 1. That notwithstanding the provisions of the general machinery act of one thousand nine hundred and thirteen, the tax collectors and Sheriff of Wayne County shall be allowed to settle with the county of Wayne and the State of North Carolina for the taxes for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, under provisions for compensation provided for them in chapter two hundred seventy of the Public Laws of one thousand eight hundred and ninety-one, as amended by chapter four hundred twenty-nine of the Public Laws of one thousand nine hundred and three.

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 full force and effect from and after its ratification.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 807.

AN ACT TO REGULATE THE USE OF THE PUBLIC ROADS OF BLACK MOUNTAIN TOWNSHIP, IN BUNCOMBE COUNTY, AND LEVY A TAX ON LUMBER COMPANIES TO PROVIDE REVENUE THEREFOR.

The General Assembly of North Carolina do enact:

License for hauling logs, lumber, and other heavy material.

SECTION 1. That any lumber company, corporation, person, or persons engaged in the lumber business, and desiring to use any of the public roads of Black Mountain Township, of Buncombe 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 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 said township; 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 said township, said report to be made on the first Monday of each month of the number of feet of all lumber, logs, and other heavy

Monthly reports.

material so hauled during the preceding month. Said report shall accurately state the number 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 such 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 to the improvement of the roads in the township in which the same is collected.

Report itemized and verified.

Failure a misdemeanor.

Punishment.

Separate offenses.

Forfeit.

Collection of forfeit.

Moneys applied to road fund.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 808.

AN ACT TO AMEND THE ROAD BOND LAW OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That an act of the General Assembly of North Carolina, at the present session, entitled "An act to authorize the commissioners of Randolph County to submit to the voters of the county the question of issuing bonds to make and improve the public roads of said county," be amended by adding the following at the end of section one thereof, to wit: "The board of county commissioners of Randolph County, at their meeting which shall be held on the first Monday of April, one thousand nine hundred and thirteen, are hereby directed and shall be required to call and provide for an election to be held on Tuesday, May twentieth, one thousand nine hundred and thirteen, to determine the will of the voters of the county on the question of issuing bonds as herein provided."

County commissioners to call election.

Date for election.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 809.

AN ACT TO ALLOW THE COMMISSIONERS OF ROCKINGHAM COUNTY TO ASSIST IN THE ESTABLISHMENT OF AN EXPERIMENT FARM.

Preamble: farm by State and federal departments.

Preamble: farm rented.

Preamble: coöperation desired.

Whereas the State and Federal Departments of Agriculture, together, engaged in running and maintaining a farm demonstration or experiment station in Rockingham County; and whereas the State Department of Agriculture is paying rent for the land on which said demonstration or experiment station is conducted; and whereas the citizens of Rockingham County are desirous of co-operating with the State Department of Agriculture and the Federal Department of Agriculture in carrying on this farm demonstration and experiment work now being done by them, and to have permanently located this demonstration work in Rockingham County: Now, therefore,

The General Assembly of North Carolina do enact:

Purchase of farm authorized.

SECTION 1. That the board of county commissioners of Rockingham County are hereby authorized and empowered to buy, purchase, and take deed for such number of acres of land as said commissioners may deem necessary for the said test farm or demonstration work, and at such place as may be most suitably located for such demonstration work, and to pay for such farm out of the general county funds belonging to said county.

Payment from general funds.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 810.

AN ACT TO AMEND CHAPTER 13 OF THE PUBLIC LAWS OF 1907, SECTION 1, AND TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Pay of commissioners.

SECTION 1. Amend by striking out the word "three" in line six of section one, and insert in lieu thereof the word "four."

Pay of board of education.

SEC. 2. That the members of the board of education shall receive and be paid the sum of four dollars per day.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 811.

AN ACT TO PROHIBIT THE SALE OR GIVING AWAY OF CIGARETTES AND CIGARETTE PAPERS TO PERSONS UNDER 21 YEARS OF AGE, IN CHERRYVILLE TOWNSHIP, GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to sell or give away cigarettes or cigarette papers to any person under twenty-one years of age, in Cherryville Township, Gaston County. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 2. That this act shall be in force from and after July first, one thousand nine hundred and thirteen.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 812.

AN ACT RELATIVE TO STOCK-LAW AREAS AND BOUNDARIES IN THE COUNTIES OF TRANSYLVANIA, PAMLICO, HAYWOOD, AND AVERY.

The General Assembly of North Carolina do enact:

SECTION 1. That all that territory (a) in Eastatoe Township and (b) in that part of Gloucester Township, in Transylvania County, embraced within the boundaries hereinafter described, be and the same are hereby declared to be nonstock-law areas or territories, and it shall be lawful, upon the compliance with the provisions of this act, for stock to run at large in said territories. That the boundary of said Eastatoe Township nonstock-law territory is as follows: Beginning at the mouth of Flat Creek, J. D. Galloway's corner, and thence down the west fork of French Broad River to the bend of said river below the public bridge; thence a straight line, crossing the Southern Railroad, to J. D. Galloway's and Lee Fisher's line; thence down south of said railroad and around a bluff on French Broad River to Lee Fisher's fence; thence with said fence to Bob Glazener's line; thence with his line to W. C. Whitmire's line; thence with his line to A. M. Poxton's line to a white oak in Elizabeth Whitmire's line; thence to Wash Whitmire's line; thence with his line to a white oak; thence running south to Tal Petit's and Garver Hines' line to the top of Clay Pole Mountain; thence a straight line near south to the Panther Gap; thence with Freeman Chapman's line to John Chap-

Boundaries made nonstock-law territory.

In Eastatoe township.

man, Sr., line; thence with his line to the Broomstraw Ridge; thence up said ridge to the top of the ridge; thence east to W. C. Aiken's house to a big cliff; thence to the South Carolina line, including John Dobson's place; thence with the South Carolina line near west back to the Eastataoe Township line; thence near north with said Eastataoe and Hogback Township line to the beginning at the mouth of Flat Creek. That the boundary of said Gloucester Township nonstock-law territory is as follows: Beginning at the mouth of Flat Creek where Hogback, Gloucester, and Eastataoe townships join; thence with the dividing line between Gloucester and Eastataoe townships across the Painter Mountain to the mouth of Diamond Creek, near Houston Moore's Mill, and then up the north fork of French Broad River to the dividing line between Gloucester and Cathey's Creek Township to the mouth of Bearwallow Creek, where the stock-law line runs to the river, and then leaves the township dividing line, being about two and one-half or three miles with Eastataoe and Cathey's Creek Township lines; thence around the stock-law boundary line in Gloucester Township, beginning at the mouth of Bearwallow Creek and running up North River with the stock-law line to the mouth of Long Branch, and then up said branch to the top of Ball Knob, and then with a leading ridge near Piney Grove Schoolhouse to the west fork of French Broad River, and then up said river to the mouth of Richland Creek; thence up a leading ridge to the top of Walnut Cove Mountain; thence with said mountain to the Hogback Township line near the Blue Ridge; thence with the leading ridge from the top of Blue Ridge, the dividing line between Gloucester and Hogback Township, to the beginning at the mouth of Flat Creek. That before this act shall become effective, those residing within the boundaries herein described shall erect or cause to be erected at their own expense, without any tax levy, all necessary gates, and sufficient fences around such boundaries: *Provided*, that natural obstructions here, as now defined by law, shall be deemed a sufficient fence within the meaning of this act: *Provided further*, that wherever any line described in the aforesaid boundary of Gloucester Township nonstock-law territory runs with any township line, in which township the no-stock law is now enforced, it shall not be required to erect a fence along such line.

SEC. 2. That the southern line of that portion of the no-fence or stock-law territory known as District Number One, in Pamlico County, between the easternmost end of Zacheus Swindell's land to I. W. Miller's farm, shall be as follows: From the easternmost corner of Zacheus Swindell's land, the said boundary line shall run a due west course one and one-half miles; thence a direct line to the southernmost corner of I. W. Miller's land. That the county commissioners of Pamlico County shall as soon as possible cause a lawful fence to be built along said lines from Zacheus Swindell's easternmost corner one and one-half miles from said corner.

In Gloucester township.

Residents to provide fences and gates.

Proviso: natural fences.

Proviso: lines not requiring fencing.

Southern line of District No. 1, Pamlico county.

County commissioners to build fence.

SEC. 3. That section two of chapter seven hundred and thirty of the Public Laws of nineteen hundred and seven be amended by adding at the end of said section the following: That wherever in said stock-law boundary stock is found off the premises of the owner, and is taken up by any person or persons having the right to so do, that the pounding fee shall not exceed twenty-five cents per head when there is no greater number of stock to be impounded than two; but when the number exceeds two, the impounding fee shall be ten cents for each additional head over two so impounded. Any citizen living within the stock-law boundary in Haywood County may have the right and privilege of impounding stock owned by persons living in or outside of the stock-law boundaries, whenever said stock crosses said stock-law boundary and comes into the stock-law boundary in the county of Haywood.

Pounding fees in Haywood county.

Stock subject to impounding.

SEC. 4. (a) That it shall be unlawful for any stock to run at large in Avery County, except it be confined to the lands of its owner, and that any person knowingly permitting his or her stock to run at large, except on his or her own land, shall be guilty of a misdemeanor, and fined not exceeding ten dollars for each offense: *Provided*, it may be lawful for the owner of land or lands in Avery County to give a written consent or other permission for other stock than his own to be run or pastured on his land, if confined to the same: *Provided further*, that it may be lawful for stock to run at large in Roaring Creek Township, Avery County.

Avery county stock-law territory.

Misdemeanor.

Punishment.

Proviso: written consent of land-owner.

Roaring Creek township.

(b) That upon the written application of a majority of the qualified voters in any township, district, or well defined boundary in Avery County, made to the board of county commissioners at any time, setting forth that the citizens of any township, district, territory, or boundary are desirous of being released from the laws governing said stock-law territory, it shall be the duty of said commissioners to submit the question of "No Stock Law" or "Stock Law" to the qualified voters of said township, district, or territory; and if at any such election a majority of the votes cast shall be against stock law, then the said township, district, or territory shall be released and free from the operation of the stock law.

Petition for release.

Question submitted to voters.

Effect of election.

(c) That the exemption from stock law authorized by subsection (b) of this section of this act shall not be in force until a fence shall have been erected around such "No Stock Law" territory, with gates on all public roads passing into and going out of said territory: *Provided*, all streams which are or may be declared to be lawful fences shall be sufficient boundaries in lieu of fences: *Provided further*, that no fence shall be erected along the boundary lines of any township, district, or territory where the "No Stock Law" prevails. That for the purpose of building fences around such "No Stock Law" territory provided for in this section of this act, the board of commissioners of the county of Avery may levy and collect a special tax upon all real property taxable by the

Fences and gates.

Proviso: natural fences.

Proviso: lines not requiring fencing.

Special fence tax.

Limit of rate. State and county within the townships, districts, or territory which may adopt the "No Stock Law." But no such assessment shall be greater than five per centum on the value of said property.

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

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 813.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO MITIGATE THE EVILS OF HYDROPHOBIA AND PROTECT THE SHEEP INDUSTRY OF THE COUNTIES OF ROCKINGHAM, CASWELL, PERSON, GUILFORD, AND UNION," BEING H. B. 459, S. B. 1366, RATIFIED 8TH DAY OF MARCH, 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to mitigate the evils of hydrophobia and protect the sheep industry of the counties of Rockingham, Caswell, Person, Guilford, and Union," being H. B. 459, S. B. 1366, ratified eighth day of March, one thousand nine hundred and thirteen, be amended by striking out in line four of section one the word "two" and insert in lieu thereof the word "one."

Tax.

Application of act.

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

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 814.

AN ACT TO INDUCE THE PROMPT PAYMENT OF TAXES.

The General Assembly of North Carolina do enact:

Penalty for delay in payment.

SECTION 1. That each and every person, firm, or corporation, liable for State, county, township, or district tax, either general or special, and failing to pay said taxes, or any part thereof, prior to the first day of January next after the same shall have become due, shall be liable to a penalty of one per cent of the amount of such delinquent tax for each month or fraction of a month such delinquent tax or any part thereof remains unpaid thereafter. The amount of said penalty shall be added to the amount of the unpaid

tax entered on the tax receipts, and collected by the sheriff or tax collector under the same authority and in like manner as if said penalty was a part of the original tax. The sheriff or tax collector shall keep an accurate account of all penalties collected, and shall pay same over to the treasurer for the benefit of the general county fund: *Provided*, this act shall apply only to Catawba County.

Penalties added to school fund.

Proviso: application of act.

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 May first, nineteen hundred and thirteen.

When act effective.

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 815.

AN ACT TO PROHIBIT THE SALE AND THE GIVING AWAY OF CIGARETTES AND CIGARETTE PAPER TO MINORS IN THE COUNTY OF ALEXANDER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to sell, to give away, or otherwise dispose of cigarettes or cigarette papers to any person under twenty-one years of age in the county of Alexander, North Carolina.

Sale or gift forbidden.

Locality.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five 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 are hereby repealed.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 816.

AN ACT FOR THE PROTECTION OF ROBINS.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the passage of this act it shall be illegal to capture, wound, kill, shoot at, or in any manner destroy any robin in the State of North Carolina.

