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PUBLIC LAWS AND RESOLUTIONS
OF THE
STATE OF NORTH CAROLINA,

PASSED BY THE
GENERAL ASSEMBLY

AT ITS
SESSION OF 1903,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON
WEDNESDAY, THE SEVENTH DAY OF JANUARY, A. D. 1903.

PUBLISHED BY AUTHORITY.

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1903.

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OFFICIAL REGISTER

FOR THE YEAR 1903.

STATE GOVERNMENT.

EXECUTIVE DEPARTMENT.

CHARLES B. AYCOCK	Governor	Wayne.
WILFRED D. TURNER	Lieutenant-Governor	Iredell.
J. BRYAN GRIMES	Secretary of State	Pitt.
BENJAMIN F. DIXON	Auditor	Cleveland.
BENJAMIN R. LACY	Treasurer	Wake.
ROBERT D. GILMER	Attorney-General	Haywood.
J. Y. JOYNER	Superintendent of Public Instruction	Guilford.
B. S. ROYSTER	Adjutant-General	Granville.
M. O. SHERRILL	State Librarian	Catawba.
HENRY B. VARNER	Commissioner of Labor and Printing	Davidson.
JAMES R. YOUNG	Insurance Commissioner	Vance.
P. M. PEARSALL	Private Secretary to Governor	Craven.
MISS JULIA B. HOWELL	Executive Clerk	Wayne.
GEORGE W. NORWOOD	Chief Clerk to Secretary of State	Wake.
W. S. WILSON	Corporation Clerk	Caswell.
MRS. MARY G. SMITH	Clerk and Stenographer	Pitt.
H. T. HUDSON	Chief Clerk to Auditor	Cleveland.
WILLIAM H. BAIN	Pension Clerk	Wake.
MRS. F. W. SMITH	Clerk and Stenographer	Wake.
W. F. MOODY	Chief Clerk of Treasury Department	Mecklenburg.
JOHN P. ARRINGTON	Clerk for Institutions	Nash.
P. B. FLEMING	Teller	Franklin.
MISS M. F. JONES	Clerk and Stenographer	Buncombe.
MISS SARAH BURKHEAD	Clerk and Stenographer to Attorney-General	Columbus.
JOHN DUCKETT	Chief Clerk to Superintendent Public Instruction	Robeson.
MISS ELLA DUCKETT	Clerk and Stenographer	Robeson.
MISS C. E. BROUGHTON	Assistant Librarian	Wake.
W. E. FAISON	Assistant Commissioner of Labor and Printing	Wake.
MISS DAISY THOMPSON	Clerk and Stenographer	Wake.
D. H. MILTON	Clerk to Insurance Commissioner	Rockingham.
C. C. CHERRY	Superintendent of Public Buildings	Edgecombe.
L. W. LANCASTER	State Standard Keeper	Wake.
B. M. UZZELL	State Printer	Wake.

CORPORATION COMMISSION.

FRANKLIN McNEILL	Chairman	New Hanover.
SAMUEL L. ROGERS	Commissioner	Macon.
E. C. BEDDINGFIELD	Commissioner	Wake.
HENRY C. BROWN	Chief Clerk	Surry.
J. ROBERT LONG	Clerk	Jackson.

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JUDICIAL DEPARTMENT.

SUPREME COURT JUDGES.

WALTER CLARK -----	Chief Justice-----	Raleigh -----	Wake.
HENRY G. CONNOR-----	Associate Justice -----	Wilson -----	Wilson.
PLATT D. WALKER -----	Associate Justice -----	Charlotte -----	Mecklenburg.
WALTER A. MONTGOMERY-----	Associate Justice -----	Raleigh -----	Wake.
ROBERT M. DOUGLAS -----	Associate Justice -----	Greensboro-----	Guilford.
THOMAS S. KENAN-----	Clerk -----	Raleigh -----	Wake.
J. L. SEAWELL-----	Office Clerk-----	Raleigh -----	Wake.
ROBERT H. BRADLEY -----	Marshal and Librarian-----	Raleigh -----	Wake.
ZEB. V. WALSER-----	Reporter -----	Lexington-----	Davidson.

SUPERIOR COURT JUDGES.

1---GEORGE H. BROWN -----	Washington-----	Beaufort.
2---ROBERT B. PEEBLES -----	Jackson -----	Northampton.
3---HENRY R. BRYAN -----	New Bern-----	Craven.
4---CHARLES M. COOKE-----	Louisburg -----	Franklin.
5---OLIVER H. ALLEN -----	Kinston -----	Lenoir.
6---WM. R. ALLEN-----	Goldsboro -----	Wayne.
7---T. A. MCNEILL -----	Lumberton -----	Robeson.
8---WALTER H. NEAL -----	Laurinburg -----	Scotland.
9---THOMAS J. SHAW -----	Greensboro-----	Guilford.
10---BENJAMIN F. LONG -----	Statesville-----	Iredell.
11---ERASTUS D. JONES -----	Winston -----	Forsyth.
12---WILLIAM A. HOKE-----	Lincolnton -----	Lincoln.
13---W. B. COUNCILL -----	Boone -----	Watauga.
14---M. H. JUSTICE -----	Rutherfordton -----	Rutherford.
15---FREDERICK MOORE-----	Asheville -----	Buncombe.
16---GARLAND S. FERGUSON-----	Waynesville -----	Haywood.

SOLICITORS.

1---GEORGE W. WARD -----	Elizabeth City -----	Pasquotank.
2---WALTER E. DANIEL -----	Weldon -----	Halifax.
3---L. I. MOORE -----	Greenville-----	Pitt.
4---CHARLES C. DANIELS -----	Wilson -----	Wilson.
5---RODOLPH DUFFY -----	Catherine Lake -----	New Hanover.
6---ARMISTEAD JONES -----	Raleigh -----	Wake.
7---C. C. LYON -----	Elizabethtown -----	Bladen.
8---L. D. ROBINSON -----	Wadesboro -----	Anson.
9---AUBRY L. BROOKS -----	Greensboro-----	Guilford.
10---WM. C. HAMMER -----	Ashboro-----	Randolph.
11---S. P. GRAVES -----	Mt. Airy -----	Surry.
12---JAMES L. WEBB -----	Shelby -----	Cleveland.
13---MOSES N. HARSHAW -----	Lenoir -----	Caldwell.
14---J. F. SPAINHOUR -----	Morganton -----	Burke.
15---MARK W. BROWN -----	Asheville -----	Buncombe.
16---THAD. D. BRYSON-----	Bryson City -----	Swain.

LIST OF COMMISSIONERS OF AFFIDAVITS.

V

COMMISSIONERS OF AFFIDAVITS FOR NORTH CAROLINA RESIDENT
IN OTHER STATES.

NAME.	ADDRESS.	EXPIRATION OF TERM.
Adams, Charles Hall	23 Court St., Boston, Mass.	January 30, 1905
Bundy, Charles S.	344 D St., Washington, D. C.	December 22, 1904
Braman, Ella F.	120 Broadway, New York	August 5, 1903
Braman, Joseph B.	120 Broadway, New York	May 29, 1905
Ballantyne, H.	224 Church St., New York	July 11, 1903
Bruce, J. C.	Danville, Va.	July 17, 1903
Black, William Norman	New York	November 17, 1903
Brown, Clark J.	White Plains, N. Y.	June 8, 1905
Corey, George H.	66 Wall St., New York	November 7, 1903
Carter, Edward	310 Washington St., New York	November 29, 1903
Cassell, Norman	434 High St., Portsmouth, Va.	November 9, 1903
DuBan, Alfred W.	Bullitt Building, Philadelphia, Pa.	March 8, 1904
Folsom, Thomas W.	835 Broadway, New York	January 17, 1904
Fisher, A. H.	16 E. Lexington St., Baltimore, Md.	December 11, 1904
Gilliam, Robert	Petersburg, Va.	May 8, 1905
Hunt, Thomas J.	623 Walnut St., Philadelphia, Pa.	December 9, 1903
Hoffman, Phillip H.	440-4 Equitable Building, Baltimore, Md.	February 4, 1904
Hunt, George W.	623 Walnut St., Philadelphia, Pa.	February 4, 1904
Holtzman, Aylett T.	1321 F St. N. W., Washington, D. C.	June 6, 1905
Harrison, Joseph T.	Cincinnati, O.	August 18, 1904
Hall, Charles O.	Baltimore, Md.	May 9, 1904
Horne, Pearce, Jr.	Washington, D. C.	May 6, 1904
Jordan, W. P., Jr.	Norfolk, Va.	June 20, 1904
Johnson, Harold	401 Roe Building, St. Louis, Mo.	March 17, 1905
King, James L.	338 California St., San Francisco, Cal.	April 24, 1905
King, Simeon W.	941 Monadnock Block, Chicago, Ill.	July 1, 1903
Lanier, J. Walter	Suffolk, Va.	July 26, 1904
Leonard, Frederick M.	119 S. Fourth St., Philadelphia, Pa.	May 25, 1905
Mills, Charles Edgar	115 Broadway, New York	April 9, 1904
Mitchell, John E.	1314 F St. N. W., Washington, D. C.	May 3, 1904
Mathien, Harry C.	N. E. Cor. Lex. and St. Paul Sts., Baltimore, Md.	September 29, 1904
Michelsohn, Adolph	Norfolk, Va.	February 23, 1905
Mackey, Alfred	51 Cedar St., New York	October 24, 1903
Montcastle, G. B.	Richmond, Va.	April 30, 1905
McCarthy, Chas. E. A.	80 Broadway, New York	June 25, 1904
Perkins, J. M.	Portsmouth, Va.	May 20, 1904
Peck, Jno. A.	Lincoln Trust Building, St. Louis, Mo.	March 26, 1905
Raleigh, W. H. H.	Cor. Hopkins Place, Baltimore, Md.	March 11, 1904
Roseman, Vincent	302-4 Broadway, New York	November 1, 1903
Starke, L. D.	192-6 Main St., Norfolk, Va.	February 17, 1905
Shannonhouse, Wm. T.	213-215 Atlantic Building, Norfolk, Va.	June 3, 1903
Taylor, Samuel L.	311 Betz Building, Philadelphia, Pa.	January 27, 1905
Tener, Kinley J.	441 Chestnut St., Philadelphia, Pa.	April 11, 1905
Tomlin, Robert W.	Norfolk, Va.	December 17, 1903
Williams, W. L.	104 Main St., Norfolk, Va.	March 26, 1904
Whitty, J. H.	Richmond, Va.	July 18, 1904
Wells, William H.	67 Liberty St., New York	September 9, 1903
Wurts, John L.	Philadelphia, Pa.	May 12, 1904

MEMBERS OF THE GENERAL ASSEMBLY.

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

SENATORS.

HON. W. D. TURNER, LIEUTENANT-GOVERNOR, PRESIDENT, Statesville.

DISTRICT.	NAME OF SENATOR.	POST-OFFICE.	COUNTY.
1	P. W. McMullen-----	Elizabeth City-----	Pasquotank.
1	C. S. Vann-----	Edenton-----	Chowan.
2	Joe A. Spruill-----	Columbia-----	Tyrrell.
2	S. S. Mann-----	Swan Quarter-----	Hyde.
3	C. W. Mitchell-----	Aulander-----	Bertie.
4	E. L. Travis-----	Halifax-----	Halifax.
5	Donnell Gilliam-----	Tarboro-----	Edgecombe.
6	A. L. Blow-----	Greenville-----	Pitt.
7	John E. Woodard-----	Wilson-----	Wilson.
7	R. B. White-----	Franklinton-----	Franklin.
8	Thomas D. Warren-----	Trenton-----	Jones.
8	Dr. John A. Pollock-----	Kinston-----	Lenoir.
9	D. J. Aaron-----	Mount Olive-----	Wayne.
10	A. D. Hicks-----	Faison-----	Duplin.
11	George H. Bellamy-----	El Paso-----	Brunswick.
12	J. A. Brown-----	Chadbourn-----	Columbus.
13	Thomas McBryde-----	Red Springs-----	Robeson.
14	James M. Lamb-----	Fayetteville-----	Cumberland.
15	C. W. Richardson-----	Selma-----	Johnston.
15	H. L. Godwin-----	Dunn-----	Harnett.
16	H. E. Norris-----	Raleigh-----	Wake.
17	H. B. Hunter, Jr.-----	Afton-----	Warren.
18	A. A. Hicks-----	Oxford-----	Granville.
19	R. L. Walker-----	Milton-----	Caswell.
19	W. N. Pritchard-----	Chapel Hill-----	Orange.
20	A. J. Burton-----	Reidsville-----	Rockingham.
21	J. D. Glenn-----	Greensboro-----	Guilford.
22	H. A. London-----	Pittsboro-----	Chatham.
22	U. L. Spence-----	Carthage-----	Moore.
23	N. M. Thayer-----	El Dorado-----	Montgomery.
24	R. F. Beasley-----	Monroe-----	Union.
24	S. H. Milton-----	Albemarle-----	Stanly.
25	J. P. Allison-----	Concord-----	Cabarrus.
25	H. N. Pharr-----	Charlotte-----	Mecklenburg.
26	John S. Henderson-----	Salisbury-----	Rowan.
27	Frank T. Baldwin-----	Winston-Salem-----	Forsyth.
28	Samuel E. Marshall-----	White Plains-----	Surry.
29	J. Q. Holton-----	Yadkinville-----	Yadkin.
30	R. B. McLaughlin-----	Statesville-----	Iredell.
31	J. F. Reinhardt-----	Reinhardt-----	Lincoln.
32	S. J. Durham-----	Bessemer City-----	Gaston.
33	Clyde R. Hoye-----	Shelby-----	Cleveland.
33	T. T. Ballenger-----	Tryon-----	Polk.
34	E. J. Justice-----	Marion-----	McDowell.
34	W. A. Conley-----	Marion-----	McDowell.
35	H. M. Wellborn-----	Transon-----	Ashe.
36	W. E. Griffith-----	Windom-----	Yancey.
37	Charles A. Webb-----	Asheville-----	Buncombe.
38	James H. Cathey-----	Sylva-----	Jackson.
39	J. L. Crisp-----	Stecoah-----	Graham.

SENATE OFFICERS.

NAME.	POST-OFFICE.	POSITION.
A. J. Maxwell-----	Rockingham-----	Principal Clerk.
T. J. Murphy-----	Greensboro-----	Reading Clerk.
O. P. Shell-----	Dunn-----	Engrossing Clerk.
J. W. Simpson-----	Rutherfordton-----	Assistant Engrossing Clerk.
M. L. Shipman-----	Hendersonville-----	Calendar Clerk.
T. M. Allen-----	Raleigh-----	Journal Clerk.
W. F. Long-----	Rockingham-----	Copyist Clerk.
W. M. Riddick-----	Gatesville-----	Copyist Clerk.
D. A. Batts-----	Wilson-----	Door-keeper.
D. P. Goode-----	Connelly Springs-----	Assistant Door-keeper.
Paul B. Means-----	Concord-----	Clerk to Committee on Judiciary.

REPRESENTATIVES.

HON. S. M. GATTIS, SPEAKER, Hillsboro.

NAME.	POST-OFFICE.	COUNTY.
R. W. Scott -----	Melville -----	Alamance.
Dr. C. J. Carson -----	Taylorsville -----	Alexander.
R. A. Doughton -----	Sparta -----	Alleghany.
John A. McKae -----	White's Store -----	Anson.
John D. Thomas -----	Creston -----	Ashe.
B. F. Sugg -----	Washington -----	Beaufort.
F. B. Hooker -----	Idalia -----	Beaufort.
D. W. Britton -----	Rosemead -----	Bertie.
Forney Willis -----	Dublin -----	Bladen.
W. H. Phillips -----	Shallotte -----	Brunswick.
J. C. Curtis -----	Turnpike -----	Buncombe.
Theo. F. Davidson -----	Asheville -----	Buncombe.
J. Ernest Erwin -----	Morganton -----	Burke.
Charles H. Hamilton -----	Coddle -----	Cabarrus.
W. C. Newland -----	Lenoir -----	Caldwell.
H. B. Hughes -----	Camden -----	Camden.
J. W. Mason -----	Atlantic -----	Carteret.
John F. Walters -----	Blanche -----	Caswell.
W. A. Self -----	Hickory -----	Catawba.
W. D. Siler -----	Siler City -----	Chatham.
W. N. West -----	Murphy -----	Cherokee.
W. T. Woodley -----	Amboy -----	Chowan.
O. L. Anderson -----	Haysville -----	Clay.
Dr. W. A. Goode -----	Waco -----	Cleveland.
J. M. Shipman -----	Elkton -----	Columbus.
Owen H. Gulon -----	New Bern -----	Craven.
V. C. Bullard -----	Fayetteville -----	Cumberland.
John W. Moore -----	Raeform -----	Cumberland.
S. M. Beasley -----	Poplar Branch -----	Currituck.
R. B. Etheridge -----	Manteo -----	Dare.
Harlee McCall -----	Lexington -----	Davidson.
A. T. Grant, Jr. -----	Mocksville -----	Davie.
D. L. Carlton -----	Kenansville -----	Duplin.
Jones Fuller -----	Durham -----	Durham.
B. F. Shelton -----	Tarboro -----	Edgecombe.
E. L. Daughtridge -----	Rocky Mount -----	Edgecombe.
Robert S. Nissen -----	Winston-Salem -----	Forsyth.
John D. Waddell -----	Salem Chapel -----	Forsyth.
Dr. I. G. Riddick -----	Youngsville -----	Franklin.
W. T. Love -----	Gastonia -----	Gaston.
John F. Leeper -----	Belmont -----	Gaston.
L. L. Smith -----	Gatesville -----	Gates.
T. A. Morpew -----	Robbinsville -----	Graham.
A. W. Graham -----	Oxford -----	Granville.
F. L. Carr -----	Castoria -----	Greene.
Wescott Roberson -----	High Point -----	Guilford.
T. E. Whitaker -----	Oak Ridge -----	Guilford.
W. P. White -----	Hobgood -----	Halifax.
W. F. Parker -----	Enfield -----	Halifax.
Thomas W. Harrington -----	Harrington -----	Harnett.
M. D. Kinsland -----	Waynesville -----	Haywood.
J. B. Freeman -----	Hendersonville -----	Henderson.
John E. Vann -----	Winton -----	Hertford.
W. H. Lucas -----	Middleton -----	Hyde.
Dr. S. W. Stevenson -----	Mooreville -----	Iredell.
A. D. Watts -----	Statesville -----	Iredell.
C. C. Cowan -----	Webster -----	Jackson.
E. S. Abell -----	Smithfield -----	Johnston.
Joseph W. Wood -----	Benson -----	Johnston.
A. H. White -----	Pollocksville -----	Jones.
Shade Wooten -----	La Grange -----	Lenoir.
A. L. Quickel -----	Lincolnton -----	Lincoln.
H. H. Jarrett -----	Franklin -----	Macon.
Levi Hamlin -----	Briggsville -----	Madison.
Harry W. Stubbs -----	Williamston -----	Martin.
James Morris -----	Marion -----	McDowell.
H. Q. Alexander -----	Davenport -----	Mecklenburg.
R. C. Freeman -----	Dixie -----	Mecklenburg.
Thomas O. Gluyas -----	Bristoe -----	Mecklenburg.
J. C. Bowman -----	Bakersville -----	Mitchell.
C. T. Luther -----	Troy -----	Montgomery.

REPRESENTATIVES—CONTINUED.

NAME.	POST-OFFICE.	COUNTY.
E. J. Harrington	Jessup	Moore.
R. H. Ricks	Rocky Mount	Nash.
George L. Morton	Wilmington	New Hanover.
B. S. Gay	Jackson	Northampton.
Walter M. Thompson	Richlands	Onslow.
S. M. Gattis	Hillsboro	Orange.
R. L. Woodard	Pamlico	Pamlico.
W. M. Hinton	Elizabeth City	Pasquotank.
J. T. Foy	Scott's Hill	Pender.
Elisha G. Simpson	Belvidere	Perquimans.
William A. Warren	Gordonton	Person.
James B. Little	Pactolus	Pitt.
Henry T. King	Greenville	Pitt.
James P. Morris	Columbus	Polk.
J. T. Brittain	Asheboro	Randolph.
D. I. Offman	Liberty	Randolph.
A. S. Dockery	Rockingham	Richmond.
Everitt J. Britt	Lumberton	Robeson.
George H. Hall	Red Springs	Robeson.
Ira R. Humphrey	Wentworth	Rockingham.
John T. Price	Geneva	Rockingham.
Burton Craige	Salisbury	Rowan.
Walter Murphy	Salisbury	Rowan.
W. F. Rucker	Rutherfordton	Rutherford.
N. G. Duncan	Clinton	Sampson.
Thomas E. Owen	Parkersburg	Sampson.
J. C. McNeill	Laurinburg	Scotland.
James R. Price	Albemarle	Stanly.
J. C. Kreeger	Kings	Stokes.
John H. Dobson	Rockford	Surry.
Andrew J. DeHart	Loveta	Swain.
E. A. Aiken	Spartanburg, S. C., Brevard	Transylvania.
Abner Alexander	Columbia	Tyrrell.
E. C. Williams	Monroe	Union.
C. N. Simpson	Monroe	Union.
W. B. Daniel	Epsom	Vance.
J. C. Drewry	Raleigh	Wake.
F. H. Whitaker	Raleigh	Wake.
A. B. Hunter	Apex	Wake.
S. G. Daniel	Littleton	Warren.
Thomas W. Blount	Roper	Washington.
L. H. Michael	Rutherford	Watauga.
H. B. Parker, Jr.	Goldsboro	Wayne.
A. T. Uzzell	Beston	Wayne.
J. Q. A. Bryan	Trap Hill	Wilkes.
R. W. S. Pegram	Delaplain	Wilkes.
Dr. S. H. Crocker	Stantonsburg	Wilson.
F. B. Benbow	Yadkinville	Yadkin.
J. Bis Ray	Burnsville	Yancey.

MEMBERS OF THE GENERAL ASSEMBLY.

HOUSE OFFICERS.

NAME.	POST-OFFICE.	POSITION.
Frank D. Hackett -----	Wilkesboro -----	Principal Clerk.
Alexander Lassiter -----	Windsor -----	Assistant to Principal Clerk.
T. G. Cobb -----	Morganton -----	Assistant to Principal Clerk.
R. O. Fry -----	Troy -----	Assistant to Principal Clerk.
W. C. Lisk -----	Salisbury -----	Assistant to Principal Clerk.
J. C. Nixon -----	Charlotte -----	Assistant to Principal Clerk.
R. K. Hill -----	Clio -----	Assistant to Principal Clerk.
F. B. Arendell -----	Raleigh -----	Reading Clerk.
James H. Fonville -----	Warsaw -----	Engrossing Clerk.
John H. Kerr -----	Yanceyville -----	Door-keeper.
W. S. Lineberry -----	Millboro -----	Assistant Door-keeper.
W. N. H. Smith -----	Raleigh -----	Mail Carrier.
A. M. Walker -----	Mooreville -----	Assistant to Engrossing Clerk.
T. P. Bumgarner -----	Wilkesboro -----	Assistant to Engrossing Clerk.
A. D. Raby -----	Robinsonville -----	Assistant to Engrossing Clerk.
W. A. Davies -----	Hillsboro -----	Assistant to Engrossing Clerk.
Enoch Fonville -----	Warsaw -----	Messenger to Engrossing Clerk.

ENROLLING DEPARTMENT.

NAME.	POST-OFFICE.	POSITION.
E. B. Norvell -----	Murphy -----	Chief Clerk.
J. R. Swann -----	Marshall -----	Assistant Clerk.
J. R. White -----	Windsor -----	Assistant Clerk.
E. S. Chastain -----	Burnsville -----	Assistant Clerk.
H. D. Williams -----	Kenansville -----	Assistant Clerk.

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SESSION 1903.

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CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.

PREAMBLE.

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

Preamble.

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

The equality and rights of men.

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

Political power and government.

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

Internal government of the State.

That there is no right to secede.

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

Of allegiance to the U. S. Government.

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

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond, incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

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

Exception.

Exclusive emoluments, etc

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The legislative, executive and judicial powers distinct.

SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Of the power of suspending laws.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Elections free

SEC. 10. All elections ought to be free.

In criminal prosecutions.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defence, unless found guilty.

- SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment. Answers to criminal charges.
- SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open Court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal. Right of jury.
- SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. Excessive bail.
- SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.
- SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt.
- SEC. 17. No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land. No person to be taken, etc., but by law of the land.
- SEC. 18. Every person restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed. Persons restrained of liberty.
- SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. Controversies at law respecting property.
- SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and, therefore, ought never to be restrained, but every individual shall be held responsible for the abuse of the same. Freedom of the press.
- SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended. Habeas corpus.
- SEC. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore, no property qualification ought to affect the right to vote or hold office. Property qualification.
- SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly freely given. Representation and taxation.
- SEC. 24. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice. Militia and the right to bear arms.

Right of the people to assemble together.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Religious liberty.

SEC. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Education.

SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Elections should be frequent.

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

Recurrence to fundamental principles.

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

Hereditary emoluments, etc.

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

Perpetuities, etc.

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

Ex post facto laws

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

Slavery prohibited.

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

State boundaries.

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

Courts shall be open.

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

Soldiers in time of peace.

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

Other rights of the people.

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

ARTICLE II.

LEGISLATIVE DEPARTMENT.

Two branches.

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

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

Time of assembling.

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

Number of Senators.

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

Regulations in relation to districting the State for Senators.

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

Regulations in relation to apportionment of Representatives.

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

Ratio of representation.

SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen, one year immediately preceding his election.

Qualifications for Senators.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county

Qualifications for Representatives.

for which he is chosen, for one year immediately preceding his election.

Election of officers.

SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

Powers in relation to divorce and alimony.

SEC. 10.* The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Private laws in relation to names of persons, &c.

SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days' notice shall be given anterior to passage of private laws.

SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

Vacancies.

SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of elections shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Entails.

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

Journals.

SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Protest.

SEC. 17. Any member of either House may dissent from and protest against any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.

Officers of the house.

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

President of the Senate.

SEC. 19. The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

Other Senatorial officers

SEC. 20. The Senate shall choose its other officers, and also a Speaker (*pro tempore*), in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

- SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact." Style of the acts.
- SEC. 22. Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day or other place. Powers of the General Assembly.
- SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses. Bills and resolutions to be read three times, etc.
- SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives. Oath of members.
- SEC. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election. Terms of office.
- SEC. 26. Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals. Yeas and nays
- SEC. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. Election for members of the General Assembly.
- SEC. 28. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days. Pay of members and officers of the General Assembly.
Extra session.

ARTICLE III.

EXECUTIVE DEPARTMENT.

- SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of Officers of the Executive Department

the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Qualifications of Governor and Lieutenant-Governor.

SEC. 2. No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Returns of elections.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office for Governor.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Duties of Governor.

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

Reprieves, commutations and pardons.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences (ex-

cept in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon or reprieve, and the reasons therefor.

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

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

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

Commander-in-chief.

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

Extra sessions of General Assembly.

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

Officers whose appointments are not otherwise provided for.

SEC. 11. The Lieutenant-Governor shall be President of the Senate, but shall not have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Duties of the Lieutenant-Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor

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

shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may select such President.

Duties of other
Executive offi-
cers.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Council of State.

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

Compensation of
Executive offi-
cers.

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

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

Department of
Agriculture, Im-
migration and
Statistics.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regula-

tions as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of Court before a jury.

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

Feigned issues abolished.

SEC. 2. The judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other Courts inferior to the Supreme Court as may be established by law.

Division of Judicial powers.

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

Trial Court of Impeachment.

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

Impeachment.

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

Treason against the State.

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

Supreme Court Justices.

SEC. 7. The terms of the Supreme Court shall be held in the city of Raleigh, as now, unless otherwise provided by the General Assembly.

Terms of the Supreme Court.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the Courts below, upon any matter of law or legal inference. And the jurisdiction of said Court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one

Jurisdiction of Supreme Court

thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior Courts.

Claims against
the State.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of the execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial Districts
for Superior
Courts.

SEC. 10. The State shall be divided into nine judicial districts, for each of which a Judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Residences of
Judges, rotation
in Judicial Dis-
tricts and special
terms.

SEC. 11. Every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the Courts of the different districts successively, but no Judge shall hold the Courts in the same district oftener than once in four years; but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the Courts of the said district.

Jurisdiction of
Courts inferior to
Supreme Court.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court, among the other Courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the Courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

In case of waiver
of trial by jury.

SEC. 13. In all issues of fact, joined in any Court, the parties may waive the right to have the same determined by a jury, in which case the finding of the Judge upon the facts shall have the force and effect of a verdict by a jury.

Special courts in
cities.

SEC. 14. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in cities and towns where the same may be necessary.

Clerk of Supreme
Court.

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

SEC. 16. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Election of Superior Court Clerk.

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

Term of office.

SEC. 18. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of the Judges shall not be diminished during their continuance in office.

Fees, salaries and emoluments.

SEC. 19. The laws of North Carolina, not repugnant to this Constitution, or the Constitution and laws of the United States, shall be in force until lawfully altered.

What laws are and shall be in force.

SEC. 20. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the Courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

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

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

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

Transaction of business in the Superior Court.

SEC. 23. A Solicitor shall be elected for each Judicial District by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Solicitors for each Judicial District.

SEC. 24. In each county a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable elected in like

Sheriffs and Coroners.

manner by the voters thereof, who shall hold his office for two years. When there is no coroner in a county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the Commissioners of the county may appoint to such office for the unexpired term.

Vacancies.

SEC. 25. All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filed as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Terms of office of
first officers under
this Article.

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

Jurisdiction of
Justices of the
Peace.

SEC. 27. The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment can not exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give the Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact may be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

Vacancies in
office of Justices.

SEC. 28. When the office of Justice of the Peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any District to elect, the Clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

SEC. 29. In case the office of Clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Vacancies in
office of Superior
Court Clerk.

SEC. 30. In case the General Assembly shall establish other Courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Officers of other
Courts inferior to
Supreme Court.

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

Removal of
Judges of the
various Courts for
inability.

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

Removal of
Clerks of the va-
rious Courts for
inability.

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

Amendments not
to vacate existing
offices.

ARTICLE V.

REVENUE AND TAXATION.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant in the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on

Capitation tax.

Exemptions.

property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

Application of proceeds of State and county capitation tax.

SEC. 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

Taxation shall be by uniform rule and ad valorem.

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

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

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

Property exemptions from taxation.

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

Taxes levied by County Commissioners.

SEC. 6. The taxes levied by the commissioners of the several counties for county purposes shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Acts levying taxes shall state object, etc.

SEC. 7. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

Qualifications of elector.

SEC. 2. He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward or other election district, in which he offers to vote, four months next preceding the election: *Provided*, that removal from one precinct, ward or other election district, to another in the same county, shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open Court upon indictment of any crime, the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

Qualifications of elector.

SEC. 3. Every person offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

Qualifications of elector.
General Assembly to provide registration laws.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote, he shall have paid on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article 5, sec. 1, of the Constitution. But no male person, who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States, wherein he then resided, and no lineal descendant of any such person shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all

Qualifications of elector to register and vote.

Registration of persons entitled to vote without educational qualification.
Permanent record

elections by the people in this State, unless disqualified under section 2 of this Article: *Provided*, such person shall have paid his poll tax as above required.

Amendment indivisible.

SEC. 5. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

Elections by people and General Assembly.

SEC. 6. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

SEC. 7. Every voter in North Carolina, except as in this Article disqualified, shall be eligible to office, but before entering upon the duties of the office, he shall take and subscribe the following oath:

Oath of office.

"I,, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office, as So help me God."

Disqualification for office.

SEC. 8. The following classes of persons shall be disqualified for office: *First*, all persons who shall deny the being of Almighty God. *Second*, all persons who shall have been convicted, or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime, for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office; unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

When amendment to take effect.

SEC. 9. That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

County officers.

SECTION 1. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A Treasurer, Register of Deeds, Surveyor and five Commissioners.

Duty of County Commissioners.

SEC. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The Register of Deeds shall be, *ex officio*, Clerk of the Board of Commissioners

- SEC. 3. It shall be the duty of the Commissioners first elected in each county to divide the same into convenient districts, and to report the same to the General Assembly before the first day of January, 1869. Counties to be divided into districts.
- SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships. Said districts shall have corporate powers as townships.
- SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of the Justices of the Peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a School Committee, consisting of three persons, whose duties shall be prescribed by law. Officers of townships.
- SEC. 6. The Township Board of Trustees shall assess the taxable property of their townships and make return to the County Commisisoners for revision, as may be prescribed by law. The Clerk shall be, *ex officio*, treasurer of the township. Trustees shall assess property.
- SEC. 7. No county, city, town, or other municipal corporation, shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein. No debt or loan except by a majority of voters.
- SEC. 8. No money shall be drawn from any county or township treasury except by authority of law. Drawing of money.
- SEC. 9. All taxes levied by any county, city, town, or township, shall be uniform and *ad valorem* upon all property in the same, except property exempted by this Constitution. Taxes to be ad valorem.
- SEC. 10. The county officers first elected under the provisions of this Article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States. When officers enter on duty.
- SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five and six of this Article shall have been carried into effect. Governor to appoint Justices.
- SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution. Charters to remain in force until legally changed.
- SEC. 13. No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for Debts in aid of the rebellion not to be paid.

Powers of General Assembly over municipal corporations.

the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this Article, and substitute others in their place, except sections seven, nine and thirteen.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

Corporations under general laws.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporation can not be attained under general laws. All general laws and special acts, passed pursuant to this section, may be altered from time to time, or repealed.

Debts of corporations, how secured.

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

What corporations shall include.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint-stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all courts, in like cases as natural persons.

Legislature to provide for or organizing cities, towns, etc.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX.

EDUCATION.

Education shall be encouraged.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

General Assembly shall provide for schools.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation, and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of either race.

Separation of the races.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the Commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

Counties to be divided into districts.

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

What property shall be devoted to educational purposes.

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

County school fund.

Proviso.

SEC. 6. The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof, in anywise granted to or conferred upon the Trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

Election of Trustees, and provisions for maintenance of the University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estate of deceased persons, shall be appropriated to the use of the University.

Benefits of the University.

Board of Education.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-General, shall constitute a State Board of Education.

President and Secretary.

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

Power of Board.

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

First session of Board.

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

Quorum.

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

Expenses.

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

Agricultural Department.

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

Children must attend school.

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

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

Exemption.

SECTION 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution, or other final process of any Court, issued for the collection of any debt.

Homestead.

SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars,

shall be exempt from sale under execution, or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any one of them.

Homestead exempted from debt.

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

Laborer's lien.

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

Benefit of widow.

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

Property of a married female secured to her.

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

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

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

How deed for homestead may be made.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

SECTION 1. The following punishments only shall be known to the laws of this State, viz., death, imprisonment, with or without hard labor; fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on

Punishments.

- Convict labor. public works, or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board or some officer of the State.
- Proviso.
- Death punishment. SEC. 2. The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, and these only, may be punishable with death, if the General Assembly shall so enact.
- Penitentiary. SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or Penitentiary, at some central and accessible point within the State.
- Houses of correction. SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.
- Houses of refuge. SEC. 5. A House or Houses of Refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.
- The sexes to be separated. SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.
- Provisions for the poor and orphans. SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.
- Orphan houses. SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated and taught some business or trade.
- Inebriates and idiots. SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.
- Deaf-mutes, blind and insane. SEC. 10. The General Assembly may provide that the indigent deaf mute, blind and insane, of the State shall be cared for at the charge of the State.
- Self-supporting. SEC. 11. It shall be steadily kept in view by the Legislature and the Board of Public Charities, that all penal and charitable insti-

tutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII.

MILITIA.

SECTION 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to do duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Who are liable to militia duty.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.

Organizing, etc.

SEC. 3. The Governor shall be Commander-in-Chief, and shall have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion.

Governor Commander-in chief.

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

Exemptions.

ARTICLE XIII.

AMENDMENTS.

SECTION 1. No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

Convention, how called.

SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such a manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

How the Constitution may be altered.

ARTICLE XIV.

MISCELLANEOUS.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before this

Indictments.

Constitution takes effect, may be proceeded upon in the proper Courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

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

Drawing money.

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

Mechanic's lien.

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

Governor to make appointments.

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

Seat of government.

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

Holding office.

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

Intermarriage of whites and negroes prohibited.

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

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PUBLIC LAWS
OF THE
State of North Carolina.

SESSION 1903.



PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA.

SESSION 1903.

CHAPTER 1.

AN ACT FOR THE RELIEF OF MISS LUNA LEE ELLIS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of the County School Fund of Granville County be, and he is hereby authorized to pay to Miss Luna Lee Ellis, out of any unapportioned school funds in his hands, the sum of seventeen dollars and fifty cents (\$17.50), balance due her for services as teacher in White School District No. 3 of Tally Ho Township, Granville County. Treasurer of Granville County to pay school claim.

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

In the General Assembly read three times, and ratified this 12th day of January, A. D. 1903.

CHAPTER 2.

AN ACT TO REPEAL CHAPTER 494, LAWS OF 1901, ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF GRANVILLE COUNTY TO ISSUE BONDS TO MACADAMIZE AND IMPROVE THE PUBLIC ROADS OF GRANVILLE COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 494 of the Laws of nineteen hundred and one, relating to the public roads of Granville County, be and the same is hereby repealed. Chapter 494, laws 1901, repealed.

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

In the General Assembly read three times, and ratified this 12th day of January, A. D. 1903.

CHAPTER 3.

AN ACT AUTHORIZING THE SECRETARY OF STATE TO APPOINT BIENNIALY AN ASSISTANT, WHO SHALL PREPARE THE INDEXES, MARGINAL NOTES AND CAPTIONS TO THE ACTS AND RESOLUTIONS OF EACH GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Secretary of State shall biennially, at the beginning of each regular session of the General Assembly, appoint an assistant, whose duties it shall be to prepare for publication the indexes, side or marginal notes and captions to the acts and resolutions, both public and private, ratified by the General Assembly; and said assistant shall receive, as compensation for said work, a sum commensurate with the amount of labor performed, not to exceed five hundred dollars (\$500), to be paid in like manner as heretofore.

SEC. 2. That the Secretary of State, with the aid of said Assistant, shall immediately, upon the adjournment of any regular session of the General Assembly, publish three thousand captions of all the acts and resolutions ratified at such session and distribute the same among the members of said body.

SEC. 3. That chapter 251 of the Laws of eighteen hundred and ninety-nine, and chapter 27 of the laws of nineteen hundred and one, and all laws in conflict herewith are hereby repealed.

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

In the General Assembly read three times, and ratified this 14th day of January, A. D. 1903.

CHAPTER 4.

AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS FOR ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the number of Commissioners for the county of Rockingham be and is hereby increased from three to five,

Secretary of State to biennially appoint assistant.
Duties.

Compensation.

To prepare and publish captions.

Chapter 251, laws 1899, and chapter 27, laws 1901, repealed.

Number increased to five.

and John B. Johnston and Charles H. Dalton, of said county, are hereby appointed the two additional Commissioners for said county as herein provided for, who shall hold office until the election and qualification of their successors, and shall at once, or as soon as practicable after the ratification of this act, qualify as such Commissioners, in the manner now provided by law for the qualification of County Commissioners, and enter upon the discharge of their duties.

Names of commissioners appointed.

Term of office.

When and how to qualify.

SEC. 2. That at the next general election, to be held on the Tuesday next after the first Monday in November, in the year of our Lord nineteen hundred and four, and every two years thereafter, five Commissioners shall be elected for the county of Rockingham, in the manner now provided by law for the election of County Commissioners.

Five commissioners to be hereafter elected.

SEC. 3. That the Secretary of State is hereby directed to send a copy of this act, certified under the great seal of the State, to the Clerk of the Superior Court of Rockingham County, who shall at once send a copy thereof, by the Sheriff of said county, to the said John B. Johnston and Charles H. Dalton, and to the Chairman of the Board of Commissioners of Rockingham County.

Secretary of State to send certified copy of act.

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

In the General Assembly, read three times, and ratified this 14th day of January, A. D. 1903.

CHAPTER 5.

AN ACT REGULATING THE ENROLLMENT OF BILLS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 631, Public Laws of North Carolina for the year nineteen hundred and one, be and the same is hereby repealed.

Chapter 631, laws 1901, repealed.

SEC. 2. That the office of Enrolling Clerk of the General Assembly is hereby abolished.

Office of enrolling clerk abolished.

SEC. 3. That all bills passed by the General Assembly shall be enrolled for ratification under the supervision and direction of the Secretary of State. All bills so enrolled shall be typewritten, or written with pen and ink, in the discretion of the Secretary of State. The Secretary of State is authorized to rent a sufficient number of typewriters for the purpose of doing this work. He is further authorized to appoint one Chief Clerk, to supervise the enrollment of all bills and resolutions, which Chief Clerk shall be paid four dollars per day and mileage for his services; and the said Secretary is authorized to employ such assistants to said Chief Clerk, and all such copyists who may be needed in

Bills passed, how enrolled.

Secretary of State authorized to rent typewriters.

Chief clerk—compensation.

Assistant clerks—compensation.

enrolling said bills and resolutions. The assistants so employed shall receive four dollars (\$4.00) per day and mileage, at five cents per mile, and the copyists so employed shall be paid ten cents per copy sheet: *Provided*, the price of ten cents per copy sheet shall also include the cost of one carbon copy.

Copyists—compensation.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 16th day of January, A. D. 1903.

CHAPTER 6.

AN ACT TO PROVIDE FOR THE TRIAL OF CRIMINAL CASES OTHER THAN JAIL CASES AT THE JANUARY TERM OF FRANKLIN SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 21, chapter 28, laws 1901 amended—criminal cases for trial at January term Franklin court.

SECTION 1. That section one (1) of chapter twenty-eight (28) of the Laws of 1901 be and the same is hereby amended by striking out in that part of said section which provides for the holding of the terms of Court of Franklin County, under the caption, "Fourth District," the following words after the word "weeks" in the second line, viz: "For the trial of civil cases exclusively, except jail cases on the criminal docket."

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

In the General Assembly read three times, and ratified this 16th day of January, A. D. 1903.

CHAPTER 7.

AN ACT TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS IN AND FOR THE COUNTY OF GUILFORD.

The General Assembly of North Carolina do enact:

Number commissioners of Guilford County increased to five.

SECTION 1. That the number of County Commissioners for the county of Guilford is hereby increased to five (5) for the term ending on the first Monday in December, nineteen hundred and four, and thereafter.

Names of commissioners appointed.

SEC. 2. That William C. Boren and Joseph A. Davidson be and they are hereby elected additional Commissioners, making the number for said county five (5) instead of three (3).

SEC. 3. That the term of office of said Boren and Davidson shall begin as soon after the ratification of this act as they shall qualify by taking the oath of office prescribed by law for County Commissioners; and thereafter they and each of them shall meet with the present County Commissioners as members of the Board, with all the powers, rights and privileges vested in the present Board, and the members thereof, by law. Terms of office.
Powers.

SEC. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 16th day of January, A. D. 1903.

CHAPTER 8.