Protection for robins.

SEC. 2. Any one found guilty of violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined five dollars for each robin so captured, wounded, killed,

Misdemeanor.

Punishment.

Application of act. shot at, or in any manner destroyed: *Provided*, that this act shall only apply to Halifax, Franklin, Buncombe, Mecklenburg, Hertford, Rowan, Madison, Guilford, Rockingham, Union, and Moore counties.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 817.

AN ACT TO AMEND AN ACT TO IMPROVE THE PUBLIC ROADS OF WAKE COUNTY, RATIFIED THE 6TH DAY OF MARCH, 1913.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section twenty-two of an act entitled "An act to improve the public roads of Wake County," ratified the sixth day of March, one thousand nine hundred and thirteen, be and the same is hereby amended by striking out in line three of said section twenty-two the words "twenty-five" and inserting in lieu thereof the word "fifty."

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 818.

AN ACT TO ALLOW AND PERMIT THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY TO SELL AT PUBLIC AUCTION PART OR ALL OF FARM OR BUILDING CONSTITUTING THE COUNTY HOME OF CLEVELAND COUNTY, AND IMPROVE THE SAME.

The General Assembly of North Carolina do enact:

Sale of land at auction authorized.

SECTION 1. That the board of county commissioners of Cleveland County are hereby empowered and authorized to sell at public auction at the courthouse door in Shelby, North Carolina, under the laws governing judicial sales, the farm or portion of same or buildings constituting the county home of Cleveland County, at such time and upon and under such terms and conditions as to them may be wise and judicial: *Provided*, the board of county commissioners may deem the sale of the farm or such part of it and the building wise and expedient.

Proviso: action in discretion of board.

SEC. 2. That the said board of commissioners, from the proceeds of said sale, in the event of sale, are empowered and authorized to purchase land and erect buildings as to them they shall deem necessary and suitable for the comfort and adequate accommodation of the inmates thereof.

Purchase of land and erection of buildings authorized.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 819.

AN ACT TO PREVENT THE OBSTRUCTION OF STREAMS IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to throw into any stream in Orange County any brush, tree-top, grass, weeds, or any other material that will have a tendency to obstruct the passage of the water in said stream; and it shall also be unlawful for any person to leave in or across any stream in this State tree-tops, logs, brush, or grass that may fall into or across said stream during the process of cutting down said timber, brush, or grass; and any person violating this section shall be guilty of a misdemeanor.

Throwing or leaving obstructions in streams misdemeanor.

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

Ratified this the 12th day of March, A. D. 1913.

CHAPTER 820.

AN ACT TO AMEND CHAPTER 626, PUBLIC LAWS OF 1909, RELATING TO THE DRAINAGE OF LOWLANDS OF CLARK'S CREEK IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine of chapter six hundred and twenty-six, Public Laws of nineteen hundred and nine, be and the same is hereby repealed, and the following substituted in lieu thereof: 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

Terms of commissioners.

Election and term of successors.

tributaries, who are liable to tax under this act, to be held at the courthouse in Lincolnton, Lincoln County, on the first Monday in May, one thousand nine hundred and thirteen, 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 so called at any other time when deemed necessary by the said commissioners, and shall be called upon the petition of fifteen 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 Lincolnton, 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 fifteen 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 thirteen, 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 meetings of landowners.

Notice of meetings.

Voting power.

Quorum.

Vacancies.

Manager and compensation.

Commission to attend meetings. Term of present commissioners.

Annual reports.

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 25th day of February, A. D. 1913.

CHAPTER 821.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HYDE COUNTY TO ISSUE BONDS AND LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Purposes of bond issue.

SECTION 1. That for the purpose of paying off the floating indebtedness of Hyde County, incurred for the necessary expenses of said county, prior to the first Monday in December, A. D. one

thousand nine hundred and twelve, and for the purpose of paying the principal and interest, as they mature, of a bond issue authorized by chapter one hundred and sixty-eight of Public Laws of one thousand nine hundred and nine, issued to provide funds for purpose of erecting fireproof vaults for the safe keeping of the county records, repairing and improving the county jail and the public roads and bridges of the county, and for other purposes in said act enumerated, the board of commissioners of Hyde County is hereby authorized and empowered to issue bonds for an amount not to exceed twelve thousand dollars, in denominations of not less than one hundred dollars and not more than one thousand dollars each, bearing interest not to exceed six per cent per annum on the principal of each bond, said interest to be due and payable annually from the date of issuing said bonds.

Bond issue authorized.
Amount.
Denomination.

Interest.

SEC. 2. Said bonds shall be signed by the chairman of the board of county commissioners and attested by the register of deeds. Said register of deeds shall keep a suitable book in which he shall keep an account of each bond issued, to whom issued, and the number of each bond, and he shall keep an accurate account of all the interest paid and an account of the payment of the bonds when they are paid. Said book shall be open to the examination of any taxpayer of said county, and should said register of deeds fail to so keep said book, he shall be guilty of a misdemeanor.

Authentication.

Record of bonds.

Record open to examination.
Failure to keep record a misdemeanor.

Bonds numbered.
Maturity.

SEC. 3. The said bonds shall be numbered one, two, three, and so on, as they are issued, and bond number one shall be due and payable five years from date of same, and so on, agreeable to numbers, one bond falling due and payable each year: *Provided* said bonds are issued in denominations of five hundred dollars or more. If the said bonds are issued in denominations of less than five hundred dollars each, then two or more of said bonds may be made to mature in the same year: *Provided*, the aggregate sum to be paid on said bonds shall not exceed the sum of one thousand dollars of principal money in any one year.

SEC. 4. That for the purpose of paying the interest on said bonds, and the said bonds as they shall fall due, the said county commissioners are hereby authorized and empowered to levy a special tax each year sufficient to pay said interest, and said bonds as they shall mature. Said special tax shall be collected as other taxes are, and paid over to the county treasurer, who shall keep a separate account of same, and shall pay said interest and bonds as they become due, and on presentation of the same at his office, and said special tax shall be applied only as set forth in this act.

Special tax.

Collection and settlement.

Payment of interest and bonds.

Specific appropriation.
Sale below par forbidden.

SEC. 5. That said bonds shall not be sold for less than their par value.

SEC. 6. As soon as the county treasurer shall pay any interest or any bond or bonds as they become due, he shall report to the register of deeds the amount paid, as interest or bonds, and to whom paid, to the end that the register of deeds may fully comply with section two of this act.

Report of payments.

Sinking fund.

SEC. 7. The board of county commissioners, if the county revenues shall at any time before the maturity of said bonds justify it, may provide a sinking fund for payment of said bonds as they mature, but no special tax shall be levied for purpose of providing such sinking fund.

SEC. 8. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1913.

CHAPTER 822.

AN ACT TO ESTABLISH DRAINAGE DISTRICTS AND DRAINAGE COMMISSIONS FOR THE PURPOSE OF ENLARGING, CHANGING, OR IMPROVING CHANNELS OF STREAMS; TO PROMOTE THE PUBLIC HEALTH, CONVENIENCE, AND WELFARE, AND TO ENHANCE THE VALUE AND PRODUCTIVENESS OF WET, SWAMP, AND OVERFLOWED LANDS IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Drainage districts and drainage commissions.

SECTION 1. That for the purpose of promoting the public health, convenience, and welfare, to reclaim wet, swamp, and overflowed lands, and to enhance the value and productiveness thereof, and for the general benefit of the public, drainage districts and drainage commissions are hereinafter established and created and authorized to be established and created.

Lyle's creek drainage district.

SEC. 2. That the following boundary in Catawba County, to wit, all the territory lying within one-half mile of the center of Lyle's Creek, on either and both sides, between the public road, at what is known as the G. D. L. Yount mill place and the upper boundary line of the farm of the late Monroe Miller; all the territory within one-fourth mile of the center of Cline Creek from Lyle's Creek up to and through the lands of Jason Cline, within one-fourth mile of the center of Baker's Creek from Lyle's Creek up to and through the lands of Jacob Stine, within one-fourth mile of the center of Brady or Rowe Mill Creek from Lyle's Creek up to the Mark Smith line on the B. E. Smith lands, within one-fourth mile of the center of Wagner Creek from Lyle's Creek up through the lands of Davis Yount and James Wagner, within one-fourth mile of the center of Isenhour Creek from Cline Creek up to the Mark Cline shoals, and within one-fourth mile of the center of any other tributaries of Lyle's Creek, between the points named, extending up said tributaries one mile from points where they enter Lyle's Creek, be and the same is hereby established as a drainage district, to be known as Lyle's Creek Drainage District; and that for said district three commissioners, to wit, B. E. Smith, T. L. Hunsucker, and R. L. Rockett, be and they are hereby

Drainage commission.

appointed, and the said commissioners and their successors in Incorporation. office are hereby created a body corporate under the name of "Lyle's Creek Drainage Commission."

SEC. 2a. That the following boundary in Catawba County, to wit, Pinch Gut drainage district. all the territory lying within one-fourth mile of the center of Pinch Gut Creek, on either and both sides, between the Carolina and Northwestern Railroad trestle across said creek, extending up said creek, and the shoals above the bridge on said creek at H. J. Bolick's, be and the same is hereby established as a drainage district to be known as "Pinch Gut Drainage District"; and that for said district three commissioners, to wit, P. E. Fry, J. D. Cline, Drainage commissioners. and Forney Haynes, be and they are hereby appointed, and the said commissioners and their successors in office are hereby created a body corporate under the name of "Pinch Gut Drainage Com-Incorporation. mission."

SEC. 2b. That the following boundary in Catawba County, to wit, McLin's creek drainage district, number one. all the territory lying within one-half mile of the center of McLin's Creek, on either and both sides, from a point where the Southern Railway track crosses said creek at John E. Setzer's place, extending down said creek to what is known as Berrier's or McLelland's millpond, and all the territory lying within one-fourth mile of Long Branch from where it empties into McLin's Creek, extending up said branch to the Huit Bridge, be and the same is hereby established as a drainage district, to be known as "McLin's Creek Drainage District, Number One," and that for said district three commissioners, to wit, B. C. Hewitt, G. C. Huit, Drainage commissioners. and J. L. Travis, be and they are hereby appointed, and the said commissioners and their successors in office are hereby created a body corporate under the name of "McLin's Creek Drainage Com-Incorporation. mission, Number One."

SEC. 2c. That the following boundary in Catawba County, to wit, McLin's creek drainage district, number two. all the territory lying within one-half mile of the center of McLin's Creek, on either and both sides, from where said creek empties into the Catawba River, extending up said creek to Hagan's Creek or Hagan's Fork, and all the territory lying within one-half mile of Hagan's Creek or Hagan's Fork, on either and both sides, from where it empties into McLin's Creek, extending up said Hagan's Creek to L. D. L. Witherspoon's farm, and all the territory lying within one-fourth mile of any tributary of McLin's Creek or Hagan's Creek from the Catawba River to L. D. L. Witherspoon's from their mouth, extending up said tributaries one-half mile, be and the same is hereby established as a drainage district, to be known as "McLin's Creek Drainage District, Number Two," and that for said district three commissioners, to wit, A. C. Moore, E. L. Rowe, and G. Z. Boggs, be and they are Drainage commissioners. hereby appointed, and the said commissioners and their successors in office are hereby created a body corporate under the name of Incorporation. "McLin's Creek Drainage Commission, Number Two."

Petition for establishment of drainage district.

SEC. 3. Whenever a petition shall be filed in the office of the clerk of the Superior Court of the county, asking that a drainage district be established therein, setting forth the necessity therefor, alleging that a large number of acres of land (giving an estimate of the number of acres) are lowlands, subject to overflow or too wet for cultivation, or that the beds of the streams proposed to be ditched are filling up, to the injury of such lands or to the detriment of the public health, and that the productiveness of said lands, or the public benefit, or the public health, convenience, or welfare, would be materially promoted and the owners of said lowlands to be improved would be greatly benefited by ditching, enlarging, changing, or otherwise improving the channel of any stream or streams of water within the boundary of said district, and setting forth therein approximately the starting point and the terminus of the principal stream, and the tributaries probably needing improvement, within said district, and setting forth that a majority of the landowners to be benefited or affected are in favor of the establishment of the proposed district; and the petition shall be verified, and if it shall be made to appear, by the verification of the petition or otherwise, that a majority of the landowners proposed to be benefited or affected by the proposed drainage have signed the petition, the clerk of the court shall cause a notice of said petition to be published for four weeks in some newspaper published in the county; said notice shall set forth in brief the substance of the petition, and shall name a day on which any and all persons owning land within said district shall be required to appear and file a written answer or objection thereto, which notice shall be a sufficient summons to all persons owning lands in the district. If no answer or objection be filed, the clerk of the court shall, if satisfied as to the truth of sufficient facts alleged, enter a judgment establishing a drainage district as asked for in the petition; and if answer or objections be filed, the clerk shall hear the cause, at that time or on a future day, and enter judgment establishing said district asked for in the petition, or with modified or changed boundaries, as he may determine, or declining to grant the petition, as the court may find the facts. The judgment establishing a district shall designate a name therefor, and shall appoint as commissioners the three persons recommended in writing by the greatest number of landowners in said district, and the said commissioners appointed for said district, and their successors in office, shall be a body corporate under the name of "..... Drainage Commission." The name of the district, with a number, if so designated, shall constitute a part of its corporate name, and the corporate name shall be designated in the judgment of the court. Any landowner affected by the judgment of the clerk may appeal to the next term of the Superior Court of the county, within ten days, upon giving bond with sureties in the sum of two hundred dollars to secure any costs that may be awarded against him.

Petition verified.

Signatures of majority of landowners.

Notice of hearing on petition.

Judgment establishing district.

Hearing if objection filed.

Name for district. Commissioners.

Incorporation.

Corporate name.

Right of appeal.

Bond on appeal.

SEC. 4. That any drainage commission created by this act, or created by the clerk of the Superior Court of the county, as authorized by this act, shall be a corporation, with all such powers as are by law usually vested in corporations, and with the power and authority to do whatever may be necessary to be done in order to make effectual the drainage of the lowlands, the improvement of the channels of the streams, and to carry out the objects and purposes, within the respective districts for which they were or shall be appointed and created, which power and authority shall embrace the right to purchase, rent, hire, and dispose of all necessary machinery, dredging machines, tools, appliances, and material to carry out said work, to employ a superintendent, overseer, agents, and employees and fix their compensation, to employ a competent engineer to do such surveying as is necessary and desired by the commission and as may be required by this act, to borrow money to carry on the work, and issue notes, obligations, or bonds of said corporation or commission in an amount not exceeding fifteen thousand dollars, payable at intervals, within a period of not exceeding ten years, as may be determined by the drainage commission.

Corporate powers.

Special powers and authority in drainage matters.

Limit of power to borrow money.

SEC. 5. That the drainage commissioners appointed by this act, or that may hereafter be appointed by authority of this act, for any drainage district, shall hold office until the first Monday in May following their appointment, and for one year thereafter and until their successors are elected and qualified, by taking the oath of office to faithfully perform the duties of his office, and any vacancies occurring shall be filled by the remaining members of the commission for such district. Thereafter all members of any drainage commission shall be elected for a term of one year, and all vacancies shall be filled as hereinafter provided.

Terms of drainage commissioners.

Vacancies.

Terms of successors.

SEC. 6. That on the first Monday in May of each and every year in which the term of any drainage commissioner for any district shall expire, a meeting of the landowners whose names appear on the assessment roll and whose lands are subject to assessment in said district for benefits under this act shall be held at the county courthouse, or some convenient place in the county, for the purpose of electing commissioners and transacting any other business authorized by this act. Special meetings of such landowners may be called by the drainage commission at any other time, and shall be called upon the request of six landowners. It shall be the duty of the drainage commission to publish a notice of all annual meetings of the landowners in some newspaper published in the county, or post same at five conspicuous places for four weeks prior to any meeting, and shall post five notices of any special meeting at conspicuous places in the district as soon as such special meeting is called, all notices to state the time, place, and purpose of said meetings. Vacancies in the office of drainage commissioner may be filled at any meeting. At any and all meetings, annual or special, each owner of land subject to tax or assessment for bene-

Election by landowners.

Special meetings of landowners.

Notice of meetings.

Vacancies filled at any meeting. Votes of landowners.

Quorum.	fits under this act shall be entitled to one vote for every ten acres of land or fraction thereof owned by him and assessed for benefits in such district, and at all such meetings six landowners in person shall constitute a quorum for the transaction of business. The drainage commission shall attend all meetings of the landowners of their district, and shall at each annual meeting, and oftener if required by the landowners, make a report of all business transacted by the commission, showing the progress of the work, and shall cause to be made an itemized statement of all receipts and disbursements.
Drainage commissioners to attend meetings.	
Reports.	
Itemized statements.	
Drainage commissioners to meet and qualify.	SEC. 7. The drainage commissioners appointed by this act or by the clerk of the court for any drainage district shall be required to meet within thirty days after appointment and qualify by taking the oath of office, and shall then have the right to resign, or for good cause his office may be declared vacant by the other members, and all vacancies from failure to qualify or other cause may be filled in same manner as herein provided for filling vacancies. The drainage commissioners for any district shall, within thirty days after their appointment or election, meet and organize by electing a chairman, a secretary, and a treasurer. The treasurer need not be a member of the commission, or the office of secretary and treasurer may be consolidated. The drainage commission shall prescribe the duties of the secretary and treasurer, and shall fix the amount of and approve the treasurer's bond, and may employ one of their members to superintend the work, and fix his compensation, unless otherwise ordered by the landowners, and shall have authority to contract for the whole of the work or any part thereof, and to employ counsel.
Right to resign.	
Vacancies.	
Organization.	
Treasurer or secretary and treasurer.	
Commission to prescribe duties and fix bond.	
Employment and pay of superintendent.	
Work may be let to contract.	
Employment of counsel.	
Estimate of lands.	SEC. 8. The drainage commission shall make a just estimate of all lands within the district for which they were appointed, 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 of each owner, to be benefited; and in making said estimate the commission is authorized to take into consideration the special benefits to any landowner, and in making assessments may assess such landowners a larger amount in accordance with the special benefits; lands along any tributaries above a point where the commission determines to improve the same shall not be subject to assessments for benefits.
Lists of owners.	
Assessments.	
Lands not subject to assessment.	
Examination and classification of land.	SEC. 9. It shall be the further duty of the drainage commissioners to view and personally examine the land in the district and classify it with reference to the benefit it will receive from the canaling, ditching, draining, and improvement proposed and contemplated; and the said commissioners will take into consideration the degree of wetness of the land, its proximity to the stream, its natural outlet, and the fertility of the soil, which shall be considered in determining the amount of benefit it will receive by

drainage and work contemplated. 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"; that receiving the smallest benefit, "Class E" (and any other lands in said boundary shall be considered as receiving no benefit whatever). The holdings of any 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 each 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 estimated, as nearly as practicable, and presented in tabulated form. The scale of assessment upon the several classes of land as estimated, ascertained, determined, and classified by the commissioners 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 lands in "Class A," four mills per acre shall be assessed against 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." This shall form the basis of the assessment of benefits to the lands, and the lands receiving no benefits shall not be assessed.

Tabulation by classes.

Scale of assessments.

Basis of assessments.

SEC. 10. That after said drainage commissioners have assessed the benefits to the lands, they shall give notice at the courthouse door in Newton, Catawba County, and by posting notices at five conspicuous places in the drainage district, and also publishing said notice in a newspaper of general circulation in the county, said notices to be given for at least two weeks, appointing a day and time when said drainage commission will meet, at the courthouse door of the county, to hear any and all complaints and objections of the landowners of the assessments made against said lands; and at the day and time fixed by said notices of the said meeting, the drainage commission will meet at the county courthouse and sit as a body to hear and determine all complaints and objections, in writing, that may be filed with them, as to all lands lying in said drainage district; and said drainage commission shall have the right to hear any and all evidence introduced and offered in said hearing, and shall make such changes as are necessary to render substantial and equal justice to all the landowners, and shall determine the proper assessment against the complainants and all others, and shall fix the assessment against all the lands benefited in said district; and said drainage commission shall have the authority to issue subpoenas for witnesses and hear their evidence and to 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 may, at said time or within ten days thereafter,

Notice of assessments.

Day for hearing complaints and objections.

Hearing.

Powers of commission on hearing.

Right of appeal.

appeal to the Superior Court of the county in which said hearing is held; the party appealing shall be required to give bond in the sum of two hundred dollars, to pay all costs awarded against him upon said appeal. Said appeal shall have priority in point of trial and shall stand for trial at the next term of said court by reason of its public nature. Said appeal shall be heard only upon the exceptions theretofore filed, and no additional exceptions shall be considered by the court upon the hearing of the appeal.

SEC. 11. 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, the drainage commission shall ascertain, as near as may be, the total cost of the improvement, including damages awarded to be paid to the owners of the land, all costs and incidental expenses, and an amount sufficient to pay the necessary expenses of maintaining the improvement for a period of three years after the completion of the drainage construction, which shall be the amount to be borne and paid by the lands benefited.

SEC. 12. The drainage commission shall prepare, in duplicate, an assessment roll, giving thereon the names of the owners of the land benefited, so far as can be ascertained from the public records; a brief description of the several tracts assessed, and the amount of the assessment against each tract of land, the number of acres of land on which assessment is made; and there shall be appended an order directing the sheriff or tax collector to collect the said assessments; and amounts of said assessment roll and order shall be signed by the chairman and the secretary of the drainage commission, and the said assessment shall thereupon have the force and effect of a judgment as in the case of State and county taxes, and shall constitute a lien, second only to State and county taxes, upon the lands assessed for the payment of said benefits, and shall be collected in the same manner and by the same officers as the State and county taxes are collected, except the same shall be due and payable from date of assessment roll being delivered to the officer collecting taxes, for collection. After said commission have assessed the several tracts of land according to the benefits received, as shown by the classification and ratio of assessments, the drainage commission 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 improvements are completed, and when so ordered by the commission these annual assessments shall be collected annually (instead of collecting the total assessed benefits) in the same manner and by the same officers as State and county taxes are collected, except the same shall be due and payable from date assessment roll shall be delivered for assessment. In case the total assessment exceeds the average of one dollar per acre, the drainage commission may give notice of three weeks by publication in some newspaper published

Bond on appeal.

Priority of trial.

Case on appeal.

Estimate of cost of construction and maintenance.

Assessment rolls.

Order for collection.

Force and effect of judgment.

Lien for assessments. Collection.

Levy of assessment.

Limit of amount.

Collection.

Notice of proposition to issue bonds.

in Catawba County, and by posting notice at the courthouse door in said county and five conspicuous places in said drainage district, that they propose to issue bonds for the construction of said improvements, 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, which said issue of bonds shall run for a period from date of same, not exceeding ten years, bearing interest at six per cent per annum.

Any landowner having lands assessed in the district and not wanting to pay interest on the bonds may, within thirty days after 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 the 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 case of an appeal, as hereinbefore provided, which is not affected by this waiver. At the expiration of thirty days after the said publication the 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 expenses, the bonds to bear six per cent interest per annum, payable annually, and shall be paid in equal installments, not exceeding ten, to be fixed by the said commission. The 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 as the corresponding bond. Said bonds shall be issued in the name of the said drainage commission, and shall be signed by the 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, and shall be sold by the drainage commission for not less than par, and shall be numbered, 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 or assessment has not been paid in full, and which land is assessed for the payment of the bonds 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 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 bonds shall not be paid at the time and in the manner when the same shall become due and payable, and such default shall con-

Limit of amounts.

Maturity.

Interest.

Release of land on payment of assessment.

Failure to pay construed as consent.

Waiver of rights.

Bond issue.

Interest.

Bonds payable in installments. Coupons.

Authentication.

Specific appropriation.

Sale below par forbidden. Record of bonds.

List of lands assessed for payment.

Paramount lien.

Remedy to bondholders by mandamus.

Rights of action to bondholders.
 Officers liable on bond.
 Assessments for payment of bonds.
 Investment of sinking fund.
 Assessments for payment of bond in installments.
 Bonds subject to call.
 Proviso: condition expressed on bonds.
 Collection of assessments.
 Pay for collection.

tinue 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 drainage commission of said district, wherein the court may issue a writ of mandamus against the said drainage commission or 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 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 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 the county shall be liable for the faithful performance of the duties herein assigned, 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 pay the interest on same, they are authorized, instead of collecting from said lands so assessed for the benefits to be derived by said improvements 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 drainage commission is 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 drainage commission desires to pay off said bond issue before maturity, then they may assess and collect a sufficient sum to pay the interest and one-fifth of said bonds annually until fully paid and discharged, and in that event the commission may pay off such bonds as the holders thereof may consent to, or, in the event the holder refuses to surrender said bond at par, with accrued interest, said drainage commission may designate the number of the bond it will pay, and publish same in some newspaper published in the county of Catawba, 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 in regard to payment before maturity only when said conditions are expressed upon the face of the bonds.

SEC. 13. That the sheriff, or tax collector, upon delivery to him of the assessment roll and list, shall immediately proceed to the collection in the full sum assessed, or the annual amount levied, as may be ordered by the drainage commission, and to that end shall have the power and remedies as he has for the collection of State and county taxes; shall receive for his services the same compensa-

tion as allowed for collection of other taxes, and shall pay the same to the treasurer of the drainage commission, and take his receipt therefor.

SEC. 14. That the drainage commission shall have the authority to fix the amount of the treasurer's bond, to approve and accept his bond, and shall file the same with the records of the corporation, and shall fix the treasurer's compensation at not more than two per cent of all amounts paid out by him, and nothing upon receipts. No money shall be paid out by the treasurer except upon orders of the corporation, which orders shall be signed by the chairman and attested by the secretary. Each drainage commissioner shall be allowed not exceeding two dollars and fifty cents per day for each day actually serving at meetings of said commission, and for services rendered by order of the drainage commission, to be paid out of the funds of the corporation.

Bond and compensation of treasurer.

Orders for payment of money.

Pay of commissioners.