AN ACT TO REPEAL THE UNION COUNTY DISPENSARY LAWS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and forty-nine (449) of the Public Laws of North Carolina of the session of the General Assembly of eighteen hundred and ninety-seven (1897), entitled "An act to regulate the sale of liquors in Union County;" and chapter four hundred and ninety-three (493) of the Public Laws of North Carolina of the session of the General Assembly of eighteen hundred and ninety-nine (1899), entitled "An act to amend chapter four hundred and forty-nine of the Public Laws of eighteen hundred and ninety-seven," the same being an act to regulate the sale of liquors in Union County; and chapter two hundred and sixty-three (263) of the Public Laws of North Carolina of the session of the General Assembly of nineteen hundred and one (1901), entitled "An act to amend and consolidate the Union County Dispensary Law"; and chapter five hundred and fourteen (514) of the Public Laws of North Carolina of the said session of the General Assembly of nineteen hundred and one, entitled "An act supplemental to an act to amend and consolidate the Union County Dispensary law;" and chapter five hundred and fourteen (611) of the Public Laws of North Carolina of the said session of nineteen hundred and one (1901), entitled "An act supplemental to an act to amend and consolidate the Union County Dispensary law," be and the same are hereby repealed. Chapter 449, public laws 1897 repealed.
Chapter 493, Public laws 1899 repealed.
Chapters 263, 514 and 611, public laws 1901 repealed.

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

In the General Assembly read three times, and ratified this 16th day of January, A. D. 1903.

CHAPTER 9.

AN ACT FOR THE RELIEF OF W. M. WATSON, CLERK SUPERIOR COURT CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

May absent himself from his office certain times by leaving competent deputy.

SECTION 1. That William M. Watson, Clerk of the Superior Court of Craven County, be allowed to absent himself from his office of Clerk for one month during the year of 1903, and for one month during the year 1904, such months to be designated by him: *Provided*, said Clerk shall leave a competent deputy, bonded as required by law, to perform all duties authorized by law to be performed by said deputy. And that said Clerk shall be exempt from the provisions, penalties and liabilities mentioned in sections 114 and 115 of *The Code*.

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

In the General Assembly read three times, and ratified this 16th day of January, A. D. 1903.

CHAPTER 10.

AN ACT TO AMEND CHAPTER 28, LAWS 1901.

The General Assembly of North Carolina do enact:

Time changed for holding court in Craven County.

SECTION 1. Under sub-division 3d District, Craven County, chapter 28, Laws of 1901, strike out the words "second Monday before the first Monday in September," in lines seven and eight of said sub-section.

August term abolished.

SEC. 2. That the August Term of Craven Superior Court is hereby abolished.

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

In the General Assembly read three times, and ratified this 16th day of January, A. D. 1903.

CHAPTER 11.

AN ACT TO REGULATE DRAWING OF JURORS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Method of drawing regular jurors for civil terms.

SECTION 1. At least twenty days before each regular civil term of the Superior Court of Craven County, the Commissioners shall

cause to be drawn for each week of said term from the jury box, out of the partition marked No. 1, by a child not more than ten years of age, eighteen scrolls, and the persons whose names are inscribed on said scrolls shall serve as regular jurors, at the said term ensuing such drawings, and the scrolls so drawn shall be put in partition marked No. 2.

SEC. 2. The said Commissioners shall, at the same time and in the same manner, draw the names of eighteen other persons, who shall serve as tales jurors during said term, and shall be subject to all the challenges now allowed to tales jurors.

Tales jurors to be drawn.

SEC. 3. If the regular panel provided by section one, and the tales jurors provided by section two shall be exhausted without obtaining a jury, tales jurors shall then be summoned from the bystanders and county at large, in the same manner as heretofore provided by law. The trial jury, which has served during the first week, shall be discharged by the Judge at the close of said week, unless the said jury shall be actually engaged in the trial of the case, and then they shall not be discharged until the determination of the case.

When tales jurors summoned from bystanders.

Trial jury—when discharged

SEC. 4. This act shall not affect the drawing of jurors for criminal terms of the Superior Courts.

Jurors for criminal terms.

SEC. 5. This act shall apply to Craven County only.

Applies to Craven County only.

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

In the General Assembly read three times, and ratified this 17th day of January, 1903.

CHAPTER 12.

AN ACT TO AMEND CHAPTER 207 OF THE LAWS OF 1899.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 207, Laws of 1899, be and the same is hereby amended as follows: At the end of line 1 of section 4 strike out the word "double," and in lieu thereof insert the words "equal to."

Amount of treasurer's bond in Craven County.

SEC. 2. Add to the end of section 4 the words, "provided the aggregate of all bonds required of said Treasurer shall not exceed forty thousand dollars."

Maximum amount of treasurer's bond.

SEC. 3. In section 9, line 1, strike out the word "shall" and insert the word "may." In line 2 of said section, after the word "surety," strike out the word "only." Strike out all of said section after the word "determine," in line 4, and insert the words "or such bonds may be executed by any trust, security or bonding company with the same force and validity as if executed by personal security, to be approved by the Board of Commissioners.

Bonds may be executed with personal sureties or by trust company.

SEC. 4. This act shall take effect from and after its ratification. In the General Assembly read three times, and ratified this 17th day of January, A. D. 1903.

CHAPTER 13.

AN ACT TO AMEND CHAPTER FORTY-THREE (43) OF THE PUBLIC LAWS OF 1893.

The General Assembly of North Carolina do enact:

Bounty for killing panthers, wolves, etc., not to apply to Madison County.

SECTION 1. That chapter forty-three (43) of the Public Laws of one thousand eight hundred and ninety-three be amended by striking out the word "Madison" in line two, section one, of said act.

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

In the General Assembly read three times, and ratified this 17th day of January, A. D. 1903.

CHAPTER 14.

AN ACT TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

John M. Owen and Charles D. Gilmore appointed additional commissioners of Cumberland County.

Rights, powers and liabilities.

SECTION 1. That John M. Owen, of 71st Township, Cumberland County, and Charles D. Gilmore, of Carver's Creek Township, Cumberland County, be and they are hereby appointed and elected members of the Board of County Commissioners of Cumberland County, with the same rights and powers and subject to the same duties and liabilities as members of said Board of Commissioners as if they had been elected at the last general election in said county.

Five instead of three commissioners to be biennially elected.

SEC. 2. That there shall be elected in the county of Cumberland, at the next general election to be held in said county, and every two years thereafter, five (5) County Commissioners for said county.

Appointees to qualify before clerk.

Term of office.

SEC. 3. That the said John M. Owen and Charles D. Gilmore shall qualify as County Commissioners before the Clerk of the Superior Court of said county, and shall hold office from their qualification until the first Monday in December, A. D. nineteen hundred and four (1904).

Secretary of State to send copy of

SEC. 4. That the Secretary of State is hereby directed to send a copy of this act, under seal of the State, to the Clerk of the Su-

perior Court, and to the Register of Deeds of said county immediately upon its ratification, and that the Clerk of the Superior Court of said county shall immediately on its reception notify the Commissioners appointed by this act, and the present Board of Commissioners, of its provisions.

act to clerk and register of deeds.

Clerk to notify appointees.

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

In the General Assembly read three times, and ratified this 17th day of January, A. D. 1903.

CHAPTER 15.

AN ACT TO AMEND CHAPTER 28, LAWS 1901, RELATIVE TO THE TERMS OF THE SUPERIOR COURT FOR HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the act of the General Assembly passed at its session of 1901, entitled "An act to provide for the division of the State into judicial districts, and for holding the Courts therein," ratified on March 11, 1901, be and the same is hereby amended as hereinafter provided.

Chapter 28, laws 1901 amended.

SEC. 2. Amend section one by striking out after the words "Halifax County," on page 104, the following words: "Sixth Monday before the fifth Monday in March; fifth Monday after the first Monday in March," and substituting therefor the following words: "Fifth Monday before the first Monday in March, to be for the trial of criminal cases exclusively, and to continue for one week; the first Monday in March; the thirteenth Monday after the first Monday in March," and by adding before the word "each," in the clause providing terms of the Superior Court for Halifax County, the following words: "The four terms last mentioned."

Times for holding courts changed.

SEC. 3. That all process, civil or criminal, original mesne or final, and all papers, summonses, recognizances, subpoenas, capias, or obligations heretofore issued or taken by any officer of the law shall be deemed as taken and made returnable to the term of the Superior Court to be held as provided in this act on the first Monday in March.

Process, papers, etc., returnable to term of court provided in this act viz: first Monday in March.

SEC. 4. That the terms of the Court to be held as provided in this [act] on the sixth Monday before the first Monday in March shall not commence to be held until the year one thousand nine hundred and four.

When act in force as to January term.

SEC. 5. That the civil process shall be returnable to and pleadings filed, motions in civil actions may be heard upon due notice, judgments may be taken by consent and as now provided by law

What civil matters may be returnable to, considered and disposed of at ex

exclusively criminal term.

when no answers or demurrers have been filed, and there may be trials in civil actions by consent which do not require a jury, at the term of the Court herein designated as exclusively criminal.

Conflicting laws repealed.

SEC. 6. That all laws and parts of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this 17th day of January, A. D. 1903.

CHAPTER 16.

AN ACT TO APPOINT JUSTICES OF THE PEACE OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Justices of the Peace for Harnett County to be appointed.
Term of office.

SECTION 1. That the following-named persons be and they are hereby appointed Justices of the Peace of Harnett County for the several townships herein named, whose term of office shall be four years (4) from the ratification of this act:

Anderson's Creek Township.

For Anderson's Creek Township—John S. MacRae, M. M. Black, Niven Ray and John S. Johnson.

Averashoro Township.

For Averashoro Township—H. V. Moulton. Jonas Reeves, D. F. Hodges, J. N. Creel, J. F. Phillips, Julius M. Lee, Joseph B. Tart, George W. Stewart, Sr., J. D. Phillips, John R. Godwin, J. M. Pope, John R. Strickland, Sr., A. M. Woodall, E. Lee, W. T. Dupree.

For Barbecue Township—John Darroch, A. A. Clar, Jr., A. D. Waddell, Hugh D. Cameron, John A. Clark.

Black River Township.

For Black River Township—J. A. Hockaday, Solomon Stevenson, J. A. Williams, S. G. Collins, D. D. Johnson, J. L. Johnson and J. B. Hockaday.

Buckhorn Township.

For Buckhorn Township—L. T. Mann, J. A. Champion, A. V. Dewar, T. B. Lanier, L. S. Mann.

Grove Township.

For Grove Township—L. L. Turlington, C. L. Bailey, Claude Stewart, Thos. D. Stewart, Albert Johnson, W. J. Hodges, John Gregory, John M. Stewart.

Neill's Creek Township.

For Neill's Creek Township—C. H. Biggs, W. M. Sexton, J. T. Johnson, Geo. H. Long, R. B. Crowder, N. A. Stewart, F. H. Taylor.

For Stewart Creek Township—Joseph Williams, J. T. Dallar, D. J. Parker, J. M. Davis.

Lillington Township.

For Lillington Township—B. F. Shaw, Jas. P. Byrd, E. B. Reid, Jim Lanier, J. R. Grady.

Upper Little River Township.

For Upper Little River Township—Hugh McLean, Sam. W.

Withers, J. B. F. Stewart, M. Mimms, Thos. A. Harrington, Neill McLean.

For Johnsonville Township—W. J. Smith, Henry Morrison, A. C. Buie.

For Hector's Creek Township—Gaston Holt, L. D. McKenney.

SEC. 2. That immediately upon the ratification of this act, the Secretary of State is hereby directed to send a copy of this act under the great seal of the State of North Carolina to the Clerk of the Superior Court of Harnett County.

Secretary of State to send copy of act to clerk.

SEC. 3. That immediately upon the receipt of a copy of this act by the Clerk of the Superior Court of Harnett County, he shall immediately notify the Justices of the Peace herein named for the several townships in Harnett County, of their appointment under the provisions of this act, and command them to qualify at once.

Clerk to notify appointees.

SEC. 4. That in case any of the persons herein named to act as Justices of the Peace in Harnett County shall fail to qualify before the Clerk of the Superior Court within sixty days from the ratification of this act, the Governor shall have power to appoint to fill said vacancy, upon the recommendation of the Board of Commissioners of Harnett County, some suitable person to fill said vacancy: *Provided*, said Board of Commissioners shall make said recommendation within four months after the ratification of this act.

Failure to qualify, Governor may appoint on recommendation of commissioners.

Recommendation to be within four months

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

In the General Assembly read three times, and ratified this 21st day of January, A. D. 1903.

CHAPTER 17.

AN ACT TO AMEND THE ROAD LAW RELATING TO CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 50, Public Laws 1901, be amended by adding after the word "Forsyth," line 17, of section 78, the word "Craven," and by adding at the end of said section the words: *Provided*, that upon the application to the Board of Commissioners of Craven County of twenty-five freeholders of any township in said county for the operation of chapter 50 of the Public Laws 1901 within their township, that said chapter and all the provisions thereof shall apply to said township in the same manner and with like effect, as if said chapter and its said provisions had at the date of the passage of said act applied to said township.

Craven County exempted from provisions of chapter 50, public laws of 1901.

When and how said road law may be made applicable to any township in Craven County.

And the trustees for said township shall be elected as provided for in section 36 of said act by the magistrates of said township, who, for their first meeting under this act, shall be called together by the chairman of the Board of Commissioners of said county by notice published for one week in a newspaper published in said county, and at such first meeting ten magistrates shall constitute a quorum for the transaction of such business as shall be determined by them and as is provided for in said chapter.

Upon proper application, Act to be operative.

SEC. 2. That upon the filing of the application provided for in section one (1) of this act, said commissioners shall order the same spread upon the minutes and record of their proceedings and the said act shall at once operate and take effect.

Chapter 50, volume I of Code with amendatory laws applicable in Craven County except as herein before provided. County commissioners to convene justices of the peace.

SEC. 3. That except as provided in sections 1 and 2 of this act, and subject to the provisions hereof, chapter 50 of volume I, of The Code of North Carolina, shall apply and the same is hereby re-enacted to apply, with all laws amendatory thereto, to the county of Craven. And immediately upon the ratification of this act the chairman of the Board of County Commissioners shall give notice by 10 days' publication in a daily newspaper published in said county, to the Justices of the Peace in each township to convene at the court-house for the purpose of organizing as the Board of Supervisors of Public Roads; and at such meeting twenty-five Justices of the Peace shall constitute a quorum for the transaction of, and they shall proceed to transact, all business provided for in said chapter and the laws amendatory thereto.

Quorum.

Code applicable to Craven County except as herein provided.

SEC. 4. That The Code and laws amendatory thereto shall apply to Craven County in all respects as if chapter 50, Laws 1901, had not been enacted, except in the manner as hereinbefore provided for.

Application restricted to Craven County.

SEC. 5. This act shall apply to Craven County only.

SEC. 6. This act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this 21st day of January, A. D. 1903.

CHAPTER 18.

AN ACT TO VALIDATE CERTAIN ACTS OF THE COUNTY COMMISSIONERS OF YANCEY COUNTY.

WHEREAS, Doubts have arisen as to the legality of the establishment of certain stock-law districts in Yancey County by the Commissioners of said county, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all territories in Yancey County in which the County Commissioners have declared the stock law to be in force

Acts of county commissioners declaring stock

upon petition of said district, are hereby declared stock-law territories, subject to the laws governing same. law territory validated.

SEC. 2. That R. L. Young, D. A. Angel and W. B. Wray are hereby appointed stock-law commissioners for the entire stock-law territory of Yancey County, and are vested with no authority Stock law commissioners. except that which is now provided by law. Authority.

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

In the General Assembly read three times, and ratified this 22d day of January, A. D. 1903.

CHAPTER 19.

AN ACT TO PREVENT HUNTING ON THE LANDS AND FISHING IN THE WATERS OF PITT COUNTY, WITHOUT CONSENT OF THE OWNER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for anyone to hunt with gun, dog, or otherwise, on any land or lands, and to fish in any water or waters, with rod, net, muddying or otherwise, in Pitt County, without the written consent of the owner of the land or lands and water or waters. Unlawful to hunt or fish without written consent of land owner.

SEC. 2. Every person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than one dollar nor more than twenty-five dollars, or imprisoned not more than thirty days. Misdemeanor—penalty.

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

In the General Assembly read three times, and ratified this 22d day of January, A. D. 1903.

CHAPTER 20.

AN ACT TO PROTECT CROPS CULTIVATED UNDER A COMMON FENCE.

The General Assembly of North Carolina do enact:

SECTION 1. That any person owning, occupying, cultivating or being in possession of any lands under a common fence protecting the lands, crops or property of others, who shall remove such fence or any part thereof during the time in which any crops are growing or being actually cultivated thereon, or property is protected by such fence and before such crops are harvested without Removal of common fence misdemeanor.

Penalty.

When provisions
not applicable.

the consent and permission of such person or persons whose crop or property is protected by such common fence, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, that the provisions of this act shall not apply when ninety days' notice of such removal shall have been given to all persons owning, cultivating or in possession of lands surrounded by such common fence, or having property protected thereby, and when thereafter such fence shall be removed between the first day of January and the first day of March following such notice of intended removal.

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

In the General Assembly read three times, and ratified this 22d day of January, A. D. 1903.

CHAPTER 21.

AN ACT TO AMEND CHAPTER 22 OF THE PUBLIC LAWS OF 1893, REQUIRING THE PLEADINGS TO BE VERIFIED IN ACTIONS FOR THE PROCESSIONING OF LAND.

The General Assembly of North Carolina do enact:

Verification of
pleadings re-
quired.

SECTION 1. Section two of chapter 22, of the Public Laws of the year 1893, be amended as follows: Insert after the word "petition," in line 4 of said section, the words "under oath."

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

In the General Assembly read three times, and ratified this 22d day of January, A. D. 1903.

CHAPTER 22.

AN ACT TO ENABLE THE COMMISSIONERS OF ONSLOW COUNTY TO USE A SURPLUS SPECIAL TAX FUND FOR COUNTY PURPOSES.

The General Assembly of North Carolina do enact:

Surplus funds to
be used to pay
county indebted-
ness.

SECTION 1. That the County Commissioners of Onslow County be and they are hereby authorized and empowered to use the surplus moneys now in the hands of the Treasurer of said county, or

which may come into his hands, from the taxes levied for the year 1902, or any year prior thereto, levied and collected as a special tax under chapter 233, Acts of 1885, and amendments thereto, and not needed for the purpose therein set forth, for the purpose of paying the county indebtedness now outstanding and contracted for necessary expenses: *Provided*, nothing in this act shall allow said Commissioners to use any of said funds needed to pay the interest on the bonds issued by said county under said chapter 233, Acts of 1885. Restriction

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

In the General Assembly read three times, and ratified this 22d day of January, A. D. 1903.

CHAPTER 23.

AN ACT TO PROHIBIT THE SALE AND MANUFACTURE OF SPIRITUOUS LIQUORS IN CERTAIN TERRITORY IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to manufacture or sell any spirituous, vinous or malt liquors within three miles of the following-named school-house and churches, to-wit: Lees, McRae Institute, Elk Valley Baptist Church, Liberty M. E. Church, in Watauga County. Unlawful to manufacture or sell liquor in 3 miles of certain school and churches. Violation of act misdemeanor—penalty.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor and upon conviction, shall be fined or imprisoned, or both, at the discretion of the Court.

SEC. 3. This act shall be in force from and after the day of ratification.

In the General Assembly read three times, and ratified this 22d day of January, A. D. 1903.

CHAPTER 24.

AN ACT TO AMEND CHAPTER TWENTY-EIGHT, LAWS 1901, RELATIVE TO THE FEBRUARY TERM OF HERTFORD COUNTY SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-eight, Laws 1901, be amended so as to read: That the February Term of the Superior Court of February term Hertford court

Hertford County shall be for the trial of both civil and criminal business.

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

In the General Assembly read three times, and ratified this 22d day of January, A. D. 1903.

CHAPTER 25.

AN ACT TO AMEND CHAPTER 28 OF THE PUBLIC LAWS OF 1901, PROVIDING FOR THE HOLDING OF THE COURTS OF THE EIGHTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section one of chapter twenty-eight of the Public Laws of 1901, be amended by striking out all after the words "Eighth District" on page 168. down to the words "Ninth District" on page 169, fixing the times for holding the Superior Courts in the Eighth Judicial District, and inserting in lieu thereof the following:

"The Eighth District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to-wit:

Anson county.

"*Anson County*—First Monday after the first Monday in February, and the second Monday after the last Monday in August, each for the trial of criminal cases exclusively; tenth Monday after the first Monday in February, and sixth Monday after the last Monday in August, each for the trial of civil cases exclusively.

Chatham county.

"*Chatham County*—The first Monday in February; thirteenth Monday after the first Monday in February; third Monday before the last Monday in August, for the trial of civil cases exclusively; eleventh Monday after the last Monday in August.

Moore county.

"*Moore County*—The second Monday before the first Monday in February, to continue for two weeks, for the trial of civil cases exclusively; the eleventh Monday after the first Monday in February, for the trial of criminal cases exclusively; the fourteenth Monday after the first Monday in February, to continue for two weeks, for the trial of civil cases exclusively; the second Monday before the last Monday in August, for the trial of criminal cases exclusively; the third Monday after the last Monday in August, for the trial of civil cases exclusively; the twelfth Monday after the last Monday in August, for the trial of criminal cases exclusively.

*“Richmond County—*The fourth Monday after the first Monday in February, for the trial of criminal cases exclusively; the eighth Monday after the first Monday in February, for the trial of civil cases exclusively, and to continue two weeks; the first Monday after the last Monday in August, for the trial of criminal cases exclusively; the fourth Monday after the last Monday in August, to continue two weeks. *Richmond county.*

*“Scotland County—*The fifth Monday after the first Monday in February, for the trial of civil cases exclusively; the twelfth Monday after the first Monday in February, for the trial of criminal cases exclusively; the eighth Monday after the last Monday in August, for the trial of civil cases exclusively; the thirteenth Monday after the last Monday in August, for the trial of criminal cases exclusively. *Scotland county.*

*“Union County—*The third Monday before the first Monday in February, for the trial of criminal cases exclusively; the second Monday after the first Monday in February, to continue two weeks, for the trial of civil cases exclusively; the sixth Monday after the first Monday in February, for the trial of criminal cases exclusively; the fourth Monday before the last Monday in August, for the trial of criminal cases exclusively; the first Monday before the last Monday in August, to continue two weeks, for the trial of civil cases exclusively; the ninth Monday after the last Monday in August, to continue two weeks, for the trial of criminal cases exclusively.” *Union county.*

SEC. 2. That all process, civil or criminal, original, mesne or final, returnable under the present law to any Superior Courts in the Eighth Judicial District, after the first Monday in February, one thousand nine hundred and three, shall be returnable to the first term of the Superior Court in said district as established by this act, except that all criminal process shall be returnable to the first term designated in this act for the trial of criminal cases, or at which criminal cases can be tried. *When process returnable.*

SEC. 3. That immediately after the ratification of this act, the Secretary of State shall cause the same to be printed and copies thereof furnished to the Governor, the Judges of the Superior Courts, the Solicitor of the Eighth Judicial District, the Clerks of the Superior Court in each county in said district, and to the Board of County Commissioners of each county in the said district, and the Clerks of the Superior Court of each county shall cause public notice to be given of the time of holding the Courts in his county during the Spring Term, 1903, by publication in some newspaper published in his county. *Criminal process returned to terms for criminal trials.*

SEC. 4. This act shall be in force from and after the first Monday in February, one thousand nine hundred and three. *Secretary of State to furnish copies of act.*

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1903. *Clerks of courts to publish notice.*

When act to take effect.

CHAPTER 26.

AN ACT TO APPOINT RUFUS B. PEELER A JUSTICE OF THE PEACE FOR PROVIDENCE TOWNSHIP, ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Justices appointed. SECTION 1. That Rufus B. Peeler is hereby appointed a Justice of the Peace for Providence Township, Rowan County, North Carolina, and that R. Frank Miller be appointed a Justice of the Peace for Morgan Township, said county, and that said Justices serve until the next general election, and until their successors are qualified.

Term of office.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1903.

CHAPTER 27.

AN ACT TO PREVENT THE MANUFACTURE AND SALE OR SHIPMENT OF ANY SPIRITUOUS, VINOUS OR MALT LIQUORS WITHIN THE COUNTY OF ROBESON.

The General Assembly of North Carolina do enact:

Manufacture or sale of liquors in county forbidden.

SECTION 1. That it shall be unlawful for any person, persons, firm or corporations to manufacture, sell or otherwise dispose of for gain, any spirituous, vinous or malt liquors or intoxicating bitters within the county of Robeson: *Provided*, this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors by a druggist for sickness upon the written prescription of a regular practicing physician having such sick person under his charge.

Druggists may sell on written prescription.

Place of sale defined.

SEC. 2. That the place of delivering of any spirituous, vinous or malt liquors or intoxicating bitters within the county of Robeson shall be so construed as to mean the place of sale, and that any station or other place within the aforesaid county of Robeson to which any persons, firm or corporation shall ship or convey any spirituous, vinous or malt liquors or other intoxicating bitters for the purpose of delivery or carrying the same to a purchaser, shall be construed to be the place of sale: *Provided*, this section shall not be construed to prevent the delivery of any spirituous, vinous or malt liquors to a druggist in a sufficient quantity for medical purposes only.

Delivery to druggists excepted.

SEC. 3. That any druggist who shall duplicate the prescription mentioned in section one of this act without the written direction of the physician who gave the same shall be guilty of retailing within the meaning of this act.

Druggist duplicating prescription guilty of retailing.

SEC. 4. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined and imprisoned for each and every offence, or both, in the discretion of the Court.

Misdemeanor. Punishment.

SEC. 5. That any physician who shall make any prescription except in case of sickness for the purpose of aiding and abetting any person or persons, who are not *bona fide* under his charge, to purchase any intoxicating liquors contrary to the provisions of this act, shall be deemed guilty of a misdemeanor and fined in the discretion of the Court.

Penalty on physician aiding in evasion of act.

SEC. 6. That chapter four hundred and seventy-six, Public Laws of nineteen hundred and one, shall be a part of this act.

Former prohibition continued.

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

Repealing clause.

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

When act to take effect.

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1903.

CHAPTER 28.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BLADEN COUNTY TO BUILD A JAIL AND LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building a common jail in the county of Bladen, the Board of Commissioners for the said county of Bladen are hereby authorized and empowered to levy and collect annually for a term not exceeding three years, a special tax on all property, solvent credits and other subjects of taxation in said county which are taxed for State and county purposes, not to exceed fifteen cents on every one hundred dollars' valuation thereof, and forty-five cents on every taxable poll, at the same time and in the same manner that other county taxes are levied.

Purpose of tax.

Tax authorized.

Limitation.

SEC. 2. That the taxes herein provided for shall be collected and accounted for by the Sheriff of said county of Bladen at the same time and under the same penalties and forfeitures as other taxes for county purposes.

Collected as other taxes.

SEC. 3. That for the purpose of fully carrying into effect the ob-

Interest-bearing scrip authorized. jects of this act, the said Commissioners of Bladen County are hereby authorized and empowered to issue interest-bearing county scrip, or such other evidences of indebtedness under this act as to them shall seem just and reasonable, and to provide for the payment thereof out of the moneys that shall be levied and collected by virtue of this act.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1903.

CHAPTER 29.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WASHINGTON COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Special tax authorized. SECTION 1. That the Board of Commissioners of Washington County be and are hereby authorized and empowered, at the time of levying the general State and county taxes for the year 1903, to levy an additional special tax, not to exceed fifteen cents on the one hundred dollars' valuation of taxable property in said county, and forty-five cents on each taxable poll in said county, to be expended and applied for the purpose of paying the outstanding bonds, vouchers and indebtedness of said county issued and incurred for the building of vaults, for the building of Spruill's bridge, and for the building and establishing of a County Home for the Poor.

Limitation.

Purposes of tax.

Tax continuous. SEC. 2. That said tax shall be levied and collected for the year 1903, and for each and every year hereafter until said indebtedness is paid.

Collected as other taxes. SEC. 3. That said taxes shall be collected by the Sheriff of said county at the time and in the same manner and with the same rights and remedies for the collecting thereof as is given him by law for the collection of the general taxes of said county, whose official bond shall be liable therefor as for other county taxes, and he shall pay over the same to the County Treasurer in like manner as other county taxes are paid.

Duty of County Treasurer. That the said County Treasurer shall use the said taxes for the payment of said indebtedness and interest on the same, together with the cost and charges incident to the collection thereof.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1903.

CHAPTER 30.

AN ACT TO AMEND CHAPTER 410, LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 410, Laws of 1901, be and the same is hereby amended by striking out in the third line of the first section thereof the words "and Scotland." Scotland County relieved from act making hunting on lands of another a misdemeanor.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1903.

CHAPTER 31.

AN ACT TO REPEAL CHAPTER 521, PUBLIC LAWS OF 1897, RELATIVE TO NORMAL AND INDUSTRIAL INSTITUTE OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and twenty-one (521) of the Public Laws of 1897, entitled "An act to aid the Normal and Industrial Institute of Elizabeth City, North Carolina," be and the same is hereby repealed. Act to aid institute repealed.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1903.

CHAPTER 32.

AN ACT TO REPEAL CHAPTER 286 OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 286 of the Public Laws of 1901 be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1903.

Relative to protection of domestic animals in Yancey County from wild varments.

CHAPTER 33.

AN ACT FOR THE RELIEF OF R. W. HUTCHERSON, FORMER SHERIFF OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That R. W. Hutcherson, former Sheriff of Rockingham County, be and he is hereby authorized and empowered to

Authorized to collect taxes 1899-1900.

collect all taxes which he may have failed to collect and which were due for the years 1899 and 1900, under the same rules and regulations as are now provided by law for the collection of taxes in Rockingham County.

Termination of power.

SEC. 2. That the power and authority hereby conferred shall cease and determine on the 31st day of December, 1903.

Who not compelled to pay.

SEC. 3. That no person shall be compelled to pay any taxes under this act who holds the Sheriff's receipt in full for the years 1899 and 1900, or shall make affidavit before anyone authorized to administer oaths that the same has been paid, nor shall any executor, administrator or guardian or purchaser for value and without notice of such arrears of taxes due on the land purchased, be compelled to pay any arrears of taxes under this act.

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

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 34.

AN ACT TO REGULATE THE MEETINGS OF THE BOARD OF COMMISSIONERS OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

Regular meetings established.

SECTION 1. That the Board of Commissioners of Gaston County shall hold a regular meeting at the court-house in said county on the first Monday in each and every month, and may adjourn any regular meeting from day to day or to any day in the month until the business before it is disposed of.

Power of adjournment.

Former meetings and acts validated.

SEC. 2. That no meeting of the Board of Commissioners of Gaston County heretofore held, and no acts done by said Board of Commissioners in such meeting, shall be invalid because of any defect in the manner of calling or publishing notice of such meeting, or because of such meetings being held on a day other than those heretofore prescribed by law for such meetings.

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

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 35.

AN ACT TO AMEND SECTION 1, CHAPTER 348, OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

Stock law boundary in Pitt County amended.

SECTION 1. That section one of chapter three hundred and forty-eight of the Public Laws of nineteen hundred and one be amended

by striking out the following words: "That point known as the public landing, and thence with the public landing road," and inserting in lieu thereof: "Bear Creek branch, and thence with Bear Creek branch."

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

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 36.

AN ACT TO INCREASE THE COMMISSIONERS OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the number of Commissioners of the county of Carteret is hereby increased to five. Five commissioners.

SEC. 2. That Abe Lee and Allen Taylor are hereby elected and appointed additional Commissioners for said county, to serve until the expiration of the term of the three Commissioners now elected and serving for said county, to-wit: Until the 1st Monday in December, 1904. Two additional commissioners named.

SEC. 3. That said Commissioners shall qualify as early as practicable after the ratification of this act, and shall, with the present three Commissioners, constitute the Board of County Commissioners for the county of Carteret; and said Board of five Commissioners, upon the qualification of the Commissioners appointed under this act, shall in all and every respect form and constitute the Board of Commissioners of said county as if the full Board had been elected under the existing law for election of Commissioners. When new commissioners to qualify.

New Board, how constituted.

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

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 37.

AN ACT TO AMEND THE CHARTER OF THE PAMLICO, ORIENTAL AND WESTERN RAILROAD COMPANY, CHAPTER 461, LAWS OF 1891.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 461 of the Public Laws of 1891 be and the same is hereby amended as follows:

Municipal corporations may subscribe to capital stock.

Bond s

Interest on bonds. When bonds payable.

To be taken by company at par. Interest paid semi-annually.

Petition for election, what to specify.

Election, how ordered.

"Subscription" or "No subscription."

Notice of election.

New registration authorized.

How elections held.

That for the purpose of aiding and raising the capital stock of said railroad company, in addition to private subscriptions provided for, it shall and may be lawful for any county, township, city or town in or through which the said railroad or branches may be located, or which is interested in its construction, to subscribe to the capital stock of said company such sum in bonds as a majority of all their qualified electors may authorize the County Commissioners of such county, or of the county in which is situated such townships, or the municipal authorities of such city or town to subscribe, anything contained in the charter of such municipal corporation to the contrary notwithstanding. That the said subscription shall be made in bonds not bearing a greater interest than 6 per centum, payable thirty years after date thereof, to be received by said company at par, and to be of the denomination of one thousand dollars, interest to be paid semi-annually.

SEC. 2. That for the purpose of determining the amount of such subscriptions it shall be the duty of the County Commissioners of any county in which said railroad is located, or which is interested in the construction of said railroad, or in which the township interested or about to subscribe is situated, or the municipal authorities of any city or town interested in the construction of the said road, upon a written application of ten resident tax-payers of said county, township, city or town, specifying therein to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No Subscription" to the capital stock of said company. And said County Commissioners or municipal authorities of such city or town, shall, upon petition, forthwith order an election specifying the time, place and purpose of the election, and to provide for the holding of the same according to law, at which said election the ballots shall have written or printed thereon either the word "Subscription" or "No Subscription," the said County Commissioners or the municipal authorities of said city or town, having first fixed the amount proposed to be subscribed, according to the request of the petition submitted to them, notice of such election being published for four weeks immediately prior thereto in a newspaper published in the county in which such election is held, and if there be no such newspaper published in such county, then in some newspaper published in the county nearest thereto; that the said County Commissioners or municipal authorities, as the case may be, are hereby authorized to order a new registration of the qualified voters of the said county, township, city or town for said election.

SEC. 3. That all elections under the preceding section shall be held, if for a county, according to the law and regulations provided for the election of members of the General Assembly, and

the returns shall be made to and canvassed by the Board of County Commissioners, who shall ascertain and declare the result and make a record of the same. If the election shall be held for a township, the registrar and judges of election shall make return to the Board of County Commissioners, who shall canvass the same and ascertain and declare the result and make a record of same. That in case a majority of all the qualified voters in said county, city, township or town, as the case may be, shall have voted for "Subscription," then the Chairman of the Board of County Commissioners in all cases of county or township elections, or the proper municipal authorities, in case of city or town elections, shall be required to subscribe to the capital stock of the said company in behalf of said county or township, city or town, as the case may be, the sum which may have been named in the said petition, which subscription shall be made in coupon bonds, bearing a rate of interest, not exceeding 6 per centum bonds as aforesaid with interest payable semi-annually; and all tax levies for the purpose of raising funds to pay said bonds or coupons, shall be made upon the taxable property in such counties or townships, cities or towns.

Returns, how made.

If majority of all vote for "subscription," authorities required to subscribe to stock of company.

How subscription made.

Tax levies.

SEC. 4. That to provide for the payment of the interest on such bonds and their redemption at or before maturity, the Board of County Commissioners aforesaid, or the municipal authorities of any city or town subscribing, shall, in addition to other taxes, each year compute and levy on all property of any such county, township, city or town as may make a subscription of bonds to the said company, preserving the constitutional equation of taxation, a sufficient tax to pay such interest and proportional part of the principal, which amount shall annually be collected as other taxes and paid to the County Treasurer, or other officer of said county, city or town authorized by law to perform the duties of Treasurer or Commissioner of sinking fund, and by him invested in said bonds, which shall be cancelled by the County Commissioners, or the municipal authorities of the city or town, as the case may be; but in case said Treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities as may be selected and approved by the Board of County Commissioners aforesaid, or the proper authorities of any city or town subscribing to the capital stock of the said company.

Special tax ordered on municipalities subscribing.

Equation to be observed.
Amount of tax.

How special tax invested.

SEC. 5. That for the purpose of this act all the townships along the line of the railroad, or which are interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with the necessary powers to carry out the provision of this act, and shall have all the rights and be subject to the

Townships incorporated.

County commis-
sioners corporate
agents.

liabilities in respect to any rights or causes of action growing out of the provisions of this act. The County Commissioners of the respective counties in which are situated the respective townships subscribing, are declared to be the corporate agents of the township so incorporated and situated within the limits of the said counties respectively.

Municipalities
subscribing to
have representa-
tives.

SEC. 6. That in all meetings of stockholders of said company, such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such cities, towns, or the County Commissioners of the respective counties.

When company
to be deemed
organized.

SEC. 7. That section 6 of said act, chapter 461, Laws of 1891, be amended as follows: Add to the beginning of said section preceding the word "proceed," the following words: "That upon the election of the President and Board of Directors, as provided in section three of this act, the said company shall be deemed and held fully organized for all interests and purposes and may."

Omission supplied.
Amendment retro-
active.

SEC. 8. That the foregoing section shall supply the omission set out in brackets in section six of this act and shall have the same force and effect upon the ratification of this act as if the same had been originally printed in said act as the same appears in the original bill.

When act to take
effect.
Former charter
ratified.

SEC. 9. That this act shall be in force from and after its ratification, and in all and every respect chapter 461 of the Public Laws of 1891 be and the same is hereby ratified.

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 38.

AN ACT TO APPOINT A COMMISSIONER FOR GREENE COUNTY.

The General Assembly of North Carolina do enact:

Commissioner
named to fill
vacancy.

SECTION 1. That Frank T. Carr be and he is hereby appointed a Commissioner for the county of Greene, to fill the vacancy caused by the death of Geo. W. Sugg, Commissioner-elect for said county, with all the rights, powers, duties and privileges of a Commissioner of said county, and that his term of office shall continue until the next general election.

Secretary of State
to send copy of act.

SEC. 2. That the Secretary of State shall, within five days after the ratification of this act, certify a copy of the same and trans-

mit it to Jno. R. Dale, Clerk of the Court of Greene County, who shall as soon thereafter as practicable cause a notice of this appointment to be served by the Sheriff of the county upon the person appointed by this act.

Clerk of Court to
issue notice.

Sheriff to serve
notice.

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

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 39.

AN ACT TO AMEND CHAPTER 126, LAWS 1901, RELATING TO THE EXTENSION OF TIME TO COMMUTE, COMPROMISE AND SETTLE THE PUBLIC DEBT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 126, Laws of 1901, ratified the 8th day of February, nineteen hundred and one, be amended in section 1, line 8, to read, "nineteen hundred and five," in lieu of "nineteen hundred and three," being an extension of the time to compromise, commute and settle the State debt from the first day of January, nineteen hundred and three, to the first day of January, nineteen hundred and five.

Time for compro-
mise of State debt
extended.

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

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 40.

AN ACT TO RESTORE SELF-GOVERNMENT TO THE PEOPLE OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next general election and every two years thereafter, there shall be elected by the qualified voters of Brunswick County three County Commissioners, who shall hold their office for the term of two years.

County commis-
sioners to be
elected by people.

SEC. 2. That at the next general election and every two years thereafter, there shall be elected by the qualified voters in each township in Brunswick County, three Justices of the Peace, who shall hold their office for the term of two years.

Justices of Peace
to be elected by
people.

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

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 41.

AN ACT TO AMEND CHAPTER 142, PUBLIC LAWS OF 1889.

The General Assembly of North Carolina do enact:

Protection of
brands extended.

SECTION 1. Add the words, "or lumber or boards" after the words, "logs or timber," wherever they occur in said act.

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

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 42.

AN ACT TO AMEND CHAPTER 54, LAWS OF 1899, IN REGARD TO FIRE INSURANCE.

The General Assembly of North Carolina do enact:

Clerical aid to
Insurance Com-
missioner.

SECTION 1. That the words "one thousand" in line five of section eight of chapter 54, Laws of 1899, be stricken out and the words "sixteen hundred" be inserted in lieu thereof.

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

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 43.

AN ACT TO PROHIBIT THE MANUFACTURE OR SALE OF LIQUORS WITHIN CERTAIN LOCALITIES IN MORGAN TOWNSHIP, ROWAN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Manufacture or
sale forbidden.

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture or sell any spirituous, malt or vinous liquors of any kind or description whatsoever of liquors that are intoxicating, within four miles of the following churches in Morgan Township, Rowan County, North Carolina: Zion Methodist Episcopal Church, South, Liberty Methodist Episcopal Church, South, St. Matthew's Evangelical Lutheran Church, Luther's

Localities.

Evangelical Lutheran Church, and Corinth Missionary Baptist Church.

SEC. 2. That nothing in this act shall prohibit any natural person from manufacturing on his own premises, or selling brandy or wine made from fruits, berries or grapes raised on his own lands, within the prohibited limits, nor from manufacturing or selling pure cider. Exceptions.

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

SEC. 4. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and on conviction shall be fined or imprisoned, or both, in the discretion of the Court. Misdemeanor.
Penalty.

SEC. 5. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this 27th day of January, A. D. 1903.

CHAPTER 44.

AN ACT FOR THE APPOINTMENT OF JUSTICES OF THE PEACE IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That C. A. Tuttle, of Lower Creek Township, and Jacob Hart, of Hudson Township, be and they are hereby appointed Justices of the Peace for their respective townships in Caldwell County for a term of six years each. Justices named.

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

In the General Assembly read three times, and ratified this 28th day of January, A. D. 1903.

CHAPTER 45.

AN ACT FOR THE RELIEF OF THOMAS C. ROBINSON, CLERK OF THE SUPERIOR COURT OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Thomas C. Robinson, Clerk of the Superior Court of Anson County, be and he is hereby exempted from the provision of one hundred and fourteen (114) of The Code, and May be absent
from office during
months named.

Proviso, deputy.

from the liabilities and penalties mentioned in section one hundred and fifteen (115) of The Code during the months of July and August, 1903 and 1904: *Provided, however*, that during his absence he shall have a competent deputy.

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

In the General Assembly read three times, and ratified this 28th day of January, A. D. 1903.

CHAPTER 46.

AN ACT TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Additional Commissioners named.

SECTION 1. That George M. Warrick, of Grantham's Township, and James M. Wood, of New Hope Township, be and they are hereby appointed and elected members of the Board of County Commissioners of Wayne County, with the same rights and powers and subject to the same duties and liabilities as members of said Board of Commissioners as if they had been elected at the last general election in said county.

Five Commissioners to be elected hereafter.

SEC. 2. That there shall be elected in the county of Wayne at the next general election to be held in said county, and every two years thereafter, five (5) County Commissioners for said county.

Additional Commissioners to qualify.

SEC. 3. That the said George M. Warrick and James M. Wood shall qualify as County Commissioners of said county before the Clerk of the Superior Court of said county, and shall hold their office from their qualification until the first Monday in December, A. D. nineteen hundred and four (1904).

Term of office.

Secretary of State to send copies of acts.

SEC. 4. That the Secretary of State is hereby directed to send a copy of this act, under the seal of the State, to the Clerk of the Superior Court and to the Register of Deeds of said county immediately upon its ratification.

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

In the General Assembly read three times, and ratified this 28th day of January, A. D. 1903.

CHAPTER 47.

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

The General Assembly of North Carolina do enact:

Term of office.

SECTION 1. That the following-named persons be and they are hereby elected and appointed Justices of the Peace for their re-

spective townships, in Columbus County, for a term of two years from the ratification of this act:

For Tatom's Township, E. K. Brown, D. W. Nance, Pritchard Lennon; for Welch's Creek Township, J. M. Brown; for Williams' Township, J. K. Harper; for Ransom Township, S. N. Formyduval; for Waccamaw Township, A. T. Clark.