SEC. 15. That it shall be the duty of the drainage commission to cause all shoals, rocks, trees, brush, and other obstructions interfering with the free and rapid flow of the water-courses to be improved to be removed as rapidly as possible, and the bed of all streams embraced in the contemplated improvements to be widened and deepened, as in their judgment may be necessary for obtaining a reasonable flow, and sufficient to carry the volume of water when swollen by ordinary rainfall, and in determining the width and depth of beds of water-courses, consideration shall be given to the capacity of the bed and the usual volume of water therein, prior to beginning said improvements. The said drainage commission shall have power to straighten, change, or alter the channel of any stream to be improved, or cut a new channel for any part or all of such stream, as may seem to them to be for the better flow of the water and drainage of the lands along such stream, and shall have power to remove or cause to be removed from the banks of said stream all growth or other hindrance tending to retard the rapid flow of the water of said stream on occasion of high water, and shall have the right from time to time for the commission, its agents, employees, and contractors, to enter upon any lands along the streams and tributaries for the purpose of carrying out the improvement and work contemplated, and shall have a right, after the completion of the same, to enter upon said lands at any time for the purpose of performing any work in making repairs and to clear off all growth or matter interfering with the free flow of the water.

Removal of obstructions.

Bed of stream widened and deepened.

Change of channel.

Banks cleared.

Entry on lands.

SEC. 16. 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 any stream for the betterment of the flow of the water and drainage of the lands to be benefited, and in either event the same cannot be acquired by consent or purchase, then and in that event the same may be condemned, and such owner or owners of the land

Condemnation of land for rights of way.

Procedure for condemnation.

- proposed to be condemned shall be made parties defendants in a proceeding for that purpose, and the procedure shall be substantially as is provided for the condemnation of rights of way for railroads, in chapter sixty-one of the Revisal of one thousand nine hundred and five of North Carolina, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the drainage commission out of the funds which shall be available from the proceeds of sale of bonds or from the collection of the assessments upon benefits; and every privilege, right, and power to carry out the provisions of this act, and to aid in the further promotion of the work contemplated, are hereby granted to the drainage commission.
- Payment of damages.** **SEC. 17.** The owner of any lands that have been assessed for the costs of the construction and improvement of any water-course, ditch, or canal allowed by or under authority of this act shall have the right to use such water-course, ditch, or canal as an outlet for lateral drains from said lands, and if said lands are separated from the said water-course, ditch, or canal, and have no other suitable outlet, and the owner thereof shall be unable to agree with the owner of the intervening land as to terms and conditions on which he may construct said drain across the land of the intervening landowner, he may file his petition with the drainage commission, who shall act as arbitrators of said matter and settle the same on such terms and conditions as said board may determine, and said lateral drain shall be under the control and supervision of the drainage commission.
- Use of canals for lateral drains.**
- Right of way for lateral drains.**
- Work may be let to contract.** **SEC. 18.** That the drainage commission may cause an estimate of the contemplated work and improvement to be made, and may have the entire work, or any part thereof, done by contract. In the event that said commission shall let said work or part thereof to contractors, the contractor shall be required to enter into a contract with the drainage commission to faithfully perform said contract, and he may be required to execute a bond for the faithful performance thereof, with sufficient sureties, in an amount to be fixed by the commission. If any contractor shall fail to perform the work and comply with the terms of his contract, action may be had in behalf of said drainage commission against such contractor and his sureties, if any, for damage sustained.
- Bond of contractors.**
- Action for breach of contract.**
- Right to remove bridges.** **SEC. 19.** That the drainage commission shall have full power and authority to remove any public highway bridge across any stream being improved, when necessary for the progress of ditching or draining operations, and on account of the public nature of said improvements and the general benefit thereof to the health of the community, the county commissioners shall replace said bridge, and the costs thereof be paid by the county; likewise, any and all bridges made necessary by a change of the channel of any stream shall be built and paid for by the county commissioners
- Cost of replacement. New bridges.**

out of the general funds of the county: *Provided*, the consent of the county commissioners shall first be obtained as to the time when any old bridge shall be removed, and no new channel shall be made across any public road until the necessity therefor, and the location thereof, shall first be approved by the board of county commissioners.

Proviso: consent and approval of county commissioners.

SEC. 20. Whenever the drainage work and improvement is completed, the water-courses and drains improved and constructed shall be under the control and supervision of the drainage commission, and it shall be the duty of said commission to keep said water-courses and drains open and in good repair, 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 such assessments shall be collected in the same manner and by the same officials, and the fund collected shall be used for the purpose of repairing and maintaining said streams in perfect condition: *Provided*, that if any repairs are made necessary by the acts or negligence of the owner of any land through which such streams or drains are improved and constructed, or by the act or negligence of his agents or employees, or if the necessity of repairs be caused by the cattle or other stock of said owner, his agent or employee, then the costs thereof shall be assessed and levied against the said owner and his lands only, to be collected by proper suit to be instituted by the drainage commission.

Maintenance of work.

Assessments for maintenance.

Proviso: costs caused by negligence.

SEC. 21. That the drainage 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 furthering said improvements, without hindrance or objection or subjecting themselves, their agents, employees, officers, or contractors to indictment for trespass.

Right of entry on lands.

SEC. 22. That subject to the requirements set forth in this act, the drainage commission shall prosecute the contemplated work at their discretion, with a view of accomplishing the greatest good to the largest quantity of acres of land to be benefited, and to the public health and community in general, until the whole of said work shall be completed and the public health and the community benefited thereby.

Work at discretion of commission.

SEC. 23. Any person who shall interfere with the work of the drainage commission, or obstruct the agents, employees, or contractors in the performance of their duties, shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days; and any person who shall build any bridge, roadway, fence, or floodgate in such manner as to injure or obstruct the improvements, or who shall in any way or manner obstruct the flow of water in any stream or drain improved or constructed by the drainage commission, shall be guilty of a misdemeanor, and punished in the discretion of the court.

Interference with work or obstruction of officers misdemeanor.

Punishment.

Injury or obstruction to work a misdemeanor.

Punishment.

Obstructions to be removed by landowners.

SEC. 24. That it shall be the duty of each and every landowner within the drainage district, within thirty days after notification to do so by the drainage commission, to remove all timber, brush, shrubbery, and all undergrowth, growing or being upon their respective lands, within not exceeding fifty feet of the center of the stream drained and improved (or center of proposed channel of stream or ditch to be constructed and made) on each and both sides thereof, and at all times to keep the same clean and clear of said obstructions and growth, and if any such landowner shall fail to remove the same and keep clean and clear such lands owned

Work done by commission at cost of owner.

by him, as herein directed and required, it shall be the duty of the drainage commission to employ hands and have all said obstructions, timber, brush, shrubbery, and undergrowth removed from within the radius mentioned, and the costs thereof shall be recovered in an action by the drainage commission against such landowner. The said removal of obstructions and keeping clear and clean shall be under the supervision of the drainage commission.

Definition of terms.

SEC. 25. That the word "person" as used in this act shall be construed so as to include "firm, company, and corporation," and the word "him" shall mean, "her, them, or it," as the same may be.

SEC. 26. That all laws and clauses of laws in conflict with this act are hereby repealed.

Application of act.

SEC. 27. That this act shall be in force from and after ratification, and shall apply only to the county of Catawba.

Ratified this the 26th day of February, A. D. 1913.

CHAPTER 823.

AN ACT TO AMEND CHAPTER 442 OF THE PUBLIC LAWS OF 1909, AS AMENDED BY CHAPTER 67 OF THE PUBLIC LAWS OF 1911, THE FOLLOWING AMENDMENTS APPLYING ONLY TO CLEVELAND 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, as amended by chapter sixty-seven (67) of the Public Laws of one thousand nine hundred and eleven, be and the same is hereby amended by adding at the end thereof the following:

Drainage commissioners may let work to contract or conduct work.

SEC. 2. That the board of drainage commissioners of any drainage district that is now or may hereafter be established in Cleveland County are authorized and empowered, at their option, either to let the contract for the drainage work of such district to the lowest responsible bidder or bidders, as provided in chapter four hundred and forty-two (442) of the Public Laws of one thousand

nine hundred and nine, as amended by chapter sixty-seven (67) of the Public Laws of one thousand nine hundred and eleven, or to build, purchase, rent, or lease for the said drainage district all necessary dredging and drainage machinery, appliances, tools, and supplies, and to employ all necessary laborers, engineers, other help and attorneys, and to do or have done for said district the work necessary for the proper drainage of said district.

SEC. 3. That the commissioners of Cleveland County, on account of the public nature of the improvements to be made and the value thereof to the citizens of the county, shall build, rebuild, repair, and relocate, at the expense of the said county, all bridges needed or required over streams and channels crossing the public or county roads or highways in any drainage district in said county, and the performance of this duty by the commissioners of said county shall relieve and exempt said county from any assessment or assessments that may have already been, or that may hereafter be, made against said county by the viewers on any district now established or that may hereafter be established in said county, on account of any benefits to be derived by any of the public or county roads or highways that pass through said district, under the provisions of section twenty-five (25) of the Public Laws of one thousand nine hundred and nine, as amended by section six (6) of chapter sixty-seven (67) of the Public Laws of one thousand nine hundred and eleven.

SEC. 4. That every landowner in such drainage district or districts in said county shall cut and remove from the channel of the ditch or stream and for a sufficient distance therefrom not to interfere with the operation of the drainage machinery and the depositing of the earth excavated all standing or fallen timbers, brush and undergrowth; and in case he shall fail or refuse to do so, after ten days notice by the drainage commission of such district or any member thereof, the drainage commission is hereby authorized and empowered to have said timber, brush, and undergrowth cut and removed, and they shall charge the expenses of the same to the said landowner, and the same shall be a lien on the land of said landowner as classified in said drainage district.

SEC. 5. That the treasurer of said county, as treasurer for any drainage district in said county, shall be required to give additional bond in such amount as shall be fixed by the county commissioners, in some approved bonding company, the premium on said bond to be paid by the drainage commission of such district; and in the event of a sale of bonds by such district, said treasurer shall place at interest, for the benefit of such district, so much of said funds as the drainage commission of such district may direct, and to such persons or institutions as may be approved in writing by said drainage commission, and for such length of time as they shall designate: *Provided*, neither the treasurer nor his bond shall be responsible for any losses suffered by reason of said

Bridge work at cost of county.

Relief of county from drainage assessments.

Landowners to remove obstructions

Work done by drainage commission on default of owners.

Lien on land.

Treasurer to give additional bond.

Investment of funds.

Proviso: responsibility for investments.

loans which are made by said treasurer under the written direction and approval of the said drainage commission, unless said losses shall be due to the treasurer's negligence in forcing the collection of said loan or loans.

Streams emptying sand into improved channels to be obstructed.

SEC. 6. That all landowners in a drainage district or districts in said county, after the larger streams therein shall have been ditched or dredged, shall place obstructions across the channels of all undredged or unditched tributaries thereof and across all hollows and gullies that empty sand into the improved channel or channels of such district or districts, according to plans and specifications to be furnished by the drainage commission of such district or districts; and in case any landowner or owners in such district or districts shall fail or refuse to comply with the requirements of this section, then the drainage commission of any such district, after giving ten days notice to such landowner or owners, is hereby authorized and empowered to have such obstructions placed in the unimproved streams, hollows, and gullies, and charge the expenses of the same to the said landowner or owners, and the same shall be a lien on the lands of such owner or owners as are classified in said drainage district.

Work done by drainage commission on default of landowners.

Charges a lien on land.

SEC. 7. That this act shall apply only to Cleveland County.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 824.

AN ACT TO EMPOWER THE COMMISSIONERS OF CLEVELAND COUNTY TO PURCHASE DREDGING MACHINERY AND EQUIPMENT FOR THE USE OF DRAINAGE DISTRICTS IN SAID COUNTY.

Preamble: streams clogged and obstructed.

Whereas numerous streams, both large and small, throughout Cleveland County have become clogged and obstructed by sand and other debris that the lowlands adjacent thereto are frequently flooded and have become so wet and soggy that they are no longer tillable or even fit for pasturing, and the vast quantity of stagnant waters and cesspools that prevail throughout these lowlands have become a serious menace to the lives and health of the people of the county; and whereas relief can only come from a proper dredging or ditching of the channels of said streams; and whereas the cost of a complete dredging outfit and equipments is too great to be borne by any small dredging district; and whereas the reclaiming of said lands for agricultural purposes would materially increase the value of the taxable property of the county and the drainage of said lowlands would greatly improve the health condition of said county: therefore,

Preamble: need for drainage.
Preamble: cost of dredging outfit.

Preamble: increase of taxables and improvement of health.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Cleveland County, as soon as practicable after the ratification of this act, are authorized, at their discretion, to purchase for and in the name of said county two or more complete dredging outfits, together with all necessary attachments and equipments therewith, to make the work of dredging the streams of said county effective, and to issue the notes or bonds of the said county in such sum or sums as may be found necessary to pay for said outfits, equipments, and machinery.

Purchase of dredging outfits authorized.

Payment by notes or bonds.

SEC. 2. That said board of commissioners, at the time of levying the taxes of said county for the year one thousand nine hundred and thirteen, may levy a special tax not exceeding three and one-third cents on one hundred dollars valuation of real and personal property and ten cents on the poll, for the purpose of paying for said machinery. That a like levy may be made each year thereafter until a sufficient sum shall be raised to pay for said machinery and equipments, together with interest on such notes or bonds as may have been issued to pay for same.