Townships and justices.

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

In the General Assembly read three times, and ratified this 28th day of January, A. D. 1903.

CHAPTER 48.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE PUBLIC ROADS AND HIGHWAYS OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 581, Public Laws of 1899, entitled "An act to provide for the better working of the public roads and highways of the State," be and the same is hereby amended as follows:

Chapter 581, Public Laws 1899, amended.

SEC. 2. That section 1 of the aforesaid act be amended to read as follows: That the Board of County Commissioners of Cleveland County shall, in order to provide for the proper construction, improvement and maintenance of the public roads of the county, at their regular meeting in June of each and every year, provided a majority of the votes cast in the election, or elections, to be held as hereinafter provided, shall be "For Roads," 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 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 the credit of the respective townships in said county from which said road fund is derived and to be used in the construction, maintenance, and improvement of the public roads of the county, the purchase of such materials, implements, teams, wagons, camp outfit, 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 work, and for the employment of such additional labor as may be deemed necessary: *Provided, however,* that the money raised by the aforesaid levy in each town-

To apply to Cleveland County.

Election.
Special tax.

Rate.

Equation to be observed. How tax collected.
Tax set aside as road fund.

How to be used.

Distributed by townships.

Permanent im-
provements.

Election and term
of office of super-
intendent.

Township super-
visor How paid.

Guards. How
paid.

Commutation for
road work.

When money to
be paid in.

Road implements
and tools.

Implements and
tools may be
loaned to town-
ships.

Lists of commuta-
tors to be fur-
nished.

Supervisors to list
road hands.

ship shall be used and expended on the roads of said township, and that each township shall have the benefit of the entire fund collected on the property and polls of said township under the aforesaid levy: *And provided*, that the moneys raised under this section, as far as possible, be used for permanent improvements.

SEC. 3. Strike out in section 2 of said act, between the words "June" in line two thereof, and the word "and" in line 3 thereof, the words "eighteen hundred and ninety-nine," and insert the words "after the adoption of this law." Insert in line 7 of said section 2, between the word "road" and the word "fund," the words "and bridge," and strike out in said line 7 the word "1890." and in line 8 the word "nine," and add to said section 2 the follow- ing words: *Provided*, such township supervisor shall be paid for his services out of the road funds arising from and credited to his township.

SEC. 4. Strike out in lines 14 and 15 of section 3 of said act, after the word "guards" in line 14, the following words: "To be paid out of the general county road fund."

SEC. 5. Strike out in section 4 of said act, and in lines 21 and 22 thereof, the words "July, 1899," and substitute the words "May, after the adoption of this act." Strike out in line 29 of section 4 of said act the words "within 15 days," and substitute the words "on the first Monday of each month." Strike out in line 35 of said section 4 the words "within 15 days," and substitute the words "on the first Monday of each month after its receipt."

SEC. 6. Insert in line 3 of section 6 of said act, between the words "Superintendent" and "and," the words "or County Com- missioners." Add to said section 6 the following words: *Pro- vided further*, that the County Commissioners, for the purpose of encouraging road improvement, shall have the right to lend to any township without compensation, or upon such compensation, as in their discretion they may deem wise, such road machinery, tools, implements and fixtures as may have been purchased by the county out of its "bridge and road fund."

SEC. 7. That section 7 of said act shall be amended to read as follows: That on or before the 15th day of April of each and every year the County Treasurer shall furnish to the Road Super- intendent or each Township Supervisor, an alphabetical list by townships of all persons who have paid their money requirement in lieu of the number of 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, as provided in section 4 of said chapter 581 as amended by 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 4 of said chapter 581, Laws 1899, as amended by this act, shall be within 15 days submitted by the County 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 person and proceed against them according to law: *Provided, however,* that the defaulting party may be prosecuted at any time and by any citizen of the county.

Lists submitted to justice of the peace.

Duty of justice.

Any citizen may prosecute.

SEC. 8. That section 8 of said act shall be amended to read as follows: That all prisoners confined in the county jail, under a final sentence of the Court for crime, or imprisoned for non-payment of costs or fines, or under final judgment in cases of bastard, or under the vagrant acts, all insolvents who shall be imprisoned by any Court in said county for non-payment of costs, and all persons who would otherwise be sentenced in said county to the State Prison for a term of less than ten years, shall be worked on the public roads of the county: *Provided,* that in case the number of such persons in any county, at any time, be less than ten 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 co-operating county to thereby increase the number of prisoners at work on the public roads at any given time. And upon application of the said Road Superintendent of the county, or that of the Chairman of the Board of County Commissioners, the Judge of the Superior Court, or the Judge of the Criminal Court, the Justices of the Peace and the principal officer of any municipal or any other inferior Court, it shall be the duty of the said Judge or Justice of the Peace, or said principal officer, to assign such persons convicted in his Court to said Road Superintendent or Road Supervisor in any township making provision for the same, for work on the public roads of said county or township. All such convicts to be fed, clothed and otherwise cared for at the expense of the township where they are worked: *Provided further,* that in case of serious physical disability, certified by the county physician, persons convicted in said Superior, Criminal or inferior Court may be sentenced to the penitentiary or the county jail.

Certain prisoners to be worked on roads.

Convict labor may be exchanged with neighboring counties.

Judges and justices of the peace to assign convicts to road work.

How convicts cared for. Physical disability.

Convicts may be assigned from other counties.

SEC. 9. That section 9 of said act shall be amended to read as follows: That when the County Commissioners of Cleveland County shall have made provisions 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 that county, upon application of the Commissioners of said county to the Judge 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 upon their own public roads, shall sentence such able-bodied male prisoners as are described in section 8 of this act from such other counties to work on the public roads of said county or townships applying for the same, in the order of their application; and the cost of transporting, guarding and maintaining such prisoners as may be sent to any such county or township applying for the same shall be paid by the county or township applying for and receiving them out of the road fund of each such county or township: *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 or township having received and used them.

Cost of transporting, guarding and maintaining.

Return of foreign convicts.

Roads or ways classified.

SEC. 10. That section 10 of said act be amended by striking out same and substituting therefor the following: "For the purposes of this act the roads or ways of the county are hereby classified as follows:

Class "a."

"(a) The thoroughfares include the most 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.

Class "b."

"(b) The neighborhood or branch roads are public roads which are usually to the limit of one or two townships and generally lead from neighborhoods or settlements to main thoroughfares.

Class "c."

"(c) Cartways, which have no general public junction, are private ways opened up to allow one or more persons on foot, on horseback, or with any vehicle, to pass to and from his or her property through lands belonging to other parties in order to reach the public road.

Information to be furnished State Highway Commission.

"Information and advice concerning the location, re-location and general improvement of these public roads shall be furnished to the county authorities by the State Highway Commission. And the said Highway Commission is hereby made the interpreter of and may revise the specification for road building provided in this

Powers of Highway Commission.

act; and it shall further prescribe the general regulations for the management of prisoners working on the public roads.

"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 re-located or widened, shall be given a grade nowhere greater than seven feet in one hundred feet; and they shall have a width of not less than twenty feet, clear of ditches, logs, trees and other obstructions: *Provided*, that where the roadway must be located on the steep slope of a mountain its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock the width of such roadway shall not be less than thirteen feet: *Provided further*, that these thoroughfares or highways shall have a right of way of sixty feet wide, but the width of the road-bed within the limits here specified shall be 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 pipes or other forms of covered drains or culverts. These thoroughfares or highways as they are improved under the provisions of this act shall be located at a distance from any railway line of not less than three hundred (300) feet, except in cases where, in the opinion of an experienced engineer, a nearer approach to said railway line be necessary. They shall cross said railway line only when, in the opinion of such engineer, this be necessary; and at such crossings, whenever possible, the roadway shall be located either under or over the said railway line; and it shall be the duty of the company operating the said railway line to construct and keep in good repair the road-bed, including necessary bridges or culverts, of such thoroughfares or highways across the right of way occupied and claimed by said railway company, this precaution being taken as a proper safeguard to life.

"The neighborhood or branch roads, as defined above, shall have a right of way of thirty feet; but the width and grade of the roadway, and specifications under which these roads shall be kept in repair, shall be decided by the County Superintendent of Roads or the Supervisor in that township or district, subject to the approval of the Board of County Commissioners; and said roads

How highways surveyed and located.

Grade.

Width.

Width on mountain slopes.

Width through rock.

Right of way for highways.

Drainage.

Location near railway.

Crossing railways.

Duty of railway company.

Right of way for branch roads.

Re-location.
Labor allotted by
Superintendent or
Supervisor.

may be re-located or otherwise changed in the manner provided for in this act. The amount and nature of the labor to be performed under this act, in the maintenance and repair or change of any one of these roads, or parts thereof, shall be at the discretion of the Superintendent or Supervisor in charge of said roads.

How cartways
kept in repair.
Petition for cart-
way.

"Cartways as defined above, 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 through the Road Supervisor of the township or district in which such cartway is to be located, praying for a cartway to be kept opened across such other person's land, leading to some public road; and upon his making it

What petition to
State.

appear to the Board that the owner or owners of said lands, or their legal representatives, had ten days' notice of his intention, the Board shall hear the allegations of the petitioner and the objections, if any, of the owner or owners, or their representatives, and if sufficient reason be shown, shall order the Constable or other officer to summon a jury of five freeholders to view the

How cartways laid
off. Width.

premises and lay off a cartway not less than fourteen feet wide and assess the damages, if any, the owner of such land may sus-

Damages and ex-
penses paid by
petitioner.

tain 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

Cartways—how
changed or discon-
tinued.

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 proceedings 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 direct gates or bars across same; 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 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."

Gates.

Cartways by mu-
tual consent.

Penalties applied
to township road
fund.

SEC. 11. That section 11 of said act be amended as follows: Strike out the word "county" in line 23 of said section 11 and substitute "township in which the offense was committed." Add in line 30 of said section 11, after the word "price" and before the word "and," the following words, "out of the township road fund wherein said material was used."

Materials paid for
by township.

SEC. 12. That section 12 of said act be amended by adding to said section the following words: "*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."

Damages paid by township

SEC. 13. That section 14 of said act be amended so as to read as follows: The County Commissioners 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 site; and at important road-crossings and forks the Commissioners shall cause to be erected guide-boards 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 wilfully alter, deface or otherwise injure any such post or guide-boards, 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.

Mile-posts and guide boards.

Penalty for injuring.

Penalty applied to road fund of district

That any person or persons who shall wilfully 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 wilfully 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 same to the road fund of the township interested.

Penalty for obstructing or injuring public roads.

Penalty on officers not making returns.

Or otherwise failing to discharge duties

Penalty on persons and corporations violating act.

Fines applied to township road fund.

SEC. 14. That section 15 of said act be amended to read as follows: That the County Treasurer shall be and he is hereby appointed Treasurer of the road fund of the several townships in the county of Cleveland and for the faithful keeping and disbursing of said money, the bond of such Treasurer shall be liable, and

County treasurer — treasurer of road fund.

Bond liable.

Commissions.	for his services in receiving and disbursing such fund, he shall receive such commissions as the Board of County Commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall keep a separate account for each township in which road funds are levied and collected under this act and credit to the respective townships all the funds arising, levied and collected in said township coming into his hands, and shall pay the accounts of the several townships out of the respective funds of said township 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.
To keep separate accounts.	
Treasurer to keep township and county funds separate.	SEC. 15. That section 16 of said act be amended to read as follows: The County Treasurer shall keep a separate account of the township road fund as above provided, from the account of the county road and bridge fund, and all his disbursements of said two funds, and he shall make a written report thereof to the Board of County Commissioners at their regular meeting on the first Monday in August and February of each and every year, giving a statement of the disbursements from the two funds during the preceding six months, which reports, or the substance thereof, shall be published by said Commissioners in at least one newspaper published in the county site 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 1 of this act, and the sum so borrowed shall be paid out of the taxes collected for and applicable to any township for which said money is borrowed: <i>Provided further</i> , that the said Board shall not borrow a sum to exceed two-thirds of the amount of the taxes to be levied and collected for the said county or township road fund.
Reports.	
Reports to be published.	
County commissioners may borrow money for road work.	
How money repaid.	
Amount to be borrowed.	
County commissioners may reduce road duty.	SEC. 16. That section 17 of said act be stricken out and the following substituted therefor: The Board of Commissioners of Cleveland County may, at its discretion, at its regular meeting in June, or any regular meeting on or prior to the first Monday in June, reduce the number of days of labor required for road purposes in the county, or any township thereof, to two days, reducing also in such case the money to be paid in lieu of such labor, at the rate of fifty cents for each day reduced.
Sections named apply to special localities.	SEC. 17. That sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of chapter 581, of Laws of 1899, be stricken out.
Election to be ordered.	SEC. 18. That the Board of Commissioners of Cleveland County shall, at their regular meeting on the first Monday of February,

1903, order an election to be held in the county of Cleveland and each township thereof, on Saturday, the 7th day of March, 1903, submitting to the voters of the county and the respective townships therein, the question of the approval of this act, and said Commissioners shall give notice of said election for thirty days by publication of said notice at the court-house door in Shelby, North Carolina, and in some newspaper published in the county, and said Commissioners, when the aforesaid election is ordered, shall appoint the registrars for said election, one for each voting precinct in the county, and the judges of election, two for each voting precinct of the county, with power in the Chairman of the Board of said Commissioners to fill any vacancies, or to substitute their appointees, if reason shall exist therefor, and notice shall be given to the respective persons of their appointment and the registration books of the county shall be placed in the hands of the registrars so appointed, and the registration books shall be kept open, for the registration of any persons entitled to register and not hitherto registered, and said election shall be held, in accordance with the general provisions of law for the holding of elections except as same may be modified herein.

Notice.

Registrars.

Judges of election.

Notice of appointment.
Registration.

SEC. 19. That the election officers shall appoint one of their number to make return of the registration books and poll books and also the return of the vote from his precinct, said return to be made on Monday, March 9, 1903, and the Board of Commissioners of Cleveland County shall meet on that day and canvass the vote and record said vote by townships and by the county and declare the results of said election.

How return made.

When return made.
When vote canvassed.

SEC. 20. That in said election, or any subsequent elections which hereafter may be held, those favoring this law and the levying of the tax thereunder, shall vote on a written or printed ballot "For Roads," and those against on a written or printed ballot "Against Roads."

Form of ballots.

SEC. 21. That if a majority of the votes cast at said election in the county shall be "For Roads," that in such case this act shall be adopted for the entire county of Cleveland and all of its provisions shall be carried out as in this act directed, but if a majority of the votes cast in said election in the county shall be "Against Roads," and at the same time a majority of the votes cast in said election in any township in said county be "For Roads," then, in such case, this act shall be in force and operative only in the townships of said county that have given a majority in its favor.

Effect of election.

SEC. 22. That if in the first election provided for by this act a majority of the votes cast in said election in the county be "Against Roads," then the Commissioners of Cleveland County are authorized and empowered, in their discretion, to order a new

Further elections.

May be held each year. election at such time as they may deem wise within any calendar year after 1903, and to continue to order and hold elections each year in their discretion until a majority of the votes cast in said election shall be "For Roads," said elections to be held after the manner above provided and to have the same effect as provided in section 21 foregoing, except that such elections shall make no change in the operation and enforcement of this act in any township in said county that has in any previous election given a majority "For Roads."

Effect of such elections.

Further township elections

Effect.

Act to apply only to Cleveland.

SEC. 23. That the County Commissioners of Cleveland County may at their discretion, within any calendar year after 1903, submit to the voters of any township in Cleveland County in which this act is not in force, the question of the approval and adoption of this act as it shall affect said township and shall provide the necessary machinery for holding said election and make all necessary orders thereto, and if a majority of the votes cast in said township at said election shall be "For Roads," then, in such case, this act shall be approved and adopted for said township and shall be in force for said township.

SEC. 24. That this act shall apply only to the county of Cleveland, and all the sections of chapter 581, Public Laws of 1899, repealed by this act are repealed only so far as they relate to Cleveland County.

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

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1903.

CHAPTER 49.

AN ACT AMENDING CHAPTER 28, ACTS OF GENERAL ASSEMBLY OF 1901, WITH REFERENCE TO THE TIME OF HOLDING SUPERIOR COURT IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Terms of Court.

SECTION 1. That chapter 28, Acts of General Assembly 1901, page 166, line 33, from top of page, be amended by inserting between "March" and "and" in the said line 33, the following words: "Second Monday in June, second Monday in September;" and, also, that the line 35 from top of said 166 page be amended by striking out the following words: "Eighth Monday after the first Monday in March."

Secretary of State to send copy of act.

SEC. 2. That the Secretary of State shall furnish a copy hereof to the Chairman of the Board of Commissioners of Lenoir County.

who shall give notice thereof for thirty days in some newspaper published in said county.

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

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1903.

CHAPTER 50.

AN ACT TO PREVENT THE SALE, MANUFACTURE AND SHIPMENT OF ANY INTOXICATING LIQUORS IN THE COUNTY OF SCOTLAND.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to manufacture, sell or otherwise dispose of for gain, any intoxicating liquors in the county of Scotland: *Provided*, this act shall not be construed to forbid the sale of such liquors by a druggist upon the written prescription of a regular practicing physician for the benefit of a patient under such physician's care: *Provided further*, that this act shall not be so construed as to apply to wine or cider manufactured from grapes, berries or other fruit raised on the land of the person so manufacturing it.

Manufacture or sale of liquor forbidden.

Proviso, druggist may sell on prescription.

Proviso, exception as to wine and cider from fruit raised on land of manufacturer.

SEC. 2. That the place of delivering any intoxicating liquors within the county of Scotland shall be construed to be the place of sale; and that any station or place within the aforesaid county to which any person, firm or corporation shall ship or convey any intoxicating liquors for the purpose of delivering or carrying the same to a purchaser, shall be construed to be the place of sale: *Provided*, that this section shall not be so construed as to prevent the delivery of any spirituous liquors to a druggist in sufficient quantities for medical purposes only.

Place of sale construed.

Proviso, liquors delivered to druggist for medical purposes.

SEC. 3. That any druggist who shall duplicate the prescription mentioned in the first section of this act without the written direction of the physician who gave it, shall be guilty of retailing within the meaning of this act.

Druggist duplicating prescription guilty.

SEC. 4. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and be fined or imprisoned, or both, for each and every offence in the discretion of the Court.

Misdemeanor; penalty.

SEC. 5. That any physician who shall make a prescription for the purpose of aiding any person or persons in the violation of this act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the Court.

When physician guilty.

Penalty.

Repealing clause. SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force and go into effect from and after April 1, 1903.

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1903.

CHAPTER 51.

AN ACT TO PROVIDE FOR THE CROSS-INDEXING OF THE APPOINTMENTS OF EXECUTORS, ADMINISTRATORS AND GUARDIANS.

The General Assembly of North Carolina do enact:

Cross-index of
executors and
administrators.

SECTION 1. The Board of Commissioners for each county shall, within six months, cause to be made and consolidated into one book or more a general alphabetical cross-index of the appointment of all executors and administrators heretofore made by the Courts of their county. The said book shall be durably bound, and shall have on each left-hand page six successive columns, headed respectively as follows: First column, with the words, "Name of appointee;" second column with the words, "Name of decedent;" third column with the word, "Office;" fourth column with the words, "Date of appointment;" fifth column with the words, "Where recorded," and sixth column with the word, "Page." The right-hand page shall contain six columns, headed respectively as follows: First column with the words, "Name of decedent;" second column with the words, "Name of appointee;" third column with the word, "Office;" fourth column with the words, "Date of appointment;" fifth column with the words, "Where recorded," and sixth column with the word, "Page."

Description of
index book.

Cross-index of
guardians.

SEC. 2. The said Commissioners shall also, within said time, cause to be made and consolidated into one or more books a general alphabetical cross-index of the appointment of all guardians heretofore made by the Courts of their county. The said book shall be durably bound and shall have on each left-hand page five columns, headed respectively as follows: First column with the words, "Name of guardian;" second column with the words, "Name of ward;" third column with the words, "Date of appointment;" fourth column with the words, "Where recorded," and fifth column with the word, "Page." The right-hand page shall contain five columns, headed respectively as follows: First column with the words, "Name of ward;" second column with the words, "Name of guardian;" third column with the words, "Date

Description of
index book.

of appointment;" fourth column with the words, "Where recorded," and the fifth column with the word, "Page."

SEC. 3. The expense of indexing said books shall be paid by the county, not exceeding two cents for each appointment. Expense; how paid.

SEC. 4. The Clerk of the Superior Court of each county shall index all such appointments upon said books, made after the passage of this act, without compensation: *Provided*, it shall be discretionary with the County Commissioners of the several counties, as to whether said cross-indexes shall be made and how far back they shall extend. Clerks to keep index up.
Execution of act discretionary.

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

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1903.

CHAPTER 52.

AN ACT TO REGULATE FISHING IN PAMLICO AND TAR RIVERS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 655, Public Laws of 1899, ratified the eighth day of March, 1899, being an act entitled "An act to prevent fishing with pod or pyke nets in certain waters of Pamlico and Tar Rivers and certain of their tributaries," be and the same is hereby repealed. That chapter 162 of the Public Laws of 1895, being an act entitled "An act to prevent Dutch net fishing in Pamlico and Tar Rivers," ratified the 6th day of March, 1895, be and the same is hereby repealed. Previous laws repealed.

SEC. 2. That it shall be unlawful to fish in the waters of Pamlico and Tar Rivers with Dutch, pod, pyke or pound nets, or other nets of like kind, except as hereinafter allowed. That it shall be lawful to fish with Dutch, pod, pyke or other pound nets, or nets of like kind in the waters of Pamlico River below a line beginning on the southern shore of Pamlico River at Maule's Point, and running due north to a point on the northern shore of said river: *Provided*, that no Dutch, pod, pyke or pound net, or other net of like kind, shall extend out in said river more than one-eighth of the distance across said river from the shore, and that none of said Dutch, pond, pyke or pound nets shall be set, placed down or fished nearer to each other than five hundred yards, measuring up and down the river; nor shall they be placed, set down or fished within five hundred yards of any seine beach in actual use for hauling a seine: *Provided*, no nets of the kind enumerated Generally unlawful to fish with Dutch, pod, pyke or pound nets.
Lawful in certain limits
Limits.
Proviso, use of nets regulated.
Proviso, limit as to time.

in this act, or other nets of like kind, shall be placed down, set or fished in said rivers between the 10th day of May and 1st day of July, in any year.

Misdemeanor;
penalty.

SEC. 3. That any person placing down, setting or fishing any Dutch, pod, pyke or pound nets or other nets of like kind in the waters of Pamlico or Tar Rivers, contrary to the provisions of this act, shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than one hundred dollars, and shall be imprisoned in the county jail not less than thirty (30) days and not more than sixty days: *Provided*, that nothing in this act shall be construed to allow any Dutch, pod, pyke or pound net, or other nets of like kind, to be set, placed down or fished in any of the waters of Pungo River where it is now unlawful to set, place down or fish such nets.

Provided: Act not
to extend fishing
limit in Pungo
River.

Duties of Oyster
Commissioner and
Deputy.

SEC. 4. That whenever any person shall complain to the Oyster Commission(er), or any Deputy Oyster Commissioner that Dutch, pod or pyke nets, or other nets of the like kind, have been placed down or set in any of the waters of Pamlico River, or any of its tributaries, contrary to and in violation of this act, that said Oyster Commissioner or Deputy Oyster Commissioner, or person performing the duties of such, shall at once visit said river, make a complete and full examination of all Dutch, pod or pyke nets, or other nets of like kinds in said river, and ascertain whether they are placed down, set or fished in violation of the provisions of this act, and he shall report to the Solicitor of the district in which the offence is committed, who shall prosecute all violators of this act; any Justice of the Peace may hear causes arising under this act and bind over to the next term of the Superior Court of the county in which the offence was committed.

Duty of Solicitor.

Duty of Justice of
the Peace.

One-half fine to
informer.

SEC. 5. That upon the conviction of any person under this act, one-half of the fine shall go and be paid to the informer.

Repealing clause.

SEC. 6. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1903.

CHAPTER 53.

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

The General Assembly of North Carolina do enact:

Bonds authorized.
Purpose of issue.

SECTION 1. That for the purpose of calling in certain interest-bearing county paper issued during the year nineteen hundred and two for the payment of the debts contracted in the construc-

tion of a road leading to Topton, North Carolina, and other purposes herein named, the Board of County Commissioners of Graham County are hereby authorized and fully empowered to issue interest-bearing coupon bonds to an amount not exceeding twenty thousand dollars, to be due and payable to bearer at the Bank of Murphy, Murphy, N. C., or such other place as may be designated by the said Board, bearing interest at the rate of not exceeding six per cent per annum and payable on September 1st of each year. The interest coupons shall be payable at the same place designated for payment of bonds and when due shall be receivable in payment of all county taxes. Said bonds shall become due as follows: One thousand dollars on the first day of September, 1903, and one thousand dollars or more on the first day of September of each year thereafter, as herein provided, until the whole amount issued is paid. Said bonds may be in denominations of one hundred, five hundred or one thousand dollars, and shall be signed by the Chairman of the Board of County Commissioners and be counter-signed by the Clerk of the said Board and attested by his official seal. Said bonds shall be designated, Graham County North Carolina Road Bonds.

SEC. 2. Said bonds shall be sold at not less than par by the said Board of Commissioners. The proceeds derived from such sales shall be applied to the payment of outstanding indebtedness contracted in the construction of the public road from Tulula Gap in Graham County to Topton, North Carolina, on the Southern Railway, and to pay for the building, improvement, and alteration of other public roads and bridges in said county as the Board of Commissioners may order.

SEC. 3. In order to meet the interest and pay off a portion of the bonds each year, a special tax not exceeding fifty cents on every one hundred dollars' worth of property, and one dollar and fifty cents on each poll shall be levied each year, commencing the first Monday in June, 1903: *Provided*, that in the levy and collection of same the constitutional equation between property tax and poll tax shall be observed, which levy shall continue to be laid each year thereafter as aforesaid until the whole of the said bonds and interest thereon be paid, which said special tax shall be collected by the Sheriff of the said county at the same time and in the same manner as other county taxes, and he shall pay the same into the hands of the County Treasurer for the payment of said bonds and interest thereon as herein provided: *And provided further*, that should the amount collected in any one year of said special tax exceed the amount of bonds and interest on all them due for that year, then the Board of County Commissioners of said county may call in and pay off an additional portion of said bonds as hereinafter provided, or if the surplus from said special

Amount.

Place of payment.

Interest.

When coupons
payable; receiv-
able for county
taxes
When bonds be-
come due.

Denominations
of bonds.

How authenti-
cated.

Bonds not sold at
less than par.
Proceeds; how ap-
plied.

Special tax.

Rate of tax.

Equation to be ob-
served.

Tax to be contin-
uous.

To be collected by
sheriff.

Surplus, if any;
how disposed of.

tax should be insufficient for that purpose, or be not used in such redemption in any one year, the County Treasurer is hereby directed to hold the same and apply to the payment of the bonds and interest thereon when falling due in the succeeding year.

County Commissioners may call additional bonds when.

SEC. 4. Whenever the amount collected of said special tax in any one year exceeds the portion of said bonds and the interest on the whole of them, which falls due in that year, then the Board of County Commissioners may apply the excess, if sufficient, to the payment of a portion of said bonds falling due at a later date, but excluding any unearned interest on bonds so called in. The said Board shall call in such additional bonds in the order they shall fall due, calling those first which fall due last, which call shall fix the time and place at which said bonds and accrued interest to that date will be paid, after which date the interest on the bonds called in shall cease. A copy of the said call shall be mailed by the Clerk of the Board to the last known address of the holder of such bonds, and upon response to such call no further notice to the holder shall be necessary. Should no response to the call be received, said notice shall be made full and complete by publishing a copy of said call in some newspaper of general circulation in the State of North Carolina for three successive weeks preceding the time fixed for the redemption of the said bonds, which time shall be an interest-bearing period.

Bonds to be called in order of maturity.

Notice of call.

Bond register to be kept.

SEC. 5. The Board of County Commissioners shall provide a suitable book and the Register of Deeds shall keep therein a complete and accurate record of said bonds and their coupons, showing their number, date of issue, date due, amount, and to whom sold. He shall also enter therein the date of payment of all bonds and coupons so that the record will show at all times the amount not paid, which book shall be open to the inspection of every taxpayer.

Register of payments.

Bonds of Treasurer and Sheriff.

SEC. 6. The official bonds of the Treasurer and Sheriff of said county respectively shall be held to cover all the duties and responsibilities required of them by this act.

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

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1903.

CHAPTER 54.

AN ACT TO PROHIBIT THE HUNTING WITH DOGS, GUNS, TORCH, OR LANTERN IN THE COUNTY OF STANLY.

The General Assembly of North Carolina do enact:

Unlawful to hunt on lands without consent of owner.

SECTION 1. That it shall be unlawful for any person to hunt with or without gun, or dog, torch or lantern, or to net or trap

birds on the lands of another in Stanly County without first obtaining the consent of the owner of the land to so hunt.

SEC. 2. That any person, or persons, violating section one of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars, or imprisoned not exceeding thirty days in the discretion of the Court.

Misdemeanor;
penalty.

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

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1903.

CHAPTER 55.

AN ACT TO PREVENT HUNTING ON THE LANDS OF ANOTHER IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt or fish on the lands of another in Washington County without first having obtained the consent of the owner of the land: *Provided*, this act shall not apply to the large tract of unimproved land on the south side of the county, commonly known as the dismal.

Unlawful to hunt
on lands without
consent of owner.

Except the "Dis-
mal."

SEC. 2. That any person violating 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.

Misdemeanor;
penalty.

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

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1903.

CHAPTER 56.

AN ACT TO REPEAL THE STOCK LAW IN FEDERAL POINT TOWNSHIP IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after June the first, nineteen hundred and three, chapter two hundred and ninety (290) of the Public Laws of eighteen hundred and ninety-nine (1899) shall not apply to that portion of New Hanover County south and west of a line starting at a point on the Cape Fear River where the

Specified territory
exempt from stock
law.

watercourse from McIlhenny's mill pond empties into said river, and running with the stream and mill pond to the head of Clay bottom, and running behind W. P. Oldham's fence southeast to the old Federal Point road, running the west side of said road to the Sound road, running the west side of Sound road to George Rodger's lane, down said lane to the Sound, and also including that portion of the Beach south of a point opposite where this line touches the Sound.

Fence to be built.

SEC. 2. That before the fifteenth day of May, nineteen hundred and three, the Board of Commissioners of said county shall cause a good and sufficient fence five feet high to be constructed and maintained along the boundary line above mentioned, with suitable gates at all crossings of public roads or other places where necessary: *Provided*, that the said Board of Commissioners may at any time and from time to time declare any watercourse along the line of said fence to be and constitute a part of said fence:

Watercourses may be declared part of fence.

Provided further, that the Commissioners may have the right, if in their judgment it is necessary, to run this fence a little south of the point where it touches the Sound in order to touch the Sound at a deep water point, and for the purpose of this act the said Board of Commissioners may let out the construction of said fence and gates by contract to the lowest responsible bidder, giving twenty days' notice of such letting out by public advertise-

County Commissioners may alter line.

Construction of fence to be let.

Notice of letting.

ment in at least two daily papers published in the city of Wilmington, or in their discretion the said Board shall deem it advisable that they may employ an agent to construct said fence under such terms as they shall prescribe; and for defraying the

How expense paid.

expenses of constructing said fence and gates the said Board may draw upon the County Treasurer of said county of New Hanover for a sum sufficient therefor out of the general fund of said county, and may thereafter levy on all real property taxable by State and county in said territory so fenced out and collect a tax sufficient to replace the amount so drawn from the said general fund, and in addition thereto may from year to year in like manner levy and collect a tax sufficient to maintain said fence and gates.

Tax to re-imburse county.

Tax to maintain fence.

Repealing clause.

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.

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1903.

CHAPTER 57.

AN ACT RELATING TO FEES OF WITNESSES AND OFFICERS IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Laws of 1901, chapter 715, be and the same are hereby amended by inserting after the word "Onslow" and before the word "and" in section three, line four of said act the word "Yadkin."

Provisions of act named extended to Yadkin County.

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

In the General Assembly read three times, and ratified this 31st day of January, A. D. 1903.

CHAPTER 58.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COURT STENOGRAPHERS FOR UNION 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 Union County and also of the Clerk of the Superior Court of Buncombe County, as soon after the ratification of this act as practicable, to appoint a Court Stenographer for each of their respective counties, who shall be an officer of the Court, and he shall attend all the regular or special terms of the Superior Court for said counties.

Clerks of Superior Court of Union and Buncombe to appoint stenographers.

Officer of Court.

SEC. 2. No person shall be appointed to the position of official stenographer for the Courts of said counties without first being examined as to his or her competency by at least three members of the bar practicing in said Court, such members to be designated by the Clerks of said Court.

Examination of stenographer.

The committee of members of the bar so designated, shall, upon the request of the Clerk of said Court, examine any person as to his qualifications whom said Clerks may wish to appoint as official stenographer, and no person shall be appointed to said position upon whose qualifications such committee shall not have reported favorably. The party examined must write, in the presence of said committee at the rate of at least one hundred and twenty-five words per minute for five consecutive minutes, upon matter not previously written or known to him. If he pass such examination satisfactorily the committee shall furnish him with a

Qualification of stenographer.

- Certificate.**
To be filed. written certificate of the fact, signed by a majority of the members of the committee, a copy of which certificate shall be filed among the records of the Clerks in said counties.
- Stenographer to take oath.** SEC. 3. Before entering upon the duties of said office such stenographer shall take and subscribe an oath to faithfully, correctly, honestly and conscientiously discharge his duties as official Court stenographer as defined by this act.
- Duties of stenographer.** SEC. 4. Such official 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, 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 parties, the charges of the Court to the jury, shall make a note of all documentary evidence introduced by either party, and such other proceedings as the Court may direct. Such stenographic notes shall be typewritten and filed with the Clerks of said Court, and shall become a part of the records of the Court. Said official stenographer shall furnish a typewritten copy of his stenographic notes of the evidence to the Court and to counsel for each side in all cases when practicable, or when directed by the Court.
- Record on appeal.** SEC. 5. In all cases of appeal to the Supreme Court the official stenographer shall, as soon as practicable, and within five days after the adjournment of the Court, unless further time be granted, furnish one copy to the counsel for each party, of the entire record of the case as taken by him or her.
- Substitute appointed in absence of stenographer.** SEC. 6. In case of the unavoidable absence of the official stenographer, the Clerks of said Court shall appoint some competent stenographer in place of the official stenographer, who shall have the same duties and receive the compensation of the official stenographer for the time the official stenographer is absent. Such person so appointed shall take and subscribe the oath prescribed for the official stenographer before entering upon the discharge of his duties.
- Substitute to take oath.** SEC. 7. The official stenographer shall hold office for two years unless removed by the Clerk of said Court for cause, and in case of a vacancy from any cause the Clerk shall proceed to fill the vacancy as provided for the appointment of the official stenographer.
- Term of office.** SEC. 8. For the purpose of providing a fund for the payment of said official stenographer, there shall be taxed by the Clerk of the Court a fee of two dollars and fifty cents as a part of the cost in all civil cases in which any decree or judgment is signed, or in which issue is joined, and in all criminal actions there shall be taxed as a part of the cost a fee of one dollar, except that in capi-
- Vacancy; how filled.**
- How stenographer paid.**

tal felonies the fee shall be two dollars and fifty cents: *Provided*, that in all criminal cases in which no jury is empaneled no fee shall be taxed: *And provided further*, that the fees taxed in criminal cases against the county shall be paid in full by the county except that in cases where the State shall fail to convict, only half fees shall be paid. The fees so taxed as a part of the cost as herein provided, shall be paid to said official stenographer, in the manner provided for the payment of costs in other cases.

Half fees on failure to convict.

SEC. 9. 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 Union and Buncombe Counties, the certified type-written copy of the notes of such testimony taken by the official stenographer at the Court where said witness testified shall be evidence to prove the same.

Stenographer's notes evidence.

SEC. 10. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 31st day of January, A. D. 1903.

CHAPTER 59.

AN ACT FOR ELECTION OF COMMISSIONERS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be elected in the county of Craven at the general election to be held in the year 1904 and every two (2) years thereafter by the duly qualified electors thereof, five persons to be chosen by the body of the county who shall be styled the Board of Commissioners for the county of Craven.

Five Commissioners to be elected.

Official title.

SEC. 2. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this 31st day of January, A. D. 1903.

CHAPTER 60.

AN ACT TO AMEND SECTION 1, CHAPTER 35, OF THE LAWS OF 1895, IN REGARD TO STOCK LAW IN JACKSON, GRAHAM, SWAIN, CLAY, MACON AND CHEROKEE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter thirty-five (35) of the Laws of 1895, be amended by adding thereto the following: *Pro-*

Election not oftener than once in two years.

vided, that in any territory where stock law now prevails no election against stock law shall be held in less than two years from the date of the election adopting stock law in said territory: *Provided further*, that if "No Stock Law" should carry, it shall not take effect until six months from the date of its ratification: *Provided still further*, that neither "Stock Law" or "No Stock Law" shall take effect during crop season.

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

In the General Assembly read three times, and ratified this 31st day of January, A. D. 1903.

To take effect.

No change to take effect in crop season.

CHAPTER 61.

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND FIVE, LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and five of Public Laws of 1901, be and the same is hereby amended by striking out the word "is" in line two, section two, of said chapter, and substituting therefor the word "in."

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1903.

Statements in application for insurance "representations" not warranties.

CHAPTER 62.

AN ACT TO PREVENT THE HUNTING AND FISHING UPON LANDS OF ANOTHER IN ROBERSONVILLE TOWNSHIP, MARTIN COUNTY, WITHOUT WRITTEN PERMISSION OF THE OWNER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt with gun or dog upon any lands in Robersonville Township, Martin County, or to fish in the waters upon the lands of another in said township without first having received written permission to do so from the owner of said land or lands, or his or their authorized agents.

SEC. 2. That this act shall not apply to tenants hunting or fishing on the lands of their landlords.

Unlawful to hunt or fish on lands without permission of owner.

Limitation.

SEC. 3. That a violation of this act shall constitute a misdemeanor and the offender, upon conviction, shall be fined not more than ten dollars, or imprisoned not more than ten days. Misdemeanor; punishment.

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1903.

CHAPTER 63.

AN ACT TO AMEND SECTION ONE HUNDRED AND FOURTEEN OF THE CODE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and fourteen of The Code be amended by adding the following: *Provided*, that Chas. A. Armstrong, the Clerk of the Superior Court of Montgomery County, may absent himself from his office on any Monday except the first Monday in each month by providing a competent deputy to keep his said office open and to transact the ministerial business thereof. Clerk allowed to be absent on days stated.
Deputy.

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1903.

CHAPTER 64.

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF HYDE COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Hyde County be and they are hereby authorized and empowered at their meetings on the first Mondays in June, 1903 and 1904, or at such times in said years as they may be required to levy taxes, to levy a special tax upon the property and polls of said county for the purpose of paying the indebtedness of said county and to provide for the erection of an additional building at the Home for the Aged and Infirm for said county. Special tax authorized.
Objects of tax.

SEC. 2. That said tax shall be levied in like manner as other

To be levied as
other taxes.
Rate.
Constitutional
equation to be
observed

taxes are levied and shall not in either of said years exceed twenty (20) cents on the one hundred dollars worth of property and sixty (60) cents on the poll. The constitutional equation between property and poll shall always be observed in making said levies.

To be collected and
accounted for as
other taxes

SEC. 3. That said tax shall be collected and accounted for by the Sheriff or tax collectors in the same manner and under the same rules and regulations and under the same penalties as are prescribed for the collection of State and county taxes.

County
Commissioners to
appropriate tax.

SEC. 4. That the Board of Commissioners of said county set aside and appropriate, out of the taxes collected under this act, a sum not exceeding eight hundred dollars to be used by them in the erection of a suitable building for the residence of the white inmates of the Home for the Aged and Infirm.

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1903.

CHAPTER 65.

AN ACT TO AMEND CHAPTER 415, PUBLIC LAWS OF 1895.

Preamble.

WHEREAS, Pursuant to section 1 of chapter 415, Public Laws of 1895, all the records enumerated in said section have been transcribed; and,

WHEREAS, The probates to most of the wills recorded in Will Books Nos. 1, 2 and 3 were entered on said wills and not recorded in said Will Books; and,

WHEREAS, Said original wills were destroyed by fire in January, 1893; therefore,

The General Assembly of North Carolina do enact:

Transcribed rec-
ords to have force
of original records.

SECTION 1. That all records transcribed by virtue of section 1 of said chapter 415, of the Public Acts of 1895, shall have the same force and effect as the original records would have, and shall be received in evidence as the original records, and be *prima facie* evidence of their correctness.

Transcription of
wills *prima facie*
evidence of pro-
bate.

SEC. 2. That all wills transcribed by virtue of said chapter 415, Public Acts of 1895, where the probates have been destroyed by fire, shall be *prima facie* evidence of their original legal probate.

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1903.

CHAPTER 66.

AN ACT TO AMEND SECTION TWO THOUSAND SEVEN HUNDRED AND NINETY-NINE OF THE CODE OF NORTH CAROLINA (2799).

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and ninety-nine (2799) of The Code of North Carolina be and the same is hereby amended by striking out in line two the word "five" therein, and inserting the word "four" instead thereof.

Lawful fence.

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

In Madison County.

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1903.

CHAPTER 67.

AN ACT TO AMEND CHAPTER 134, LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 134, Laws of 1901, be amended by inserting after the figures "1902," in line six of section 1, the words and figures, "and one thousand nine hundred and three (1903) and one thousand nine hundred and four (1904)."

Authority to levy special tax in Brunswick County extended.

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1903.

CHAPTER 68.

AN ACT TO AUTHORIZE COMMISSIONERS OF CARTERET COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Carteret County are authorized and empowered upon the ratification of this act, for the purpose of building and constructing bridges over and across the navigable waters and elsewhere in said county and for

Special tax.

Purpose of tax.

Rate.	keeping the same in repair, to levy a special tax of thirteen and a third (13 1-3) cents upon the real and personal property in said county and forty (40) cents upon each poll.
Powers of County Commissioners	SEC. 2. Said Commissioners in their discretion may cause such bridges to be constructed and erected in such portions of said county as may be required, and shall, out of the tax hereby levied, pay for the construction and erection thereof and the expense of maintaining and keeping said bridges in repair.
May issue script or bonds.	SEC. 3. That in order to raise the necessary funds to build and erect such bridges as in their opinion may be required, they may issue county script or county bonds in such denominations as may be deemed suitable, payable at such times as may be agreed upon and at such rate of interest not exceeding 6 per cent as they may determine, to an amount not exceeding the actual cost of the construction and maintenance and repair of said bridges. And if
Interest.	such script or bonds shall be issued, the tax hereby levied shall be used exclusively for the redemption of said script or bonds and the payment of the interest thereon.
Amount.	
Use of tax if script or bonds issued.	
Tax to be kept as separate fund.	SEC. 4. That if said Commissioners shall in their judgment find that no script or bonds is necessary to be issued for such purpose, then the tax collected under the levy hereby authorized shall be kept by the Treasurer of said county as a separate fund to be used exclusively for the objects and purposes to which this act is directed.

SEC. 5. This act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 69.

AN ACT TO ESTABLISH ROANOKE RAPIDS TOWNSHIP IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Township established Name.
Boundaries.

SECTION 1. That a township be established in the county of Halifax, to be called "Roanoke Rapids Township," comprising the following territory, to-wit: Beginning at mouth of Deep Creek, where said creek empties into Roanoke River; thence up said Deep Creek to Perkins' Bridge, near Perkins' mill site, where W. L. M. Perkins formerly operated a grist mill; thence from said Perkins' bridge in a southerly direction along the Littleton road, to where the said Littleton road forks with Halifax road, said fork being known as Shaw's Grove; thence along the Halifax road to Quankey Creek; thence following the run of

said Quankey Creek to where said creek crosses the public road, running past Jesse W. Phea's residence to Tilghmon's cross roads; thence from said Quankey Creek down said public road past the residence of said Jesse W. Phea, the residence of A. M. Mye and past Smith's church to Chockeyotte Creek; thence northwardly, following said road, to Tilghmon's cross roads; thence a straight line to the center of J. B. Medlin's residence; thence following said straight line through J. B. Medlin's residence to Roanoke River; thence up said Roanoke River to the beginning.

SEC. 2. That the said township being created shall have all of the rights, powers and privileges now possessed or which may be hereafter be given to other townships in said Halifax County.

SEC. 3. That all laws or parts of laws in conflict with this act are hereby expressly repealed. Repealing clause.

SEC. 4. That this law shall be in effect from and after its passage.

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 70.

AN ACT TO INCORPORATE THE CANEY RIVER RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. M. Buck, D. M. Buck, W. H. Wood, W. Whitney Wood, Haskett Wood, and their associates and successors, are hereby constituted a body politic and corporate, under the name and title of "The Caney River Railway Company," and as such may sue and be sued in any of the Courts of the State, and shall be subject to all laws of North Carolina not inconsistent with this act; that said company shall elect such officers and prescribe such by-laws as may be necessary for the government and operation of said company and management of its officers.

Incorporators.

Constitute a corporation.

Corporate name.
Corporate powers.

SEC. 2. That the capital stock of said company be ten thousand dollars, with the power of the stockholders to increase the same to one hundred thousand dollars when they think the same necessary, and shall be divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. That in all meetings of stockholders for the purpose of electing officers or for the transaction of any other business connected with said company, each stockholder shall be entitled to one (1) vote for each share of stock owned by him, and stockholders may vote by proxy duly authorized in writing.

Votes of stockholders.

Proxies.

- Corporate powers. SEC. 4. That said company shall have full power to erect and operate tramways or railways, using any motive power it sees fit, for the transportation of passengers, logs, lumber, timber, minerals, and all kinds of merchandise from any point in Yancey County to any point in Mitchell, Madison or Yancey counties, and shall have power to condemn land under the provisions of law in reference to railroads in chapter 49 of the first volume of The Code. They shall also have the power to erect splash dams in any or all of the creeks or water sources flowing into the Toe and Caney rivers in the counties of Yancey or Mitchell, and may also build on the waters of said rivers, or tributaries thereto, dams for the purpose of operating electric plants or railroads and of making power to operate woodworking plants and all kinds of machinery, and may build and erect booms for the collection of logs in said rivers, within said counties. And it is further provided that the said company shall be allowed to transport all freight upon its tram or railways or electric lines for itself and for all other persons, charging reasonable compensation therefor.
- Terminals.
- May condemn land.
May erect splash-dams.
- Other dams.
- Log booms.
To carry freight and charge for same.
- May consolidate. SEC. 5. The said company shall also have the power to consolidate with any other company, organized under the laws of this State, or any other State, for the purpose of carrying out the business contemplated by this act.
- Power to hold and dispose of real property. SEC. 6. That said company shall have the power to take, by purchase, lease or other operation of law, any lands, tenements, hereditaments in the State of North Carolina, to such an amount as to them shall seem proper, and to hold and to convey the same in fee simple, as provided in section 685 of The Code and its amendments; they shall have power to sell, grant and convey, improve, manage, develop, lease, mortgage, dispose of or otherwise deal with any part or all of the property of said company in such manner as said company shall see fit.
- Principal office SEC. 7. The principal place of business of said company shall be at Bald Mountain, Yancey County, North Carolina.
- General rights. SEC. 8. That all the rights, privileges, powers and immunities given to corporations in chapter 16 of The Code, and the amendments thereunto, not inconsistent with this act, are hereby specially reserved to said company.
- Liability of stockholders. SEC. 9. The stockholders of said company shall not be liable in their individual capacity for the debts of said company.
- SEC. 10. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 71.

AN ACT TO ALLOW FISHING WITH HAND LINES ON
NEUSE AND TRENT RIVER BRIDGES.*The General Assembly of North Carolina do enact:*

SECTION 1. That so much of chapter 326 of the Public Laws of 1901 as prevents and prohibits fishing with hand lines from the bridges across the Neuse and Trent rivers, after the first day of March, 1903, is hereby repealed. And from and after the ratification of this act, it shall be lawful for all persons to fish from said bridges with hand lines only, said lines to be disconnected from poles for such use.

Special repealing
clauseLawful to fish with
hand-lines only.

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

General repealing
clause

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 72.

AN ACT TO ESTABLISH A FREE SCHOOL DISTRICT AT
THE COUNTY LINE, BETWEEN THE COUNTIES OF MOORE
AND HARNETT.*The General Assembly of North Carolina do enact:*

SECTION 1. That a free school district is hereby created at the county line between the counties of Moore and Harnett, to be known under the name of "The Morris Chapel Free School District." The said free school district shall be governed by the same laws, rules and regulations as other free school districts in the State: *Provided*, the sum apportioned to the said school district by the two counties (a portion of which is embraced in this district) shall all be paid to the Treasurer of Harnett County, who shall become treasurer of said school district. The limits of the Morris Chapel free school shall be as follows: Beginning on the Atlantic Coast Line Railroad, three-fourths of a mile south of Swann's Station; thence an easterly direction to the road leading by T. R. Rosser's, Morris Chapel church and Cox's Mill to Jonesboro; thence with said road leading from Swann's Station to W. J. McDonald's to Daniel Buie's Creek; thence up the creek about two hundred yards; thence an easterly direction to the east side of Mrs. Narcissa Thomas' plantation, southeast of her residence; thence a northerly direction on east side of Mrs.

Where created.

Name.

How governed.
School funds;
disposition.District
boundaries.

Thomas' and W. R. B. Thomas' to the McLeod bridge; thence a northerly direction to the corner of the stock law fence, a short distance east of F. M. P. McLeod's residence; thence with stock law fence to Mrs. Jane Kelly's fence; thence as it runs to the road leading from Lillington to Jonesboro by way of Harrington's, Mount Pisgah church and Meadow Branch church; thence with it to the Moore County line; thence with a westerly direction, crossing the road north of Dr. J. L. Cox's residence, to a point northeast of his residence a short distance; thence south to Upper Little River, above Cox's mill; thence up the river to said railroad; thence with that to the beginning. All the houses mentioned in the boundaries of this free school district shall be and the same are hereby included in the said Morris Chapel Free School District. That A. H. Grose, E. I. Waddell and W. T. Culberson are hereby appointed and constituted a committee for said free school district, are hereby empowered and authorized to exercise all the rights and duties conferred on school committeemen under the Public School Laws of the State.

School committee:
appointment.

SEC. 2. That it shall be the duty of the Board of Education of each of the counties of Moore and Harnett, at their first meeting for the purpose of appointing school committees, after the committee herein named shall have held their office for a term of two years, to appoint their successors. The Board of Education of Harnett County shall appoint two from that part of the district lying in Harnett County; the Board of Education of Moore County shall appoint one from that part of the district lying in Moore County, and all the committees hereafter appointed for said district shall be appointed as above stated. It shall be the duty of said school committee at the time provided by law to make a census of the children for other free school districts in the State, to make a true and correct report of the number of children of school age in that part of the district lying in Harnett County and forward to the Board of Education of Harnett County, and in like manner they shall make a report of the children of school age in that part of the district lying in Moore County and forward to the Board of Education of Moore County.

Appointment of
committeemen
from each county.

Duties of school
committee.

Apportionment of
school funds from
Harnett County.

SEC. 3. That all the children of school age in that part of the district lying in Harnett County shall receive their pro rata share of the school fund of that county, and shall be placed to the credit of the said Morris Chapel Free School District.

From Moore
County.

SEC. 4. That all the children of school age in that part of the district lying in Moore County shall receive their pro rata share of the public school fund of that county, which upon being paid into the treasury of Moore County shall be forwarded by the Treasurer of said county to the Treasurer of Harnett County, who shall receipt for the same, to be paid out by the Treasurer

Treasurer of Moore
to forward funds to
Treasurer of
Harnett.

of Harnett County, together with the amount apportioned to that part of the district lying in Harnett County, to said district: *Provided, however,* that the Treasurer of Harnett County shall receive no compensation whatever for receiving or paying out any of the moneys received from the county of Moore.

SEC. 5. That the teacher employed to teach school at any time in said district shall have a certificate from the proper authorities from either Harnett or Moore, as the Committee of said district may elect, but nothing herein contained shall compel any such teachers to attend an examination in more than one county to teach the same term of school.

Certificate of teacher for said district.

SEC. 6. That all laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 73.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT RELATING TO FEES OF WITNESSES AND OFFICERS IN CERTAIN COUNTIES."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and fifteen of the Public Laws of the session of 1901 be and the same is hereby amended as follows: By adding at the end of section three the following words, "Montgomery and Gaston counties."

Chapter 715. Public Laws 1901, relative to pay of witnesses for attendance before grand juries, made applicable to Montgomery and Gaston Counties.

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

In the General Assembly, read three times and ratified this 5th day of February, A. D. 1903.

CHAPTER 74.

AN ACT TO AMEND SECTION 1857 OF THE CODE, RELATING TO THE REBUILDING OR REPAIRING A WATER MILL.

The General Assembly of North Carolina do enact:

SECTION 1. That section 1857 of The Code, volume one, be and the same is hereby amended by adding the words "or persons"

Persons under disabilities. Time for rebuilding mills.

after the word "person" and before the word "not" in line one of said section.

Those not under disabilities.

SEC. 2. That at the end of said section 1857 of The Code be added the following: "*Provided*, that any person except those under the disabilities mentioned aforesaid who has had a mill to fall, burn or otherwise be destroyed within three years prior to the ratification of this act, shall have two years from said ratification within which to rebuild or repair such mill."

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

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 75.

AN ACT TO PROHIBIT THE OBSTRUCTION OF THE WATERS OF BRIER CREEK, IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to throw in or place near said creek, slabs or anything which would form drifts.

SECTION 1. That it shall be unlawful for any person or persons to fell timber, throw in or place near by any slabs, refuse lumber or anything else that would cause drifts to form in the waters of Brier Creek, in Wilkes County, from the mouth of said creek to James Jarvis's mill, on the waters of said creek.

Violation of act misdemeanor.

SEC. 2. That any person or persons violating any part of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars (\$5.00) and costs or imprisoned ten days, at the discretion of the Court.

Penalty.

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

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 76.

AN ACT TO CREATE AND ESTABLISH A FREE SCHOOL DISTRICT AT CARBONTON, TO BE COMPOSED OF A PORTION OF THE COUNTIES OF CHATHAM AND MOORE.

The General Assembly of North Carolina do enact:

School district created.

SECTION 1. That a free school district is hereby created at Carbonton, North Carolina, the county line between the counties of

Chatham and Moore, to be composed of a part of a free school district in Chatham County and a part of a free school district in Moore County, under the name of "The Caribonton Free School District." The said free school district shall be governed by the same laws, rules and regulations as other free school districts in the State: *Provided*, the sum apportioned to the said school district by the two counties (portions of each being embraced in this district) shall be paid to the Treasurer of Moore County, who shall become the Treasurer of said school district. The limits of the Caribonton school district shall be as follows, to-wit: Beginning at the mouth of the lake branch, on the south side of Deep River and up the various courses of said branch to the "Caribonton" (old plank) road; thence due east to Smith's Creek; thence down Smith's Creek to Deep River and across and down Deep River to the mouth of Indian Creek, in Chatham County; thence up Indian Creek to H. H. Palmer's line; thence with his line to J. R. Jones' line; thence with J. R. Jones' line to the old Evans line; thence with the Evans' line to the Mrs. Ben. Tysor's line; thence with the Mrs. Ben. Tysor's line to the J. M. McIver line; thence with J. M. McIver's line to Deep River; thence up Deep River to the mouth of the Lake Branch, the beginning.

SEC. 2. That John R. Jones, O. H. Dorsett and Geo. Cole are hereby appointed and constituted a committee for said free school district.

SEC. 3. That it shall be the duty of the Board of Education of each of the counties of Chatham and Moore, at their first meeting for the purpose of appointing school committees, after the committee herein named shall have had their office for a term of two years, to appoint their successors. The Board of Education of Chatham County shall appoint two from that part of the district lying in Chatham County; the Board of Education of Moore County shall appoint one from that portion of the district lying in the county of Moore, and at the next succeeding meeting of the Board of Education of the county of Chatham, for the purpose of appointing school committees, one shall be appointed from that part of the aforesaid district lying in the county of Chatham, and at the similar meeting of the Board of Education of county of Moore for same purposes, two shall be appointed from that portion of the said district lying in the county of Moore. And all the committees hereafter appointed for the said district shall be appointed as above stated, one term there being two committeemen appointed from the county of Chatham, and the next term there being two appointed from that part of the district lying and being in the county of Moore. It shall be the duty of the said school committee, at the time provided by law, to make

Name.

Government.

School fund, apportionment, etc.

Boundaries.

Committee.

Committee, how appointed hereafter.

Duties of committeemen.

a census of the children for other free school districts in the State, to make a true and correct report of the number of children of school age in that part of the district lying in Chatham County and forward to the Board of Education for Chatham County, and in like manner they shall make a report of all the children of school age in that part of the district lying in Moore County, and forward to the Board of Education of Moore County.

School funds, apportionment, disposal of, etc., for Chatham County.

SEC. 4. That all the children of school age in that part of the district lying in Chatham County shall receive their pro rata share of the school fund of that county, which, upon being paid into the treasury of Chatham County, shall be forwarded by the Treasurer of said county to the Treasurer of Moore County, who shall receipt for the same and place to the credit of the said Caribonton Free School District.

For Moore County.

SEC. 5. That all the children of school age in that part of the district lying in the county of Moore shall receive their pro rata share of the school fund of Moore County, the same to be paid out by the said Treasurer of Moore County, together with the amount said Caribonton Free School District is entitled under and by virtue of section four of this act, to said district as ordered by the committee of said district: *Provided, however,* that the Treasurer of Moore County shall receive no compensation for receiving or paying out any of the money received from the county of Chatham.

Compensation for treasurer.

Teacher, certificate, etc.

SEC. 6. That the teacher empowered to teach school at any time in said district shall have a certificate from the proper authorities of either Chatham or Moore County, as the committee of said district may elect; but nothing herein contained shall compel and such teacher to stand an examination in more than one county to teach the same term of school.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 77.

AN ACT TO AMEND THE ACT OF DECEMBER 20, 1797, ENTITLED "AN ACT TO INCORPORATE THE GRAND LODGE OF NORTH CAROLINA."

Preamble.

WHEREAS, by virtue of authority contained in the Act of the General Assembly of North Carolina, ratified December 20, 1797,

the Grand Lodge of North Carolina was authorized to "acquire and transfer property, and pass such by-laws and regulations as shall not be inconsistent with the Constitution and laws of North Carolina"; and by virtue of such authority it has acquired the capital stock of the Masonic Temple Construction Company, a corporation duly created, organized and existing under and by virtue of the laws of the State of North Carolina, and doubts have arisen as to its authority to acquire and hold the said stock: Now, therefore;

The General Assembly of North Carolina do enact:

SECTION 1. That the Act of the General Assembly of North Carolina, ratified December 20, 1797, entitled "An act to incorporate the Grand Lodge of North Carolina," be and the same is hereby amended by adding thereto the following: Charter amended.

(1) The Grand Lodge of North Carolina is hereby authorized and empowered to subscribe for, acquire, hold and own the capital stock, or any portion thereof, of the Masonic Temple Construction Company, and it may enact such by-laws and pass such resolutions as may be necessary and proper to effectuate this purpose, and to secure to it the proper representation of its stock therein, and management thereof. Grand Lodge may hold stock in "Masonic Temple Construction Company."
By-laws and resolutions.

(2) Any person who, under the constitution and by-laws of the Grand Lodge of North Carolina, is a member thereof or may be by reason of such membership a director or other officer of the Masonic Temple Construction Company. Who may be directors.

(3) That the stock in the Masonic Temple Construction Company, owned or controlled by the Grand Lodge of North Carolina, and the property which it represents, shall be exempt from taxation, State, county or municipal, so long as the same is used for charitable purposes, and until the same shall become a source of profit to the Grand Lodge of North Carolina. That the lodges subordinate to the Grand Lodge of North Carolina are hereby authorized and empowered to subscribe for, hold and own any of the bonds of the Masonic Temple Construction Company, and such bonds by them or by the Grand Lodge of North Carolina shall be exempt from taxation so long and only so long as they are held for charitable and benevolent purposes. Stock and property exempt from taxation.

Subordinate lodges may subscribe for bonds.

Bonds exempt from taxation.

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

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 78.

AN ACT TO CORRECT STATE GRANT No. 1491, ISSUED TO JOHN PADGET, IN ONSLOW COUNTY, IN 1837.

The General Assembly of North Carolina do enact:

Grant corrected.

Boundaries as corrected.

SECTION 1. That State Grant No. 1491, issued to John Padget in 1837, containing 100 acres of land lying and being in Onslow County, be and the same is hereby changed so as to read: Beginning at a small cypress near the mouth of Raccoon Branch, on Big Sandy Run; thence up Raccoon Branch south twenty-five and one-fourth degrees east fifty-six (56) poles and twenty links to a poplar; thence south eighty degrees east two hundred and eighty (280) poles to a pine; thence north twenty degrees east one hundred (100) poles to the head of James Branch, and down the same to Sandy Run; then the various courses of the same to the beginning.

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

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1903.

CHAPTER 79.

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF TOWNSHIP NO. 1, OF EDGECOMBE COUNTY, THE QUESTION OF "DISPENSARY" OR "NO DISPENSARY."

The General Assembly of North Carolina do enact:

Repealing chapter 247, public laws 1901.

This act not effective until after election.

Precincts.

What law to govern election.

Ballots.

Result of election.

SECTION 1. That chapter 247 of the Public Laws of 1901 be and the same is hereby repealed.

SEC. 2. That this act shall not go into effect until the same is submitted to and endorsed by the qualified voters of Township No. 1, Edgecombe County, and in order to ascertain the will of the people an election shall be held in said township at the voting precincts now prescribed by law, to-wit, the court house and the town hall in the town of Tarboro. Said election shall be held under the law governing the election of members for the General Assembly, and all persons desiring to vote for a dispensary under the provisions of this act shall vote a ballot on which is printed or written the words, "For Dispensary"; and those opposing the same shall vote a ballot on which is printed or written the words "No Dispensary"; and if upon the ascertainment of the result of

said election as hereinafter provided, a majority of the qualified voters shall vote for "No Dispensary," then said chapter 247, Public Laws of 1901, shall be repealed, to go into effect on the first day of July, 1903; but if a majority of said voters fail to vote "No Dispensary," then this act shall be of no effect.

If "no dispensary" act becomes effective July 1, 1903.

SEC. 3. That the ballots cast at said election shall be of uniform size and color.

Ballots.

SEC. 4. That immediately upon the receipt of a duly certified copy of this act, the Chairman of the Board of County Commissioners of said county shall advertise in the *Tarboro Southerner* an election to be held twenty days thereafter in accordance with the provisions of this act.

Duties of chairman county commissioners.

Advertise in paper.

SEC. 5. That for the purpose of holding the election herein provided for, G. A. Holderness, H. C. Bourne and J. H. Brown are appointed poll-holders for Precinct No. 1, and W. T. Deans, S. P. Beatty and Abe Morris are appointed poll-holders for Precinct No. 2. In the event any pollholder herein named shall fail or neglect to serve, then the remaining pollholder or pollholders shall select from the bystanders some one to serve in his or their stead.

Pollholders' names.

Precinct No. 1.

Precinct No. 2.

Pollholders failing to serve.

SEC. 6. That at said election all persons duly registered in said township for the State election of 1902, and all persons who have become entitled to registration since then, shall be entitled to register and vote, and the pollholders shall at once, on the publication of this act, open the registration books in their precincts and shall file lists of the votes cast at each precinct in the Clerk's office.

Who entitled to vote.

Registration.

SEC. 7. That immediately after the polls are closed the pollholders shall at once count the votes cast in their respective precincts and certify the same, together with the names of the persons voting, to the Clerk of the Superior Court of said county, who shall record the result in the election book; and by noon of the day next after the receipt of said returns, said Clerk shall publish and declare the result of said election at the court house door in Tarboro, N. C.

Pollholders to count vote.

Certify same to Clerk Superior Court.

Clerk to publish result at court house door.

SEC. 8. That in the event the result of said election shall be "No Dispensary," privilege is hereby granted the Board of Dispensary Commissioners of said township to sell and close out their stock on hand by wholesale.

Duties of dispensary board.

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

In the General Assembly read three times, and ratified this 7th day of February, A. D. 1903.

CHAPTER 80.

AN ACT TO AMEND CHAPTER 191 OF THE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Chapter 191, Public Laws 1901, amended.
Line three.
Line four.
Line six.
Line ten.
Line thirteen.
Line sixteen.
Line seventeen.
Add at end of section 1.

SECTION 1. That chapter 191 of the Public Laws of 1901 be amended as follows: After the word "person," in line 3, add the word "or inebriate." And at the end of the word "memory," in line four thereof and before the word "he" in said line, the words "*or shall become competent to manage his property,*" and after the word "insane" and before the word "an," in line six, the words "*or inebriate*"; and after the word "insane" and before the word "to," in line ten, the words "*or inebriate*"; and after the word "lunatic" and before the word "the," in line thirteen, the words, "*or the sobriety of such alleged restored person formerly an inebriate*"; and after the word "mental" and before the word "condition," in line sixteen, the words "*or physical*"; and after the word "memory" and before the word "the," in line seventeen, the words, "*or is no longer an inebriate, as the case may be*"; and at the end of section one of said act the words, "*or inebriate.*"

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 81.

AN ACT TO PROTECT FISH IN ELK RIVER IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to take trout in Elk River.
Exception.
Misdemeanor.
Penalty.
Repealing clause.

SECTION 1. That it shall be unlawful for any person or persons to catch or take in any way any mountain or rainbow trout from the waters of Elk River or any of its tributaries, in Shawneehaw Township in Watauga County, except from the 15th day of June to the 15th day of August in any year after the passage of this act.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars, or imprisoned, at the discretion of the Court.

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.

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 82.

AN ACT TO AMEND CHAPTER 318, LAWS 1889, COMPELLING BUTCHERS TO KEEP REGISTRATION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 318, Laws 1889, be amended by adding at the end of section three, after the word "Wayne," the word "Chowan."

Chapter 318,
laws 1889,
amended by
adding Chowan.

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 83.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN NORTH AND SOUTH CLINTON TOWNSHIPS, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section 1 of chapter 54 of the Public Laws of 1889 be amended as follows: Strike out after the words "Main street," in line eight of said section, down to and including the words "Fayetteville street," in line ten of the same, and insert in lieu thereof the words, "to a point directly opposite the front door of the court house in said town of Clinton; thence a straight line through the centre of said court house to a point in the centre of Vance street; thence along the centre of said Vance street to its intersection with Fayetteville street."

Section 1, chapter
54 Public Laws
1889, amended.

Line 8.

Line 10.

Boundary line
changed.

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 84.

AN ACT TO FIX THE TIME FOR HOLDING COURTS OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the terms of the Superior Court for Madison County shall be held as follows: On the sixth Monday before the

Terms of Superior
Court, when held.

Civil cases only.

Criminal cases only.

Civil cases only.

Criminal cases only.

Civil cases only.

Civil process and pleadings, when returnable.

Repealing clause

first Monday in March, to continue for two weeks, for the trial of civil cases exclusively. On the first Monday before the first Monday in March, to continue for two weeks, for the trial of criminal cases exclusively. On the ninth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases exclusively; on the third Monday before the first Monday in September, to continue for two weeks, for the trial of criminal cases exclusively; and on the seventh Monday after the first Monday in September, to continue for two weeks, for the trial of civil causes exclusively.

SEC. 2. Civil process shall be returnable to and pleadings filed at all the Courts herein designated as exclusively criminal. Motions in civil actions may be heard upon due notice at such criminal terms and trials in civil actions which do not require a jury, may be heard at such criminal terms by consent.

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.

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 85.

AN ACT TO AMEND SECTIONS SIX AND TEN, CHAPTER SEVENTY-NINE, PUBLIC LAWS 1899, RELATING TO THE ESTABLISHING OF WRECK DISTRICTS IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 6, chapter 79, Public Laws 1899, amended.

Line one.

Line two

Districts established.

Section 10 amended.

Governor substituted for Speaker.
Repealing clause.

SECTION 1. That section six, chapter seventy-nine, Public Laws 1899, be and the same is hereby amended by striking out the word "five" in line one and inserting therefor the word "three"; and all after the word "districts," in line two, and insert the following: "The first from the Hyde County line to Core Banks Life Saving Station; the second from Core Banks Life Saving Station to Old Topsail Inlet; the third from old Topsail Inlet to the Onslow County line."

SEC. 2. That section ten, chapter seventy-nine, Public Laws of 1899, be and the same is hereby amended by striking out the words "Speaker of the House of Representatives," in line one, and insert in lieu thereof the word "Governor."

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

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 86.

AN ACT TO PROTECT FISH AND BIRDS IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Any person netting or trapping quail in Burke County, not on his own lands and premises, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars or imprisoned in the county jail for not less than three or more than six months.

Misdemeanor to trap or net quail.

Penalty.

SEC. 2. That any person who shall seine for fish, or catch fish with a seine basket, net or sack, or in a trap, or who shall explode dynamite in Upper Creek, Steel's Creek or any of their tributaries in Burke County at any point above the ford of Upper Creek at the Baptist church at Joy, in said county, or in Linville River or any of its tributaries above the Beach Bottoms of said river, in Burke County, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars or imprisoned in the county jail for not less than six months.

Seine or dynamite fish.

Upper Creek or Steel Creek.
Linville River.

Misdemeanor.

Penalty.

SEC. 3. Any person who shall discharge or waste any sawdust, or who shall knowingly suffer any sawdust to be placed, discharged or wasted by his servants or employees, in the waters of Upper Creek or Steel's Creek, or their tributaries above Joy, in Burke County, or in Linville River or its tributaries above the Beach Bottoms in Burke County to its source in Mitchell County, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars or imprisoned in the county jail for not less than three months, and, in addition, shall be liable to a penalty of twenty-five dollars for each day he places, discharges or wastes, or knowingly suffers sawdust to be placed, discharged and wasted in said streams within the boundaries aforesaid, to be paid to any person who may sue for the same. And each day sawdust is discharged or wasted in the streams aforesaid within the bounds aforesaid shall constitute a new offense, punishable as aforesaid.

Discharge sawdust.

Upper Creek, or Steel Creek.
Linville River.

Misdemeanor.

Penalty.

Each day to constitute new offence.

SEC. 4. Of all fines and penalties imposed for violation of sections 1 or 2 of this act, one-half shall be paid to the person furnishing the evidence on which a conviction is obtained.

Quit tam.

SEC. 5. This act shall be in effect from and after its ratification. In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 87.

AN ACT TO AMEND CHAPTER 475, PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

Sections repealed.

SECTION 1. That sections 3, 4, 5, 6 and 7 of chapter 475, Public Laws of 1901, be and are hereby repealed.

To what suits to apply.

SEC. 2. That this act shall apply to all suits which may hereafter be brought, or which may be pending under section six of said chapter.

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 88.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED THE TWENTY-FOURTH DAY OF JANUARY, NINETEEN HUNDRED AND THREE, ENTITLED "AN ACT TO PREVENT THE MANUFACTURE AND SALE OR SHIPMENT OF ANY SPIRITUOUS, VINOUS OR MALT LIQUORS WITHIN THE COUNTY OF ROBESON."

The General Assembly of North Carolina do enact:

Former act amended.

SECTION 1. That an act ratified the twenty-fourth day of January, nineteen hundred and three, entitled "An act to prevent the manufacture and sale or shipment of any spirituous, vinuous or malt liquors within the county of Robeson," be and the same is

Druggist not sell liquors.

hereby amended as follows: That no druggist in Robeson County shall sell, barter or exchange, either directly or indirectly, for any gain or reward, upon prescription or otherwise, any spirituous, vinous or malt liquors, or fermented liquors, bitters or any liquor of any name or kind which is intoxicating, except in towns of one thousand inhabitants or more, and then not until such druggist shall first have obtained from the Board of Commissioners of the town in which he proposes to sell said liquors a license therefor, upon a petition signed by at least half of the qualified

Exceptions.

License, how obtained.

From whom obtained.

voters of the said town asking for the granting of the said license to such druggist, and shall also have first obtained a license from the Board of Commissioners of Robeson County to sell said liquors upon a petition as aforesaid.

SEC. 2. That any person who shall in any manner, directly or indirectly, aid, abet, encourage or assist any person, company or corporation in the violation of any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned for each and every offence, or both, in the discretion of the Court.

No person to aid in violation of this act.
Misdemeanor.

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

Repealing clause.

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 89.

AN ACT TO AMEND CHAPTER 604, LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 604, Laws of 1901, be amended by adding in section four, line one, "and Halifax."

Chapter 604, laws 1901, amended.

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 90.

AN ACT TO REPEAL CHAPTER 2 OF THE PUBLIC LAWS OF 1887, RELATING TO THE TIME FOR THE SHERIFF OF HAYWOOD COUNTY TO SETTLE TAXES WITH THE STATE TREASURER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two, Public Laws of eighteen hundred and eighty-seven, be and the same is hereby repealed.

Chapter 2, Public Laws 1887, repealed.

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

Repealing clause.

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 91.

AN ACT TO PROTECT FISH IN SCUPPERNONG RIVER, IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Laws repealed.

SECTION 1. That chapter three hundred and forty, Laws of one thousand eight hundred and eighty-nine, and chapter three hundred and nineteen, Laws of one thousand eight hundred and ninety-five, are hereby repealed.

Protect fish.
Where.

SEC. 2. That no person or persons shall set any kind of weir, pod net, gill net or any kind of fish nets within one hundred yards of Columbia and Cross Landing bridges.

Misdemeanor.

SEC. 3. That any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined ten dollars or imprisoned thirty days.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 92.

AN ACT TO REGULATE THE TIMES OF HOLDING COURT IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Chapter 28, Public
Laws 1901,
amended.

SECTION 1. That chapter twenty-eight (28), Public Laws of nineteen hundred and one (1901), under heading "Sixteenth District," in paragraph regulating Courts of Jackson County, be amended by adding in line two thereof after the word "March" and before the word "eleventh" the words, "*for the trial of criminal causes only*," and by adding in line two thereof after the word "March" and before the word "and" the words, "*for the trial of civil causes only*;" and amend further by adding at end of said paragraph the following: *Provided*, that the Court to be held in said county on the "second Monday before the first Monday in March" shall be a return term for civil process and for the hearing of motions on the civil docket: *Provided further*, that civil causes requiring a jury may be tried at said term by consent of the parties thereto.

Criminal causes
only.

Civil causes only.
Proviso-

Process, when
returnable.
Proviso.

Civil causes hear
by consent.

SEC. 2. That all civil causes requiring a jury trial and standing

for trial at the term beginning on the second Monday before the first Monday in March, 1903, except such as may be tried under the preceding section, are hereby continued for trial to the term beginning on the "eleventh Monday after the first Monday in March," 1903.

Civil cause at
March term, 1903,
continued.

When to be heard.

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

Repealing clause.

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 93.

AN ACT TO PROVIDE FOR A TAX TO BE PAID ON ACTS AMENDING THE CHARTER OF CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section ninety-seven (97) of the Acts of 1901, chapter 2, be and the same is hereby amended by inserting in line two of said section after the word "corporation" and before the word "shall" the following language, "or to amend the charter of such corporation."

Section 97, acts
1901, chapter 2,
amended

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

In the General Assembly read three times, and ratified this 9th day of February, A. D. 1903.

CHAPTER 94.

AN ACT TO PROTECT CERTAIN GAME BIRDS.

The General Assembly of North Carolina do enact:

SECTION 1. That no person shall kill or shoot or net or trap any quail or partridges between the first day of February and the first day of December: *Provided*, that the act shall apply only to Lincoln County.

Quail protected
When.

Proviso, to apply
only to Lincoln
County.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than twenty dollars or imprisoned not more than twenty days.

Violation a
misdemeanor.
Penalty.

SEC. 3. That all laws or clauses of laws in conflict with act in

Repealing clause.

reference to quail or partridges in Lincoln County are hereby repealed.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 95.

AN ACT TO REPEAL CHAPTER 607, PUBLIC LAWS 1901.

The General Assembly of North Carolina do enact:

Chapter 607, Public Laws 1901, repealed in regard to Chowan and Perquimans counties.

SECTION 1. That chapter 607, Public Laws 1901, entitled "An act making certain parts of Pasquotank, Perquimans and Chowan counties a stock law district," be and the same is hereby repealed so far as it applies to Chowan and Perquimans counties.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 96.

AN ACT TO AMEND CHAPTER 28, SECTION 1, ACTS OF 1901, RELATING TO THE SUPERIOR COURT OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

Chapter 28, section 1, acts 1901, amended.

SECTION 1. That chapter 28, section 1, Acts of 1901, be and the same is hereby amended by providing that the Court in Stanly County, in the Tenth Judicial District, in North Carolina, which convenes on the first Monday after the first Monday in March, and second Monday after the first Monday in September, shall be for the trial of civil cases only, instead of for the trial of criminal cases only, and that the Court of said county of Stanly, which convenes on the seventh Monday before the first Monday in September and the fifteenth Monday after the first Monday in September, shall be for the trial of criminal cases only, instead of for the trial of civil cases only.

For civil cases instead of criminal cases.

Criminal instead of civil. Civil process and pleadings, when returnable.

Motions may be heard at criminal terms.

SEC. 2. That civil process shall be returnable to, and pleadings filed in all the Courts herein designated as exclusively criminal. Motions in civil actions may be heard upon due notice at such criminal terms, and trials in civil actions, which do not require a jury, may be heard at such criminal terms by consent.

SEC. 3. That this act shall be in force from and after the first day of August, 1903. When effective.

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 97.

AN ACT TO PROVIDE A BETTER SYSTEM FOR WORKING AND MAINTAINING THE PUBLIC ROADS IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the roads and ways of Jackson County, for the purposes of this act, shall be as hereinafter provided, divided into public roads and cartways, and for the proper construction, improvement and maintenance of the public roads of said county, the Board of Commissioners thereof shall levy an annual tax, as hereinafter provided, and the said Board of Commissioners shall, on the first Monday in April, 1903, appoint a Board of Road Trustees for each township in said county, which Board shall be composed of three good and lawful men, resident of such township. The term of office of the first road trustee shall be three years, the second two years, and the third for one year, and one successor of one trustee shall be appointed for each of said townships in April, 1904, by said Board of Commissioners, and annually thereafter, for the term of three years; and that in event of a vacancy occurring in any of said Boards of Road Trustees, by death, resignation, removal from the township or otherwise, the said Commissioners shall appoint his successor to fill the unexpired term. The said trustees are incorporated the Board of Road Trustees of such township, and the same shall be their incorporate name.

SEC. 2. That the Road Trustees for each of said townships shall meet on the first Saturday in May, 1903, and annually thereafter, and organize by electing one of their number chairman, one secretary and one treasurer, or, if they shall deem it advisable, they may elect one of their number secretary-treasurer, and the secretary or secretary-treasurer so elected, as the case may be, shall forthwith report to the Commissioners of said county, in writing, a list of the officers thus elected, which report shall be kept on file in the Register's office of said county; that the trustees, for the purpose of performing the duties herein required of them, shall meet quarterly, and oftener, if in their judgment they shall deem it necessary for the proper transaction of the duties herein

Roads and ways
divided and
designated.

Commissioners to
levy tax.

Road trustees, how
and when chosen.

Tenure.

How elected.
Vacancies.

Boards of trustees
incorporated.

Trustees to meet
and elect officers,
when.

List of officers to
be filed.

Meetings.

Records of.

Treasurer to give bond.

Conditions of bond.

Trustees may sue on bond.

Trustees exempt from road duty.

Road trustees, their duties, to make report.

To make recommendations.

To lay out roads.

Shall assess damage to land.

imposed, and their secretary shall keep a record of all their meetings and proceedings; that the treasurer of the said Road Trustees shall enter into a good and sufficient bond, to be approved by the other members of said Board of Road Trustees, payable to the State of North Carolina, in trust for such township, in not less than the sum of two hundred dollars, and in no case less than double the tax levied for road purposes under this act for such township for such year, which bond shall forthwith be returned to and filed in the office of the Register of Deeds of said county; that said bond shall be conditioned that said treasurer of said Board of Road Trustees shall faithfully, well and truly perform all duties, acts and things required of him under this act to be done and performed, and he and his sureties upon such bond shall be liable thereon for any default of the treasurer to do and perform any duty or duties required of him under this act; that the said Road Trustees, in their corporate name aforesaid, shall have the right to sue and be sued, plead and be impleaded in any of the Courts of this State; that the said Road Trustees shall be exempt from the number of days labor, hereinafter required in this act, upon the public roads of their township.

SEC. 3. That it shall be the duty of the Road Trustees to examine into the conditions of the public roads of their respective townships at least twice in each year, and make a report in duplicate on the condition of said public roads, and present one copy of said report to the Board of Commissioners of said county at their May and November meeting, and in addition thereto the said Road Trustees shall forthwith file one copy of said report with the Clerk of the Superior Court of said county for the use of the Solicitor, with such instructions and recommendations as they may deem proper; that the said Road Trustees shall have the right, upon petition of the citizens of their township, or without such petition, if they shall deem it best for the interests of the traveling public to lay out, alter or discontinue public roads that are wholly within their township, or when such proposed new road, alteration or discontinuance is wholly within their township, with as little injury to the lands through which the same passes as may be consistent with the best interests of the traveling public, and the said Road Trustees, taking into consideration the advantages and disadvantages to the owner of the lands through which the road thus altered or laid out passes, shall assess the damages, if any, caused thereby, and such damages thus assessed shall be deemed a charge against the county, and the said Road Trustees shall make a certificate of such damages, showing for what allowed, the amount and to whom payable, which certificate shall be forthwith filed with the Board of Commissioners of said county; and unless it shall appear to said Com-

missioners that the damages are exorbitant and unjust, shall be allowed by them. That any person or persons aggrieved by the action of the Road Trustees in laying out, altering or discontinuing any public road as aforesaid, or the amount of damages allowed for laying out any new road or altering an old road, as aforesaid, may, upon giving a bond, with sufficient justified surety, to be approved by said Road Trustees, in not less than the sum of one hundred dollars, and conditioned for the payment of all costs which may be adjudged against him or them by reason of such appeal, appeal to the Board of Commissioners of said county: *Provided*, notice of appeal be given to the said Road Trustees by the party or parties aggrieved within ten days after the act complained of. That the said Commissioners shall hear and determine such appeal, and if the same be against the appellant, it shall be their duty to enter judgment against the appellant and his sureties for the costs of the appeal, with all the force and effect of a judgment in the Superior Court, and that such judgment for cost may be enforced in the same manner as a judgment of the Superior Court: *Provided*, that any party or parties aggrieved by the action of the Commissioners in such matter may appeal to the Superior Court of said county in the manner set forth in the next succeeding section.

SEC. 4. That when it is desired to lay out a new road or alter or discontinue any public road or roads extending into two or more townships, the right to do the same shall be in the County Commissioners, and shall be done subject to and as is provided in sections 2038, 2039 and 2040 of chapter 50, Vol. I, of The Code: *Provided*, that posting notice of the petition at the court house door for thirty days, and at some public place in each township, through any part of which said road passes, for twenty days prior to the hearing of said petition, shall be sufficient for the notices required in said section 2038: *Provided further*, that any person or persons desiring to appeal to the Superior Court from the order of Board of Commissioners, shall first give bond, with justified and approved security, in not less than the sum of one hundred dollars, conditioned to pay all such costs as may be adjudged against him or them by reason of such appeal.

SEC. 5. That all roads, when laid out for construction or amendment under the provisions of the preceding section, shall, by reason of this act, be deemed divided so that the Road Trustees of each township shall have control of so much thereof as lies wholly within their township, and all public roads laid out or amended under sections three and four of this act shall be constructed as is in this act provided for the construction and maintenance of public roads: *Provided*, that no person shall be re-

County commissioners to pay assessment.

Any person not satisfied with assessment may appeal to county commissioners.

Proviso, notice to be given.

Commissioners to hear and determine appeal.

Judgment.

Proviso, appeal to Superior Court.

New roads.

Commissioners to determine.

Code, vol. 1, chap.

50
Proviso, petition at court house for 30 days.

Proviso, appeal to Superior Court.

Appeal bond.

Roads to be divided.

Trustees of township to have control.

How conducted.

Proviso.

quired to go out of his township to help in working or constructing any road.

Road trustees,
when to divide
roads into districts.

Descriptions.

Road trustees to
elect supervisor.

Supervisor to give
bond.

Road trustees,
power of.

Vacancies of
supervisors.

Removal of
supervisors.

Supervisors to
take oath.

To make report.

What to set forth.

SEC. 6. That the Road Trustees of the several townships of said county shall, on the first day of May next, or within ten days thereafter, divide their respective townships into suitable road districts, and annually thereafter make such alterations as they may deem proper, and cause a brief description thereof to be made on the township records, and also to furnish each supervisor with a description of his road district. That the Road Trustees of each township, at the meeting at which they divide their township into road districts as aforesaid, and annually thereafter, shall elect one supervisor for their township, who shall have charge of the several road districts therein; but, if in their judgment, they should consider it best suited to the conditions in their township, they may elect more than one supervisor and assign to each the districts which he shall have charge of under the provisions of this act; that the Road Trustees shall cause each supervisor to enter into a bond in not less than the sum of one hundred dollars, executed to the State of North Carolina, in trust for said township, with sufficient surety, to be approved by the Road Trustees for such township. That the Road Trustees shall have general power and control over the public roads in their townships, and shall confer with and may direct the supervisor as to the best methods of constructing, maintaining and permanently improving the public roads; that in case of a vacancy in the office of supervisor, occurring by death, resignation, removal or otherwise, the Road Trustees shall appoint his successor for the unexpired term, and may at any time, when they shall deem it for the best interest of the public roads of their township, remove any supervisor from office and appoint his successor.

SEC. 7. That each supervisor, before entering upon the duties of his office, shall take an oath faithfully and impartially to discharge the duties of said office, and shall make and execute bond, with approved surety, such as may be required of him as aforesaid by the Road Trustees, and shall at each quarterly meeting of the Road Trustees, and oftener if directed by them, make a report of the condition of the roads under his charge, the character and extent of the work he has done on the same, the number of persons subject to road duty, as defined in section nine of this act, in each road district under his charge, and the number of days worked by each of said persons, the name of each person who has paid cash in lieu of services and the amount of cash paid by each, the full amount of receipts and the amount and manner of all expenditures during said quarter, the number of days worked by him on the roads of his districts, and the number

of hands worked each day, and the number of judgments, fines and penalties taken by him under this act, against whom, and the amounts due thereon, if any, and all such other matters as the Road Trustees may require of him appertaining to his duties or relating to the condition of his roads.