Special tax.

Limit of rate.

Tax levied annually.

SEC. 3. That said board of commissioners may furnish at a reasonable and equitable charge one or more of said dredging outfits with their necessary equipments to any drainage district now organized or that shall hereafter be organized for the proper draining of the lowlands of said county, said districts to pay all expenses necessary for operating said machinery and to be governed by such rules and regulations as shall be prescribed by the said board of commissioners for the proper use of said machinery.

Outfits rented to drainage districts.

Use governed by county commissioners.

SEC. 4. That it is hereby declared that the drainage of flooded or swamp lands and the drainage of the surface water from agricultural lands shall be considered a public-local benefit and conducive to the public-local health, convenience, utility, and welfare.

Drainage declared public benefit.

SEC. 5. That in the event of a purchase, it shall be the duty of said board of commissioners to keep said dredging machinery in proper repair at all times: *Provided*, that an equitable compensation be paid, taking into consideration the cost, wear and tear, and maintenance of said dredging outfit, or dredge, to the county of Cleveland for the use and abuse of said dredging outfit and equipment, by any drainage district now organized or may hereafter be organized for the drainage of any lowlands or stream running in Cleveland County.

Care of machinery.

Proviso: equitable compensation for use of outfit.

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

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 825.

AN ACT TO CREATE A RAILROAD COMMISSION FOR RIVER BEND DISTRICT, GASTON COUNTY, AND TO AUTHORIZE THE ISSUANCE OF BONDS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

- Commissioners. SECTION 1. That Luther Nims, R. K. Davenport, A. M. Henderson, A. U. Stroup, W. T. Connell, and Henry Underwood and their
- Incorporation. successors be and they are hereby constituted a body corporate and politic under the name of the "Railroad Commission for River
- Corporate powers. Bend District in Gaston County"; that they are given all the powers and privileges conferred upon corporations under the general
- Organization. corporation law of the State of North Carolina; that said corporation shall be organized by the election of a chairman and a
- Vacancies. secretary and the adoption of a common seal; that in the event vacancies shall occur by death or resignation or otherwise, the remaining corporators shall have the power to fill the same, so that the said railroad commission shall at all times consist of six members.
- Subscription to railroad authorized. SEC. 2. That the said commission is hereby authorized and empowered to subscribe for, take, receive, and hold for the use and benefit of River Bend Railroad District of Gaston County, North Carolina, common or preferred stock in any steam or electric railroad, built or to be built, from a point at or near Mount Holly in Gaston County through the town of Lowesville and Triangle, and to or through the town of Denver in Lincoln County, or to other towns in
- Limit of amount. said county, to an amount or amounts not exceeding the sum of
- Terms of subscription. fifteen thousand dollars, said commission to agree upon the terms of said subscription and to obtain from said railroad or railroads
- Guaranty from railroad. reasonable guaranty that said railroad will be able to maintain and operate it for a reasonable length of time to meet the public
- Boundary of district. needs and conveniences. Said River Bend Railroad District shall include all that portion of River Bend Township in Gaston County, North Carolina, bounded as follows, viz.: Beginning at the mouth of Dutchmans Creek and runs thence up the Catawba River to the Lincoln County line, thence westward with the Lincoln County line to the westward or lower prong of Dutchmans Creek below Morrison's cotton factory, thence down said creek to the beginning.
- Commission to hold and deal with stock. SEC. 3. That said commission shall hold any stock purchased under the provisions of this act as trustees for the benefit of said River Bend Railroad District, collect all dividends that may be declared thereon and pay the same over to the Treasurer of Gaston County, sell such stock or any part thereof that it may deem for the best interest of said district, the proceeds of any sale to be

paid over to the said treasurer in like manner, and said treasurer shall hold and dispose of all sums paid over to him for the benefit of the said River Bend Railroad District.

SEC. 4. That each of said persons hereinbefore named, his successor or successors, shall qualify by taking an oath for the faithful discharge of the duties of said office and file a bond with sufficient security, to be approved by the board of commissioners of Gaston County, in the sum of one thousand dollars, conditioned for the faithful performance of all duties and the proper accounting for all money or property that may come into the hands of said commission; after having duly qualified and given the bond herein provided for, said commission shall organize, electing one of their number chairman and another secretary. They shall receive no compensation for their services, but shall be reimbursed for all expenses incurred in the discharge of their duties, including reasonable attorneys' fees, which expenses shall be paid by the Treasurer of Gaston County upon the order of said commission, signed by its chairman and secretary.

Commissioners to qualify, give bonds, and organize.

No compensation beyond expenses.

SEC. 5. That upon presentation of the written petition of the said commission to the board of commissioners of Gaston County, requesting them to submit to the qualified voters of said River Bend Railroad District the proposition to issue bonds in an amount not exceeding fifteen thousand dollars for the purpose of carrying into effect the provisions of this act and for the purposes herein enumerated, the board of commissioners of said county shall, within thirty days, order an election to be held in said River Bend Railroad District, and submit to the qualified voters therein the question of the issuance of such bonds; that the said board of commissioners of Gaston County shall order a new registration for the purpose of registering the qualified voters who shall be entitled to participate in said election, and shall cause to be published for four weeks prior to the date of said election, in some newspaper published in said county, a notice thereof, stating the time and place of said election and the object or purpose of the same; that said election shall in all respects be conducted in accordance with the provisions of the general election law relating to the election of members of the General Assembly, in so far as the same may be applicable. The registrars and judges of election at the several voting precincts in said River Bend Railroad District shall certify and return the result of said election to the board of commissioners of Gaston County, together with the number of qualified voters who have registered for said election and the number of votes cast therein. All persons voting in said election who favor the objects and purposes of this act shall vote a ticket upon which shall be written or printed the words "For the Railroad," and those who oppose the objects and purposes of this act shall vote a ticket on which shall be written or printed the words "Against the Railroad." If a majority of the qualified voters of said River Bend

Petition for election on proposition.

Order for election.

New registration.

Notice of election.

Law governing election.

Certificate and returns.

Tickets.

Effect of election.

	Railroad District who have registered for said election shall vote "For the Railroad," then the provisions of this act shall be in full
Canvass of returns.	force and effect. Upon the coming in of the said returns the board of commissioners of said county shall canvass and judicially determine the result of the said election.
Bond issue authorized.	SEC. 6. That if in said election a majority of the qualified and registered voters shall have voted "For the Railroad," the board of commissioners of Gaston County are hereby authorized and empowered to issue coupon bonds to an amount not exceeding fifteen thousand dollars, of such denomination and of such form and tenor and payable at such time or times, not less than twenty nor more than thirty years from date, and bearing interest at not exceeding six per cent per annum, as the said board of commissioners may determine.
Amount.	
Denomination.	
Maturity.	
Interest.	
Authentication.	SEC. 7. That said bonds shall show upon their face that they are issued on account of River Bend Railroad District, and shall be numbered serially and signed by the chairman of said board of commissioners and attested by the Treasurer of Gaston County, and shall bear the corporate seal of said county: <i>Provided</i> , that the signatures of the said chairman and treasurer may be lithographed or printed in facsimile upon the coupons attached to the bonds.
Proviso: signatures to coupons.	
Bonds issued on requisition of commission.	SEC. 8. That said bonds shall be issued only upon the requisition of the said commission in such manner and at such times as the said commission may in writing demand; that the said bonds may be exchanged for equal amounts of stock in said railroad or railroads, or may be sold and the proceeds arising therefrom used for the purchase of such stock.
Exchange of bonds for stock.	
Sale of bonds and purchase of stock.	
Special tax.	SEC. 9. That in order to provide funds to pay the interest and principal of the said bonds, together with any expenses incurred herein, the board of commissioners of Gaston County are hereby authorized and directed annually to compute and levy, at the time of levying the county taxes, a sufficient tax upon all polls, real estate, personal property, and other subjects of taxation in River Bend Railroad District (and not elsewhere) in said county of Gaston: <i>Provided</i> , that there shall not be levied in any year a tax exceeding forty cents on the one hundred dollars worth of property and one dollar and twenty cents on each poll; that a sufficient amount of the said taxes to pay the annual interest or semiannual interest, as the case may be, upon the said bonds, shall be paid out for that purpose in each year, and that the remainder of the said taxes, after paying any expenses that may have been incurred, shall be set aside as a sinking fund that shall be used to pay the principal of the said bonds at their maturity, to be safely invested by said board of commissioners, and any interest thereon to become a part of said fund; that said board of commissioners may at any time, by agreement with the holder of any of the said
Proviso: limit of rate.	
Payment of interest.	
Sinking fund.	
Investment of sinking fund.	
Redemption or call of bonds.	

bonds, repurchase the same out of said sinking fund, and may provide in the said bonds for the retirement of the whole or a part thereof, by lot or otherwise, before maturity.

SEC. 10. That the said bonds shall indicate upon their face, in a clear manner, that only the property and polls of said River Bend Railroad District are pledged for their payment, and all expenses incurred through the governmental agencies of said county in carrying out this act shall be paid out of the funds of said River Bend Railroad District.

Obligation of bonds.

Expense of carrying out act.

SEC. 11. That immediately upon its ratification by the General Assembly of North Carolina, a certified copy of this act shall be sent by the Secretary of State to the board of commissioners of Gaston County.

Certified copy.

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

Ratified this the 1st day of March, A. D. 1913.

CHAPTER 826.

AN ACT TO AMEND CHAPTER 53S OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, RATIFIED THE 3D DAY OF MARCH, 1911, RELATING TO THE DRAINAGE OF LANDS AND THE PROTECTION OF HEALTH IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and thirty-eight of the Public-Local Laws of North Carolina of the General Assembly of one thousand nine hundred and eleven, entitled "An act to provide for the proper drainage of lands and the protection of health in Mecklenburg County," be and the same is hereby amended as follows: That said chapter five hundred and thirty-eight be amended by adding at the end of section two of said chapter a new section to be known as section two (b). That upon written petition of the persons owning a majority of acres of land along and within one-fourth of a mile of both sides of any creek in Mecklenburg County (other than Little Sugar Creek east of the city of Charlotte, Big Sugar Creek or Irwin's Creek west of said city, and Stewart's Creek west of said city) requesting the commission to widen, deepen, and dredge such creek, and agreeing to pay their pro rata part of the cost of dredging such creek, or any designated portion of such creek, as provided by this act, the commission shall proceed to drain such creek as is provided in this act: *Provided*, that the total cost of such drainage shall not exceed the special benefits to such lands.

Law amended.

Creeks to be drained on petition of land-owners.

Proviso: costs not to exceed benefits.

SEC. 2. That sections three and four and five, chapter five hundred and thirty-eight of the Public-Local Laws of North Carolina, before mentioned, be stricken out, and the following, including sections three and four hereinafter, be inserted in lieu thereof: That the said commission shall make a just estimate of all creek lands and tributaries along such creek or portion thereof within Mecklenburg County, after receiving the petition as set forth in section one above mentioned, 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, 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 creek 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 on both and either sides of same, and one mile up said stream where the commission actually begins or stops canaling and dredging, 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 the 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 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 shall also take into consideration the benefit to the health that the drainage will aid and promote, and assess said landowner or owners a larger amount in accordance with the special benefits, either for agricultural purposes or the benefit to health, or both. 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, but the commission is authorized and empowered to make any creek or part of creek a separate drainage district. The said drainage districts already made are ratified by this act.

SEC. 3. It shall be the further duty of said commission to view and personally examine the land embraced within the radius mentioned in section two 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 soil, which shall be considered in determining the amount of benefits it will

Estimate of lands.

Lands subject to estimate.

Lists of owners and number of acres. Considerations governing estimate.

Assessments proportioned to benefits.

Employment of engineer.

Separate drainage districts.

Districts already made ratified.

Examination and classification of land.

Matters for consideration.

receive by the contemplated improvements, and shall also take into consideration the benefit to the health that the drainage will aid and promote. That land benefited shall be separated into classes in the discretion of the commission. 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 practical and presented in tabulated form. The scale of the classification of the several classes of land returned by the commission or found by them to be benefited and the ratio that each class shall bear to the other or others shall be fixed and determined in the discretion of the commission. This shall form the basis of the benefits to the lands. That after said commission has fixed the benefits to the lands, then they shall give notice at the courthouse door in the city of Charlotte, Mecklenburg County, and by posting notices at five points along the sides of creeks to be drained, appointing a day on which said board of commissioners will meet at the courthouse in the city of Charlotte, Mecklenburg County, to hear any and all complaints of the landowners of the classifications 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 and be published for ten days in some daily newspaper in said county for nonresidents. The notice to be signed by the chairman of the commission, setting forth the creek or portion thereof to be drained, clearly and definitely, the limits of the boundaries of the land proposed to be drained, or that is 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 as may be filed with it, and shall have the right to hear any and all evidence introduced and offered in said matter, and determine the proper classification against the said complainants, and fix the classification against all the lands within the radius mentioned and set forth in section two of this act; and the said commission shall have the power and authority to issue subpoenas for witnesses and hear their evidence; and any party aggrieved by or dissatisfied with said classification or other matters before said said court shall have the right, and the same is hereby given them, to demand that the Clerk of the Superior Court of Mecklenburg County appoint a jury, and he is hereby required to appoint and have a jury of three competent and disinterested freeholders, who shall go upon and classify the lands of the party or parties aggrieved, and classify the lands as set out in this act that has been or is to be drained in accordance with the provisions of this act.