SEC. 8. That it shall be the duty of each and every supervisor, subject to such directions as the Road Trustees may deem proper to make as to the manner or doing the same, to open or cause to be opened all public roads which shall have been or may hereafter be laid out and established in his road district. The same to keep in repair and remove or cause to be removed all obstructions that may, from time to time, be found thereon, for which purposes the supervisors are hereby authorized to enter upon any lands not encumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land, planted or left for ornament or shade; to dig, or cause to be dug and carried away, any gravel, sand, clay, marl, or stone, which may be necessary to make, improve or repair said road, and to enter on any lands adjoining or lying near the road, to make such drains or ditches through the same as he may deem necessary for the benefit of the 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 watercourse, ditch or drain, and shall be kept open by the supervisors, and shall not be obstructed by the owners 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 offence, to be collected by the supervisors and paid over by him to the Road Trustees and applied to the road fund of said township. And if the supervisor shall wilfully injure any cultivated or improved lands by failure to conduct said drains and ditches to the nearest waterway, ditch or drain and keep said drains and ditches in repair, he shall be guilty of a misdemeanor.

SEC. 9. That all ablebodied male persons and all male persons able to perform the labor herein required, between the ages of eighteen and forty-five years, shall be liable annually to do and perform four days' labor on the public roads under the directions of the supervisor of the road district in which he resides: *Provided*, that if any person being warned, as hereinafter provided, shall pay to the supervisor of his district the sum of seventy-five cents (75c.) for each day's labor required by this act, the same shall be received in lieu of each day's labor and shall be applied by the road supervisor receiving the same to the improvement of the roads in that district: *Provided*, that if from heavy rains, floods, washouts or any unusual injury to the roads,

Supervisors,
duties of.

To open roads.

Repair of.

Power to cut trees.
collect clay, stone,
sand, etc.

To enter adjoining
lands.

Ditches and
drains.

Penalty for
obstructing

Supervisor
injuring lands and
crops a
misdemeanor.

Who liable for
road duty.

Four days.

Proviso.

To pay 75 cents
per day in lieu of
work.

Proviso.

the Road Trustees shall be of opinion that the condition of the	
roads in their township demand it, they may increase the num-	
ber of day's labor for each person subject to road duty as above	
to not more than five days: <i>Provided further</i> , that ten hours	
shall constitute a day's work, as required under this act.	
SEC. 10. That it shall be the duty of every supervisor to order	
out every such person resident as aforesaid between the first day	
of March and the first day of December annually, to do and per-	
form the work aforesaid on the public roads within the district;	
and if any such resident, being personally warned by such super-	
visor or by leaving a written notice at his usual abode, shall re-	
fuse or neglect, having had at least two days' notice to attend	
by himself or an ablebodied substitute acceptable to the super-	
visor, or having attended shall refuse to obey the directions of	
the supervisor, or shall spend the time in idleness or inattention	
to the duties assigned him, every such delinquent shall forfeit	
and pay the sum of two dollars for every such offence, and shall	
further be liable in all cases of non-attendance to the amount of	
labor required by the Road Trustees in such township, to be re-	
covered by 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 said supervisor to	
the improvement of the roads in his district, and accounted for	
by him at the annual settlement with the Road Trustee: <i>Pro-</i>	
<i>vided</i> , that no person shall be released from the performance of	
the labor on the public roads by reason of the neglect of any su-	
pervisor to order out such person on or before the first day of De-	
cember, as herein provided.	
SEC. 11. That in case any person shall remove from any dis-	
trict to another who has prior to such removal performed the	
whole or any part of the labor aforesaid or in any way has paid	
the whole or any part thereof in lieu of such labor, and shall	
produce a certificate of the same from the supervisor of the	
proper district, such certificate shall be a complete release for	
the amount therein specified.	
SEC. 12. That any person of road age, as defined in this act,	
who shall be summoned as hereinbefore provided, to perform	
any labor upon the public roads under the provisions of this act,	
shall by himself or by an ablebodied substitute appear at the	
place appointed by the supervisor at the hour of seven o'clock in	
the forenoon, with the necessary tools and implements, as the	
supervisor may direct, and the supervisor may arrange for the	
use of teams of horses, wagons, carts, plows or scrapers, to be em-	
ployed and used on the road under his direction, upon terms and	
prices to be approved by the Board of Trustees.	

Number of days of
labor increased,
When.

Proviso.
Ten hours per day

Duty of Supervisor.
Between March
and Dec. 1, road
days.

Failure to work
after notice.

Penalty.

Supervisor to
prosecute.

Penalty.

Proviso.

No person re-
leased from road
duty.

Removal to an-
other district.

Certificate.

Substitute and
teams and wagons,
etc.

Prices for.

SEC. 13. That for the purpose provided in the preceding section of this act, the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards in any road district in said county.

Residence of persons liable to road duty.

SEC. 14. 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 herein provided for, and they are hereby authorized and required before their settlement with the Road Trustees to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, from whom such fines, forfeitures or penalties can be collected; and the said judgment, if not paid, together with the cost therein, shall remain and be in force against the judgment debtor.

Supervisors to collect by suits, fines and forfeitures.

SEC. 15. That all the moneys that remain in the hands of any supervisor at the time of the annual settlement with the Road Trustees shall be paid over to his successor in the office as soon as such successor shall be elected and qualified, taking a receipt thereof, and deposit said receipt with the Road Trustees. It shall be lawful for any supervisor to sue out executions on any judgment that remains unpaid within his proper district at any time when in his opinion the same can be collected, and the money so received and collected shall be expended as provided in the foregoing sections.

Money on hand to be paid over to successor.

SEC. 16. That the Commissioners of said county are hereby authorized to and shall levy at the June session of their Board annually for public road purposes not less than ten cents nor more than twenty-five cents on the one hundred dollars' worth of property, and not less than thirty cents nor more than seventy-five cents on the poll, observing always the constitutional equation between property and poll, and the chairman of the County Commissioners shall cause the same to be placed on the list for the current year, to be included in and collected in the annual taxes. That it shall be the duty of the Board of Trustees of each township to confer with and make recommendation to the County Commissioners as to the amount of tax needed in their township for the proper construction, maintenance and improvement of the public roads in their township for the current year; and if the County Commissioners shall be satisfied from such recommendations that any township needs, for the construction, maintenance and improvement of its public roads, a tax in addition to the general levy made for road purposes under the authority above, may, observing the constitutional equation between property and poll, at their annual meeting in June or July, levy an addi-

Execution to issue.

Commissioners authorized to levy tax.

Amount of.

To be placed in list for current year.

Amount needed; how determined.

Additional tax to be levied, when. Proviso.	tional road tax for any such township; <i>Provided</i> , the same when added to the general levy for road purposes aforesaid shall not exceed the limitation above set forth in this section. That the
How and by whom collected.	road tax when thus assessed shall be collected by the tax collector of said county, under the penalties and regulations laid down for the collection of other taxes for said county and paid out as hereinafter provided.
Tax to be kept separate.	SEC. 17. That the road tax levied under this act shall be made out and kept in a separate item on the tax list and appear in a separate item on the tax receipt; that the Clerk of the Board of 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 said township and the amount of tax levied against every such person; that the Treasurer shall immediately notify the supervisor or supervisors of his township that he has such list, and said supervisor shall take an exact copy of so much thereof as effects taxpayers within his district or districts; and that any person charged with road tax may discharge the same by labor on the public roads within the district where the same is charged within the time designated within this act, at the rate of seventy-five cents per day, and a ratable allowance per day for any time, implements and material furnished by any person under the direction of the supervisor of each district, who shall give to such person a certificate specifying the amount of tax so paid and the name of person and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than the tax charged against such person, and the tax collector shall receive all such certificates as payment and discharge of said road tax; that the tax collector shall pay the amount of taxes collected in each township to the Treasurer of the Board of Road Trustees of said township, taking from such Treasurer his receipt thereof, stating separately the amount paid in cash and the amount paid by turning in certificates of labor as aforesaid from the supervisor of said township, which receipt shall be a valid voucher in settlement of such tax collector with the Commissioners of said county for the road tax of said township: <i>Provided</i> , that the tax collector shall receive commissions only upon the amount of road tax actually collected in cash by him: <i>Provided further</i> , that if any person offering himself to perform road service under this section, may be discharged by the supervisor if he fails to do good and sufficient services, as in this act required.
Clerk of Commissioners to furnish list of persons for road tax.	
Treasurer to notify supervisor.	
How discharged from road duty.	
Certificate of.	
Tax collector, settlement.	
Proviso.	
Commission of tax collector. Proviso.	
Discharge by supervisor.	
Moneys, how expended.	SEC. 18. That the moneys paid into the hands of the Treasurer of the Road Trustees under this act shall be expended as

the Road Trustees may direct, for the construction, maintenance and improvement of the public roads of their township and in determining the division of the funds shall be governed not by the miles of road in each district, but by the necessities of the roads, the convenience of getting material and quantity of material necessary to make substantial repairs and improvements, and thus make a just and equitable division of the funds to the needs of the roads, and said money shall be used so far as practicable in making the most permanent and lasting improvements upon said roads possible.

For what expended.

SEC. 19. That the Treasurer of the Board of Road Trustees shall disburse the funds coming into his hands under this act only upon order signed by the chairman, stating the person to whom same is payable, the amount and the purpose for which the same has been or is to be expended, and the said Treasurer shall, at any time the same may be required by the Board of Road Trustees, make an itemized report of the amount of receipts and disbursements which he has made.

Treasurer, how to pay out funds.

SEC. 20. That the supervisor shall receive for his services the sum of one dollar per day for the time actually employed on the roads, deducting the commutation of the days of labor required in such township: *Provided*, the Board of Road Trustees of any township may at any time fix the minimum number of hands to be worked each day by the supervisor, and for such days as he works a less number he shall not receive pay.

Statement of receipts and disbursements.

Compensation of supervisors.

Proviso.

SEC. 21. That any supervisor may contract with any person owing days of 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 notify the supervisor, who is hereby authorized and directed to order out any person owing days' labor without giving the two days' notice to do and perform the work on the public road needing repairs.

Supervisor to contract with persons in arrears.

SEC. 22. That the supervisors of public roads within said county are hereby authorized and directed to construct foot bridges over streams of water in their districts where the convenience of travellers on foot require same.

Foot bridges.

SEC. 23. That each supervisor, within his district or districts, shall erect and maintain, at the expense of the township at the forks or cross of public roads, a post and guide board, containing an inscription in legible letters, directing the way and distance to the town or towns or other public place situate on each road respectively, and shall erect and maintain mile posts on said public roads, showing the distance from the county seat; and that any person who shall wilfully demolish, throw down, alter or deface any such guide post or mile post shall be guilty of a

Post and guide boards at cross-roads.

Unlawful to injure.

Penalty.

misdemeanor, and upon conviction shall be fined not exceeding twenty dollars or imprisoned not exceeding twenty days.

Road trustees authorized to furnish construction material. How paid for.

SEC. 24. That the Road Trustees of the several townships in said county be and they are hereby authorized to furnish plows, scrapers and other tools, as they may deem proper, for use upon the public roads of their township, to be paid for out of any moneys in the township for road purposes not otherwise appropriated. The Road Trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, 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 Road Trustees, the amount of which such supervisor may be liable for such improper use or neglect may be recovered by an action in the name of the Road Trustees.

Liability of supervisor for material.

Right-of-way.

SEC. 25. That the right of way of public roads in said county shall be twenty-four feet wide, 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.

Construction material confiscated by supervisor.

SEC. 26. That each and every supervisor who shall cut and take any timber, stone, clay, marl, sand or gravel for the purpose of making, improving or repairing any road or building or repairing any bridge or cross-way within his district, as is provided in section 8 of this act or otherwise, shall, on demand of the owners of the lands, their agent or agents, or the guardians of any ward or the executor or administrator having the lands in charge, from which timber, stone, gravel or other material was taken 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 the same were taken, and upon presentation, the Road Trustees shall allow said certificate, if the same is just, but if not just, to allow such sum, if any, as they may deem fair and just, and any such sum shall be paid out of the funds of said township.

How paid for.

Supervisors wilfully injuring crops or lands

SEC. 27. That if the supervisor shall wilfully and wantonly injure any crop or cultivated or improved lands in the exercise of the duties devolving upon him in this act, or should fail to conduct the drains and ditches mentioned in section eight of this act to the nearest waterway, ditch or drain, and keep said drain or ditch in repair, he shall be guilty of a misdemeanor and fined not exceeding twenty dollars.

Misdemeanor. Penalty.

Persons prohibited from hauling logs on roads

SEC. 28. Any person engaged in hauling or transporting saw logs or other timbers on any public roads, who shall transport

or cause to be transported by means of chains and grab hooks or other means to be made to slide on the roadbed by a method known among lumber men 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.

Misdemeanor.
Penalty.

SEC. 29. That it shall be unlawful for any supervisor to perform or cause to be performed on any road not regularly laid out and established as a public road by law.

Work to be confined to regular roads.

SEC. 30. That at any time during the year when any public road shall be obstructed it shall be the duty of the supervisor of the district in which the same may be forthwith to cause such obstructions to be moved, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public roads of his district as he may deem necessary to remove said obstruction. If the person or persons thus called out shall have performed their days of 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, and said certificate shall apply on the labor tax that may be due from such person or persons for the ensuing year: *Provided*, that nothing herein shall be construed as requiring the removal of gates erected to enclose stock law boundaries in said county.

Obstructions.

How removed.

Persons called out to remove obstructions.

Certificate to be given for labor performed.
Proviso.
Stock law boundary.

SEC. 31. That sections 2056 and 2057 shall govern the establishing and laying out of cartways, except that the duties therein imposed upon the "Board of Supervisors of the Township" shall devolve upon and be performed by the "Board of Road Trustees for the Township": *Provided*, that said trustees, in case of appeal, shall require of appellant a bond sufficient to cover the costs of the appeal.

Section 2056 and 2057 Code.

Proviso.

Appeal.

SEC. 32. That, as to unlawful obstruction of public roads and other injuries thereto by railroad companies, sections 72, 73, 74 and 75 of chapter 50 of the Laws of 1901, shall be and the same is hereby made a part of this act.

Railroad obstructions.

SEC. 33. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall under any pretense whatever give or sign any receipt or certificate purporting to be a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipts or certificates, 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 in the proper county, and it is hereby made the duty of the Road Trustees to prosecute all offences against the provisions of this section: *Provided*, that if any supervisor conceives himself aggrieved by the judgment of any such Justice of the Peace, he may, on giving suffi-

Neglect by supervisors to perform his duties.

Penalty.

Proviso.

cient 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 appear just and reasonable, and shall also be liable on his official bond for any loss resulting from such negligent and wrongful conduct.

appeal to Superior Court.

Liable on official bond.

Neglect by any officer.

SEC. 34. That any Road Trustee, Supervisor, Secretary, Treasurer of Board of Road Trustees, or other officer of said county of whom any act or duty is required, in this act to be done or performed, and who shall neglect or refuse to do any such matter or thing as herein required, shall be guilty of a misdemeanor and fined not exceeding two hundred dollars, or imprisoned in the discretion of the Court, and it shall be the duty of the Solicitor for the 16th Judicial District to prosecute all offences against this act.

Misdemeanor

Duty of solicitor.

Commissioners to have control of the bridges.

SEC. 35. That the Commissioners of said county shall have supervision and control of the bridges of said county, the location, construction, maintenance and repair of the same, and may let such contracts and do all such matter and things in connection with the construction, maintenance and repair of said bridges as are consistent with best interests of said county and best subserve the interests of the traveling public, and may at their meeting in June, 1903, and annually thereafter levy a tax for the maintenance and repair of such bridges, not exceeding five cents on the one hundred dollars' worth of property and fifteen cents on the poll, observing the constitutional equation between property and poll, which tax shall be collected as other taxes for said county; that it shall be unlawful to ride or drive over the bridges in said county in a gait faster than a walk, and all persons violating this provision shall be fined five dollars and cost.

Commissioners may levy special bridge tax. Amount.

Fast riding and driving prohibited

Property now on hand to be turned over to successor under this act.

SEC. 36. That all moneys, tools, road implements, machinery and books now in the hands of any Trustee, Supervisor or other road officer of any township or road district in said county and belonging to any such township or district at the time this act goes into effect shall be turned over and delivered to his or their successor or successors under this act.

Grades.

Surveyor employed

SEC. 37. That with the view of getting a proper grade, in laying out or amending any public road as provided in this act, the authorities herein authorized to lay out and locate the same may employ a competent surveyor, who shall be paid by the county for his services.

Repealing clause.

SEC. 38. That all laws and clauses of laws in conflict with this act are hereby repealed.

When effective.

SEC. 39. That this act shall be in force from and after the thirty-first day of March, 1903.

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 98.

AN ACT TO PROHIBIT HUNTING ON THE ENCLOSED OR
FENCED LANDS IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt or trap, in any way on the enclosed or fenced lands in the counties of Hyde, Tyrrell and Dare, without liberty obtained from the owner of said lands. Unlawful to hunt on enclosed lands in Hyde, Tyrrell and Dare counties.

SEC. 2. Any person violating the first section of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five dollars (\$5.00) or imprisoned not more than ten (10) days for each offence. A misdemeanor.
Penalty.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 99.

AN ACT TO PROVIDE FOR THE SALE OF PROPERTY IN
WHICH THERE IS A CONTINGENT REMAINDER, AND
NONE OF THE CONTINGENT REMAINDERMEN ARE IN
ESSE.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where there is a vested interest in real estate, and a contingent remainder over to persons who are not in being, or when the contingency has not yet happened which will determine who the remaindermen are, there may be a sale of the property by a proceeding in the Superior Court at term time, which proceeding shall be conducted in the manner pointed out in this act: *Provided*, that this provision shall not apply to any cause where the Courts now have power to order a sale of contingent interest in land. Vested interest.
Contingent remainder over in being.
Sale of property may be made, how
Proviso.

SEC. 2. That such proceedings may be commenced by summons by any person having a vested interest in the land, and all persons in esse who are, or may become in any contingency, interested in said land, shall be made parties defendant and served with summons as in a civil action, and upon non-residents or persons whose names and residences are unknown, by publication as now required by law or such service in lieu of publication as now provided by law. And in cases where the remainder will or may Proceedings commenced by summons.
Parties, who are.
Publication of summons.

Duty of judge where parties are under disabilities.

Guardian ad litem.

Employment of counsel.

Sale of property.

go to minors or persons under other disabilities, or to persons not in being, or whose names and residences are not known, the Judge of the Superior Court shall, after due inquiry of persons who are in no way interested in or connected with such proceeding, designate and appoint some discreet person as *guardian ad litem* to represent such remainderman or remaindermen, upon whom summons shall be served as provided by law for other *guardians ad litem*, and it shall be the duty of such *guardian ad litem* to defend such actions, and when counsel is needed to represent him, to make this known to the Judge, who shall by an order give instructions as to the necessity for employment of counsel and the payment of fees.

SEC. 3. The Court shall, if the interest of all parties require or would be materially enhanced by it, order a sale of such property or any part thereof for reinvestment, either in purchasing or in improving real estate, less expense allowed by the Court for the proceeding and sale, and such newly acquired or improved real estate shall be held upon the same contingencies and in like manner as was the property ordered to be sold.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 100.

AN ACT TO AUTHORIZE CLAY COUNTY TO SUBSCRIBE TO THE CAPITAL STOCK OF THE HIAWASSEE VALLEY RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

To aid Hiawassee Valley R. R. Co.

\$50,000 authorized to be subscribed. Voters to decide.

Payable in county bonds. Five per cent 30 years. Receivable at par. Denomination.

SECTION 1. That for the purpose of aiding and raising the capital stock of the Hiawassee Valley Railroad Company it shall and may be lawful for Clay County to subscribe to the capital stock of said Hiawassee Valley Railroad Company the sum of fifty thousand dollars: *Provided*, the majority of the qualified voters of the said county authorize the Board of Commissioners of said county to subscribe the said sum. Said subscriptions shall be payable in the bonds of said county, bearing a rate of interest of five per cent per annum, payable thirty years after date thereof, and to be received by the said railroad company at par, and to be of the denomination of one hundred dollars and five hundred dollars, interest to be due and payable annually and so expressed in the face of said bonds.

- SEC. 2. That upon the written petition of as many as fifty of the qualified voters of said county, asking for an election to be called to vote on the question of subscription or no subscription to the capital stock of said Hiawassee Valley Railroad Company, its successors or assigns, stating the amount of fifty thousand dollars to be subscribed, it shall be lawful for, and the duty of the Board of Commissioners of Clay County to call an election according to the prayer of the petition, at a time not later than ninety days after the ratification of this act, and submit to the qualified voters of Clay County the question of subscription or no subscription to the capital stock of said Hiawassee Valley Railroad Company, its successors or assigns.
- SEC. 3. That the aforesaid petition, together with the names of all the signers thereof, shall be recorded in the minutes of the said Board and the original petition or petitions theretofore made shall be filed in the office of the Register of Deeds of Clay County.
- SEC. 4. That it shall be the duty of the Board of Commissioners of this county to have published for four weeks before said election, in some newspaper circulated or published in Clay County, a notice giving the day on which said election shall be held and the amount of the capital stock proposed to be subscribed; and if there be no newspaper published in the county, then it shall be the duty of said Board of Commissioners to have the said notice placed on the court-house door of said county and in some public place in each township in said county for four weeks before said election.
- SEC. 5. That said Board of Commissioners are hereby authorized and empowered to appoint the registrars and judges to hold said election, and said Board is further authorized and empowered to canvas the returns and declare the result of said election, and the result thereof shall be spread upon the minutes of said Board.
- SEC. 6. That it shall be the duty of the registrar and judges of each voting precinct or a majority of them, to count the votes cast in their respective precincts and certify to said Board the number of votes cast "For Subscription," and the number of votes cast "Against Subscription."
- SEC. 7. That said election shall be held according to the laws and regulations provided for the elections of members of the General Assembly, except as herein otherwise provided.
- SEC. 8. That at said election each qualified voter of Clay County who shall be in favor of the county of Clay issuing bonds as in this said act provided shall be permitted to cast one ballot upon which shall be written or printed the words "For Subscription," and each qualified voter of said county who shall be opposed to issuing such bonds shall be permitted to cast one ballot on which

Election, how called.

Commissioners to call election. When.

What to be submitted to voters.

Petition to be recorded.

Duty of commissioners. Publication for four weeks.

Registrars and judges of election.

Commissioners to canvas and declare vote.

Duties of registrars and judges.

Election, under what regulations to be held.

Style of ballot.

shall be written or printed the words "Against Subscription;" and no ballot so cast shall fail to be counted by reason of the fact that the paper on which the vote is written or printed is not of any specified color, size or quality.

If majority vote
for subscription.

Duty of commis-
sioners.

Style of bonds.

Bonds, when
delivered and
when to bear
interest.

Conditions.

Bonds remaining
undelivered.

If "subscription"
defeated at first
election, one or
more elections to
be held.

Proviso.

SEC. 9. That if at said election a majority of the qualified voters of Clay County shall cast their votes for subscription, then the Chairman of the Board of Commissioners of said county shall be and is hereby authorized, empowered and directed to subscribe to capital stock of said Hiawassee Valley Railroad Company, its successors or assigns, the sum of fifty thousand dollars, authorized by the result of said election to be subscribed. Said subscription shall be payable in coupon bonds signed by the Chairman of said Board of Commissioners, countersigned by the Register of Deeds of said county, and shall have the official seal of said Register of Deeds attached. The said bonds shall be delivered and commence to bear interest as follows: That when said Hiawassee Valley Railroad Company, its assigns or successors, shall have graded the first mile in said county, then it shall be the duty of said Board of Commissioners to deliver to said railroad company, its assigns or successors, five thousand dollars of said bonds, and the said bonds shall bear interest from the date of said delivery; and as each succeeding mile shall be graded in said county the said Board of Commissioners shall deliver to said railroad company five thousand dollars of said bonds, until the said road is completely graded to or from the town of Hayesville, Clay County, North Carolina. The remaining bonds undelivered shall be held by said Board of Commissioners until the railroad company, its assigns or successors, shall have completed the said road from within one mile of the said town of Hayesville and some adjoining railroad town or railroad point; then the said Board of Commissioners shall issue the remaining amount of bonds to said railroad company, its assigns or successors. The said bonds not to bear interest until they shall have been delivered by said Board of Commissioners to said railroad company, its assigns or successors.

SEC. 10. That if at the first election called and held under the provisions of this act a majority of the qualified voters of Clay County shall fail to cast their ballots for subscription, one or more additional elections may be called and held for the same purpose and under the same regulations as are herein contained, within two years after the ratification of this act.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 101.

AN ACT TO AUTHORIZE MURPHY TOWNSHIP, CHEROKEE COUNTY, TO SUBSCRIBE TO THE CAPITAL STOCK OF THE HIAWASSEE VALLEY RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of aiding and raising the capital stock of the Hiawassee Valley Railroad Company it shall and may be lawful for Murphy Township, Cherokee County, to subscribe to the capital stock of said Hiawassee Valley Railroad Company the sum of twenty-five thousand dollars, if a majority of the qualified voters of said township shall authorize the Board of Commissioners of said county of Cherokee to subscribe the same. Said subscription shall be payable in the bonds of said township not bearing a greater rate of interest than five per cent per annum, payable thirty years after the date thereof, and to be received by the said Hiawassee Valley Railroad Company at par, and to be of the denomination of one hundred dollars and five hundred dollars, interest to be due and payable annually and so expressed in the face of said bond; and it shall be the duty and lawful part of the Board of County Commissioners of said county of Cherokee to levy annually out of the taxable property of Murphy Township a tax to pay the interest on said bonds as it shall accrue, and the said County Commissioners may, at any time they see proper, create a sinking fund from the taxes of said township for the purpose of paying off and discharging the principal of said bonds, when they shall become due.

SEC. 2. Upon the written petition of as many as one-third of the qualified voters of said township, asking that an election be called to vote on the question of subscription or no subscription to the capital stock of said Hiawassee Valley Railroad Company, its successors or assigns, and stating the amount to be so subscribed, it shall be lawful for, and the duty of the Board of Commissioners of Cherokee County, to call an election, according to the prayer of the petition, at such time as the said Board may designate and submit to the qualified voters of Murphy Township the question of subscription or no subscription to the capital stock of said Hiawassee Valley Railroad Company, its successors or assigns.

SEC. 3. That the aforesaid petition, together with the name of all the signers thereof, shall be recorded in the minutes of said Board and shall be filed in the office of the Register of Deeds of Cherokee County.

SEC. 4. That it shall be the duty of the Board of Commissioners of said county to have published for four weeks before said election in some newspaper published or circulated in Murphy Town-

To aid Hiawassee Valley R. R. Co.

Murphy Township, Cherokee County, to subscribe \$25,000.

Qualified voters to decide.

Subscription, how and when payable.

Commissioners to levy special tax.

Sinking fund.

Petition of one-third voters, election to be called.

Commissioners to call election.

When.

Purpose of.

Petition to be recorded.

Commissioners to make publication of election.

ship a notice giving the day on which said election shall be held and the amount of the capital stock proposed to be subscribed.

Judges and registrars.

SEC. 5. That said Board of Commissioners are hereby authorized and empowered to appoint the registrars and judges to hold such election, and said Board is further authorized and empowered to canvas the returns and declare the result of said election, and the result thereof shall be spread upon the minutes of said Board.

Result, how canvased and declared.
Duty of judges and registrars.

SEC. 6. That it shall be the duty of the registrars and judges of each voting precinct or a majority of them, to count the votes cast in their respective precincts, and certify to said Board of Commissioners the number of votes cast "For Subscription" and the number of votes cast "Against Subscription."

Law governing election.

SEC. 7. That said election shall be held according to the regulations provided for the members of the General Assembly, except as herein otherwise provided.

Only qualified voters to vote.

SEC. 8. That at said election each qualified voter of Murphy Township who shall be in favor of the said township of Murphy issuing bonds as in this act provided, shall be permitted to cast one ballot upon which shall be written or printed the words "For Subscription," and each qualified voter of said township who shall be opposed to issuing said bonds shall be permitted to cast one ballot on which shall be written or printed the words "Against Subscription;" and no ballot so cast shall fail to be counted by reason of the fact that the paper on which the vote is written or printed is not of any specified color, size or quality.

Ballots, style of.

Duty of commissioners in event majority vote for subscription.

SEC. 9. That if at said election a majority of the qualified voters of Murphy Township shall cast their votes "For Subscription," then the Chairman of the Board of Commissioners of Cherokee County shall be and is hereby authorized and directed to subscribe to the capital stock of said Hiawassee Valley Railroad Company, its successors or assigns, the sum of twenty-five thousand dollars, the sum authorized by the result of said election. Said subscription shall be payable in coupon bonds signed by the Chairman of said Board of Commissioners, countersigned by the Register of Deeds of Cherokee County, and shall have the official seal of said Register of Deeds attached; but said bonds shall neither be delivered nor bear interest until the said railroad company, its successors or assigns, shall have completed the line of railroad from Murphy, North Carolina, to within one mile of Hayesville, North Carolina, and have trains running on said road on regular schedules, and connecting said town of Murphy with the town of Hayesville. Each of said bonds shall have attached thereto thirty coupons, each coupon to represent the interest that shall become due on said bonds on the date mentioned in said coupons; and each coupon shall be numbered, and also signed, countersigned and sealed in the same manner prescribed for the signing, countersigning and sealing of the bond to which it is at-

Style of bonds.

Bonds, when to be delivered.

Interest coupons.

Style of coupons.

tached; said bonds and coupons shall specify on their face that the same shall not be delivered or bear interest until the said railroad company, its successors or assigns shall have completed and in operation a railroad from Murphy, North Carolina, to within one mile of Hayesville, North Carolina, as hereinbefore provided.

Bonds, when to be delivered.

SEC. 10. That if at the first election called and held under the provisions of this act a majority of the qualified voters of Murphy Township shall fail to cast their ballots "For Subscription," one or more additional elections may be called and held for the same purpose and under the same rules and regulations as are herein contained: *Provided*, that no election shall be held oftener than once in two years.

If first election "subscription" fails, additional elections to be held.

Proviso.

SEC. 11. That the Board of County Commissioners of Cherokee County are hereby delegated and appointed to carry into effect the provisions of this act.

Commissioners to carry into effect this act.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 102.

AN ACT TO AMEND CHAPTER FORTY-SIX OF THE PUBLIC LAWS OF EIGHTEEN HUNDRED AND EIGHTY-SEVEN, RELATING TO CART-WAYS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty-six of the Public Laws of eighteen hundred and eighty-seven be, and the same is hereby amended, by inserting in line nine of the first section, after the words "or water course," and before the word "by," the words "or railroads."

Chapter 46, Public Laws 1887, amended.

Line 9, section 1.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 103.

AN ACT TO PROHIBIT KILLING OF SQUIRRELS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from the first day of March to the first day of November, in each year, it shall be unlawful for any person or

Unlawful to shoot squirrels, when.

Counties affected.
Penalty.

persons to hunt, shoot or kill squirrels within the counties of Chowan, Perquimans, Mecklenburg, Cleveland, Pitt and Beaufort.

SEC. 2. That all persons found guilty of the violation of the provisions of this act shall be fined not exceeding ten dollars, nor imprisoned more than ten days.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 104.

AN ACT TO AMEND SECTION 3612 OF THE CODE OF NORTH CAROLINA, RELATING TO PUBLIC LIBRARIES, DOCUMENTS, ETC.

The General Assembly of North Carolina do enact:

Section 3612 Code amended.

Trustees authorized to distribute books.

SECTION 1. That section 3612 of The Code of North Carolina be amended by adding at the end of said section the following: And said Board of Trustees are hereby authorized and empowered to make such distribution of the books, reports and publications belonging to the State of North Carolina as in the judgment of said Board is advisable and proper.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 105.

AN ACT TO PROHIBIT DEALING IN FUTURES IN THE TOWN OF REIDSVILLE, ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to conduct bucket-shop or deal in futures in Reidsville, N. C.

Nature of offence.

SECTION 1. That it shall be unlawful for any person, firm, co-partnership or corporation, or any agent of such person, firm, co-partnership or corporation, to conduct within the corporate limits of the town of Reidsville, in Rockingham County, any bucket-shop, or within said limits to deal in, or sell, any contracts on margin for future delivery of any stocks, grain, cotton, tobacco, meat, bacon, iron, steel, or other commodity where the article sold or agreed to be sold is not delivered to the purchaser, as the consideration for the price agreed to be paid, within a reasonable time after the said contract is entered into.

SEC. 2. That anyone violating the provisions of this act shall for each offence be imprisoned not more than ten days or fined not more than fifty dollars, each day's, or part of a day's, conduct of the business herein prohibited to constitute a separate offence. Penalty.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 106.

AN ACT TO PREVENT THE SPREADING OF DISEASE AMONG HOGS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons within the limits of Currituck County, west of Currituck Sound, and the counties of Wake, Camden, Tyrrell and Lenoir owning hogs that have cholera or other infectious disease to permit the same to run at large. To prohibit hogs having infectious diseases from running at large, where.

SEC. 2. That the owner of hogs within the above limits that die with cholera or other infectious diseases, shall bury at least two feet under the soil or burn or have burned or buried said hogs at once. Owner to bury or burn hogs dying with said diseases.

SEC. 3. That anyone violating the provisions of this act shall be guilty of a misdemeanor and upon conviction be fined not less than five dollars, nor more than ten dollars or imprisoned for not more than thirty days. Misdemeanor.
Penalty.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 107.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO RESTORE SELF-GOVERNMENT TO THE PEOPLE OF BRUNSWICK COUNTY," RATIFIED BY THE GENERAL AS- SEMBLY OF NORTH CAROLINA ON THE 27th DAY OF JAN- UARY, 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That the word "Buncombe" where it appears in section 2 of an act entitled "An act to restore self-government to the Brunswick inserted where Buncombe appears.

Secretary of State
authorized to
strike out Bun-
combe and insert
Brunswick.

people of Brunswick County," ratified January 27, 1903, be stricken out, and the word "Brunswick" be written in lieu thereof.

SEC. 2. The Secretary of State is hereby authorized and directed to strike out of said section the word "Buncombe," and insert the word "Brunswick" in lieu thereof in the copy now on file in his office, and to have the said act published so that it will read "Brunswick" County.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 108.

AN ACT FOR THE RELIEF OF G. W. WILLIAMS, REGISTER OF DEEDS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Preamble.
Relief of G. W.
Williams

Failed to record
marriage license.
Section 1819 Code.

Other failures.

Sections 1818-1819
Code.

Licenses filed in
office.

W. H. Bray vs.
Williams.

Now pending

G. W. Williams
and sureties
released from
liability.

WHEREAS, G. W. Williams, who was Register of Deeds of Currituck County, N. C., for the term ending December, 1902, and is now serving as such by re-election, during his term of office now expired, by inadvertence and oversight failed to record the marriage licenses issued by him within ten days, as required by section 1819 of The Code of North Carolina, and may have failed in other respects to comply strictly with sections 1818 and 1819 of said Code, and by such failure and omissions incurred the penalties prescribed by said sections; and,

WHEREAS, Said Williams carefully filed and preserved in his office such licenses and recorded the same during each year in a book furnished him for that purpose by the Commissioners of said county, and no harm has come to anyone because of any such failure and omission; and,

WHEREAS, Action has been brought by Wm. H. Bray against said Williams and his sureties to recover of them the penalties prescribed by said sections, aggregating a large sum, which action is now pending in Superior Court of Currituck County, but in which no judgment has been rendered; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That G. W. Williams and the sureties on his official bond for the term ending December, 1902, and each of them be and they are hereby released and discharged from any and all penalties imposed by said sections, for failure to comply with the provisions of said sections and any amendments to same during the term of office of said Williams now expired.

SEC. 2. That this act shall be in force from and after its ratification and shall apply to actions now pending and which may be brought to enforce such penalties.

When effective.

To apply to actions now pending.

In the General Assembly read three times, and ratified this 12th day of February, A. D. 1903.

CHAPTER 109.

AN ACT TO PROHIBIT THE MANUFACTURE OF WHISKEY AND TO REGULATE THE SALE OF LIQUOR IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture whiskey from grain or malt or any other substance in the county of Johnston. That no license from the United States Government shall be construed as permitting the establishment of a whiskey distillery in said county. Any person violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, nor more than two hundred dollars, or be imprisoned not less than thirty days or more than one year, and during such imprisonment may be sentenced to work upon the public roads; and the distillery apparatus and all liquors made, shall be forfeited to the general school fund of said county.

Unlawful to sell liquor, where.

U. S. Government distilleries. Misdemeanor.

Penalty.

Forfeiture.

SEC. 2. That all persons found at a whiskey distillery in said county shall be *prima facie* guilty of the violation of section one (1) of this act.

All persons found at distillery *prima facie* guilty.

SEC. 3. That no witness shall be permitted to refuse to answer any question, upon the trial of any indictment for the violation of this act, upon the ground that the answer to such question would tend to criminate him or her, but the witness will be required to state all the facts within his or her knowledge; but it shall not be legal for the said witness to be indicted for any offence committed by him or her prior to his or her examination, and which offence was disclosed by said examination.

No witness relieved from answering questions

Protection to witness.

SEC. 4. That it shall not be lawful for the Commissioners of Johnston County to grant license to retail spirituous liquors in the county of Johnston outside of incorporated towns, which incorporated towns must have a *bona fide* population of one hundred inhabitants.

Commissioners prohibited from granting license for retail business.

Exception.

SEC. 5. That nothing in this act shall be construed so as to prevent the manufacture of brandy from fruits and grapes.

Manufacture of brandy not prohibited.

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

In the General Assembly read three times, and ratified this 12th day of February, A. D. 1903.

CHAPTER 110.

AN ACT TO AUTHORIZE A DISPOSITION OF THE LIQUORS REMAINING ON HAND WHEN THE UNION COUNTY DISPENSARY WAS ABOLISHED.

The General Assembly of North Carolina do enact:

H. W. Austin,
under direction of
Dispensary Board,
to sell all property
on hand.

SECTION 1. That Henry W. Austin, former manager of the Union County dispensary, be and he is authorized, under the direction and control of the dispensary board existing at the time of its abolition, viz: J. J. Crow, A. W. Biggers and R. H. Howie, to sell, either publicly or privately, under the rules obtaining in the dispensary act repealed, all of the liquors, wines, beers and other property of whatever nature left on hand at the time of the repeal of the Union County Dispensary Act, and the moneys arising from a sale and disposition of the said stock of liquors and other property shall be disposed of in the same manner and in the same proportion as directed in the said Dispensary Act. And the disposition of said stock of liquors shall be made by said dispenser within thirty days after the ratification of this act.

Disposition of
money.

To sell within 30
days.
Dispensary not
re-established.

SEC. 2. That this act shall not have the effect of re-enacting the Union County dispensary further than is necessary to dispose of the stock of liquors and other property remaining on hand at the time of the repeal of the said Dispensary Act.

Sale, how made.

SEC. 3. That the said dispenser named in the first section of this act may sell the same in bulk or in such quantities as shall be to the best advantage, either by public auction or private sale, in quantities not greater than authorized by the revenue license held by said dispensary from the United States.

Dispensary
re-created.

SEC. 4. That this act shall be construed for the purpose of re-creating the said dispensary board and the manager of the dispensary only for the purposes herein declared.

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

In the General Assembly read three times, and ratified this 12th day of February, A. D. 1903.

CHAPTER 111.

AN ACT TO AMEND AN ACT RATIFIED FEBRUARY 5, 1903.
AMENDING THE CHARTER OF THE GRAND LODGE OF
NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That the act entitled an act to amend the act of December 20, 1797, entitled "An act to incorporate the Grand Lodge of North Carolina," ratified February 5, 1903, be amended by striking out the word "or" in line two of subsection two of section one, and by inserting in lieu thereof a comma.

Amendatory of
amending act
1797, 1903.

"Or" in lieu of
comma.

SEC. 2. That subsection three of section one thereof be amended by inserting between the words "Carolina" and "shall" in line ten, the word "held."

Line 10, subsec. 3.

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

In the General Assembly read three times, and ratified this 12th day of February, A. D. 1903.

CHAPTER 112.

AN ACT TO AMEND CHAPTER 245 OF THE PUBLIC LAWS OF
1899, CHAPTER 291, OF THE PUBLIC LAWS OF 1897, AND
CHAPTER 260 OF THE PUBLIC LAWS OF 1901, RELATING
TO HUNTING AND FISHING IN CURRITUCK COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter 245, of the Public Laws of 1899, be and the same is hereby repealed.

Chapter 245, Laws
1899, repealed.

SEC. 2. That the word "tenth" whenever it occurs in said chapter, be changed to the word "first."

"Tenth" changed
to "First."

SEC. 3. After the word "sound" in line six of section three, of chapter 291, of the Public Laws of 1897, strike out all the words down to and including the word "section" in line seven of said section, and after the word "sound" at the end of said section, add the following: "And it shall be unlawful for any person or persons either before or after they have put out decoys in the waters of Currituck Sound, to sail or row or propel a boat in any way after wild fowl in the waters of said sound for the purpose of forcing them on the wing or shoot them with rifle or shot-gun from any craft, while sailing at any time: *Provided*, this section shall not prohibit the shooting of boobies or ruddy duck, as provided in section seven of chapter 245, of the Public Laws of 1899."

Section 3, chapter
291, Laws 1897,
amended.

Decoys prohibited
in Currituck.
Rowboats.

Proviso.

Boobies or ruddy
duck, chapter 245,
Public Laws 1899.

Section 7, chapter 291, Public Laws 1897, amended.

SEC. 4. After the word "tributaries" in line four of section seven, of chapter 291, of the Public Laws of 1897, and before the word "for" insert the following, "or place any sail, flag or other device, upon any land bordering on the waters of Currituck Sound, or tributaries to frighten any wild fowl."

Section 1, chapter 260, Laws 1901, amended.

SEC. 5. That the word "thirty" in line three, in section one, of chapter 260, of the Public Laws of 1901, be changed to the word "fifteenth," and the words "fifteenth day of October," in line four of said chapter, be changed to the "first day of November:" *Provided*, that this act shall not apply to fishing in Atlantic Township, in Currituck County, east of a line extending from a cedar stump standing on the beach north of Caffey's Inlet, life-saving station, thence a straight course south, to a point half way between Powell's Point and Kitty Hawk Bay: *Provided further*, that section one of chapter 260, of the Public Laws of 1901, shall not be construed so as to prohibit the catching of eels and herrings for market at any time.

Proviso.
Atlantic Township excepted.

Proviso.

Section 1, chapter 260, Laws 1901, Eels and herring excepted.

Section 2, chapter 260, Laws 1901, added to.

Proviso.

Pound or Dutch nets.

Misdemeanor.

Penalty.

Qui tam.

Repealing clause.

SEC. 6. After the word "sound" at the end of section two of said chapter 260, of the Public Laws of 1901, add the following: "*Provided*, that this act shall not prohibit the selling or fishing of pound or Dutch nets, on the east side of said sound from the west point of Mackey's Island, north to the Virginia line."

SEC. 7. That any person violating any of the provisions of this act or any part thereof shall be guilty of a misdemeanor for each and every offence and upon conviction shall be fined not more than fifty dollars, nor less than thirty dollars, or imprisoned not more than thirty days, nor less than twenty days, one-half of said fine to be paid to the informer or prosecutor and the other half to go to the public school fund of Currituck County.

SEC. 8. That all laws or 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.

In the General Assembly read three times, and ratified this 12th day of February, A. D. 1903.

CHAPTER 113.

AN ACT TO INCORPORATE THE NORTH CAROLINA FARMERS' PROTECTIVE ASSOCIATION.

The General Assembly of North Carolina do enact:

Farmers incorporated.
Incorporators.

SECTION 1. That for the purpose of organizing the farmers of the State for mutual protection and improvement, John S. Cunningham, J. J. Laughinghouse, R. H. Speight, W. F. Parker,

Manly McDowell, and their associates and successors, are hereby created a body corporate under the name and style of the North Carolina Farmers' Protective Association, and by such name may sue and be sued, plead and be impleaded; shall have perpetual succession and a common seal, and shall have and enjoy all the rights, privileges and immunities granted to corporations by the general laws of the State as well as and in addition to the rights, privileges and immunities specifically granted in this act.

Corporate name.

Powers and privileges.

SEC. 2. That said corporation shall have power to establish, conduct or carry on, by and through its duly appointed and authorized agents, mercantile, manufacturing and other business in all branches, to erect, or purchase, manage and operate stock yards, warehouses, grain elevators and packing establishments, to erect or purchase, own and operate mills and factories of any kind whatsoever. To own, operate and conduct one or more newspapers, and generally to do any and all such things as may be necessary or advisable for its profit and advancement, or that may contribute to the accomplishment of the general design and purpose for which it is created.

Business proposed.

SEC. 3. That said corporation shall have power to organize and establish a department for the purpose of mutually insuring the property of members of the Association against loss by fire, wind or lightning, upon such terms and under such conditions as may be fixed by the by-laws of the Association. No member of the Association shall become liable under this section unless he shall insure his property in such department and shall specially subscribe to the department. Every member insuring his property in such department is bound to pay his portion of, all losses and expenses accruing to said insurance department. No policy of insurance shall be issued by the department hereby authorized until not less than one hundred thousand dollars (\$100,000) in not less than two hundred separate risks upon country property located in North Carolina has been subscribed for.

Insurance department

Members liable, when

Assessment, basis of.

Policies, when to issue.

SEC. 4. The said Association may, by its by-laws, authorize and regulate the formation of County and Township Associations. Such County and Township Associations shall be subject to rules and regulations prescribed by the State Association. The State Association shall prescribe rules and regulations for the general management of the affairs of the subordinate Associations and shall provide for the proper representation of the same in the meetings of the State Association.

County and Township associations.

State association to prescribe rules.

SEC. 5. That the said Association shall, by its by-laws, prescribe the dues and assessments to be collected from its members. In addition to the dues so prescribed there shall, on the death of any member, be collected from each of the members of the County or Township Association of which such deceased person

Dues.

Assessment on death of members.

was a member, an assessment of not more than one dollar (\$1) for the benefit of the widow and dependent minor children of such deceased member: *Provided*, that the aggregate amount of any such assessment shall be not more than three hundred dollars (\$300).

Benefit of widow and minor children.
Proviso.
Aggregate amount \$300.

Mercantile and manufacturing business.

SEC. 6. That for the purposes of engaging in any of the mercantile and manufacturing enterprises authorized in this act, the said Association may associate with itself other persons, but in all such cases this Association shall have and retain the controlling interest in the enterprise.

Officers, their duties.

SEC. 7. That said Association may make by-laws for its government, prescribe the necessary officers and the duties of each and require bonds from such of its officers as occupy positions of trust.

Bonds required of.

No member personally liable for debts of association.
Repealing clause.

SEC. 8. That no member of this Association shall be personally responsible for any of its debts or liabilities.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed in so far as the same apply to this corporation.

A public act.

SEC. 10. That this act shall be considered for all purposes and in all respects a public act.

When effective.

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

In the General Assembly read three times, and ratified this 14th day of February, A. D. 1903.

CHAPTER 114.

AN ACT TO SETTLE A DEBT DUE BY THE STATE TO MARTHA MORDECAI, EXECUTRIX OF HENRY MORDECAI, DECEASED.

Preamble.

WHEREAS, on the thirtieth day of January, one thousand eight hundred and sixty-three, the Public Treasury of the State was destitute of the funds necessary to meet the urgent demands made upon it for the expenses of the various civil departments of the government, particularly for the maintenance of the Asylums for the Insane and the Deaf, Dumb and Blind, and the payment of members of the General Assembly; and

Treasury depleted 1863.

\$15,000 borrowed from Henry Mordecai

WHEREAS, by authority of law the late Jonathan Worth, then Public Treasurer, borrowed from Henry Mordecai the sum of fifteen thousand dollars, for the repayment of which the State of North Carolina, by the Public Treasurer aforesaid, executed and delivered to the said Henry Mordecai its obligation, bearing interest from January the thirtieth, one thousand eight hundred and sixty-three; and

State's obligation.

WHEREAS, the said sum of fifteen thousand dollars was received by the State and faithfully applied to said civil purposes, and no part thereof has ever been paid; and,

WHEREAS, a similar debt due the estate of David Hinton has heretofore been compromised and paid: Still unpaid.
Similar debt paid David Hinton.

The General Assembly of North Carolina do enact:

SECTION 1. That the Public Treasurer of North Carolina be and he is hereby authorized and directed to pay to the said Martha Mordecai, executrix of Henry Mordecai, deceased, out of any moneys not otherwise appropriated, the sum of thirty-six hundred dollars, in full discharge of said indebtedness: *Provided*, that said Martha Mordecai, executrix, shall within six months after the adjournment of this General Assembly, surrender said obligation to the State Treasurer and accept the amount authorized to be paid by this act in full of said obligation, and the State Treasurer is not authorized to pay any money under this act unless said obligation is surrendered within six months after the adjournment of this session of the General Assembly. That the Public Treasurer, in payment of the said thirty-six hundred dollars, be and he is hereby authorized and directed to issue and deliver to the said Martha Mordecai, executrix of Henry Mordecai, four per cent bonds of this State of the series issued under the Act of March 4, 1879, amounting to said sum of thirty-six hundred dollars at their current market value, with interest coupons attached only from the ratification of this act, which said bonds shall be received in full discharge of said amount as if the same was paid in current funds. State Treasurer directed to pay.
Executrix of Mordecai.
\$3,600 in full.
Proviso.
Executrix to surrender said obligation, when.
To be paid in 4 per cent State bonds of March 4, 1879.
Bear interest from ratification of this act.

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

In the General Assembly read three times, and ratified this 14th day of February, A. D. 1903.

CHAPTER 115.

AN ACT TO AMEND CHAPTER 645 OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of chapter 645 of the Public Laws of 1901, entitled "An act to prevent the depredation of domestic fowls," shall apply to Orange County and to all incorporated towns therein. Chapter 645, Public Laws, 1901, applicable to Orange County.

SEC. 2. That this act shall be in force from and after the first day of March, 1903. When effective.

In the General Assembly read three times, and ratified this 14th day of February, A. D. 1903.

CHAPTER 116.

AN ACT TO AMEND CHAPTER 447, PUBLIC LAWS OF 1901,
RELATING TO PUBLIC DRUNKENNESS IN CURRITUCK
COUNTY.*The General Assembly of North Carolina do enact:*Section 1, chapter
447, Laws 1901,
amended.

SECTION 1. Strike out the word "township" in line three of section one, chapter 447, Public Laws of 1901, and insert in lieu thereof the words, "and Fruitville Townships."

Repealing clause.

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

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

In the General Assembly read three times, and ratified this 14th day of February, A. D. 1903.

CHAPTER 117.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND
FIFTY-TWO (252), LAWS 1891.*The General Assembly of North Carolina do enact:*Chapter 252, Public
Laws 1891,
repealed.

SECTION 1. That chapter two hundred and fifty-two (252) of the Public Laws of eighteen hundred and ninety-one (1891) be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this 14th day of February, A. D. 1903.

CHAPTER 118.

AN ACT TO PROTECT GAME IN THE COUNTY OF TYRRELL.

*The General Assembly of North Carolina do enact:*Section 1, chapter
443, Public Laws
1895, amended.

SECTION 1. That section one of chapter 443, Public Laws 1895, be amended by adding after the word "any," in line two, and before the word "deer," in line three, the word "squirrel."

Chapter 443, as
amended re-
enacted.

SEC. 2. That said chapter 443, as amended by section one of this act, is hereby re-enacted.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this 14th day of February, A. D. 1903.

CHAPTER 119.

AN ACT EMPOWERING COMMISSIONERS OF GASTON AND MECKLENBURG COUNTIES TO BUILD BRIDGE ACROSS CATAWBA RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Gaston and Mecklenburg counties are hereby authorized and empowered to construct a bridge over the Catawba River, connecting said counties at such point as may be agreed upon by the said Commissioners.

Commissioners of Mecklenburg and Gaston counties authorized to construct bridge over Catawba River.

SEC. 2. The said Boards of Commissioners are authorized to make each such appropriations for building said bridge as may be agreed upon by them jointly.

Appropriations therefor.

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

In the General Assembly read three times, and ratified this 14th day of February, A. D. 1903.

CHAPTER 120.

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

WHEREAS, at the general election held for the county of Alleghany on the first Tuesday in November, 1902, the following persons were voted for and declared elected Justices of the Peace for said county, to-wit:

Preamble.

For Gap Civil Township—C. W. Edwards, J. C. Roup, Joseph Johnson, R. M. Nichols, J. B. Doughton, John Choate, H. M. Crouse and L. W. Fender.

Persons elected justices.

Whitehead Township—D. C. Caudill and D. C. Whitehead.

Panther's Creek Township—H. D. Estep, J. K. Taylor, R. A. Price, J. S. Owens and W. H. Weaver.

Piney Creek Township—F. J. Pugh, J. F. Finney, L. M. Pugh, F. N. Roup and W. F. Parsons.

AND WHEREAS, troubles have arisen on the legality of such election, on account of the number of persons voted for and de-

Legality of said election questioned.

clared elected being greater than said townships were authorized by law to elect; therefore,

The General Assembly of North Carolina do enact:

Election declared
valid.

SECTION 1. That the election so held for the Justices aforesaid is hereby declared valid and legal in every respect.

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

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1903.

CHAPTER 121.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-EIGHT, PUBLIC LAWS OF EIGHTEEN HUNDRED AND NINETY-NINE.

The General Assembly of North Carolina do enact:

Chapter 306, Pub-
lic Laws 1899,
amended.

Section 1 stricken
out.
New section in
lieu

Local board,
personal.

When to take
charge.

SECTION 1. That chapter three hundred and ninety-eight (398) of the Public Laws of eighteen hundred and ninety-nine be and the same is hereby amended by striking out all of section one (1) of said act and substituting in lieu thereof the following: "Section one. That H. L. Cook, H. W. Lilly, Q. K. Nimocks, D. H. Ray and J. V. McGougan be and they are hereby appointed the local Board of Managers of the State Colored Normal School at Fayetteville, whose terms of office shall begin immediately upon the ratification of this act, and continue until their successors are duly appointed."

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

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1903.

CHAPTER 122.

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX COLLECTORS.

The General Assembly of North Carolina do enact:

Sheriffs and Tax
Collectors relieved

What years.

SECTION 1. That all sheriffs and tax collectors who, by virtue of their office have had the tax lists for the purpose of collecting the taxes of their respective counties in their hands for the years 1897, 1898, 1899, 1900, 1901 and 1902, and in cases of death or default, their personal representatives, bondsmen or any agent

they may designate, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are now or may hereafter be provided by law for collection of taxes.

Bondsmen empowered to collect.

SEC. 2. That no person shall be compelled to pay any tax under the provision of this act who holds a receipt in full for the years named in section one of this act, or who will make affidavit before any officer authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor, administrator or guardian be compelled to pay any tax under the provisions of this act after he shall have made a final settlement: *Provided*, this act shall not authorize the sale of any land for taxes which has been conveyed to a purchaser for value, and without actual notice of the non-payment of the taxes.

Persons holding receipts or will make oath to payment, not liable.

Executor, etc

Proviso. Land not to be sold under certain conditions.

SEC. 3. That nothing herein contained shall be construed to relieve sheriffs, tax collectors, their representatives or bondsmen from the liability imposed by law to pay the State, county and other taxes at the time and place required by law.

No relief from liability imposed by law.

SEC. 4. That the authority herein given shall cease and determine on the 31st day of December, 1903.

Authority when to cease.

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

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1903.

CHAPTER 123.

AN ACT TO AMEND CHAPTER 524, PUBLIC LAWS OF 1901,
SO AS TO ELIMINATE THE OATH IN PRIMARY ELECTIONS EXCEPT IN CASE OF CHALLENGE.

The General Assembly of North Carolina do enact:

SECTION 1. That section 2 of chapter 524, Public Laws of 1901, be amended by striking out the words "shall before receiving any ballot," in lines eight and nine of said section, and inserting in lieu thereof the words, "it shall be their duty when any voter is challenged, in good faith, the challenger stating grounds of such challenge to" *Provided*, the provisions of this act shall also apply to Richmond County.

Section 2, chapter 524, Public Laws 1901, amended.

In regard to challenge.

Proviso, made applicable to Richmond County.

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

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1903.

CHAPTER 124.

AN ACT TO PREVENT PUBLIC DRUNKENNESS IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Drunkenness,
boisterous and
disorderly conduct
punishable, where.
Penalty.

SECTION 1. Any person who shall be guilty of drunkenness and boisterous and disorderly conduct on any public highway or any public place outside of any incorporated town shall upon conviction thereof be fined not more than fifty dollars or imprisoned not more than thirty days, at the discretion of the Court.

To apply only to
Macon County.

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

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

In the General Assembly read three times, and ratified this 16th day of February. A. D. 1903.

CHAPTER 125.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE AND THE SHIPPING INTO CUMBERLAND COUNTY OF SPIRITUOUS, VINOUS OR MALT LIQUORS.

Preamble.

WHEREAS, at an election held on the fourth day of November, 1902, for the members of the General Assembly, the qualified voters of Cumberland County decided in favor of prohibition in said county by a majority of 1,319, said election being held under the provisions of section 5, chapter 512, of the Public Laws of 1901; therefore,

Prohibition elec-
tion Nov. 4, 1902

The General Assembly of North Carolina do enact:

Unlawful to sell
spirits in Cumber-
land County.

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture, sell or otherwise dispose of for gain any spirituous, vinous or malt liquors or intoxicating bitters within the county of Cumberland: *Provided*, that wines and ciders may be manufactured and sold in sealed or crated packages containing not less than five gallons per package; but no wine or cider shall be drunk upon the premises where sold, nor shall the package containing the same be opened on said premises.

Proviso.

Original package

Tonic and bitters.

SEC. 2. That it shall be unlawful for any person, firm or corporation, within the said county of Cumberland, to sell or otherwise dispose of for gain any tonics or bitters that contain more than ten per cent alcohol: *Provided*, that this act shall not be

Proviso.

so construed as to prohibit druggists from using as much alcohol as may be necessary in making tinctures and extracts to be used in general prescription work, or selling or using alcohol for mechanical and scientific purposes.

SEC. 3. That the place of delivery of any spirituous, vinous or malt liquors or intoxicating bitters within the county of Cumberland shall be for the purposes of this act so construed as to mean the place of sale, and that any station or other place within the aforesaid county of Cumberland to which any person, firm or corporation shall ship or deliver any spirituous, vinous or malt liquors or other intoxicating bitters, for the purpose of delivering or carrying the same to the purchaser, shall be construed to be the place of sale: *Provided*, this section shall not be construed to prevent the delivery of any spirituous, vinous or malt liquors to a druggist in sufficient quantities for the purposes mentioned in this act.

Druggist.

Place of delivery
the place of
sale.

Proviso.

Druggist.

SEC. 4. That licensed druggists may dispense any of the liquors prohibited by section one of this act, in quantities *bona fide* prescribed in writing by any licensed practicing physician, upon such physician's certifying that the person prescribed for is a sick person under his charge and is in need of the liquor prescribed and in the quantity prescribed; and any physician who shall prescribe any liquor for any person not *bona fide* sick and in his charge, shall be guilty of a misdemeanor.

Druggist to have
a physicians
prescription.Physician's pre-
scription must be
bona fide.

SEC. 5. That any druggist who shall fill more than once the prescription mentioned in section four of this act shall be guilty of selling liquors within the meaning of this act.

No duplicate
prescriptions

SEC. 6. That all druggists shall keep on file, separate from the regular prescription file, and subject to the inspection of any person who may desire to see the same, all prescriptions for liquors, and shall submit to the Solicitor at each criminal term of the Superior Court a written report giving full details of all such prescriptions.

Druggist to keep
prescription file,
same to be open.

SEC. 7. That it shall be unlawful for any person, firm or corporation in Cumberland County to solicit, either in person or by advertising in any newspaper published in Cumberland County, any order or orders for the sale of any spirituous, vinous or malt liquors in Cumberland County to be shipped from any county in North Carolina or from any place in the United States.

Unlawful to solicit
or advertise.

SEC. 8. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall, except as herein otherwise provided, be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the State Penitentiary not less than six months and not more than three years, or made to work

Penalty for viola-
tion a misde-
meanor;

Felony.

upon the county roads in lieu of being confined in the Penitentiary.

Sections 3113-14-15,
Code, repealed as
to Cumberland
County.

SEC. 9. That sections 3113, 3114 and 3115 of The Code of North Carolina are hereby repealed so far as they apply to Cumberland County.

Duty of mayors of
towns.

SEC. 10. That it shall be the duty of the Mayors of the several incorporated towns in Cumberland County to use due diligence for the enforcement of this act, and it shall be the duty of the Chief of Police of such towns, on the first Monday of every month, to make a written report on oath to the Mayor of such town, whether or not he has reason to believe that the provisions of this act have been violated in such town, and thereupon, in case of report by such Chief of Police of any probable violation of this act, it shall be the duty of said Mayor to use due diligence to have the case investigated and the offender brought before him for trial, and in making investigation, the police of such incorporated towns are hereby fully authorized and empowered to make thorough examination into any suspicious package, parcel or bundle which may be shipped or otherwise carried into such town; and it shall be the duty of all policemen of such towns to report on oath, either in writing or orally, on or before the first Monday of every month, to the Chief of Police, whether or not he has reason to believe that the provisions of this act have been violated.

Chief of police to
make report.

What to contain.

Police to inspect
suspicious pack-
ages.

Policemen to
make report.

Officers failing to
discharge their
duty a misde-
meanor.

SEC. 11. That any Chief of Police, or other policeman of any incorporated town of Cumberland County, who shall fail to make report as provided in section 10 of this act, and disclose any and all violations or probable violations of this act that he may know of, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days for each offence.

Penalty.

Qui tam.

SEC. 12. That any person, other than the policemen of the incorporated towns in Cumberland County, who shall report any violation of this act, and furnish sufficient evidence to convict the offender, shall receive one-half of the fine imposed.

Act to be pub-
lished, where.

SEC. 13. That this act shall be published in full in some newspaper published in Cumberland County, at the cost of Cumberland County, for four successive weeks, provided the cost of publication shall not exceed ten dollars.

Proviso as to costs.

Judge of Superior
Court to read act,
when.

SEC. 14. That, upon request of any citizen of Cumberland County so to do, the Judges holding the Superior Courts of Cumberland County shall read this act in full as a part of their charge to the grand jury.

Secretary of State
to certify copy,
when and to
whom.

SEC. 15. That, within five days after the ratification of this act, it shall be the duty of the Secretary of State to certify this act in full to the Clerk of the Superior Court of Cumberland

County, under the great seal of the State, and said Clerk shall at once cause this act to be published as herein provided.

SEC. 16. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed, so far as they relate to Cumberland County. Repealing clause.

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

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1903.

CHAPTER 126.

AN ACT TO AMEND CHAPTER 164 OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 164 of the Public Laws of one thousand eight hundred and ninety-nine be amended by adding to subsection 13 of section 2 thereof a new subsection, to be known as subsection 13a, to read as follows: Chapter 164, Laws 1899, amended.

13a. To require when practicable, and when the necessities of the case, in the judgment of the Corporation Commission require, any two or more railroads which now or hereafter may enter any city or town to have one common or union passenger depot for the security, accommodation and convenience of traveling public, and to unite in the joint undertaking and expense of erecting, constructing and maintaining such Union Passenger Depot commensurate with the business and revenues of such railroad companies or corporations, on such terms, regulations, provisions and conditions as the said Commission shall prescribe: *Provided*, that such railroad company or corporation be allowed the right of appeal as in cases of rulings and orders as to rates of freight and fare: *Provided further*, that the railroads so ordered to construct a Union Depot shall have power to condemn land for said purpose, as in case of locating and constructing a line of railroad: *Provided further*, that nothing in this act shall be construed to authorize the Commissioners to require the construction of said Union Depot should railroad companies at the time of application for said order have separate depots, which, in the opinion of the Corporation Commission, are adequate and convenient and offer suitable accommodations for the traveling public. Subsection 13a.
Corporation Commission to require Union depot, when.
Expense of erecting and maintaining, how borne.
Proviso, railroads may appeal.
Railroads eminent domain.
Proviso.
Commission not to act in cases where adequate separate depots.

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

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1903.

CHAPTER 127.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF LIQUORS IN THE CITY OF STATESVILLE AND PROVIDING FOR AN ELECTION.

The General Assembly of North Carolina do enact:

Unlawful to manufacture or sell liquors.

Where.
Proviso as to druggist.

Violation, sale of.

A misdemeanor.
Penalty.

Violations, manufacture of.

A felony.

Penalty.

Physicians prescription.

Duplicate prescriptions.

Druggists.

A misdemeanor.
Penalty.

Druggist to record.
What to contain.
Inspection of record.

A misdemeanor.
Penalty.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to manufacture, sell or otherwise dispose of for gain, any spirituous, vinous or malt liquors, or intoxicating bitters within the corporate limits of the city of Statesville: *Provided*, this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors by druggists for sickness upon the written prescription of a (legally qualified) physician, having such sick person under his charge.

SEC. 2. That any person violating the provisions of this act with reference to the sale, or disposition for gain, of spirituous, vinous or malt liquors or intoxicating bitters, shall be guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding six months, or fined not exceeding \$200, or both, in the discretion of the Court.

SEC. 3. That any person violating the provisions of this act, with reference to the manufacture of spirituous, vinous or malt liquors, or intoxicating bitters, shall be guilty of a felony, and shall upon conviction be imprisoned not less than six months nor more than two years, or fined not less than \$200 nor more than \$1,000, or both, in the discretion of the Court.

SEC. 4. That any physician who shall make any prescription, except in the case of sickness, for the purpose of aiding or abetting any person or persons who are not *bona fide* under his charge, to purchase any intoxicating liquors contrary to the provisions of this act, and any druggist who shall duplicate the prescription of a physician for intoxicating liquors for any person or persons not *bona fide* under his charge, without the written direction of the physician who gave the same, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the Court, for each and every offense; and all druggists selling intoxicating liquors by prescription as aforesaid shall keep a record thereof, which shall bear the true dates of the sales and be subject at all times to the inspection of the Solicitor of the district and of the Mayor and police officers of the city, and any such druggist failing to keep the record aforesaid, or refusing to permit examination of such record by the officers named, shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the Court.

SEC. 5. That the foregoing provisions of this act shall be in

force from and after July the first, 1903, provided a majority of the votes cast in an election to be held in the city of Statesville, as hereinafter provided, shall be in favor of "No Liquor."

When effective.
Proviso.
Election.
Ballots.

SEC. 6. That there shall be held in the city of Statesville, on Monday, the 16th day of March, 1903, an election wherein it shall be submitted to the voters of said city the question of "Liquor" or "No Liquor."

Election, when to be held.

SEC. 7. That on Monday, the 2d day of March, 1903, it shall be the duty of the County Board of Elections of Iredell County to meet in the city of Statesville and appoint a registrar and two judges of election for each ward of said city, whose duty it shall be to hold the election as provided for in this act. Both of the judges shall not belong to the same political party.

Board of Elections, duties of,

Registrars and judges
Qualifications of judges.

SEC. 8. That it shall be the duty of said registrars to open the registration books at eight o'clock a. m. on Wednesday, March the 4th, 1903, and keep them open each day (Sunday excepted) from eight o'clock in the morning until six o'clock in the evening until noon on Saturday, March the 14th, 1903, when said books shall be closed for registration. For the purpose of this election an entirely new registration of the voters of the said city shall be had, and all persons who are legally qualified to vote under the constitution and laws of North Carolina shall be entitled to register and vote in said election.

Registrars, duty of.

Registration hours.

New registration required.
Who entitled to vote.

SEC. 9. That it shall be the duty of the registrar and judges of election in each ward to meet at the polling places in said ward at twelve o'clock, noon, on Saturday, March the 14th, 1903, for the purpose of receiving and hearing challenges, which shall be determined in the same manner as provided by law in elections for members of the General Assembly.

Judges and registrars, duty of.
To meet at polling place

Challenges.

SEC. 10. That the polls for said election shall be open from sunrise to sunset on said 16th day of March, 1903, when the same shall be closed. If any judge of election appointed to hold said election shall neglect or refuse to serve, then it shall be the duty of the registrar to appoint some other person to serve in his stead. Each person participating in said election shall vote a ticket on which shall be written or printed the words "Liquor" or "No Liquor." At sunset on said day the registrar and judges shall count the votes and certify under their hands the number of votes cast for "Liquor" and the number cast for "No Liquor." and shall appoint one of their number to act as a member of the Board of City Canvassers, as hereinafter provided.

Polls, when opened.

Judge failing to serve registrar to appoint.

Ballots.

Votes, how counted

SEC. 11. That the members appointed as aforesaid shall constitute the Board of City Canvassers, whose duty it shall be to meet in the office of the Register of Deeds in said city on Tuesday, the 17th day of March, 1903, at twelve o'clock, noon, and canvass the returns and declare the result of said election, which

Board of canvassers, personnel.

Vote, when and where canvassed.

Result to be recorded, where.

To be certified to city authorities.

Registrars, compensation of.

Registration books.

Registration permanent for 1903.

Proviso.

Secretary of State to certify copy of act, to whom.

Publication to be made by mayor.

Repealing clause.

Said returns and declaration of the result of said election shall be recorded by the Register of Deeds in the Book of Elections in his office, and by him certified to the Mayor and Board of Aldermen of said city, to be recorded by the clerk of said Board upon the record books of said city.

SEC. 12. That the registrars shall be paid by the said city of Statesville three cents for each name registered. The registration books required under the provisions of this act shall be provided by the city of Statesville. The registration of voters for this election shall be lawful to all intents and purposes in any other election held in said city during the year 1903, unless the Board of Aldermen shall order otherwise.

SEC. 13. That it shall be the duty of the Secretary of State immediately after the ratification of this act to transmit a certified copy of the same to the Mayor of the city of Statesville, who is directed to give notice to the voters of said city of the election provided for in this act by publication for two successive weeks in the newspapers published in said city.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1903.

CHAPTER 128.

AN ACT TO PROTECT DEER IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Hunting deer prohibited during next four years.

A misdemeanor. Penalty.

To apply only to McDowell County.

SECTION 1. That any person who shall hunt with gun, to chase with dog, or shall kill or destroy any deer running wild in the woods or elsewhere, at any time within the next four (4) years shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty dollars nor more than fifty dollars, or be imprisoned not less than thirty days, at the discretion of the Court, or both fined and imprisoned.

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

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

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1903.

CHAPTER 129.

AN ACT TO REPEAL CHAPTER 78, LAWS OF EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887), SO FAR AS IT APPLIES TO CASWELL AND PERSON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-eight (78), Laws of eighteen hundred and eighty-seven (1887), be and the same is hereby repealed in so far as it applies to Caswell and Person counties. Chapter 78, 1887,
repealed as to
Caswell and
Person Counties.

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

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1903.

CHAPTER 130.

AN ACT TO ALLOW COMMISSIONERS OF JONES COUNTY TO LEVY A SPECIAL TAX TO CONSTRUCT FIRE PROOF VAULTS OR BUILDING FOR PROTECTION OF RECORDS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of Jones County are hereby authorized and empowered to levy a special tax not to exceed fifteen cents on the one hundred dollars valuation of property and forty-five cents on the poll, for the purpose of constructing a fire proof vault or vaults or building for the protection of the records of Jones County. Commissioners to
levy tax, amount.

Property and poll.
Purpose.

SEC. 2. That said tax shall be levied by said Board of Commissioners of Jones County at their regular meeting in June, 1903, for the year 1903, and said tax shall be collected as other public taxes are collected in said county. When to be levied.

How collected.

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

In the General Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 131.

AN ACT FOR THE PROTECTION OF CLAMS IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to take any clams from their natural beds during the breeding season, Unlawful to take
clams during
certain seasons for
bedding or ship-
ment.

from the first day of March to the first day of November of each year for the purpose of bedding in any artificial beds or for shipment or sale.

A misdemeanor.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined, at the discretion of the Court, a sum not exceeding fifty dollars or imprisoned not exceeding thirty days, or both.

Penalty.

Applicable only to Pender County.

SEC. 3. That this act shall apply only to the county of Pender.

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

In the General Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 132.

AN ACT TO REPEAL CHAPTER 312, ACTS OF 1895, RELATING TO THE COMPETENCY OF DEPOSITIONS IN THE TRIAL OF CAUSES.

The General Assembly of North Carolina do enact:

Chapter 312, acts 1895, repealed.
Section 1361 Code, re-enacted.

SECTION 1. That chapter 312, Acts of 1895, be and the same is hereby repealed, and that section 1361 of The Code be hereby re-enacted in its entirety.

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

In the General Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 133.

AN ACT TO AMEND SECTION 3612 OF THE CODE OF NORTH CAROLINA RELATING TO PUBLIC LIBRARIES, DOCUMENTS, ETC.

The General Assembly of North Carolina do enact:

Section 3612 Code, amended.

SECTION 1. That section 3612 of The Code of North Carolina be amended by adding at the end of said section the following: "And said Board of Trustees are hereby authorized and empowered to make such distribution of the books, reports and publications belonging to the State of North Carolina as in the judgment of said Board is advisable and proper."

Trustees authorized to distribute books, etc.

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

In the General Assembly read three times, and ratified this 17th of February, A. D. 1903.

CHAPTER 134.

AN ACT TO SHORTEN THE TIME OF NOTICE OF PUBLICATION.

The General Assembly of North Carolina do enact:

SECTION 1. That section two hundred and nineteen (219) of The Code be amended by striking out the word six in line five of said section and insert in lieu thereof the word four (4). That section one thousand four hundred and fifty-two (1452) of The Code be amended by striking out the word "six" in line two of said section and insert in lieu thereof the word "four" (4).

Section 219 Code, amended, "four" in lieu of "six."

Section 1452 Code, amended, "four" in lieu of "six."

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

In the General Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 135.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTEEN OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, ENTITLED "AN ACT TO ENABLE FORSYTH COUNTY TO AID IN INTERNAL IMPROVEMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and seventeen (217) of the Public Acts of 1887, be and the same are hereby amended, as follows: Add to section five the following: "That the funds arising from the taxes provided for in this chapter is solely applicable to the payment of the bonds and coupons, from which the tax was levied, and same shall be kept separate and apart from other funds, and in no case used except in the payment of said bonds and interest as therein provided. In the event said fund is paid over to the Treasurer of the county, said fund shall be received by him as Treasurer aforesaid, and disbursed by him, or under his direction; that all bonds or coupons paid off or redeemed shall be retained by said Treasurer and preserved among the valuable papers of his office, and the account thereof audited as other funds coming into his hands. That if said fund is paid over to any other officer or person, who may be designated as such under the provisions of the act aforesaid, the same shall be disbursed by said officer or person so designated under the direction of the Board of Commissioners, the Chairman of which Board shall re-

Chapter 217, Acts 1887, amended.

Section 5 added to. Funds to be applied only to payment of bonds and coupons.

To be kept separate.

If fund paid to Treasurer, how disbursed.

Disposition of bonds when paid.

If fund paid to any other officer, how disbursed.

Redeemed bonds. ceive, retain and preserve all paid or redeemed bonds or coupons, and audit said account as other funds of the county are audited.

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

In the General Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 136.

AN ACT SUPPLEMENTAL TO AN ACT PASSED BY THE GENERAL ASSEMBLY AND RATIFIED THE 12TH DAY OF FEBRUARY, 1903, ENTITLED "AN ACT TO AMEND CHAPTER 245, PUBLIC LAWS OF 1899, CHAPTER 291, PUBLIC LAWS OF 1897, AND CHAPTER 260, PUBLIC LAWS OF 1901, RELATING TO FISHING AND HUNTING IN CURRITUCK COUNTY."

The General Assembly of North Carolina do enact:

Section 2, chapter 245, Public Laws 1899, repealed.

"Tenth" changed to "first,"

Section 3, chapter 291, Public Laws 1897, amended.
Unlawful to sail or row boats after fowl.

Or to shoot them.

Proviso.
Boobies or ruddy duck.
Chapter 245, Public Laws 1899.

Section 4, chapter 291, Public Laws 1897, amended.

Flags or sails prohibited.

Section 1, chapter 260, Public Laws 1901, amended.
30th, changed to 15th.

Proviso.
Atlantic Township, fishing in.

Limits defined.

SECTION 1. That section two of chapter 245, Public Laws of 1899, be and the same is hereby repealed.

SEC. 2. That the word "tenth" wherever it occurs in said chapter be changed to the word "first."

SEC. 3. At the end of section three, chapter 291, Public Laws of 1897, add the following: "And it shall be unlawful for any person or persons, either before or after they have put out decoys in the waters of Currituck Sound, to sail or row or propel a boat in any way after wild fowls in the waters of said sound, for the purpose of forcing them on the wing or to shoot them with rifle or shot gun from any boat while sailing at any time: *Provided*, this act shall not prohibit the shooting of boobies or ruddy duck, as provided in section seven of chapter 245, Public Laws of 1899.

SEC. 4. After the word "tributaries," in line four of section seven of chapter 291, Public Laws of 1897, and before the word "for," insert the following: "or place any sail or flag or other device upon any land or marsh bordering on the waters of Currituck Sound or any of its tributaries at any time to frighten any wild fowl."

SEC. 5. That the word "30th," in line three in section one of chapter 260, Public Laws of 1901, be changed to the word "fifteenth," and the words "fifteenth day of October," in line four of said section, be changed to the words "first day of November"; and at the end of said section add the following: "*Provided*, this act shall not prohibit fishing in Atlantic Township in said county between the fifteenth day of October and the 30th day of April following in each year, east of a line extending from a cedar stump standing on the beach north of Gaffey's Inlet Life

Saving Station; thence south a straight line to a point half way between Powell's Point and Kitty Hawk Bay: *Provided further*, that section one of chapter 260, Public Laws of 1901, shall not prevent the catching of eels and herring at any time in Currituck Sound and tributaries.

Proviso, section 1, chapter 260, Laws 1901.
Eels and herrings.

SEC. 6. After the word "Sound," at the end of section two of chapter 260, Public Laws of 1901, add the following: "*Provided*, that this act shall not prohibit the setting or fishing pound or dutch nets on the east side of Currituck Sound from the west point of Mackey's Island north to the Virginia line."

Section 2, chapter 260, Laws 1901.
Proviso added.
Pound or Dutch nets, where to be used.

SEC. 7. Any person or persons violating any of the provisions of this act or any part thereof shall be guilty of a misdemeanor for each and every offence, and upon conviction shall be fined not more than fifty dollars nor less than twenty dollars, or imprisoned not more than thirty days nor less than twenty days, one-half of said fine to be paid to the informer or prosecutor and the other half to go to the public school fund of Currituck County.

Violation a misdemeanor.
Penalty.

Qui tam.

SEC. 8. That all laws or 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.

In the general Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 137.

AN ACT FOR THE BETTER GOVERNMENT OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That A. A. Shuford and Silas Smyer be and are hereby appointed Commissioners for the county of Catawba with all the rights, powers, duties and privileges of Commissioners of said county as fully as if they had been elected to said office.

Additional commissioners, personnel.

SEC. 2. That said Commissioners named in section one of the act, together with the Commissioners elected and now occupying said office, or a majority of them, may meet at the regular meeting on the first Monday in March, 1903, or at a called meeting, if any shall be held prior to the first Monday in March, 1903, or subsequent thereto, and may reorganize said Board and elect one of their number Chairman of said Board.

Present and additional commissioners to meet and organize, when.

SEC. 3. That before entry upon its duties of said office, the person appointed by this act shall take the oath of office as now required by law and thereafter they may continue to act as Com-

Commissioners to take oath of offices.

- Tenure.** missioners of said county until the next general election for county officers, and said Board as constituted by this act shall be subject to all the duties and liabilities and clothed with all of the powers as is now or may hereafter be provided by law for the Board of Commissioners by the several counties of this State.
- Powers and liabilities.**
- Secretary of State to certify, copy of act to chairman of commissioners.** SEC. 4. That the Secretary of State shall, within five days after the ratification of this act, certify under the great seal of the State a copy of this act, and shall send the same to J. U. Long, Chairman of Board of Commissioners of Catawba County, who shall, as soon as practicable, after receiving the same, cause a notice of their appointment to be served by the Sheriff of said county upon the persons appointed by this act.
- Notice of appointment.**
- Election, five instead of three commissioners to be chosen** SEC. 5. That at the general election in nineteen hundred and four (1904) and every two (2) years thereafter there shall be elected in Catawba County by the duly qualified electors thereof, five (5) County Commissioners instead of three (3) County Commissioners as now provided by section four (4), chapter one hundred and thirty-five (135), of the Public Laws of eighteen hundred and ninety-five, who shall hold their office until their successors are duly elected and qualified.
- Tenure.**
- Repealing clause.** SEC. 6. That all laws and parts of laws in conflict with this act are hereby repealed.
- SEC. 7. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 138.

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

The General Assembly of North Carolina do enact:

- Commissioners of Caswell County to levy special tax. When.** SECTION 1. That the Board of County Commissioners of Caswell County are hereby authorized and empowered to levy a special tax in the years (1903) nineteen hundred and three, and nineteen hundred and four (1904), not to exceed twenty cents on every hundred dollars' worth of taxable property in said county, and sixty cents on the poll, the constitutional equation to be observed in said levies, the said special tax being for the purpose of meeting the ordinary expenses of county.
- Amount property and poll. Purpose of tax.**
- When and how levied, collected and accounted for.** SEC. 2. That the said special tax shall be levied at the same time with the other levies in said years, and collected and accounted for by the Sheriff or other tax collector of said county under the same penalties and within the time that the other taxes levied for said county are collected.

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

In the General Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 139.

AN ACT TO ENABLE THE COMMISSIONERS OF CLEVELAND COUNTY TO LEVY A SPECIAL TAX FOR BRIDGE AND ROAD IMPROVEMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of Cleveland County are hereby authorized to levy, at the June session, 1903, and every year thereafter, annually, for bridges and fords, road machinery and implements, and for the purpose of more effectively carrying out the provisions of the act entitled "An act to provide for the better working of the public roads and highways of Cleveland County," enacted by the Legislature of 1903, a tax of not less than ten cents, nor more than twenty-five cents on the one hundred dollars' worth of property, and of not less than thirty cents, nor more than seventy-five 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 in the annual taxes. It shall be entered in a separate column from other levies under the head of "County Road and Bridge Fund," and shall be kept separate from township road funds and expended under the direction of the Commissioners of the county, in building and repairing bridges, and improving fords, and for the purpose of road machinery and implements, and in such other ways as they may deem wise in their discretion for the carrying out of the provisions of the aforesaid act, entitled "An act to provide for the better working of the public roads and highways of Cleveland County."

Commissioners
levy special tax,
when.
Purpose of.

Amount, property
and poll.

How listed and
collected.

To be kept
separate.
How and by whom
expended.

SEC. 2. That said taxes shall be collected by the Sheriff of the county, as other taxes, and turned over to the County Treasurer, and said County Treasurer shall keep a separate account of the fund arising under this act and disburse same under the orders of the Board of Commissioners of Cleveland County, and shall be entitled to such commissions thereon as shall be agreed on between him and said Board of Commissioners, not to exceed two per centum. The bond of the County Treasurer shall be liable for the proper safe keeping and disbursement of said fund.

Sheriff to collect
and turn over to
County Treasurer
a separate fund.

How disbursed.

Compensation of
Treasurer
Bond required.

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

In the General Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 140.

AN ACT TO ALLOW THE COMMISSIONERS OF POLK COUNTY
TO LEVY A SPECIAL TAX TO PAY THE OUTSTANDING
INDEBTEDNESS OF SAID COUNTY.*The General Assembly of North Carolina do enact:*Commissioners of
Polk County to
levy special tax.

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

Am. unt poll and
property.

Purpose.

Tax, when to be
levied

SEC. 2. That said tax shall be levied at the regular meeting of said Commissioners on the first Monday in June, nineteen hundred and three and annually thereafter until said indebtedness is paid.

How applied.

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

How and by whom
collected.

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

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

In the General Assembly read three times, and ratified this 17th day of February, A. D. 1903.

CHAPTER 141.

AN ACT TO PROHIBIT THE SALE AND MANUFACTURE OF
LIQUOR IN HARNETT COUNTY.*The General Assembly of North Carolina do enact:*Unlawful to sell
liquor in Harnett
County.

SECTION 1. That it shall be unlawful for any person, company, firm or corporation to manufacture or barter or sell any spirituous, vinous, malt, fermented or other intoxicating liquors within the county of Harnett.

What termed
intoxicating.

SEC. 2. That all liquors or mixtures thereof, by whatever name called, that will produce intoxication, shall be considered and held to be intoxicating liquors within the meaning of this act.

Definition.

Prior charter
rights for the sale
of liquor revoked.

SEC. 3. That all charter rights giving power to authorize the manufacture or sale of intoxicating liquors in conflict with the provisions of this act be and the same are hereby abrogated and the laws granting the same are hereby repealed.

SEC. 4. That this act shall not be construed to forbid the sale of spirituous, vinous or malt liquors, by a druggist for sickness, upon the written prescription of a regularly practicing physician licensed by the Medical Society of North Carolina, and having such sick person under his charge.

Proviso.

Druggist to sell on prescription.

SEC. 5. That any druggist who shall more than once fill the prescription mentioned in the preceding section of this act without each time receiving anew the written direction of the physician who gave the same shall be guilty of a misdemeanor.

No duplicate prescriptions to be filled.

A misdemeanor.

SEC. 6. That any physician who shall make any prescription or written direction to a druggist for the purpose of aiding or abetting any person or persons who are not *bona fide* sick and under his care, to purchase any intoxicating liquor contrary to the provisions of this act, shall be guilty of a misdemeanor, and shall forfeit his license to practice medicine in the State of North Carolina.

Physicians not to give prescriptions except bona fide cases of illness.

A misdemeanor, forfeiture of medical license.

SEC. 7. This act shall not be so construed as to prohibit any person from manufacturing and selling wine or cider manufactured exclusively from grapes, berries or fruit grown on his own lands: *Provided*, the same shall be manufactured and sold on the premises where such grapes, berries or fruit are grown.

Wine and cider exempt from this act.

Proviso.

SEC. 8. That this act shall be in force from and after the first day of May, 1903.

When effective.

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1903.

CHAPTER 142.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY TO CHANGE THE SITE OF THE COUNTY HOME.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Mecklenburg County, be and it is hereby authorized to change the site of the County Home for the Aged and Infirm, and to re-locate the same at such place in said county as in the discretion of the said Board may seem advisable, and to that end, said Board shall have full power and authority to sell and convey the lands upon which the County Home is now located, and to purchase other lands upon which to locate said Home, at such place as to the Board may seem proper.

Commissioners authorized to change site of County Home.

Power to sell old site.
To purchase new site.

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

Repealing clause.

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

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1903.

CHAPTER 143.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF UNION COUNTY TO ISSUE BONDS TO FUND ITS INDEBTEDNESS AND PAY THE CURRENT EXPENSES OF THE COUNTY.