Classification of lands.

Total number of acres.

Scale and ratio of classification.

Basis of benefits.

Notice of hearing on classifications.

Matters to be specified in notice.

Power to secure and hear evidence.

Right of appeal.

Procedure on appeal.

Provision for jury extended to other lands.	and the jury shall make a full and complete report of their classification of the lands to the drainage commission. That this provision allowing a jury shall apply to any land now drained or to be drained, and shall apply to the lands already classified on Little Sugar Creek east of the city of Charlotte, and Big Sugar Creek west of the city of Charlotte and Stewart's Creek: <i>Provided</i> , that a demand for a jury is made within sixty days after the ratification of this act. From the classification by the jury, the party aggrieved or the drainage commission 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. 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. That upon the petition of said commission, the right and power is hereby given to the Clerk of the Superior Court of Mecklenburg County to have a jury of three competent and disinterested freeholders, who shall go upon and classify the lands, as set out in this act, that has been or is to be drained in accordance with this act's provisions, and the said jury to be paid as usual in such matters.
Proviso: demand for jury within sixty days.	
Right of appeal to superior court.	
Priority of trial.	
Jury on petition of commission.	
Report of jury.	The jury shall make a full and complete report of their classification of the land to the drainage commission. That no land within the radius set forth in this act that is not benefited for agricultural purposes or from a health standpoint shall be classified.
Land not classified unless benefited.	
Assessment roll.	SEC. 4. After the classification of the land as herein required has been made, formulated, and tabulated by the commission or jury, the said commission shall prepare an assessment roll, giving a description of all the land ascertained to be benefited, setting out the acreage, classification, and the names of the various owners. In preparing this assessment roll the board shall take into consideration 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 total amount shall be apportioned among the various landowners, according to the classification heretofore adopted, to the extent of benefits found to be received by such lands: <i>Provided</i> , that no landowner shall be required to pay damages in excess of the benefits accruing to his lands by reason of such drainage. 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 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
Matters for consideration.	
Apportionment of cost.	
Proviso: assessments not to exceed benefits.	
Drainage roll in duplicate.	
Copies.	
Items of roll.	
Order for collection.	

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 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 classification and ratio of assessments as made by said commission, it shall have the right to levy an assessment upon said benefits, and they shall have the option to pay up said assessments in full: *Provided*, it is done within sixty (60) days after assessment roll is placed in the hands of the sheriff or tax collector for collection. After the expiration of the time fixed to pay the special assessment as provided in this section, the drainage commission may issue improvement bonds covering all of the assessments, except such as the owners have elected to pay, which bonds shall be of corresponding amounts and known as "Mecklenburg Drainage Bonds," shall comprise ten equal series; each series shall consist of a like number of bonds, and shall bear interest not to exceed six per cent per annum, and shall be sold for not less than par; and shall be signed by the chairman and attested by the secretary of the Mecklenburg Drainage Commission; and shall contain such recitals as may be necessary to show that they are chargeable to particular property; and may be sold at either public or private sale; and the interest upon the said bonds shall be payable annually, and each installment of interest shall be represented by corresponding coupons; the respective series of the said bonds shall be payable annually, and the last series thereof shall be payable not exceeding ten years from the date of their issue; the proceeds collected by the county treasurer shall be held for the drainage commission. When the tax roll levy is prepared, sufficient special assessment of taxes on each parcel of land covered by said bonds to pay the annual installment of the principal and interest on the amount of such special assessments then unpaid shall be included in the tax levy or roll, as a special tax on said property, and thereafter this tax shall be treated in all respects as any other tax, to be collected in the same manner and constitute a lien on the property affected, and in every respect the same as other taxes. The first installment of the principal, with interest, shall mature at the expiration of one year from the date of issue, and one installment, with interest, each succeeding year for nine additional years. 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 officers, as the State and county taxes are collected. If any installment of principal or interest repre-

Collection and settlement.

Levy of assessments.

Payment in full.

Issue of improvement bonds.

Official designation.

Series.

Interest.

Sale below par forbidden. Authentication.

Sale.

Bonds payable annually by series.

Special taxes.

Maturity of installments.

Lien of assessments.

Rights of bondholders.

Remedy by mandamus.	<p>sented 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 drainage district or the board of drainage commissioners of said district, wherein the court may issue a writ of mandamus against the said drainage district, its officers, including the 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 installments 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 bonds of the tax collector and county treasurer shall be liable for the faithful performance of the duties herein assigned them. The bonds issued shall be for the exclusive use of the drainage district specified on their face.</p>
Other remedies.	
Right of action.	
Officers liable on bonds.	
Drainage fund.	<p>SEC. 5. That all funds derived from assessments heretofore or hereafter levied by the Mecklenburg Drainage Commission upon private property which has been specially benefited by the dredging of any creek, shall when collected constitute a special fund to be designated as "Drainage Fund," and the same, together with funds derived from taxes heretofore or hereafter authorized to be levied for drainage work, shall be kept separate from the other funds of the county, and a separate record thereof shall be kept by the county treasurer, and said funds and every part thereof shall be checked out as provided in the act.</p>
Fund and records kept separate.	
Changes and alterations of bridges.	<p>SEC. 6. That section thirteen of the said drainage act be repealed and the following substituted in lieu thereof:</p> <p>Whenever it shall become necessary for the drainage commission in order to properly dredge and drain any creek, alter or change any bridge crossing such streams, the commission shall give notice to the proper city, township, or highway authorities, stating the change or alterations necessary to be made, and the proper authorities in charge of such bridge shall immediately proceed to make such changes as are necessary to accommodate the drainage commission in the proper transaction of its work. If the authorities having charge of such bridge shall fail or refuse for a period of twenty days to make such changes as are necessary, the drainage commission may proceed to make the necessary changes. That in all cases the necessary expenses of changing, altering, and repairing any bridge, made necessary by the drainage of any creek by the drainage commission, the entire expense of such changes, repairs, etc., shall be paid out of the tax fund levied by this act.</p>
Changes by drainage commission.	
Payment of expenses.	

SEC. 7. If it shall be necessary to change or remove any dam obstructing any of the creeks being dredged by the commission, and the commission shall be unable to agree with the owner of such dam as to the terms and conditions on which the same may be changed or removed, the drainage commission may proceed to condemn the same as is provided for condemnation for railroads in chapter sixty-one of the Revisal of one thousand nine hundred and five.

Power to condemn dams.

Procedure.

SEC. 8. That this act shall not apply to the following drainage districts in Mecklenburg County, namely: Little Sugar Creek east of the city of Charlotte from Elizabeth Avenue to the junction of said creek with Briar Creek, and Big Sugar Creek or Irwin's Creek, Stewart's Creek west of the city from West Trade Street, and Tuckasegee Road to the "Bissell" bridge. But said drainage district shall be governed by chapter five hundred and thirty-eight of the Public-Local Laws of one thousand nine hundred and eleven, except as herein specifically provided for in section four for the issuance of bonds, and in section three herein providing for party aggrieved to have a jury; and said bonds, if assessments are not paid for within sixty (60) days after the ratification of this act, shall be issued as provided in this act.

Drainage districts excepted.

Law governing district.

Bonds to be issued if assessments are not paid.

SEC. 9. Whenever the engineer or the drainage commission shall make a survey for the purpose of locating a public levy or drainage district, or changing a natural water-course, and the same would cross the right of way of any railroad company, it shall be the duty of the one in charge of the work to notify the railroad company, by serving written notice upon the agent of such company or its lessee or receiver, that they will meet the company at the place where the proposed ditch, drain, or water-course crosses the right of way of such company, said notice fixing the time of such meeting, which shall not be less than ten days after the service of the same, for the purpose of conferring with said railroad company with relation to the place where and the manner in which such improvements shall cross such right of way. When the time shall arrive fixed for such conference, unless for good cause more time is agreed upon, it shall be the duty of the drainage commission and the railroad company to agree, if possible, upon the place where and the manner and method in which such improvements shall cross said right of way. If the drainage commission and the railroad company cannot agree, or if the railroad company shall fail, neglect, or refuse to confer with the drainage commission, they shall determine the place and manner of crossing the right of way of said railroad company, and shall specify the number and size of opening required, and the damages, if any, to said railroad company, and so specify in their report. The fact that the railroad company is required by the construction of the improvement to build a new bridge or culvert, or to enlarge or strengthen an old one, shall not be considered as damages to said

Crossing railroads.

Notice to company.

Agreement by commissioners and company.

Matters settled by drainage commission.

Matters not considered as damage.

Assessment of benefits to railroad.	railroad company. The engineer and the drainage commission shall also assess the benefits that will accrue to the right of way, roadbed, and other property of said company by affording a better drainage, or a better outlet for drainage, but no benefits shall be assessed because of increase in business that may come to said road because of the construction of the improvement. The benefits shall be assessed as a fixed sum, determined solely by the physical benefit that its property will receive by the construction of said improvement, and it shall be reported by the drainage commission as a special assessment, due personally from the railroad company as a special assessment. It may be collected in the manner of an ordinary debt in any court having jurisdiction.
Basis of assessments.	
Collection.	
Notice to railroad company for final hearing.	SEC. 10. The clerk of the Superior Court shall have notice served upon the railroad company of the time and place of the meeting to hear and determine the final report of the engineer and drainage commission, and the said railroad company shall have the right to file objections to said report and to appeal from the finding of the drainage commission in the same manner as any landowner, but such appeal shall not delay or defeat the construction of the improvement. After the contract is let or the drainage commission has started actual construction is commenced, and if the work is being done with a floating dredge, the superintendent in charge of construction shall notify the railroad company of the probable time at which the contractor or commission will be ready to enter upon the right of way of said road and construct the work therein. 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 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 in the least possible manner with the business of said railroad. In case the railroad company refuses and fails to remove its tracks, and allows the dredge to obstruct the work of 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 for each day of delay, to be collected by the board of drainage commissioners for the benefit of the drainage district, as in case of other penalties. Such fine may be collected in any court having jurisdiction, and shall inure to the benefit of the drainage district. Within thirty days after the work is completed, an itemized bill for the actual expense incurred by the railroad company for opening its track shall be made and presented to the superintendent of the drainage commission. Such bill, however, shall not include the cost of putting any new bridge or strengthening or enlarging an old one. The superintendent of construction shall audit this bill, and, if it be found correct, approve the same and file it with the board of drainage commissioners. The commissioners shall deduct from this bill
Right to file objections and appeal.	
Appeal not to delay construction. Settlement of time for work on crossing.	
Railroad company to remove obstructions.	
Plan and conduct of work.	
Refusal of company held as delay of construction.	
Penalty.	
Collection and use of fine.	
Itemized bill for expense incurred by railroad company.	
Audit and approval of bill:	
Deductions from bill.	

the cost of excavation done by the dredge on the right of way of said railroad company at the contract price, and pay the difference, if any, to said railroad company. Payment to company.

SEC. 11. That the word "thirty" in line five and "fifteen" in line seven be stricken out in section seven of said chapter five hundred and thirty-eight of Public-Local Laws of one thousand nine hundred and eleven. Width of stream.

SEC. 12. That to assist in carrying out the provisions of this act, the county commissioners shall levy annually a tax of not exceeding two and one-third cents in the years nineteen hundred and thirteen and nineteen hundred and fourteen on each one hundred dollars valuation of real and personal property, and said levy shall be made in the same manner as the other county taxes are levied. Special tax.

SEC. 13. That it shall be the duty of the drainage commission to fill in or drain any low place where water would stand, that has been created and made by the dredging of the creek in changing the channel or otherwise. Places to be filled or drained.

SEC. 14. That the treasurer of the county of Mecklenburg shall receive no extra pay for the work required of him under this act. No extra pay to treasurer.

SEC. 15. That section twenty-four of said chapter five hundred and thirty-eight be and the same is hereby repealed. Power to borrow money rescinded.

SEC. 16. That all of section nineteen of said chapter five hundred and thirty-eight after the word "community" in line five of said section be and the same is hereby repealed. Independence Park.

SEC. 17. That this act shall not apply to Davidson Creek in Mecklenburg County that lies also in Iredell County. Davidson creek excepted.

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

Ratified this the 3d day of March, A. D. 1913.

CHAPTER 827.

AN ACT TO PRESCRIBE AND FIX THE COMPENSATION OF MEMBERS OF THE BOARD OF COMMISSIONERS OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the members of the board of commissioners of Wilson County, other than the chairman, shall be paid for their services as commissioners of said county, each, the sum of one hundred dollars per annum and the mileage now allowed by law: Salaries. Mileage. *Provided*, that no members shall be paid or receive any other or further sum for any services rendered by him by virtue of his office. Proviso: sole compensation.

SEC. 2. That all laws and clauses of law in conflict with this act shall be and the same are hereby repealed. Repealing clause.

SEC. 3. That this act shall be in force and effect from and after the first day of April, one thousand nine hundred and thirteen. When act effective.