The General Assembly of North Carolina do enact:

Commissioners of Union County to issue bonds, purpose of.	SECTION 1. That the County Commissioners of Union County, for the purpose of funding its indebtedness and paying the current expenses of the county, are authorized and empowered to issue
6 per cent, amount, denominations.	bonds, bearing six per cent interest per annum, to the amount of ten thousand dollars, of the denomination of one to five hundred dollars, to each and every of which bonds shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of every year until they become due, and the bonds so issued by the County Commissioners shall be consecutively numbered from one to one hundred; and the coupons shall bear the number corresponding to the bond to which they are attached and shall declare the amount of interest which they represent and when the interest is due, and shall be receivable in payment of all county taxes. The said bonds shall run for a period of ten years.
Interest, when payable	SEC. 2. That the said bonds shall be issued under the signature of the Chairman of the Board of County Commissioners and shall be attested by the official seal of the Register of Deeds and the signature of the Clerk of the Board of County Commissioners; and the said Chairman of the County Commissioners shall, under the direction of the Board of County Commissioners, dispose of said bonds, at a sum not less than their par value, as the same may be needed to pay the claims presented for payment: <i>Provided</i> , that the issue of said bonds shall cease when a sufficiency of bonds have been issued to pay off the present floating debt.
Style of bonds.	SEC. 3. That for the purpose of paying the interest as it falls due on said bonds and of providing a sinking fund for the redemption of said bonds, it shall be the duty of the County Commissioners to levy and cause to be collected, as other county taxes are levied and collected, an annual tax upon the real and personal property of said county, not exceeding five cents on the hundred dollars' worth of property and fifteen cents on the poll.
Receivable for taxes When redeemable How executed	SEC. 4. That in order that the Commissioners of Union County
How disposed of.	
How applied.	
Sinking fund.	
Tax to be levied. Amount, poll and property.	

may use the excess of the fund raised by taxation under this act, after paying the annual interest accrued on said bonds, they are authorized and empowered to purchase annually one-tenth of the bonds issued at a sum not exceeding their par value, and in case no one shall offer to sell one-tenth of said bonds, then the said Commissioners are authorized to designate such bonds, not exceeding one-tenth of the whole number issued, which they may desire to purchase; and after the designation of said bonds, and a notice thereof given through a newspaper published in Union County, if the holder of the bonds designated shall refuse or fail to surrender the same and receive their par value with interest accrued at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, the said bonds shall not be affected with the conditions of this section, unless such conditions are expressed upon the face of the bonds.

Bonds to be repurchased annually.

May designate bonds to be purchased.

Failure to surrender bonds, consequence. Proviso.

What to be stated in bonds.

Record of bonds to be kept.

What to contain.

Bonds redeemed to be destroyed.

SEC. 5. That the County Commissioners of said county shall keep a record, or cause the same to be kept by their clerk, in which shall be entered the name of every purchaser of a bond and the number of the bond purchased and the price paid therefor. They shall also cause to be kept a record of the bonds redeemed annually, and the bonds when redeemed and recorded shall be destroyed by fire in the presence of the Board of Commissioners of Union County by some one of their number or by their clerk under their direction.

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

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1903.

CHAPTER 144.

AN ACT TO PREVENT THE OBSTRUCTION OF PORTER SWAMP, IN COLUMBUS COUNTY, SO AS TO PREVENT THE FREE PASSAGE OF FISH.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to place or set any fish-traps or nets across the run of Porter Swamp, in Columbus County, in any manner, so as to prevent the free passage of fish.

Unlawful to prevent the free passage of fish in Porter Swamp, Columbus County.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than twenty dollars (\$20.00) or imprisoned not more than twenty days.

A misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1903.

CHAPTER 145.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO PROHIBIT DEALING IN FUTURES IN THE TOWN OF REIDSVILLE, ROCKINGHAM COUNTY."

The General Assembly of North Carolina do enact:

Prior act amended

SECTION 1. That an act entitled "An act to prohibit dealing in futures in the town of Reidsville, Rockingham County, enacted at the present session of the General Assembly, and ratified on the 11th day of February, 1903, be amended by striking out section three thereof and inserting the following in its place: "That this act shall be in force from and after the 1st day of May, in the year 1903."

When to become effective.

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

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1903.

CHAPTER 146.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE COUNTY OF LENOIR TO LEVY AND COLLECT SPECIAL TAXES.

The General Assembly of North Carolina do enact:

Commissioners of Lenoir County to levy for three years a special tax

SECTION 1. That the Board of Commissioners of the county of Lenoir be and they are hereby authorized and empowered to levy and collect yearly, for the three succeeding fiscal years after the ratification of this act, a special tax not to exceed fifteen cents on the one hundred dollars' valuation of taxable property, and forty-five cents on each taxable poll within the county for the purpose of repairing the court-house, the common jail, repairing and building public bridges over and across Neuse River within said county, purchasing lands on which to locate and build a poor-house, to build a poor-house thereon, and to build a stockade for convicts working on the public roads of the county.

Amount, poll and property.

Purpose of levy.

Tax, how levied and collected.

SEC. 2. That the said tax shall be levied and collected at the same times, in the same manner and by the same person or per-

sons, as levy and collect State and county taxes for State and county purposes, and the officers, or other persons, handling said taxes shall be responsible upon their bonds in like manner as they are responsible for State and county taxes held or collected by them. Official liability.

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

In the General Assembly read three times, and ratified this 19th day of February, A. D. 1903.

CHAPTER 147.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MITCHELL COUNTY TO LEVY A SPECIAL TAX TO COMPROMISE THE OUTSTANDING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fourteen (214), Public Laws 1901, be and the same is hereby amended by striking out in line 6 of section 1 the dates "1901 and 1902" and inserting in lieu thereof the dates "1903 and 1904." and striking out in line 8, section 1, of said act, the date "1902" and inserting in lieu thereof "1904." Chapter 214, Public Laws 1901, amended extending time for tax levy.

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

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

In the General Assembly read three times, and ratified the 20th day of February, A. D. 1903.

CHAPTER 148.

AN ACT TO VALIDATE THE ACTS OF CERTAIN JUSTICES IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas certain Justices of the Peace of Brunswick County have, mistaking their powers, performed certain acts under color of their respective offices between the times at which their terms of office expired and the time of their re-appointment by the General Assembly: Now, therefore, all such acts of any such Justices done and performed between the time of their expired terms and the time of their re-appointment, be and the same Preamble.
Justices acting after expiration of office.
Certain acts declared valid.

are hereby declared as valid to all effects and to the same extent as if such terms had not expired.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 149.

AN ACT TO ALLOW THE CITIZENS OF GASTON COUNTY TO HOLD AN ELECTION TO EXPRESS THEIR WILL CONCERNING THE PROPOSED REMOVAL OF THE COUNTY SEAT OF GASTON COUNTY FROM DALLAS TO GASTONIA, AND TO REMOVE THE COUNTY SEAT AS AFORESAID IF A MAJORITY OF THE VOTES CAST AT SAID ELECTION SHALL FAVOR SUCH REMOVAL.

The General Assembly of North Carolina do enact:

Election to be held, when.

SECTION 1. That on the 22d day of April, 1903, an election shall be held in the county of Gaston, this State, to ascertain the will of the people of said county as to the removal of the county seat from its present location in the town of Dallas to the town of Gastonia, in said county.

Purpose of.

Registrar.

SEC. 2. That the Board of County Commissioners of Gaston County at their regular meeting on the first Monday in March, 1903, shall appoint a registrar, who shall be a qualified elector in and for each election precinct in said county, which registrar shall, during the time which elapses between the 19th day of March, 1903, and the 13th day of April, 1903 (Sundays excepted), next preceding the day of election hereinbefore specified and designated, and between the hours of nine o'clock a. m. and five o'clock p. m., register in a book, which the said Board of County Commissioners shall furnish to him, the name of all person applying to him for registration during the said time whose names are not now on the general registration books of Gaston County, and who will be on the day of said election qualified to vote in that precinct under the general election law of the State. The registrar in making this registration shall administer the same oaths, require the same information, and make the same record that registrars under the general election laws of the State existing during the year 1902, were directed to administer, require and make. The duly qualified electors registered by the registrars appointed under this act, and the duly qualified electors whose names are already registered in the registration books of Gaston County, shall be allowed to vote at the said election. The Regis-

Registration, where and when.

Oath administered to voter.

Who allowed to vote.

ter of Deeds of Gaston County shall furnish the general registration books of said county to the registrars of the respective precincts 40 days before the date of the said election, and they shall be returned to the Register of Deeds by the messenger who shall carry the ballots with certificates of the votes cast in the respective precincts. The Board of County Commissioners shall also at their regular meeting on the first Monday in March, 1903, appoint two electors as judges of election for each election precinct in the said county. The said registrars and judges of election for each precinct, as aforesaid, shall constitute the Board of Election for that precinct, and shall fill by the appointment of an elector of said county any vacancy occurring on the said Board of Election; and each Board of Election shall provide a suitable box in which said ballots shall be cast. At the election provided for in this act, those electors of the county of Gaston duly qualified under the provisions of this act, who shall favor the removal of the county seat of Gaston County from its present location at Dallas to the town of Gastonia, said county, shall vote a ticket upon which shall be written or printed the words "For Removal," and those not in favor of the removal of the county seat of Gaston County from Dallas to Gastonia, as aforesaid, shall vote a ticket upon which shall be printed or written the words "Against Removal." The Board of Election of each precinct shall decide challenges and conduct the election in such particulars as are not provided for in this act, in the manner specified by the general election law of the State existing during the year 1902. The Board of Election of each precinct, as soon as the polls are closed, shall count the ballots and declare the result, and shall make and sign a certificate thereof under the hands and seals of at least two of the said Board, and shall deliver by the hand of one of the members of the Board the said certificate to the Register of Deeds of Gaston County, as clerk to the Board of County Commissioners of Gaston County, who shall present the said certificate to the Board of Commissioners of said county at the meeting of the said Board hereinafter provided for. The Board of County Commissioners of Gaston County shall meet in the court-house at Dallas on the second day next after the day of election provided for in this act, and shall receive the said certificates from the Register of Deeds, and shall canvas and cast up the votes as certified to by the said precinct Boards of Election, and shall declare the result of said election, and shall record the said certificates and result upon the minute book of the said Board of County Commissioners.

SEC. 3. That, if at the election provided for in this act, a majority of the votes cast at the said election shall have favored the removal of the county seat of Gaston County from its present location at Dallas to the said town of Gastonia, the Board of Commis-

Register of Deeds
to furnish general
registration.

Judges of election.

Registrar and
judges.
Board of election
for each precinct.

Ballot boxes.

Ballots.

Challenges.

Result, how
ascertained.

Certificates of
result.

County Commis-
sioners to meet
and canvas vote.

If majority favor
removal.

Duty of commis-
sioners.

sioners of said county shall cause all Court papers, books and documents, all county papers, books and documents, and all movable county property to be moved to the said town of Gastonia before the first day of November, 1904, after which date the said town of Gastonia shall be in all respects whatsoever the county seat of Gaston County.

Gastonia to be
county seat.

Compensation of
election officers.

SEC. 4. The Board of County Commissioners of said county shall pay the registrars and judges of election appointed under this act, whatsoever compensation the said Board may deem reasonable for their services and the providing of ballot boxes as aforesaid.

Notice of election.

SEC. 5. That notice of said election shall be given by the Register of Deeds of Gaston County by posting a notice of same at the court-house door in Dallas, and at three other public places in Gaston County at least 45 days before the day herein fixed for said election, and by publishing said notice in the *Gastonia Gazette* and the *Gastonia News* twice a week for six weeks next before the day hereinbefore provided for holding said election; and said notice shall specify and designate the place and time for holding the same, and the purposes for which said election is held.

What to state.

Repealing clause

SEC. 6. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed so far as they may apply to the election which shall be held under the provisions of this act.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 150.

AN ACT TO PRESCRIBE FEES FOR REGISTERING AGRICULTURAL LIENS.

The General Assembly of North Carolina do enact:

Fees for probate
and registering
agricultural liens
prescribed.

Ten cents to
Clerk.

Twenty cents to
Register.

Applicable only
to Tyrrell County.

SECTION 1. That the fees for the probate and registering the liens executed according to the forms set out in chapter three hundred and twenty-nine, Public Laws of 1901, shall be as follows: To the clerk for probating, ten (10) cents, and to the Register of Deeds for registering the instrument, together with the probate and all necessary acknowledgments and certificates, twenty (20) cents. The fees shall be the same, whether said instrument conveys a lien on crops alone or a lien on crops and a conveyance of chattels also. The above fees shall not apply to other forms of lien or mortgages.

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

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 151.

AN ACT TO AMEND CHAPTER 253, PUBLIC LAWS OF 1895, ENTITLED "AN ACT TO PROVIDE FOR THE DRAINAGE OF MATTAMUSKEET LAKE."

The General Assembly of North Carolina do enact:

SECTION 1. That section one of article one, of said act, be amended by inserting in line 5 of said section after the word "lands" and before the word "which," the words "used for cultivation."

Section 1, chapter 253, Public Laws 1895, amended.
Cultivated lands.

SEC. 2. That section three of article one of said act be amended by inserting in line 2 of said section after the word "lands" and before the word "draining," the words "used for cultivation." That said section be further amended by inserting in line 12 thereof after the word "acre" and before the word "the," the words "for drainage."

Section 3 amended.
Cultivated lands.

SEC. 3. That between sections three and four of article one, of said act, there shall be inserted a new section to be designated as "section 3a" and which shall read as follows: "Section 3a. That said appraisers shall, in addition to the assessment provided for in section three of this act for drainage, levy on all lands, used for cultivation, that are subject to the wash of said lake, an additional tax, not to exceed the sum of ten cents per acre. That in making this assessment the said appraisers shall estimate the benefit to the lands, subject to the wash of said lake, from lowering the waters of said lake by a personal inspection of the premises, the evidence of the owners of said lands, and the evidence, if the said appraisers shall deem it necessary, of persons acquainted with said lands."

A new section inserted
Section 3a.
Additional tax to be levied
Amount.
Assessment, how estimated.

SEC. 4. That section six of article one, of said act, be amended by inserting in line 7 of said section after the word "acre" and before the word "the" in said line, the words "for drainage, and no tract shall be assessed more than the sum of ten cents per acre on account of benefit derived from preventing the wash of said lake." That said section six be further amended by adding to the end thereof the following words: "Provided, that any person who shall, on or before the first Monday in July in any year, give written notice to the Board of Commissioners of said county that his lands are not benefited by the drainage of said lake, that he

Section 6, article 1, amended.
Assessment for drainage.
Proviso added.

Persons exempt
from said act
under certain
conditions.

has *dammed* out of said lake all his ditches leading into said lake, or that he has no ditch draining into said lake, and that he no longer desires to use said lake as a drainway, shall not be subject to the provisions of this act, and no assessment shall be levied against the lands of such person, unless the lands of such person are subject to and injured by the wash of said lake and the lands of such persons subject to the wash of said lake shall not be assessed a sum greater than ten cents per acre on account of the benefit derived from preventing the wash of said lake."

Section 7, article 1,
amended.

SEC. 5. That section seven of article one, of said act, be amended by inserting in line 14 on page 322, of Public Laws of 1895, being line 16 of said section 7, after the word "soil" and before the word "and" in said section, the words "the damage to said land from the wash of said lake."

Damage to land
from wash.

Section 3, article 2.
amended.

SEC. 6. That section three of article two, of said act, be amended by inserting in line 13 of said section, at the end of said line, after the word "acre," the words "for drainage, or a larger amount than ten (10) cents per acre for benefit derived on account of preventing the wash on said lake."

Amount of
assessment.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 152.

AN ACT TO REGULATE PAY OF JURORS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

All jurors to
receive not less
than \$1.50 nor
more than \$2, and
five cents a mile.

SECTION 1. That all grand and petit and tales jurors summoned to attend and attending any of the Superior Courts of Craven County shall receive per day what shall be allowed by the Commissioners of Craven County, not less than one dollar and fifty cents and not more than \$2.00, and five cents per mile of travel going to and returning from Court, to be fixed by the said Commissioners.

Repealing clause

SEC. 2. That all laws and clauses of laws in conflict with this act in its relation to Craven County are hereby repealed.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 153.

AN ACT TO PROHIBIT HUNTING GAME ON THE LANDS OF ANOTHER IN ROBESON COUNTY WITHOUT PERMISSION OF THE OWNER.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to hunt game. Unlawful to hunt on lands of another without permission.
 with or without dog, gun, net, fish or trap upon the lands of another in Robeson County without the permission of the owner of the land or his lawful agent: *Provided*, the provisions of this act shall not apply to that part of the county south of the Carolina Central and east of the Carolina Northern Railroads. Proviso, where applicable.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than ten dollars (\$10.00). Misdemeanor. Penalty.

SEC. 3. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 154.

AN ACT TO AMEND CHAPTER 69 OF THE PUBLIC LAWS OF 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter sixty-nine (69), of the Public Laws of North Carolina, enacted at the session of 1895, be and the same is hereby amended by adding the following at the end of said section, and as a part thereof, to-wit: "*Provided further*, that nothing contained in the foregoing section shall be held or construed to prohibit private corporations from paying a commission on or for the sale of their coupons bonds, nor from selling such bonds for less than the par value thereof." Section 1, chapter 69, Laws 1895, amended. Proviso. Private corporations.

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

In the General Assembly read three times, and ratified this 13th day of February, A. D. 1903.

CHAPTER 155.

AN ACT TO REGULATE THE MAKING AND WORKING OF
PUBLIC ROADS IN HENDERSON COUNTY.*The General Assembly of North Carolina do enact:*All roads and fer-
ries public.Justices to have
supervisionIncorporated—
corporate name.Powers of Town-
ship Trustees and
County Commis-
sioners.Meetings of Town-
ship Trustees.Record of proceed-
ings.Exempt from road
work.
Further duties.Report to Superior
Court.Neglect or refusal
to perform duty
misdemeanor.

SECTION 1. All roads and ferries in Henderson County that have been laid out or appointed by virtue of any act of Assembly, or any order of Court, are hereby declared to be public roads and ferries. And the Justices of the Peace in each township in said county shall have the supervision and control of the public roads in their respective townships subject to the provisions of this act; 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 interpleaded in any of the Courts of the State. The Boards of Township Trustees and the Board of County Commissioners of said county as hereinafter set forth in this chapter, shall have full power and authority as now provided by law to appoint and settle ferries, and to order the laying out of public roads where necessary, to appoint where bridge 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: *Provided*, that the making and using of roads shall not be delayed by litigation with the owner of land about damages.

SEC. 2. The Boards 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 in May and November of each year, and at such times as may be fixed by the General Road Supervisor or 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 Boards of Trustees shall be exempt from the six days' labor on the public roads. It shall be the further duty of the Trustees to examine into the condition of the public roads and highways of their respective townships at least twice in each 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 such instructions as he may deem proper. That each and every Chairman of County Commissioners, Board of County Commissioners, Justices of the Peace, or Board of Township Trustees, County or District Supervisors, 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 offences.

Penalty.

Solicitor to prosecute.
Road districts.

SEC. 3. That the Township Trustees of the several townships of Henderson County shall, at the first meeting, or within four weeks thereafter, divide their respective townships into suitable road districts, and annually thereafter 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 District Supervisor with a plot of his road district. The Trustees of each township, at their May meeting, and annually thereafter, shall elect one District Supervisor for each road district. And each District Supervisor who refuses or neglects to qualify and serve, shall forfeit and pay the sum of twenty dollars and costs, to be collected by the Township Trustees in an action of debt. Money so collected shall go into the road fund of the township, and be credited to the proper road district. That when any vacancy shall occur in the office of District Supervisor by death, resignation or otherwise, the Trustees of the township where the vacancy occurs shall appoint some suitable person to fill the vacancy.

District supervisor.

Forfeiture for failure to qualify.

To go into road fund.

Vacancy.

SEC. 4. The road-bed shall be not more than sixteen 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 District 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 repairs, and remove, or cause to be removed, all obstructions that may from time to time be found thereon; for which purpose the Supervisors are hereby authorized to enter upon any uncultivated lands or improved lands unincumbered by crops near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade; to dig, or cause to be dug, and carried away any gravel, sand or stone which may be necessary to make, improve or repair said roads; and to enter on any lands adjoining or lying near the road to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and the improvements thereon and timber, as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest watercourse, and shall be kept open by such Supervisors, and shall not be obstructed by the owner or occupier of such lands, or any other person or persons having the same in charge under penalty of forfeiting a sum not exceeding ten dollars for each and every offence, to be collected

Road beds.

How new roads opened.

Duties of district supervisor.

To enter upon lands

Drains and ditches.

Shall not be obstructed.
Penalty.

by the District Supervisor and paid over by him to the Township Trustees and applied to the road fund of the township, and the party offending shall be guilty of a misdemeanor and fined not exceeding \$50 or imprisoned not exceeding 30 days.

Misdemeanor—
penalty.

Road duty.

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 years, except persons permanently disabled in the military service of the State, shall be liable to do and perform annually six days' labor on the highways under the direction of the District Supervisor of the road district in which he shall reside: *Provided further*, that if any person being named as hereinafter provided, shall pay the District Supervisor in whose district he may reside the sum of six dollars, the same shall be received in lieu of the six 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, or he may pay one dollar for each day.

Commutation.

How applied.

Supervisor to
warn road hands.

SEC. 6. That it shall be the duty of every District 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 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 to him, every such delinquent shall forfeit and pay the sum of one dollar for every such offence, and shall further be liable in all cases of non-attendance 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 or imprisoned not exceeding five days, and the moneys so collected shall be applied by said Supervisor to the improvement of the roads in his district and accounted for by him at the annual settlement with the Township Trustees: *Provided*, that 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.

Penalty for failure
to work on roads.

How penalties
applied.

Proviso: No release
for lack of warn-
ing.

Removal.

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 labor, and shall produce a certificate of the same from the Super-

visor of the proper district, such certificate shall be complete discharge for the amount therein specified.

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 District Supervisor at the hour of seven o'clock in the forenoon with such necessary tools and implements as the Supervisor may direct.

Persons called out to bring tools.

When work to commence.

SEC. 9. That for the purpose 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 held to be where he boards, in any road district in this State.

Residence defined.

SEC. 10. That the several District Supervisors, within their respective districts, shall collect by suit or otherwise all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for; and they are hereby authorized and required, before their settlement with the Township Trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the requirements and provisions of this act from whom such fines, forfeitures or penalty, 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.

Penalties collected by suit.

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

Money to be expended in district when collected.

Lists of persons failing to work returned.

Fines and penalties paid to supervisors.

Accounts to be rendered.

quents as in the judgment of the Trustees the interest of the township may require.

Supervisor to pay over to trustees.

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

Foot bridges.

SEC. 13. That the said Supervisors within the said county be and are hereby authorized to construct foot bridges over streams of water on said highways.

Guide boards.

SEC. 14. That each District Supervisor within his district shall erect and keep up, at the expense of the township, out of any money on hand, at the forks of cross-roads of every State and county road, a post and guide board or finger board, 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.

Penalty for injuring guide boards.

SEC. 15. That if any person shall wilfully demolish, throw down, alter or deface any guide board, every person so offending shall, upon conviction thereof, before any Justice of the Peace of the proper county, be fined not exceeding \$50.00, 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 offence was committed and be by him applied to the repair of the roads and highways within his district.

How penalty applied.

Township Trustees to furnish road tools.

SEC. 16. That the Township Trustees of the several townships within this State be and they are hereby authorized to furnish plows, scrapers or other tools for the use of the several districts within their townships to be paid for out of any moneys in the township treasury not otherwise appropriated. The Township Trustees shall take a receipt from each District 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 of 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.

Supervisors to receipt for tools.

Liable for damages.

How damage recovered.

SEC. 17. That the Commissioners of Henderson County are

hereby authorized and required to levy at the June session of their Board annually for road purposes not less than one mill, nor more than two mills on the dollar, and seven-tenths of one mill for general bridge purposes, 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 an additional road tax necessary, they shall determine the per centum upon the taxable property of their respective townships, and shall certify the same in writing to the Boards of County Commissioners at their June session, who may levy a special tax, not exceeding one mill on the dollar, and the Commissioners may levy and assess the same on the taxable property of the township, and the same shall be collected as other taxes and paid out as herein provided.

Road tax for county.

Additional road tax for townships.

SEC. 18. That the Chairman of County Commissioners, immediately after the Commissioners at their annual session for that purpose have determined the amounts to be assessed for road purposes in their respective districts, shall give notice in some newspaper in general circulation in the county of the per centum on each hundred dollars of the valuation so determined to be assessed in such county and township, and that the said tax may be discharged by labor on the roads under the direction of the Supervisors of the several districts, and shall make out a list of the names of each tax-payer, of the amount of the road tax with which each stands charged, and transmit the same to the Supervisor of the proper district.

Notice of rate of road tax.

Road tax may be discharged by labor.

Lists to be sent to supervisors.

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 60 cents 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 collector shall receive all such certificates in the discharge of said road tax. The Township Trustees in determining the division of this fund shall be governed not by the miles of road in each district, but by necessities of the roads, the convenience of getting the material, the quantity of material necessary, to make substantial repairs, etc., and thus make a just and equitable division of said fund between the several districts.

Rate of commutation for road work.

Certificates furnished.

To be received for road tax. Distribution of road fund.

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 pretence whatever, give or sign

Penalty on supervisor for false certificate.

- 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 of such receipt or certificate, shall forfeit for every such offence not less than ten dollars, nor more than fifty dollars, to be recovered by an action before any Justice of the Peace of the proper county; and it is hereby made the duty of the Township Trustees to prosecute all offences against the provisions of this section: *Provided*, that if any Supervisor conceives himself aggrieved by the judgment of such Justice of the Peace he may, on giving sufficient security to said Justice of the Peace for the payment of cost, appeal to the Superior Court, who shall make such order therein as to them may appear just and reasonable.
- How recovered.** SEC. 21. That it shall be unlawful for any Supervisor to perform or cause labor to be performed, on any road not regularly laid out and established by law.
- Proviso: Right of appeal.** SEC. 22. That each and every District Supervisor who shall cut and take any timber, stone or gravel for the purpose of making, improving or repairing any road or building, or repairing any bridge or cross-way within his district, shall, on the demand of the owners of the lands, their agent or agents, or the guardian of any ward, or the executor or administrator having lands in charge, from which timber, stones or gravel were taken as aforesaid, give a certificate showing the quantity of such timber, stone or gravel, with the value thereof respectively, and the time and purpose for which the same were taken.
- No work on road regularly established** SEC. 23. That any person or persons who shall receive a certificate as provided for in the foregoing section, shall present the same to the County Commissioners of said 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, equitable, shall cause the same to be paid out of the county treasury; but if not so satisfied, they shall determine what sum in their opinion would be just.
- Certificates for road material taken.** SEC. 24. That each District Supervisor shall receive for his services not exceeding one dollar per day for the time actually employed on the roads, deducting the commutation for his six days' labor. Supervisors having charge of not more than twenty-five hands shall not receive more than ten dollars in one year, and no Supervisor having a greater number shall receive more than twenty dollars in any one year, and be paid out of the county treasury.
- Payment of certificates.** 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
- Pay of supervisors.**
- Limited.**
- Obstructions to be removed.**

cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public highways of his district as he may deem necessary to remove such obstructions. If the person or persons thus called out shall have performed their six days' labor upon the public highways, or paid their road tax, the Supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year.

Certificate for extra work.

To apply on labor or tax for ensuing year.

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 any public highway authorized by any law of this State 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 hinderance or inconvenience of travellers, or any person or persons, passing along or upon such road or highways, every person or corporation so offending shall forfeit and pay for every such offence a penalty of twenty 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 any action at the suit of the trustees of the township in which such offence shall have been committed, or any person suing for the same, before any Justice of the Peace within the county where such offence shall have been committed or by indictment in the Superior Court in the proper 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 offence 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 the hinderance or inconvenience of travellers or any person or persons going along or upon such road or highway, shall be deemed an additional offence against the provisions of this section: *Provided*, this section shall not apply to obstructions caused by unavoidable accident.

Obstruction by railroad company.

Penalty.

Liable for damages.

How recovered.

How fines applied.

Continued obstruction additional offence.

SEC. 27. That every railroad company or other corporation, the servant or servants, agent or agents, employee or employees of which shall in any manner obstruct any public road or highway, shall be liable to pay all the fines which may be assessed against such servant or servants, agent or agents, employee or employees, for so obstructing any such public road or highway, and such liability as may be enforced by execution issued against such

Corporation liable for fines of agent.

Enforced by execution.

railroad company or other corporation on the judgment rendered against such servant or servants, agent or agents, employee or employees, for so obstructing such public highway.

Obstruction of
drainage by rail-
road company.

To be warned by
supervisor.

Penalty.

How recovered.

Additional offense

How penalty ap-
plied.

"Keep to the
right."

Misdemeanor—
penalty.

Damages.
Proviso: When
complaint to be
made.

Railroad com-
panies to construct
and repair cross-
ings.

Forfeiture for fail-
ure. How recov-
ered.

SEC. 28. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its road-bed or otherwise, or empty the water 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 agent of the said railroad company personally, shall refuse or neglect to remedy the same to the acceptance of the Supervisor of said district it shall forfeit and pay a penalty of fifty dollars, to be recovered by an action at the suit of the Township Trustees before any Justice of the Peace of the proper county, and every ten days such railroad company after being notified, shall neglect or refuse to remedy such offence shall be deemed an additional offence against the provisions of this act; 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 improvements of the roads in his district and accounted for in his annual settlement.

SEC. 29. Whenever any persons shall meet each other on any bridges or road travelling with carriages, wagons or other vehicles, each person shall reasonably drive his carriage or vehicle to the right of the middle of the travelled part of such bridge or road, so that the respective carriages or other vehicles aforesaid may pass each other without interference; every person wilfully offending against the provisions of this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars; and he shall further be liable to any party for damages sustained by reason of such offence: *Provided*, that every such complaint shall be made within one month after the offence shall have been committed, and that every such action for damages shall be commenced within two months after the cause of action shall have accrued.

SEC. 30. It shall be the further duty of each District Supervisor to cause such railroad company to construct and keep in good repair the road-bed of all public roads and streets across the right of way of said railroad 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 road-bed to the acceptance of the Supervisor of said district, it shall forfeit fifty dollars, to be recovered by an action at the suit of the Township Trustees before any Justice of the Peace in said 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 of 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 road-bed, shall be deemed an additional offence against the provisions of this act.

How forfeiture
applied.

SEC. 31. That it shall be lawful for the Supervisors of road districts bordering on the State line between North Carolina and any adjoining State where a public highway has been located upon such State line in accordance with and under the provisions of the laws of the State of North Carolina, to apply the labor of said district upon said roads in the same manner as upon other roads located within the boundaries of this State; and in case any public road is or shall be established as a part of the line or boundary of any township or incorporated village or city, the Trustees in such adjoining township or townships and council of such incorporated town, village or city, as the case may be, shall meet at some convenient place, when called together for that purpose, and apportion such road between the township or townships and village or city as justice and equity may require, and the Trustees in the respective townships or village or city council, shall cause said road or roads to be opened and improved accordingly.

Roads on State
line.

Roads on township
or town lines.

SEC. 32. That for the purpose of making this law effectual, there shall be elected biennially one man, to be known as General Road Supervisor of all the public roads in the county, who shall have general supervision of all the work upon the public roads within the county of Henderson, and shall see to it that the road laws are fairly and vigorously carried out. He shall make the subject of good roads a special study and shall hold public road meetings in all the townships in the county as often as practicable, and shall do all in his power to build up the county by the general improvement of the public roads. He shall be *ex officio* Chairman of the Board of County Road Supervisors (hereafter constituted), and shall be the advisor of all the road officers in the county. He shall receive as compensation for his services \$2.50 per day for the time actually employed in the discharge of his duties, to be audited and allowed by the Board of County Commissioners, and to be paid out of the general road taxes. That where this office is filled by a man who is by profession and practice a surveyor or civil engineer, the Board of County Commissioners may allow in addition to the \$2.50 per day, such compensation as may be just and equitable, for such services as he may render as civil engineer and surveyor. The said office of

General Road
Supervisor.

Duties.

Pay.

Additional pay.

Temporary appointment.	General Road Supervisor shall be filled by S. J. Justice until the annual meeting of the Board of County Road Supervisors in May, 1905, unless he resigns or is removed before that time, at which time and annually thereafter his successor shall be elected by the Board of County Road Supervisors; and all vacancies occurring by death, resignation or removal, shall be filled by the said Board. That the office of General Road Supervisor may be vacated at any time for good cause, and by two-thirds of the members of the Board of County Road Supervisors, after due notice and trial.
Election	
How office vacated	
Board of County Road Supervisors.	SEC. 33. That there shall be a Board of County Road Supervisors to be composed of the Chairman of each of the Boards of Township Trustees, and with the said General Road Supervisor as their Chairman, to be known as the Board of County Road Supervisors for Henderson County, and in that name they are hereby constituted a body corporate, with all the rights of a corporation, to sue and be sued, and act generally for the best interests of the public roads in Henderson County. This Board shall meet after the passage of this act, at such times and places in the county as they may agree upon, or as may be fixed by the General Road Supervisor, and shall hold annual meetings on the second Monday in May of each year. It shall be the duty of this Board to make rules for the government of all the other road officers, Township Trustees and District Supervisors, not inconsistent with this act; and it shall be a misdemeanor, punishable by a fine not to exceed fifty dollars or thirty days' imprisonment for anyone to violate any one of said rules. Said Board of County Road Supervisors shall have power to hear and settle any disputes that may be certified to them from the several Boards of Township Trustees. The chain-gang in Henderson County shall be continued, and shall be managed and controlled by said Board of County Road Supervisors, and it shall be lawful for the different Courts in the State to send convicts to said chain-gang, to be received by the said Board of County Road Supervisors, and governed, worked and managed upon the public roads of Henderson County, under such rules and regulations as may be adopted by them.
Incorporated.	
Meetings.	
Duties.	
Misdemeanor.	
Penalty.	
To hear and settle disputes.	
Chain-gang continued.	
Justices to meet and organize as trustees.	SEC. 34. That the Justices of the Peace of the several townships in the county of Henderson shall, as soon after the ratification of this act as practical, meet in their respective townships. at a time and place to be fixed by the General Supervisor, and organize themselves under the provisions of this act into a Board of Township Trustees, by electing one of their members Chairman of their Board, who shall be known as Chairman of the Board of Township Trustees for said township, and such Chairman so elected, shall be <i>ex officio</i> a member of the Board of
Organization.	

County Supervisors. The Boards of Township Trustees and the District Supervisors shall be governed by the provisions of this act, and by the rules and rulings of the said Board of County Road Supervisors.

SEC. 35. The Secretary of State shall furnish the Chairman of County Commissioners of Henderson County with a sufficient number of printed copies of this act for the use of the County and District Supervisors and Township Trustees of said county, and the County Commissioners shall furnish the necessary books and blanks for the use of the Township Trustees and County and District Supervisors of said county. The Township Trustees shall not lay off any portion of any incorporated town, city or village in any road district. The tax levied by the County Commissioners under this act shall be levied in accordance with the Constitution of this State, and shall apply to all cities and towns.

Secretary of State
to furnish copies
of act.

County Commis-
sioners to furnish
books and blanks.

Incorporated
towns not included
in road district.
How taxes levied.

SEC. 36. All laws or parts of laws in conflict with this act are hereby repealed. This act shall be in force from and after its ratification.

Repealing and
ratifying clause.

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1903.

CHAPTER 156.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BEAUFORT COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Beaufort County be and they are hereby authorized and empowered to levy a special tax of thirteen and one-third cents (13 1-3) on the one hundred dollars valuation of real and personal property in said county, and forty (40) cents on each poll annually, for two years, viz., for the years of nineteen hundred and three and nineteen hundred and four, to be expended and applied for the special purpose of paying the present indebtedness of the county and the interest accrued and accruing thereon, and for maintaining, constructing and repairing the public bridges in said county, and the public ferries of said county. That said special tax shall be levied and collected as are other taxes in said county.

Commissioners of
levy special tax.

Amount, property
and poll.

What years, 1903-'4.

Purpose.

How levied and
collected.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 157.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHT
(208) OF THE PUBLIC LAWS OF 1899.*The General Assembly of North Carolina do enact:*Section 2, chapter
208, Laws 1899,
amended.

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

Public law instead
of Private law.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1903.

CHAPTER 158.

AN ACT DIRECTING THE COMMISSIONERS OF PENDER
COUNTY IN REGARD TO THE SINKING FUND FOR THE
PAYMENT OF BONDS OF TOPSAIL TOWNSHIP.*The General Assembly of North Carolina do enact:*Commissioners to
attend to tax levy
for sinking fund.

SECTION 1. That the Board of Commissioners of Pender County be and they are hereby authorized and directed at the same time of the levy of county taxes each year to observe and carry out the provisions of section 15 of chapter 233, Laws of 1885, so far as the same applies to leying a tax for a sinking fund for the payment of the subscription of Topsail Township, in said county, to the capital stock of the Wilmington, Onslow and East Carolina Railroad Company.

For what purpose

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 159.

AN ACT TO PROTECT WATER SUPPLIES.

The General Assembly of North Carolina do enact:

Preamble.

To protect water
supplies.

SECTION 1. In the interest of the public health every person, company, municipal corporation or agency thereof, selling water to the public for drinking and household purposes, shall take every reasonable precaution to protect from contamination and

assure the healthfulness of such water; and any provisions in any charters heretofore granted to such persons, companies or municipal corporations in conflict with the provisions of this act are hereby repealed.

Repealing clause

SEC. 2. Such water works as derive their supply from lakes or ponds or from small streams not more than fifteen miles in length, shall have a sanitary inspection of the entire watershed not less, under any circumstances, than once every three calendar months; and a sanitary inspection of any particular locality on said watershed at least once in each calendar month, whenever in the opinion of the Board of Health of the city or town to which the water is supplied, or when there is no such local Board of Health, in the opinion of the County Superintendent of Health, or in the opinion of the State Board of Health, there is reason to apprehend the infection of the water in that particular locality. Said companies or municipal corporation shall cause to be made a sanitary inspection of any particular locality on said watershed at least once in each week, whenever in the opinion of the Board of Health of the city or town to which the water is supplied, or when there is no such local Board of Health, in the opinion of the County Superintendent of Health, or in the opinion of the State Board of Health, there is special reason to apprehend the infection of the water from that particular locality by the germs of typhoid fever or cholera. The inspection of the entire watershed, as herein provided for, shall include a particular examination of the premises of every inhabited house of the watershed, and in passing from house to house a general inspection for dead bodies of animals or accumulations of filth. It is not intended that the term "entire watershed" shall include uninhabited fields and wooded tracts that are free from suspicion. The inspection shall be made by an employee of, and at the expense of said water company or municipal corporation, in accordance with reasonable instructions as to method, to be furnished by the Secretary of the State Board of Health. The said sanitary inspector shall give in person to the head of each household on said watershed, or in his absence to some member of said household, the necessary directions for the proper sanitary care of his premises. It shall further be the duty of said inspector to deliver to each family residing on the watershed such literature on pertinent sanitary subjects as may be supplied him by the municipal health office, or by the Secretary of the State Board of Health.

Water companies to inspect all water supplies of 15 miles in length, when.

Particular localities to be inspected, when.

Inspection, what to include. How conducted.

"Entire watershed" defined.

Who to make inspection.

Inspector to give sanitary directions and literature.

SEC. 3. In case of those companies obtaining their supply of water from rivers or large creeks, having a minimum daily flow of ten million gallons, the provisions of section 2 shall be applied to the fifteen miles of watershed draining into the said river or creek next above the intake of the water works.

Extent of 15 miles inspection.

Rivers, section 2.

Chemical analysis and bacteriological to be made, when and by whom.

SEC. 4. Every water company, whether owned by private individuals or corporations, or by the municipality, shall have made, not less frequently than once in every three months, at its own expense, by the Chemist of the State Board of Health, or such chemist as the said Board may designate, a chemical analysis, and once every month a bacteriological examination at its own expense by the biologist of the State Board of Health, or such biologist as said Board may designate, of a sample of its water drawn from a faucet used for drinking purposes, packed and shipped in accordance with the instructions to be furnished by the Secretary of the State Board of Health: *Provided*, that when the supply is from a flowing artesian well said analysis shall be made in the discretion of the Secretary of the State Board of Health.

Proviso.

Artesian wells.

Failure to comply with this act.

Penalty.

Proviso, Forfeitures not to exceed \$500.

Municipal officials.

Penalty, a misdemeanor.

Proviso, exemptions.

Sanitary inspection of entire watershed, when.

Person on watershed to carry out instruction.

Failure a misdemeanor.

SEC. 5. Failure on the part of any water company to comply with the requirements of sections 2, 3 and 4 shall be punished by a deduction from any charges for water against the city or town supplied of twenty-five dollars for each and every such failure: *Provided*, that in no one year shall the sum of such forfeitures exceed five hundred dollars. Where the water works are owned or operated by the city or town, failure on the part of the municipal officials having in charge the management of the water works to comply as above, shall be a misdemeanor, and punishable by a fine of not less than ten nor more than twenty-five dollars, or by imprisonment for not less than ten nor more than thirty days: *Provided*, the said official does not prove to the satisfaction of the Court that, in spite of reasonable effort and diligence on his part, he was prevented, directly or indirectly, by his superiors from doing his duty in this respect, in which case said superior officer or officers shall be deemed guilty of a misdemeanor, and punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not less than one nor more than six months.

SEC. 6. Every city or town having a public water supply shall, at its own expense, have made at least once in every three months, by one of its own officials, a sanitary inspection of the entire watershed of its water supply, and it shall be the duty of the said official making such inspection to report to the Mayor any violation of this act.

SEC. 7. Every person, firm or corporation residing or owning property on the watershed of a lake, pond or stream from which a public drinking supply is obtained, shall carry out such reasonable instructions as may be furnished him in the manner set forth in section 2, or directly by the municipal health officer, or by the State Board of Health. Failure to do so shall be deemed a misdemeanor, and shall be punishable by a fine of not less than

two dollars and costs, nor more than twenty-five dollars and costs, or by imprisonment for not less than ten nor more than thirty days. Penalty.

SEC. 8. The Mayor of each city or town having a public water supply shall have concurrent jurisdiction with any Justice of the Peace to hear and determine all violations of this act, provided such violation is within the jurisdiction of the Justice of the Peace. Violations within the jurisdiction of mayor and justice.

SEC. 9. As a check and guarantee of the faithful performance of the requirements laid down in the preceding sections of this act, the State Board of Health shall make or have made by its authorized agents, such inspections of watersheds, and such chemical and bacteriological examinations of the public water supplies of the State as may be deemed necessary to insure their purity. Should this inspection or examination show conditions dangerous to the public health, the Secretary of the said State Board of Health shall notify the Mayor, the municipal health officer and the superintendent or manager of the waterworks at fault, and demand the immediate removal of said dangerous conditions. If at the end of thirty days after the service of said notice and demand, the said dangerous conditions have not been removed, to the extent that due diligence could accomplish such removal, the said Secretary shall have printed in one or more of the local newspapers a plain statement of the facts for the information and protection of the citizens using the water. State Board of Health to help execute law.

Where examinations show impurities, what to be done.

Statement to be published in newspapers.

SEC. 10. Each sanitary inspector herein provided for is hereby authorized and empowered to enter upon any premises and into any building upon his respective watershed for the purpose of making the inspection herein required. Authority of inspectors to enter premises.

SEC. 11. Whoever defiles, corrupts, pollutes any well, spring, drain, branch, brook or creek, or other source of public water supply use for drinking purposes, in any manner, or deposits the body of any dead animal on the watershed of any such water supply, or allows the same to remain thereon unless the same is buried with at least two feet cover, shall be guilty of a misdemeanor, and fined and imprisoned, in the discretion of the Court. Persons corrupting watersheds.