Ratified this the 5th day of March, A. D. 1913.

CHAPTER 828.

AN ACT TO CREATE A HIGHWAY COMMISSION FOR MADISON COUNTY, AND TO PROVIDE FUNDS FOR THE CONSTRUCTION OF A SYSTEM OF PUBLIC ROADS AND HIGHWAYS IN SAID COUNTY.

Preamble: public necessity.

Whereas a system of improved public roads and highways for Madison County is a public necessity: Now, therefore,

The General Assembly of North Carolina do enact:

Alternative methods.

SECTION 1. That in order to raise necessary funds to construct and improve a system of public roads and highways for Madison County, the board of commissioners of said county are hereby authorized and empowered to adopt either of the following methods, to wit:

Issue and sale of bonds.

1. The said board of commissioners may, in their discretion, as is now vested in them by law, issue and sell county bonds not to exceed the sum of three hundred thousand dollars, which said bonds shall mature not more than forty-one years after date of issue, and bear a rate of interest not to exceed five per cent per annum, payable annually or semiannually, principal and interest payable at such time and place as may be designated by said board, and named in said bond; or,

Amount.

Maturity.

Interest.

Acceptance of aid from State.

2. The said board may avail itself of the provisions of the act authorizing the State to issue bonds and lend the proceeds of same to counties to aid in the construction of public roads and highways, and issue county bonds as therein provided; or,

Election for bond issue.

3. The said board, upon its own motion, may make an order calling an election and submit to the qualified voters of Madison County the question of issuing bonds, which election shall be conducted in the manner hereinafter provided; or,

Special tax.

4. The said board of commissioners may levy a special tax of not less than twenty-five nor more than fifty cents upon every hundred dollars worth of taxable property in the county, to raise the necessary funds as aforesaid.

Petition for tax levy.

SEC. 2. That in the event the board of county commissioners of Madison County do not issue bonds, as it is in their discretion to do, as specified in method one of section one, or do not avail themselves of State aid as provided for in method two of section one of this act, or do not avail themselves of either one of the three first methods mentioned in section one, to raise the funds to build and improve a system of public roads and highways for Madison County, as provided in section one of this act, on or before the first Monday in May, one thousand nine hundred and thirteen, then the highway commission hereinafter created is authorized and empowered to file a petition with the county commissioners,

signed by the members, or a majority of the members of the highway commission, together with twenty-five per cent of the qualified voters of the county, requesting the county commissioners to levy a tax of fifty cents on every hundred dollars worth of taxable property in the county of Madison for the purpose of creating a special road fund to build and improve a system of public roads and highways for Madison County, and it shall then be the duty of the board of county commissioners of Madison County to levy a special tax of fifty cents on every hundred dollars worth of taxable property in Madison County for the purposes aforesaid; and the first levy shall be made at the time of levying taxes for said county purposes in the year one thousand nine hundred and thirteen, and every year thereafter so long as requested by the said highway commission. Or, the said highway commission may, in their discretion, by a petition to the board of county commissioners, signed by the said board of highway commissioners, or a majority of them, request the county commissioners to order an election to be held in the county for the purpose of voting upon the question of bond issue for the construction and improvement of a system of public roads and highways, and it shall then be the duty of the said board of county commissioners, at any regular or special meeting of said board, to call an election to be held in the county for the purpose of voting upon bond issue. 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 the county of Madison, and at the courthouse door in the town of Marshall: *Provided*, if a majority of the qualified votes cast in said county shall not be in favor of an issue of bonds at an election so held, the said commissioners shall submit said question to said voters at any time or times when requested by the highway commission, under the regulations hereinafter set forth; but not more than one such election shall be held in any period of six months. 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 and judges or inspectors, or 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 such board of county

Duty of county commissioners.

First levy.

Petition for election on bond issue.

Duty of county commissioners.

Notice of election.

Proviso: further elections.

Law governing elections.

Proviso: appointment of election officers.

Registration and challenges.

Count and return of votes.

Tabulation, declaration, and record of result.

commissioners, and in the record of elections for Madison County and no other record and declaring of the result of the election shall be necessary.

Ballots. SEC. 4. That at said election or elections the ballots tendered and cast shall have written or printed upon them "For Good Roads Bond 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 opposing the issue of the bonds shall vote "Against Good Roads Bond Issue."

Issue of bonds. SEC. 5. In the event that the majority of the legal or qualified votes cast shall be for bond issue at any election herein provided for, after the result has been declared and recorded as aforesaid, or in the event the board should issue bonds under either method mentioned in section one of this act, the said board of county commissioners shall issue such bonds from time to time as requested so to do by the highway commission of Madison County hereinafter created. In the event the board of county commissioners shall avail themselves of any State aid, then, and in that event, the bonds to be issued under this act shall be of such denominations and shall be payable at such time and place and shall bear such rate of interest as may be prescribed by the act authorizing such State aid. In the event the board of county commissioners shall not avail themselves of the benefits of any State aid, then and in that event said bonds shall be in denominations of one thousand dollars, or five hundred dollars, or one hundred dollars, and shall bear interest at a rate not exceeding five per cent per annum, which said interest shall be evidenced by coupons attached and payable semiannually during the time said bonds shall run, and the principal thereof shall be payable at a time to be fixed by the board of county commissioners, not later than forty-one years from the date of issue; the principal and interest to be paid at the place provided for in said bonds, to be determined by the said board of county commissioners. The said bonds and coupons shall be numbered consecutively, beginning with the number "one," the said coupons to bear the number of the bonds to which they are attached, and they shall be signed by the chairman of the board of county commissioners of Madison County, and countersigned by the secretary of said board, and have the seal of the county affixed to each bond, and each interest coupon shall be signed by the chairman of said board, either in autograph or a printed facsimile thereof.

Bonds issued to secure State aid.

Denominations.

Interest.

Maturity.

Authentication.

Advertisement of sale of bonds.

SEC. 6. That whenever a bond issue is authorized under either of the provisions of this act, except under the State aid provision, the said board of commissioners shall advertise the sale of said bond issue, or any parts thereof, at least twice in some weekly newspaper, or at least five times in some daily newspaper having a general circulation in financial circles, inviting competitive bids

for the same. All bids submitted shall be sealed and accompanied by a certified check of at least five per cent of the amount of such issue offered for sale, and all bids shall be opened by the commissioners in a regular or special meeting of said board open to the public, and all bids shall remain on file in the office of the clerk to the board of county commissioners of Madison County and open for public inspection, and for better bids, for at least forty-eight hours before any bid is accepted by said board. The board of county commissioners shall determine the most advantageous bid, and shall award said bonds to the parties submitting the best bid; the board of county commissioners in every advertisement shall reserve the right to reject any and all bids for said bonds; and in no event shall said bonds be sold for less than their par value.

Bids for bonds.

Award of bonds.

Right to reject bids.

SEC. 7. In the event a majority of the qualified votes cast in the entire county in any election provided for by this act shall be "Against Good Roads Bond Issue," and one or more townships of said county shall have cast a majority of the qualified votes polled in such township in said election "For Good Roads Bond Issue," then and in that event the highway commission in their discretion may demand that the board of county commissioners issue and sell such proportion of said bond issue as such township or townships would have been entitled to receive under the provisions of this act had bonds in the amount named in the order calling said election been issued for the county; and, upon demand so made, it shall be the duty of the board of county commissioners to issue and sell said bonds for any amount not exceeding the proportion allowed to such township or townships; which said bonds shall be issued in the same manner and in the same denominations and run for the same time and bear the same rate of interest as is provided for in this act for county bonds. The proceeds of said bonds shall be turned over to the Treasurer of Madison County and by him credited to each of the several townships so issuing bonds, and be subject to the order of the highway commission, for the purpose of building and improving the roads in said township or townships. The county commissioners shall levy a sufficient special tax on all the taxable property of such townships for which bonds are issued for the purpose of paying interest on said bonds and for raising sinking funds as is herein provided for county bonds; and it is the intent and purpose of this act that all its provisions and machinery as applicable to the county under a bond issue for the same shall be applicable to any township for which bonds are issued. In the event the majority of the qualified votes cast in the county should be "Against Good Roads Bond Issue" and one or more townships shall issue bonds as herein provided, then it shall be the duty of the board of county commissioners to levy a special tax of not less than twenty-five cents nor more than fifty cents on the one hundred dollars worth of all taxable property in each of the townships for which bonds are not issued

Bond issues for townships.

Issue and sale.

Proceeds credited to township road funds.

Special tax.

Special tax in townships not issuing bonds.

leges and be subject to the same liabilities as bodies corporate of like nature, organized under the general laws of the State of North Carolina. Each of said commissioners shall serve for a term of six years and until his successor is elected and qualified. In the event of a vacancy occurring on said commission from any cause the remaining members thereof shall fill said vacancy by appointment from the same political party as the retiring member.

Term of office.

Vacancies.

SEC. 10. Said highway commission shall meet in the town of Marshall within thirty days of the passage of this act, and after taking and subscribing an oath to faithfully, honestly, and diligently discharge all the duties enjoined upon them under the provisions of this act, or any other act prescribing their duties, 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 shall keep a record of the proceedings of said commission, including itemized account of all receipts and disbursements, and shall deliver the same to his successor in office; and each member before entering upon his duties shall enter into a bond in the sum of not less than one thousand dollars, with one or more solvent sureties, form of bonds and sufficiency of sureties to be approved by the board of county commissioners, which said bonds shall be recorded in the office of the register of deeds and filed in the office of the Clerk of the Superior Court of Madison County, North Carolina.

Meeting, qualification, and organization.

Bonds of commissioners.

SEC. 11. When necessary funds to construct and improve a system of public roads and highways for Madison County have been secured, under any of the provisions of this act, then all the power and authority of the board of road commissioners of Madison County to construct public roads by the special tax levy provided for in an act entitled "Consolidated and amended road laws for Madison County," ratified February seventh, one thousand nine hundred and thirteen, shall cease, and all of the powers of the said board of road commissioners with reference to the construction and improvement of a system of public roads for Madison County shall thereupon vest in and be conferred upon the "Madison County Highway Commission" created by this act, and all special road funds then in the hands of the Treasurer of Madison County, or that may thereafter come into his hands under any previous acts, shall be applied to the credit of each of the several townships and be subject to the orders of the highway commission, to be used in such townships as provided for in this act.

Powers and authority vested in board.

Application of road funds.

SEC. 12. The said highway commission shall have full and complete control of the making, locating, widening, grading, and improving of the public roads of Madison County, including roads inside the corporate limits of any incorporated town. They shall have the power to employ one or more competent surveyors or civil engineers to lay off said roads, to superintend the building

Control of road work.

Roads in towns.

Surveyors and engineers.

and improving of same, and to pay them such compensation for their services as may be determined by said commission; the term of employment of any engineer or any other employee shall be during the pleasure of the commission. It shall be the duty of said commission to take advantage of all government or individual aid available, and to secure, if possible, engineering assistance from the North Carolina Geological and Economic Survey, and to observe as nearly as may be the standard and methods of road building established by said survey. Said commission shall also have the power to employ such other persons and to purchase such supplies as in their judgment is necessary to carry this act into effect. They may make such arrangements for State convicts or county prisoners as they deem best. They may purchase such machinery, tools, blasting materials, drain pipes, and lumber as may be necessary to build or improve any road, and they may construct necessary drains, culverts, and footpaths. In the event the board of county commissioners of Madison County shall hereafter reestablish the county chain-gang, it shall be the duty of the said board of county commissioners, whenever requested so to do, to turn over to the said highway commission all able-bodied county prisoners to be worked in the construction and improving of the public roads of Madison County under the jurisdiction of said highway commission. Any road or roads built or repaired hereunder, as the same are built or repaired, shall thereafter be kept up and maintained by the board of road commissioners of Madison County under the general road laws for said county, ratified on February seventh, one thousand nine hundred and thirteen: *Provided*, that nothing in this act shall be construed to abridge the powers and duties of the said board of road commissioners under the present road law over all roads that are not in actual construction or repair by the said highway commission.

Government and individual aid.

Employees and supplies.

Convict labor.

Equipment.

Prisoners worked on chain-gang.

Maintenance of roads.

Proviso: roads under control of county commissioners.

Office expenses.

Pay of highway commissioners.

Macadam roads.

Relocation and establishment of roads.

Entry on land for surveys.

Sec. 14. The necessary expense incurred by the highway commission on account of stationery, postage, attorneys' fees, and other necessary expenses shall be paid upon their order out of the funds provided for by this act.

Sec. 15. The highway commission shall serve without compensation, except an allowance of not more than two dollars per day and three 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, supervising the construction, and inspecting the roads built under contract.

Sec. 16. The highway commission shall have the right and the authority to macadamize and otherwise improve any road in Madison County. 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 by

relocating, or that any new public road ought to be established, constructed, and improved, the highway commission shall have the right by their engineer or other employees to enter upon the land of any person and make such survey as they 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 profile and such other specifications as may be required, such report, together with the maps, profiles, and specifications accompanying it, if approved and adopted by the highway commission, the public road therein described shall thereupon become established, and the necessary rights of way shall become condemned for public use.

Reports and estimates.

Approval of reports and estimates.

Condemnation of lands.

SEC. 17. Any person who shall obstruct or interfere with any engineer or other employee of the highway commission while engaged in making any survey as aforesaid, or who shall interfere with or obstruct any engineer or other employee or any contractor or the employee of any contractor in the construction or improvement of any road shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, in the discretion of the court; and the highway commission may employ an attorney to prosecute any such offender.

Obstructing officers or work misdemeanor.

Punishment.

Employment of attorney.

SEC. 18. Any employee of the highway commission or any contractor constructing roads under the direction 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 or for fruit.

Entry on land for material.

SEC. 19. Any landowner feeling himself aggrieved by the relocation 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 the 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; and, within thirty days after such application has been made, it shall be the duty of the highway commission to cause the sheriff or some other lawful officer to summons a jury of three disinterested freeholders, who shall, after having given notice to the landowner, his tenant or agent in charge, and after being duly sworn, shall go upon the ground and take into consideration the damages claimed or done, as well as the benefits accruing to said property by reason of the construction or improvement of the public roads leading over the same, and the difference between the two sums shall be their verdict. If the damages awarded for the right of way shall exceed the benefits, it shall be the duty of the president and secretary of the highway com-

Procedure for assessment of damages.

Payment of damages. Proviso: right of appeal.	mission to draw an order on the Treasurer of Madison County for the amount, which shall be paid out of the funds arising under the provisions of this act: <i>Provided</i> , no judgment for benefits in excess of damages shall be enforced. Damages awarded for road material taken shall be paid for by the commission: <i>Provided</i> , <i>however</i> , 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, without bond. Whenever any such appeal is docketed in the Superior Court the judge thereof may, in his discretion, require either party to such suit to give bond for the maintenance thereof.
Bond on appeal.	
Width and grade of roads.	SEC. 20. The width of all roads to be constructed or improved by the highway commission, as well as the grades thereof, shall be designated by the commission. In acquiring any right of way for the relocation or establishing of any public road, not less than twenty-five feet in width shall be taken. It shall be the duty of the highway commission to have a full and complete survey made by a competent engineer of each and every road established or improved by them, and the engineer shall prepare and file with the commission complete specifications covering the improvement or construction of any such road, together with a careful estimate of the cost of the same.
Rights of way.	
Surveys, specifications and estimates.	
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 not less than fifteen days for competitive bids for the work proposed to be done, which said advertisement shall appear at least twice in some weekly newspaper or at least five times in a daily newspaper of general circulation. All bids submitted shall be sealed, shall be opened by the commission at a meeting open to the public, and shall remain on file and be open for public inspection, and for better bids, for at least forty-eight hours before
Bids.	
Award of contracts.	any award of said work is made to any competitive bidder. The highway commission shall determine the most advantageous bid or bids and shall enter into a written contract with the parties submitting the same, requiring in every instance from the contractor or contractors a bond with good and sufficient security that the work contracted for shall be done according to the specifications and to the satisfaction of said highway commission, and providing for the payment of all damages that may be caused by such contractor or contractors to public or private property: <i>Provided</i> , the contract price for the construction or improvement of any road shall in no event exceed the estimated cost by the engineer. The highway commission shall always in any advertisement reserve the right to reject any and all bids. Pending the advertisement of work proposed to be let to contract, specifications therefor shall be on file in the office of the Clerk of the Superior Court of Madison County, subject to the inspection of all parties desiring to bid: <i>Provided</i> , this section shall not be so
Bond of contractors.	
Proviso: limit of contract price.	
Right to reject bids.	
Specifications for work.	
Proviso: convict labor.	

construed as to prohibit the highway commission from working State convicts or county prisoners on road construction; and *Provided further*, that the highway commission may, in the event no satisfactory bids are received, have the work done by some reliable man skilled in the construction of roads, subject to their advice and approval from time to time.

Proviso: work on rejection of bids.

SEC. 22. That whenever a portion of the bonds herein authorized to be issued shall be needed to pay the necessary expenses of the highway commission in building or improving the public roads of said county, the said highway commission shall cause a resolution passed by them to be spread upon their minutes, stating the amount of the bonds to be issued. Said resolution shall be directed to the board of commissioners of Madison County, and it shall be the duty of said board of county commissioners to issue and sell such bonds in accordance with said resolution, the proceeds of which shall be turned over to the Treasurer of Madison County and be subject to the order of the highway commission for the purposes of this act. The funds arising from the sale of bonds shall be apportioned and used in the several townships of Madison County, as nearly as may be, in proportion to the assessed tax valuation of said township, the intention being that each township shall receive and have expended on roads within its borders or on roads built for its benefit a fair and equitable proportion of the money arising from the bond issue authorized by this act: *Provided*, the purchasers of said bonds shall not be required to see to the application of said funds.

Resolution for issuance of bonds.

Issue and sale of bonds.

Apportionment and use of funds.

Proviso: purchasers of bonds not liable for application.

Roads in towns.

SEC. 23. All leading thoroughfares into any of the incorporated towns of Madison County are hereby declared to be public roads within the meaning of this act, and the said highway commission is hereby authorized and empowered, in its discretion, to use the funds arising from the sale of any bonds issued hereunder in the building and improvement of said roads within the corporate limits of said town, as well as without the same: *Provided*, that such portions of said roads as are situated within the corporate limits of any such town shall thereafter be kept up and maintained by the said town.

Proviso: maintenance of roads in towns.

SEC. 24. That any highway commissioner, or other person whomsoever, making or causing to be made any fraudulent order, whereby money is to be paid out of said fund herein provided for, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court; and any highway commissioner or other person failing or refusing to perform the duties imposed upon him by this act shall be guilty of a misdemeanor.

Issuing fraudulent order misdemeanor.

Punishment.

Failure in duty misdemeanor.

SEC. 25. That all expenses incurred in preparing and issuing the bonds authorized by this act may be paid by the highway commission out of the funds arising from the sale of said bonds:

Expense of bond issue.

Proviso: commis-
sion on sales and
sales below par
forbidden.

Provided, no commission shall be paid on the sale of said bonds, nor shall said bonds be sold for a price that will net less than par.

Special tax for
interest.

SEC. 26. That should any bonds for said county be issued under the provisions of this act the board of county commissioners shall compute and levy annually thereafter, at the time provided by law for the levy of State and county taxes, a sufficient special tax on all of the taxable property in Madison County to regularly and promptly pay the interest on said bonds; said taxes to be collected in the same manner and at the same time as other taxes, and to be paid over by the sheriff or tax collector to the Treasurer of Madison County, to be used for the purpose of paying the interest coupons as they respectively mature, and for no other purpose.

Special tax for
interest on bonds
to State.

SEC. 27. In the event bonds are issued under this act to be exchanged for State bonds, as provided in an act authorizing the State Treasurer to issue State bonds to aid the several counties of this State in road construction, then and in that event the board of county commissioners shall annually levy a sufficient special tax to pay the interest on such bonds, and in all respects comply with the conditions of the act authorizing such State aid.

Special tax for
sinking fund.

SEC. 28. For the purpose of raising a sinking fund with which to pay the principal of any bonds issued under this act other than those exchanged for State bonds, it shall be the duty of the board of county commissioners of Madison County, at and after the expiration of fifteen years from the date of said bonds, to annually levy a special tax upon all taxable property in said county, which said tax, with the accrued interest thereon, shall be sufficient to pay off and discharge said bonds when due, and shall be collected in the same manner as the taxes provided for in the second preceding section hereof. It shall be the duty of the board of county commissioners to annually invest all moneys arising from the special tax collected under this section in the purchase of any of said bonds at a price deemed advantageous to the county by the said board of county commissioners; but in case the said bonds cannot be purchased, the said board of county commissioners may lend said sinking fund on real estate or other good security. The notes and other evidences of debt given for any loan under this section shall be executed to and in the name of said board of county commissioners. In the event said board of county commissioners shall not be able to invest any and all of said money annually as directed by this section, it shall be the duty of the said board to cause such parts as they may be unable to invest to be deposited with some bank or banks, trust or safe-deposit company or companies of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investments, as above directed, shall be reinvested in the manner as above provided until said bonds are paid off and discharged.

Investment of
sinking fund.

Deposits on
interest.

SEC. 29. The provisions in this act authorizing the board of county commissioners to submit to the qualified voters of Madison County the question of issuing bonds for road improvement shall not be construed so as to abridge, impair, or otherwise affect the legal right of said board, which is now in their discretion under the general law, to issue bonds for the purpose of improving and constructing a system of public roads and highways in said county without submitting the question to the qualified voters.

Act not construed in derogation of other powers.

SEC. 30. It shall be the duty of the highway commission to file a sworn statement, fully itemized, with the clerk of the Superior Court, on or before the tenth day of each month, showing the amounts received and disbursed by them during the previous month and the amount of money remaining on hand. A copy of said report, duly certified by the clerk of the Superior Court, shall be posted at the courthouse door at Marshall for the information of the public.

Sworn statements filed monthly.

Statements posted.

SEC. 31. 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 Madison County.

Secretary of State to forward copy of act.

SEC. 32. That all laws and clauses of laws in conflict with this act are hereby, to the extent of such conflict, repealed, except this act shall not be held to repeal or modify any special act relative to the maintenance of the public roads of Madison County.

Repealing clause.

SEC. 33. That this act shall be in force from and after its ratification.

Ratified this 8th day of March, A. D. 1913.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
RALEIGH, June 20, 1913.

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.

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 1913 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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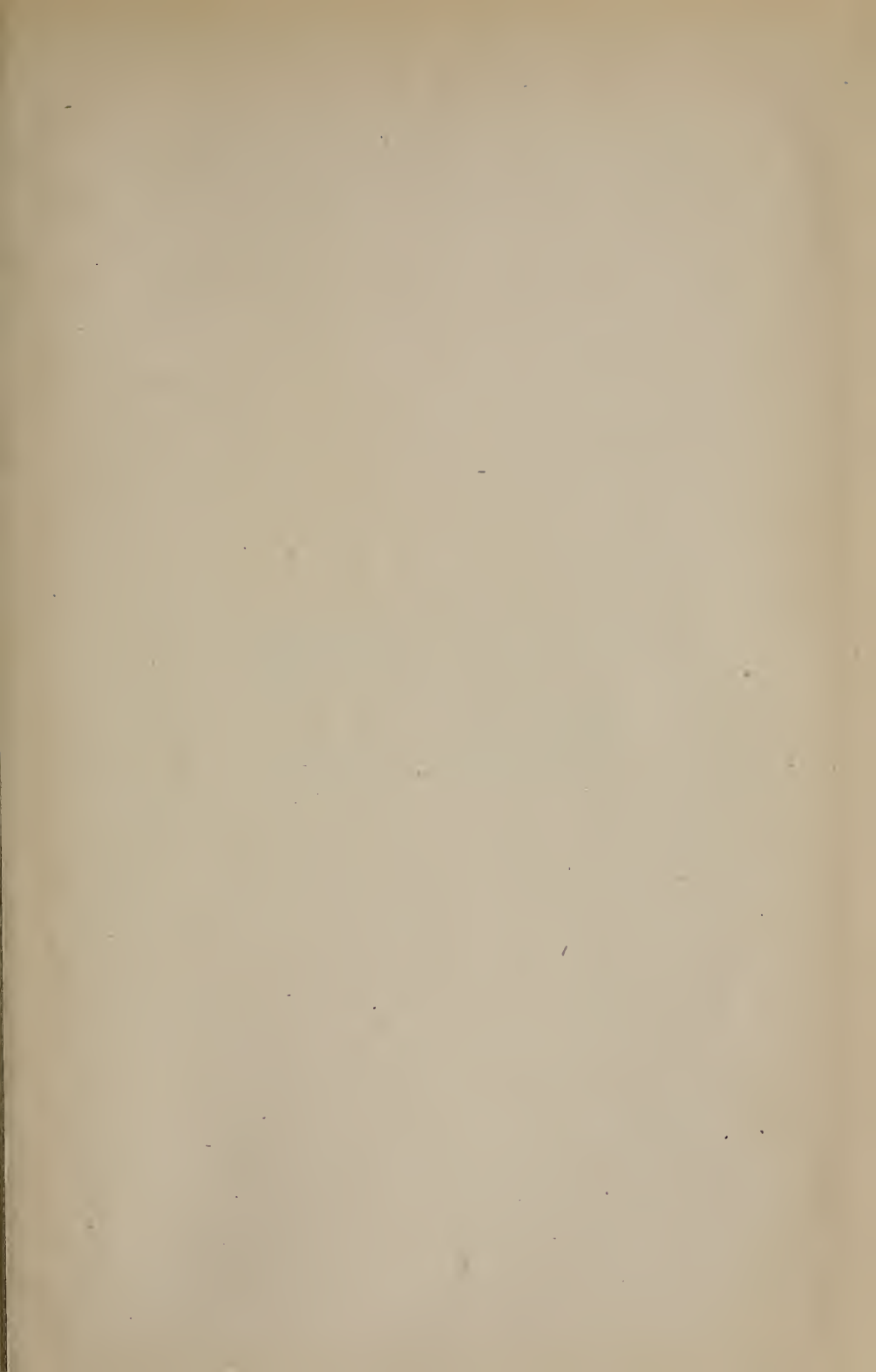
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