Failure to bury dead animals a misdemeanor.

SEC. 12. Whoever shall collect and deposit human excreta on the watershed of any public water supply shall be guilty of a misdemeanor, and punished by fine and imprisonment, in the discretion of the Court. Deposit human excreta a misdemeanor.
Penalty.

SEC. 13. No person, firm, corporation or municipality shall flow or discharge sewage into any drain, brook, creek or river from which a public drinking water supply is taken, unless the same shall have been passed through some well known system of sewage purification approved by the State Board of Health. Any person, firm, corporation or the officer of any municipality having Sewage not to flow into water courses

A misdemeanor.
Penalty.

Schools and towns
located on water-
sheds to provide
sewerage.

A misdemeanor
Penalty.

Cemeteries on
watersheds.

Eminent domain

Fee of \$5 for mak-
ing examination.

this work in charge, who shall violate this section shall be guilty of a misdemeanor, and the continued flow and discharge of such sewage may be enjoined by any person.

SEC. 14. That all schools, hamlets, villages, towns or industrial settlements which are now located, or may be hereafter located on the shed of any public water supply, not provided with a sewerage system, shall provide and maintain a tub system for collecting human excrement, and provide for removal of the same from the watershed at least twice each week. Every person, firm, corporation or municipality violating this section shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the Court.

SEC. 15. No burying ground or cemetery shall be established on the watershed of any public water supply nearer than five hundred yards of the source of supply.

SEC. 16. All water companies now operating under charters from the State or municipalities, which may maintain public water supplies may acquire by condemnation such lands and rights in land and water as are necessary for the successful operation and protection of their plants, said proceedings to be the same as prescribed by chapter 49, volume 1 of The Code of North Carolina.

SEC. 17. For carrying out the provisions of this act the State Board of Health is authorized and empowered to have the bacteriological examination made as hereinbefore provided for, and to charge for the same the sum of five dollars (\$5.00) for each examination.

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

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 160.

AN ACT TO ALLOW THE BOARD OF COUNTY COMMISSIONERS OF DARE COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Commissioners to
levy special tax
when.

Property and poll

SECTION 1. That the Board of Commissioners of Dare County be and they are hereby authorized and empowered, at their meeting on the first Mondays in June, 1903 and 1904, or at such times in said years as they may be required to levy taxes, to levy a special tax upon property and polls of said county for the pur-

pose of paying the indebtedness of said county, and for such other purposes as the same may be needed. Purpose of tax.

SEC. 2. That said tax shall be levied in like manner as other taxes are levied, and shall not in either of said years exceed ten (10) cents on the one hundred dollars worth of property and thirty (30) cents on the poll. And the constitutional equation between property and poll shall always be observed in making the said levies. Tax, how levied and collected.
Amount.

SEC. 3. That said tax shall be collected and accounted for by the sheriff of tax collectors in the same manner and under the same rules and regulations and under the same penalties as are prescribed for the collection of State and county taxes. Tax collectors or sheriff to collect.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 161.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CAMDEN COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Camden County be and they are hereby authorized to levy a special tax at the regular time for levying taxes for the year nineteen hundred and three (1903), and nineteen hundred and four to levy a special tax upon the property and polls in said county, for the purpose of discharging the indebtedness incurred for court house vaults, and for the purpose of discharging other general indebtedness of said county. Commissioners to levy tax, what years.
Property and poll, purpose of levy.

SEC. 2. That the amount of tax levied as aforesaid under this act shall be determined by the said Board of Commissioners, but shall not in either year exceed twenty cents on property and sixty cents on the poll, and the constitutional equation between property and the poll shall always be observed in making said levy. Amount of tax.

SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax collector of said county, in the same manner and under the same penalties prescribed by law for the collection of other fines in said county. Tax, how collected.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 162.

AN ACT TO ALLOW THE COMMISSIONERS OF YANCEY COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Commissioners to
levy special tax,
when.

SECTION 1. That the Board of Commissioners of Yancey County are hereby authorized and empowered, at their regular meeting on the first Monday in June, nineteen hundred and three (1903), and nineteen hundred and four, or at such times in said years, as the annual county taxes may be required to be levied by law, to levy a special tax upon the taxable property, real and personal, and the polls of said county, for the special purposes of paying off judgments now outstanding against said Yancey County.

Property and poll.

Tax, how levied.

SEC. 2. Such tax shall be levied in like manner with the State and general county taxes, and shall not in either of said years exceed twenty-five cents on the one hundred dollars worth of property, and seventy-five cents on the poll, and the constitutional equalization between the property and the poll shall always be observed in making levies.

Amount.

Tax to be collected
and kept separate.

SEC. 3. That said taxes shall be collected, kept separate from other taxes, and accounted for by the sheriff or tax collector of said county, in the same manner, at the same time and under the same rules and penalties as prescribed for the collection of other taxes in said county.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 163.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ALAMANCE COUNTY TO ISSUE BONDS TO PAY THE FLOATING DEBT OF SAID COUNTY, AND TO LEVY A SPECIAL TAX TO PAY THE INTEREST THEREON, AND TO PROVIDE A SINKING FUND TO PAY SAID BONDS.

The General Assembly of North Carolina do enact:

Purpose of issue,
to pay floating
debt.

SECTION 1. That for the purpose of settling and paying the floating debt of Alamance County, incurred for necessary expenses and outstanding on the first day of February, 1903, it shall be lawful for the Board of Commissioners of said county, and they are hereby authorized and empowered to fund the same by

issuing the bonds of the county to the amount of fifty thousand dollars in the aggregate, in the denominations of one hundred, five hundred and one thousand dollars, and in such number of each denomination as the said Board shall determine, with the coupons attached for the interest payable annually at the rate of five per cent; said bonds to mature thirty years after their date, and the same, and the coupons attached for the interest, to be payable at the office of the Treasurer of the county; and the said bonds shall be signed by the Chairman of the Board of Commissioners and attested by their Clerk and the seal of the county.	Commissioners to issue \$50,000 bonds.
SEC. 2. That the Clerk of said Commissioners shall keep a book, in which he shall keep an account of the number and the denomination of said bonds issued as aforesaid, and to whom the same are payable. Said Clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in or otherwise cancelled, so that by inspection of said books the true status of the bonded debt of said county as herein provided for may be readily ascertained. That said book shall at all times be open to the inspection of any taxpayer of said county.	Denomination, 5 per cent interest, when payable.
	Time to run.
	How executed.
	Record of issue to be kept.
	What to contain.
	To be open to inspection.
SEC. 3. That the Commissioners of said county are hereby required, at the time of levying other county taxes, to levy annually an additional special tax of two cents on every one hundred dollars worth of taxable property and six cents on each taxable poll in said county, to pay the interest on said bonds and to provide a sinking fund for the payment of the principal of said debt and the cost and charges incident to said tax, until the final payment of said bonds shall be provided for, and at all times maintaining the constitutional equation between property and the poll as herein set out.	Commissioners to levy special tax.
	Amount, property and poll.
	Purpose of tax.
SEC. 4. That the said taxes shall be collected by the sheriff of said county, whose bond shall be liable therefor as for other county taxes; and he shall pay over the same to the County Treasurer in like manner as other county taxes are paid, and said taxes and the funds arising therefrom shall be used by said Commissioners for the payment of said bonds and interest thereon, and for no other purpose.	Tax, how collected and applied.
SEC. 5. That it shall be unlawful and a misdemeanor to use the funds or any part thereof arising from the sale of said bonds for any other purpose than that of paying off the county indebtedness as expressed in this act.	A misdemeanor to divert fund.
SEC. 6. That for the purpose of negotiating the sale of said bonds, the said Commissioners are hereby authorized and empowered to advertise for bids for the whole or any part thereof, and may accept or reject any or all of said bids, or dispose of such bonds in any other manner, which, in their discretion, they may	Bonds, how sold.

Proviso. deem to be for the best interest for said county: *Provided, however,* that no bond shall be sold for less than par and accrued interest.

To be sold for face value.

Treasurer to deliver bonds to purchasers.

SEC. 7. That as soon as said bonds are issued, signed and countersigned, as herein provided, the said Commissioners shall place them in the hands of the Treasurer of said county, who shall also countersign the same, and deliver them to such purchasers, whose bids are accepted, and upon their compliance with such terms as may be designated by said Board of Commissioners, by special order made and entered of record in their proceedings, and the said Treasurer shall make out and return to the said Commissioners an accurate account of the number and denomination of said bonds sold, and to whom sold, and when delivered, and the said Treasurer shall receive all proceeds of the sale and disposal of said bonds, and shall hold said proceeds subject to the order and direction of said Board of Commissioners, and shall be responsible for the safe custody and keeping of said proceeds as he is now responsible for the custody and keeping of the moneys of said County Treasurer: *Provided, however,* that said Treasurer shall receive no compensation, fee or reward for receiving and paying out any moneys received by him from the original sale of said bonds.

Treasurer to make report, what to contain.

Proceeds of bond sale.

How held and disbursed.

Trustees may invest in bonds.

SEC. 8. That it shall be lawful for any executor, administrator, guardian, trustee or receiver to invest the trust funds in his hands in said bonds.

Coupons receivable for taxes.

SEC. 9. That the coupons of said bonds shall be receivable for the payment of all county taxes.

Surplus from bond sale.

SEC. 10. That if there should be any surplus in the hands of the Treasurer of said county from the sale of said bonds, for any cause, after paying off all of said indebtedness, the said Commissioners shall have the right to use the same for the annual necessary expenses of the county.

How applied.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 164.

AN ACT TO AMEND CHAPTER 483 OF THE PUBLIC LAWS OF 1899, RELATING TO DISPENSARIES IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Chapter 483, Public Laws 1899, amended in regard to Warren County.

SECTION 1. That sections two, seven, eight, twelve, fourteen, fifteen, sixteen and eighteen of chapter 483 of the Public Laws of 1899, be and the same are hereby amended in so far only as they

relate to and effect that portion of Warren County which embraces the town of Littleton and the territory within five miles thereof.

SEC. 2. E. C. Price, J. E. McCraw and T. R. Walker are hereby constituted a Board of Dispensary Commissioners for that part of Warren County embraced within the limits mentioned in the preceding section. They shall hold their said offices for two, three and four years respectively, from April 1, 1903, and until their successors are elected and qualified. Said Board of Commissioners shall elect the successors of its members as their several terms expire for a period of four years and until their successors are elected and qualified, and shall fill all vacancies on said Board whether caused by death, removal or otherwise. They shall meet and organize by electing one of their members President, one Treasurer and one Secretary of said Board. They shall have full power and authority to acquire the stock and property of the dispensary now located at Littleton, to purchase other spirituous, vinous and malt liquors, and to conduct a dispensary for the sale of said liquors at some convenient point on one of the principal streets of the town of Littleton; and they shall likewise have full power and authority to make such by-laws, rules and regulations for the government of said dispensary and the conduct of the visitors thereto and the patrons thereof, as they may deem best, not inconsistent with the provisions of this act and those parts of chapter 483 of the Public Laws of 1899 which are applicable to the territory embraced within the limits above mentioned. They may employ such agents, assistants, detectives, chemists and attorneys as they may deem necessary to properly carry out the provisions and purposes of this act. They may also close said dispensary and discontinue said business when in their judgment the same is advisable.

Dispensary commissioners, personnel.

Tenure.

Vacancies.

Officers of commissioners.

To control and operate dispensary

Dispensary, where located and how conducted.

Chapter 483, Public Laws 1899

To employ agents and employees.

To close dispensary, when.

SEC. 3. It shall be unlawful, except as herein provided, for any person, firm or corporation to sell, barter or exchange any spirituous, vinous or malt liquors or any other liquors, used as a beverage, which produces or may produce intoxication, within the limits of the town of Littleton or the territory within five miles thereof:

Unlawful to otherwise sell liquor within five miles of Littleton.

Provided, that it shall not be unlawful for the manufacturers of wines from fruits, grapes or berries to sell and deliver their own products only at the place of manufacture: *Provided further*, that this act shall not be construed to prevent the establishment of a dispensary anywhere within the county of Halifax. And in the event that a dispensary is hereafter established by law for the sale of spirituous, vinous and malt liquors in that part of Littleton which is located in Halifax County, the Dispensary Commissioners herein provided for may, should they see fit, consolidate their dispensary with one so established in Halifax

Proviso

Wines exempt.

Proviso.

Other dispensaries exempt.

Dispensaries may consolidate.

How to operate on consolidation.	County; in which event the dispensary so consolidated shall be governed jointly by the two Boards of Dispensary Commissioners which governed the two dispensaries before their consolidation; and the profits arising from said consolidated dispensary shall be equally divided, and the share going to the Dispensary Commissioners herein provided for shall be distributed and applied as hereinafter directed. 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.
Violation a misdemeanor.	
Commissioners may borrow funds.	SEC. 4. The Dispensary Commissioners herein provided for may borrow a sufficient sum to carry into effect the provisions of this act, the same to be repaid out of the profits of said dispensary.
Portion of section 13, chapter 483, Public Laws 1899, repealed.	SEC. 5. So much of section 13 of chapter 483 of the Public Laws of 1899 as is after the word "month," in line 16 thereof, is hereby repealed in so far only as the same relates to or affects the town and territory mentioned in section one of this act. And the Board of Dispensary Commissioners herein provided for shall, on the first Mondays in January and July of each year, after paying the costs and expenses of said dispensary, distribute and pay over the net profits thereof as follows: They shall pay three-fourths of said net profits to the Chairman of the Road Commissioners of River Township, in Warren County, for the permanent improvement of the public roads of River and Judkins townships in said county, to be apportioned between said townships in such manner as the Board of Road Commissioners of River Township may see fit; and the remaining one-fourth they shall pay over to the County Commissioners of Warren County for the permanent improvement of the public roads of said county; and they shall likewise file with the said County Commissioners monthly reports of the business, receipts and expenses of said dispensary.
Profits, how applied after expenses paid.	
Public roads.	
Reports to be filed.	
Commissioners to give bonds.	SEC. 6. Each of said Dispensary Commissioners shall, before entering upon the discharge of his duties, enter into a bond with sufficient sureties, either personal or by surety companies, in the sum of one thousand dollars, to be approved as the bonds of county officials are, payable to the Treasurer of Warren County, and conditioned upon his faithful discharge of his duties as said Commissioner, and the faithful payment and application of all moneys coming into his hands by virtue of said office, said bonds to be filed with the Treasurer of Warren County, and the expense of same, if given by surety companies or otherwise, to be considered a part of the expenses of the said dispensary.
Condition of bonds.	
Compensation of commissioners.	SEC. 7. Said Dispensary Commissioners shall each receive from the profits of said dispensary fifty dollars per annum in full compensation for his services as such: <i>Provided</i> , that said Board of
Proviso.	

Dispensary Commissioners may pay their Treasurer and Secretary such extra sums and require of them such additional bonds as in their judgment may be proper.

Additional compensation.

SEC. 8. All moneys arising from forfeiture of the bonds of officers of or persons connected with said dispensary shall be distributed and applied as other moneys arising from said dispensary, and section 3 of chapter 483 of the Public Laws of 1899, in so far only as it is in conflict with this section and applicable to the territory mentioned in section 1 of this act, is hereby repealed.

Funds from forfeited bonds, how applied.

Section 3, chapter 483, laws 1899, repealed.

SEC. 9. Except as herein amended and modified, chapter 483 of the Public Laws of 1899 is applicable to the Dispensary Commissioners, the dispensary and the territory herein designated and provided for; and the Commissioners herein provided for shall have all the rights, powers and privileges for the territory mentioned in section 1 of this act that the Commissioners mentioned in said chapter 483 have for the county of Warren.

Chapter 483, Public Laws 1899, applicable.

SEC. 10. All laws and clauses of laws in conflict with this act are hereby repealed, in so far as they affect and apply to the territory mentioned in section 1 of this act; and chapter 411 of the Public Acts of 1897 and chapter 171 of the Private Acts of 1893, in so far only as they affect and apply to the said territory mentioned in section 1 of this act; and section 3111 of The Code shall not apply to this act.

Repealing clause.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1903.

CHAPTER 165.

AN ACT TO AUTHORIZE THE COUNTY OF BERTIE TO BORROW MONEY, ISSUE BONDS AND LEVY A SPECIAL TAX TO BUILD A JAIL.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building and erecting a new jail for the county of Bertie, in Windsor, N. C., on the county property in said town, the Commissioners of Bertie County are hereby authorized and empowered to borrow not exceeding the sum of seven thousand dollars at a rate of interest not exceeding six per centum per annum, payable semi-annually, and to issue bonds therefor.

Purpose, to create new jail.

Commissioners to borrow money, how, amount.

SEC. 2. That the said bonds shall be signed by the Chairman of the Board of Commissioners of Bertie County and countersigned by the Clerk of said Board and authenticated with the common

Bonds, how executed

seal of said Board, and the said bonds shall express upon their face the purpose for which they were issued, and there shall be attached thereto interest coupons calling for the payment of interest thereon semi-annually on the first days of January and July as long as said bonds are outstanding.

Denomination,
when to become
due.

SEC. 3. That the said bonds shall be issued in denomination of five hundred dollars each, and that two of the said bonds shall become due and payable January 1, 1908, and two more of said bonds shall become due and payable January 1, 1909, and two more of said bonds shall become due and payable January 1, 1910, and two more of said bonds shall become due and payable January 1, 1911, and two more of said bonds shall become due and payable January 1, 1912, and two more of said bonds shall become due and payable January 1, 1913, and the last two of said bonds shall become due and payable January 1, 1914, which times of payment shall be expressed upon the face of the said bonds, together with the rate of interest they bear and the place where the principal and interest shall be payable.

Commissioners to
levy tax, when,
amount of.

SEC. 4. That the Commissioners of the said county and the other authorities thereof charged with levying taxes, are hereby authorized and required, at the time of levying other county taxes, to levy annually an additional special tax, sufficient in amount to pay the interest upon said bonds and so much of the principal of the said debt as may fall due during the next succeeding year after the said levy, together with the costs and charges incident to the said tax and its collection upon all subjects of county taxation in said county as aforesaid until the final payment of said bonds shall be provided for, maintaining the ratio of taxation upon property and the poll which is required by the Constitution of the State.

Subjects of
taxation.

How collected.

SEC. 5. That the said taxes shall be collected by the Sheriff of Bertie county in the same manner and at the same time of collecting the general State and county taxes, with the same power of duress for non-payment as is provided, or may be provided, for collecting said general taxes, and subject to the same penalties and forfeitures as are now or may be imposed for failure to collect general State and county taxes; and the said Sheriff shall account for, pay over and disburse said special taxes in like manner as other county taxes, and in the event the office of Treasurer is established in said county he shall pay such taxes over to the Treasurer of said county in like manner as other taxes are now paid, or may hereafter be required to be paid.

Treasurer to
receive tax.

Official liability.

SEC. 6. That the said Sheriff and the Treasurer, if one shall be hereafter appointed, shall each be liable on his official bond for the said taxes as for other taxes, and shall use the said taxes for the payment of the said bonds and interest as due and payable, and the fund arising from said special tax over and above the

costs and charges incident thereto, shall be applied to no other use or purpose than the payment as aforesaid.

SEC. 7. That for the purpose of procuring the said loan the said Commissioners are empowered and authorized to advertise for bids for the whole or any part thereof, and may accept or reject any or all of such bids, or dispose of the said bonds either publicly or privately, or in any other way which in their discretion they may deem best for the interest of the said county: *Provided, however*, that none of said bonds shall be sold for less than its par value and accrued interest.

Loan, how
procured.

Sale of bonds, at
par value.

SEC. 8. That the said coupons, whether due or not, or past due, shall be received in payment of all county taxes.

Coupons receivable
for taxes.

SEC. 9. That the clerk of the said Commissioners shall provide a book in which he shall keep an accurate account of the number and denomination of the said bonds issued as aforesaid, and the persons to whom they are payable. Said clerk shall also keep in said book an accurate account of the bonds and coupons attached to the said bonds, which shall be paid, taken in and cancelled, so that by inspection of the said book the true status of the bonded debt of the said county herein provided for may be readily ascertained. Said book shall be open at all times to the inspection of any tax-payer of said county.

Clerk to keep
record.

What to contain.

Open to inspection.

SEC. 10. That as soon as the said bonds are issued, signed and countersigned as hereinbefore provided, the said Commissioners shall place the same in the hands of the Sheriff of said county, who shall then countersign the same and deliver them to such purchasers upon their compliance with such terms as may be designated by said Board of Commissioners by order of said Board directed to the said Sheriff, who shall make out and deliver to the said Board an accurate account of the number and denomination of said bonds, and to whom and where delivered; and the said Sheriff, or Treasurer, if one be elected, shall receive all the proceeds of the sale and disposal of the said bonds, hold said proceeds subject to the orders and directions of the said Board, and be responsible for the safe keeping and custody of the said proceeds as by law it is now provided he shall be, and is responsible for the custody and keeping of the other moneys of the said county as Sheriff and Treasurer of said county, as the case may be.

Commissioners to
deliver bonds to
sheriff.

Sheriff to deliver
bonds.

Who to receive
proceeds.

SEC. 11. That said bonds and coupons shall be exempt from all county taxes.

Bonds not taxable.

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

In the General Assembly read three times, and ratified this 21st day of February, A. D. 1903.

CHAPTER 166.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GUILFORD COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING AND IMPROVING, ETC., THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Commissioners to submit question to vote of electors, when.

Question to be submitted.

Notice of election.

Proviso, additional election.

Election, how held.

Proviso, election officers.

Challenges.

New registration.

Result, how ascertained.

Ballots.

SECTION 1. That the Board of Commissioners of Guilford County be, and it is hereby authorized and empowered to submit to the vote of the qualified voters of Guilford County at such time or times as in its discretion it may deem best, the question as to whether or not the county of Guilford shall issue bonds in the sum of three hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of repairing, grading, making, improving and macadamizing the public roads of said county. The said Board of County Commissioners shall, for at least thirty (30) days preceding the election, give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the qualified voters of said county shall not vote to issue bonds at the election so held, the said Board of County Commissioners may submit the said question to the qualified voters of said county at any other time or times, under the provisions and regulations hereinafter enacted.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said Board of County Commissioners shall appoint the registrars of election and the judges and inspectors of election and any other election officers, and registration and challenge of voters shall be conducted in the same manner as is now provided, or may hereafter be provided, for the election of members of the General Assembly, and said County Commissioners 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 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. 3. That at the said election or elections, the ballots ten-

dered and cast by the qualified voters shall have written upon them, "For Good Roads Bond Issue" or "Against Good Roads Bond Issue," and all qualified electors who favor the issuing of said bonds shall vote for good roads bond issue, and all qualified electors opposed to the issuing of the bonds shall vote against good roads bond issue.

SEC. 4. In the event that the requisite majority of qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be recorded and declared as aforesaid, and the Board of Commissioners of Guilford County shall elect six electors, residents of said county, to be known as the Highway Commissioners of Guilford County. One member thereof shall reside in the northern section of said county, one in the southern section, one in the western section, one in the eastern section, one in the central section, and one from the county at large. At the first election of said Highway Commissioners by said Commissioners of Guilford County, two members of said commission shall be elected for two years, two members for four years, and two members for six years: *Provided*, that the said Board of County Commissioners shall have power to fill all vacancies by death, resignation or otherwise, for any unexpired term: *Provided further*, that at least two members of said Highway Commission shall at all times be from members of a different party from that of the majority of said Board of County Commissioners. said two members to be selected from the political party casting the next highest vote to that political party electing the majority of said Board of County Commissioners at the last election held for the election of county officers. That as soon as practicable after the election of said members of the Highway Commission they shall meet and organize by electing one of their members chairman of said commission, and another of their members secretary, and another, or some other suitable person, treasurer thereof, and shall pass such rules and regulations for their government as they shall deem best: *Provided*, that the Highway Commissioners shall take an oath before some person authorized to administer oaths to perform their duties of said office to the best of their skill and ability: *And provided further*, that as the term of office of the said Highway Commissioners shall expire, the Board of Commissioners of Guilford County shall elect their successors to same for a period of six years.

SEC. 5. The highways to be made, opened, built or improved by the Highway Commission under the provisions of this act shall from time to time be determined upon and designated by the Highway Commission, and the Board of County Commissioners in joint session. In determining upon said highways, said joint Board shall take into consideration the needs of the entire county

If majority for good roads.

Highway commissioners to be elected, how. Qualification of Commissioners.

First meeting, tenure.

Proviso, vacancies.

Proviso, members of different parties.

Chairman, secretary and chairman. Proviso, oath required.

Proviso expiration of term of office.

Highways to be built, how determined upon.

and every part thereof, opening or improving those highways which, in their opinion, will be of benefit to the greatest possible number of people of the county, and treating every section of the county with equal justice.

SEC. 6. In the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be declared and recorded as aforesaid, and the Board of County Commissioners of Guilford County shall have prepared bonds in the denomination of one thousand dollars, five hundred dollars, or one hundred dollars, the total amount to be that provided for in the first section of this act, and the said bonds shall bear a rate of interest to be determined before the issue thereof by the said Board of County Commissioners; not exceeding five per centum per annum, with the interest coupons attached, payable semi-annually during the time the said bonds shall run, and the principal thereof shall be payable thirty (30) years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the Treasurer of Guilford County, in the city of Greensboro, North Carolina, and both the bonds and the coupons shall be numbered consecutively, beginning with the number one, and both bonds and coupons shall be signed by the Chairman of said Board of County Commissioners, and countersigned by the clerk of said Board, and the said bonds shall have impressed upon them the seal of said county. The said bonds shall be styled, "Guilford County Highway Improvement Bonds."

SEC. 7. Immediately upon the preparation and signing of said bonds the said Board of Commissioners of Guilford County shall turn over to the Chairman of the Highway Commission all of said bonds, without the county seal having been affixed and said Highway Commission shall have the power to advertise and sell any, or all, of said bonds, at such time or times as they shall deem best for the purpose of raising a fund with which to repair, make and improve the public highways of said county as aforesaid; the expenses of said advertising and selling, or any other necessary expenses in regard thereto shall be paid out of the taxes levied for road purposes for the previous year by the Board of County Commissioners, and collected by the Sheriff of said county: *Provided*, that before delivering any of said bonds sold by the provision of this section and under this act, the Chairman of the Highway Commission shall apply to the custodian of the seal of Guilford County, whose duty it shall be to affix the said county seal to the bonds so sold, and no bonds shall be of any value until said seal is so affixed.

SEC. 8. That none of the bonds authorized by this act shall be disposed of by the said Highway Commission by sale, exchange or

otherwise for less than their face value, nor shall said bonds or proceeds be used for any other purpose or purposes than those declared by this act: *Provided, however,* that the purchasers of said bonds shall not be required to see to the application of said fund. When said bonds are issued they shall be numbered consecutively and the coupons attached and issue with them shall bear the number of the bond to which they are attached. The bonds and coupons shall state on their face when they are due and where payable and said bonds shall show by what authority they are issued. The said Highway Commission shall record all their proceedings in respect to said bonds in the minutes of their meetings and whenever the same are sold the number of bonds and their denomination, to whom sold, and the number of coupons attached must be recorded in said minutes: *Provided,* that the minute book and all other books kept by the Highway Commission shall at all times be open to the inspection of the Commissioners of Guilford County.

Proviso, purchasers not required to see to application of purchase money.

Bonds, what to state.

Record to be kept.

SEC. 9. When any of said bonds are sold the proceeds of sale shall be turned over to the Treasurer of the Highway Commission, who shall keep said fund and all other funds which may come into his hands separate from all other funds, and he shall keep separate accounts of same; and said Treasurer shall annually, before any fund provided for in this act be paid over to him, execute an official bond payable to the county of Guilford 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 safe keeping of the same, and rendering a due account in respect thereto, and in all things holding and dispensing and accounting for the same as is required by law, which bond shall be passed upon, accepted and received by said Highway Commission, and all orders directed to said Treasurer for the payment of money under this act shall state on their face that they are Highway orders, and to what account they are chargeable, and shall be signed by the Chairman and Secretary of said Highway Commission.

Proceeds from bond sale.

Official bond of treasurer.

Funds, how disbursed.

SEC. 10. That in case the said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Guilford County shall levy annually the first Monday in June a separate road tax for said county, of not exceeding 15 cents on the one hundred dollars' worth of property, nor exceeding 45 cents on each poll, and not less than 12 1-3 cents on the one hundred dollars' worth of property and 37 cents on the poll, the subjects of taxation and levying of taxes to be the same on which the said Board of County Commissioners now or may hereafter 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

Commissioners to levy special tax.

Amount, property and poll

Subjects of taxation.

Taxes, how
applied.

Sinking fund.

Fund to be
invested.

Proviso, bonds
may be purchased.

Roads to be
constructed.

Proviso.

To macadamize
roads.

County commis-
sioners to aid
highway commis-
sion, how.

Convicts

Style of highway
to be constructed.

Superintendent to
be elected.

separate fund applied first to the payment of the interest on said bonds, and, second, to the opening and improvement of public roads under the provisions of the present road law of Guilford County, and, third, to the creation of a sinking fund for the redemption of said bonds. Said sinking fund shall be held by the Board of County Commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof, nor the interest thereon, shall be used for any other purpose. The said Board of County Commissioners shall manage and invest the said fund in their discretion until paid out for the payment and redemption of bonds in the manner specified in this act: *Provided, however,* that said Board of County Commissioners, may, in their discretion, from time to time use any of said sinking fund for the purchase in open market of any bonds issued under the provision of this act.

SEC. 11. That the said Highway Commission shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public highways in the said county, and shall purchase and hold such tools, machinery, implements and stock and employ such overseers, foremen and laborers as they may deem necessary for the said purpose: *Provided further,* the said Highway Commission shall, as soon as practicable purchase not less than three complete outfits for the purpose of macadamizing the highways of said county. The Board of County Commissioners may from time to time put into the custody and control of the Highway Commission such part of the road-making machinery and convict road force of the county as may not be needed for the work of constructing and repairing of public roads under the county road law, and may at any time withdraw from the custody of the Highway Commission all, or any part, of said machinery and convict force. Said convicts, while in the custody and control of said Highway Commission shall be employed in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guarding said convicts while so employed shall be paid out of the fund derived from said bonds.

SEC. 12. That the highways in said county constructed or improved under this act shall not be less than twenty nor more than forty feet wide, at least nine feet of which shall be macadamized as soon as is expedient, and the whole of which shall be as straight as practical, and graded.

SEC. 13. That as soon as the Highway Commission shall deem it necessary they shall elect by ballot a highway Superintendent for said Guilford County, and fix his compensation. The result of said election shall be declared and the result shall be recorded in the proceedings of said Highway Commission. Said person so

elected shall take and subscribe to an oath for the faithful performance of his duties as highway Superintendent, and shall execute an official bond in the sum of two thousand five hundred dollars (\$2,500.00) for the faithful performance of his duties and for accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by said Highway Commission. Said highway Superintendent shall hold his office for two years and until his successor be elected and qualified, except that the said Highway Commissioners may for any good cause remove said highway Superintendent from his office and elect a successor for the unexpired term. Said highway Superintendent shall enter upon his duties and work when and where directed by said Highway Commission, and shall have such authority and perform such duties as may be from time to time determined by said Highway Commission.

Oath, duties and bond of superintendent.

Tenure

SEC. 14. That said Highway Commission shall require the Treasurer of said Commission to account to them twice annually for the said highway fund, and may require as often as deemed best reports from officers and employees concerning their progress in their duties, and to what extent and in what manner they have performed the same.

Treasurer to report semi annually.

SEC. 15. That in opening new highways, widening and straightening old roads and repairing the same, the Highway Commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways, and if the Highway Commission, and the owner or owners of said land can not agree as to the damages, if any, the Highway Commission shall, within sixty days after said highway is completed, cause to have summoned five freeholders, who shall go upon the land and assess damages and benefits under the general road law as it now exists: *Provided further*, that before entering upon lands as authorized by this section it shall be the duty of the Highway Commission to serve notice upon the owner or owners of said land, notifying said owner or owners that the highways are to be located upon such land under the authority of this act.

Eminent domain.

Proviso, notice of entry.

SEC. 16. That the passage of this act shall not repeal the road law in force, applicable to the general working of public roads in said county: *Provided*, that all persons who are required to work under the road law now in force shall not be required to work in direct contact with persons who have been convicted of crime and sentenced to the road: *Provided also*, that the Board of Commissioners of Guilford County shall levy no taxes for road purposes other than provided for in this act.

Present road law not repealed.

Proviso.

Persous working roads.

But one road tax to be levied.

SEC. 17. 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

Physician to be employed.

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.

Compensation of commissioners.

SEC. 18. The said Highway Commission shall be entitled to the same per diem and mileage as the Board of Commissioners of Guilford County.

County commissioners to audit road tax.

SEC. 19. The Board of Commissioners of Guilford County shall audit the accounts of the Sheriff for all taxes levied and collected under this act, and make settlement of the same between said Sheriff and County Treasurer and said Board of County Commissioners, and may institute and prosecute any necessary action for the recovery of any such road taxes in case any officer fails to account for same.

Fraudulent order for money a misdemeanor.

SEC. 20. 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 or more than one hundred dollars: *Provided further*, that the Board of County Commissioners may for good and sufficient cause remove any one, or more, of the Highway Commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Penalty.

Superintendent, failure to perform duties.

Penalty.
Proviso, vacancies

Expenses, how paid.

SEC. 21. 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.

"Highway" defined.

SEC. 22. The term "Highway" in this act shall be understood to mean all public roads designated as such under the provision of section 5 of this act, as distinguished from other public roads in the county.

Commission not to use over \$60,000 in one year.

SEC. 23. The Highway Commission shall not use more than the proceeds from the sale of sixty thousand dollars' worth of bonds in any one year, over and above the amount paid for machinery, implements and stock, except by a two-thirds vote in a joint meeting of the Highway Commission and the County Commissioners.

SEC. 24. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 21st day of February, A. D. 1903.

CHAPTER 167.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CUMBERLAND COUNTY TO ISSUE BONDS FOR THE IMPROVEMENT OF THE PUBLIC ROADS THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, The taxes annually paid by the Atlantic Coast Line Railroad Company to the county of Cumberland, upon its main and branch line and other property located in said county, after paying the annual interest upon the twenty thousand dollars (\$20,000.00) of "Court-House" bonds, which were issued in accordance with chapter 292, Public Laws of North Carolina, session of 1893, and providing an adequate sinking fund for the redemption of said bonds at maturity, and after amply providing for insurance upon and the keeping in repair of the court-house of said county, are amply sufficient to provide for the payment of the annual interest upon, and to create an adequate sinking fund for the redemption of forty thousand dollars (\$40,000.00), five per centum thirty-year bonds at the maturity of such bonds; therefore,

Preamble.

Certain taxes now collected ample for present demands.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of laying out, building and improving the public roads of Cumberland County, and supplying the necessary tools, teams and machinery therefor, the Board of County Commissioners of said county is hereby authorized and empowered to issue bonds of said county to an amount not exceeding the sum of forty thousand dollars (\$40,000.00) of denominations of not less than one hundred (\$100.00) and not more than one thousand dollars (\$1,000.00), bearing interest from the date thereof at a rate not to exceed five per centum per annum, with interest coupons attached, payable semi-annually at such times and place as may be deemed advisable by said Board of County Commissioners, such bonds to be of such form and tenor and transferable in such way and the principal thereof payable thirty years from the date thereof at such place, or places, as said Board may determine: *Provided*, that none of the bonds authorized by this act shall be disposed of either by sale, exchange or otherwise, for a less price than their face value.

Purpose to build roads.

Commissioners to issue bonds.

Amount, shares.

Five per cent interest.

Time to run.

Proviso.

To be sold for par

SEC. 2. That the Board of County Commissioners, at the regular meeting on the first Monday in June in each and every year shall set apart from the taxes that shall be due and annually collected from the Atlantic Coast Line Railroad Company, or any person or corporation owning, using or controlling the railroads or branches thereof, of said company, or other property of said company, in the

Commissioners to set apart certain taxes.

To pay interest on bonds.	county of Cumberland, an amount sufficient to pay the interest on the bonds provided for in this act, as the coupons thereon shall mature, and for the creation of a sinking fund amply sufficient for the final redemption and payment of the said bonds at maturity, to be issued in accordance with the provisions of this act:
Sinking fund.	
Proviso, interest on former issue to be first paid.	<i>Provided</i> , that the said sum shall not be set apart until the annual interest on the bonds issued by the County Commissioners under the provisions of chapter 292 of the Public Laws of North Carolina, session of 1893, and known as the "Court-House" bonds, shall have been provided for as contemplated by the provisions of said act; said sinking fund to be sufficiently large to, with its annual accretions, be amply sufficient to pay said "Court-House" bonds at maturity.
Sheriff to collect tax and pay it over to the treasurer.	SEC. 3. That within five days after the Sheriff or tax collector of said county of Cumberland shall collect the taxes due from the said Atlantic Coast Line Railroad property, as before mentioned, he shall pay the moneys to the County Treasurer of said county and take his receipt therefor, and the County Treasurer shall not use, or permit to be used, for any other purposes than those mentioned in this act, any of the funds authorized to be set apart to pay the interest and create a sinking fund for the redemption of the bonds mentioned in this act, and any Sheriff, or tax collector, failing or refusing to turn over said moneys shall be guilty of a misdemeanor and upon conviction fined, or imprisoned at the discretion of the Court; and the County Treasurer using or permitting to be used, for any other purposes than those mentioned in this act, any of the moneys paid over to him from any of said taxes to meet interest and to create the sinking funds above mentioned, shall be liable on his official bonds, hereinafter provided for, for double the amount so used, or permitted to be used, at the suit of any citizen of Cumberland County, who, in the event of recovery, shall have one-half thereof: <i>Provided</i> , that the sinking funds, and all accretions thereof set apart under the provisions of this act may be invested by the Board of County Commissioners in State, county, municipal or other bonds, or safe securities, bearing interest at not less than three per centum per annum: <i>And provided further</i> , that nothing herein contained shall prevent said Board of County Commissioners from using any surplus derived from said railroad taxes, after amply providing for the payment of the interest upon and the final redemption of the bonds mentioned in this act.
To be applied as specified in the act.	
Failure to turn over funds a misdemeanor.	
Funds to be diverted.	
Penalty.	
Proviso: surplus, how invested.	
Coupons, when payable.	SEC. 4. That the coupons on the forty thousand dollars (\$40,000.00) of bonds provided for in this act, shall be payable on the first days of July and January of each year until the maturity of said bonds, and of the bonds herein provided for the said Board shall not sell exceeding ten thousand dollars (\$10,000.00) in any
Not more than \$10,000 to be sold in one year.	

one year, and at the time of any sale, the coupons for the time which shall have elapsed before said sale is made, provided such time shall exceed six months, shall be clipped from said bonds and destroyed by the Chairman of the Board of County Commissioners in the presence of said Board and a record made thereof, and at the time of sales the purchasers shall pay for the accrued interest on all unmatured coupons.

SEC. 5. That the bonds provided for in this act shall be dated July 1, 1903, and mature July 1, 1933, and 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 said Register of Deeds shall keep a record of the numbers, dates and amount of each, and when and to whom issued, and before any bond is issued the seal of the Superior Court of Cumberland County, known as the county seal, shall be affixed thereto. The coupons attached to the said bonds shall bear a *fac simile* of the signature of the Register of Deeds. The county seal shall not be affixed to more than ten thousand dollars (\$10,000.00) of said bonds in any one year, and the said bonds and the coupons attached thereto shall be invalid until said county seal shall have been affixed to or impressed on said bonds.

Bonds, style of,
how executed.

SEC. 6. The County Treasurer shall be the custodian of all the said bonds until sold, and he shall safely keep the same until disposed of by sale as hereinbefore provided for, and his official bonds shall be liable for the loss of any of the said bonds or the coupons attached thereto. The proceeds from the sale of said bonds shall be paid to the County Treasurer of Cumberland County, who, before receiving such proceeds, shall execute a bond, to be approved by said Board in the sum of at least double the amount of moneys to go into his hands from the sale of said bonds in any one year. Said bond to be given by him shall provide for his safely keeping said unissued bonds and the proceeds of bonds previously sold, and for his safely keeping all the moneys laid aside for interest and redemption funds, until investment shall be made of the same as above provided, and he shall increase said bond from time to time as the said Board may require. The said Treasurer shall receive the same commissions upon receipts and disbursements of said fund as he receives for receiving and disbursing county funds. Said Treasurer shall keep a separate account of the proceeds of the bonds provided for by this act and shall pay out the same only upon scrip ordered by the Board of County Commissioners, signed by the Chairman of said Board and countersigned by the Register of Deeds for Cumberland County.

Treasurer
custodian of bonds,

Proceeds payable
to treasurer.

Official bond.

Commissions of
treasurer.

How disbursed.

SEC. 7. That before the Board of Commissioners of said county shall be authorized to issue the bonds hereinbefore provided for, said Board shall submit to a vote of the qualified voters of Cum-

Question to be
submitted to
voters, when.

berland County, at a special election to be held in said county on the fourth day, being the first Monday, of May, 1903, the question as to whether said bonds shall be issued in accordance with the provisions of this act. Said election shall be held under the rules and regulations provided for the holding of general elections for State and county officers. At said election all qualified voters approving the issuance of bonds as herein provided for, shall deposit in the ballot boxes a slip or ballot containing the printed or written words, "For Public Road Improvements," and those disapproving the issuance of the bonds herein provided for, shall deposit a ballot with the printed or written words, "Against Public Road Improvements." If a majority of the registered voters shall vote for public road improvements, it shall be deemed and held that a majority of the registered qualified voters of Cumberland County are in favor of granting to the Board of County Commissioners of said county authority to issue the bonds authorized by this act, and to provide for the payment of interest and for the laying aside of the sinking fund hereinbefore authorized. But if a majority of the voters shall not vote to issue the bonds hereinbefore provided for, said Commissioners shall not have such authority; but it shall not prevent the Board of Commissioners from ordering the question to be submitted to the qualified voters at any succeeding general or special election held in said county, under the same rules and regulations as hereinbefore provided. It shall be the duty of the election officers of every precinct in the county to certify to the Board of Commissioners direct the result of any election held under this act, and the returns of such election officers, when so certified, shall have all the force and effect provided by the general election laws then in force for similar returns of such officers when made with reference to county and State elections. The Board of County Commissioners shall record in their minutes the election returns so made to it, and shall declare the result of said election in accordance therewith: *Provided*, that for the purpose of ascertaining who are entitled to vote at such election, the registration books of the qualified voters in said county as provided for by the general election laws of the State then in force, shall be used by the election officers selected by the Board of County Commissioners to hold said election. An affirmative vote by a majority of the voters as registered upon the registration books for the last general election, shall be *prima facie* evidence of a majority of the qualified voters of said county. In the event a majority of the qualified voters of said county should not vote in favor of the issuance of said bonds at the election first herein provided for, and at some subsequent election should vote in favor of the issuance of said bonds, then said bonds shall be dated on the first of July after such election shall be held,

Election, how held.

Ballots.

Majority of registered voters.

Failure to authorize bond issue, second election.

Result, how ascertained.

Proviso.

Who entitled to vote.

Majority of registered voters.

Subsequent elections.

or if such election should be held between July and January, then to be dated the first of January after such election, and shall run for thirty years from date and shall otherwise be as herein provided for.

SEC. 8. That section 1, chapter 353, of the Public Laws of North Carolina, session of 1899, entitled "An act to provide for the working of public roads of Cumberland County," shall be and the same is hereby repealed in so far as it conflicts with the provisions of this act: *Provided*, a majority of the qualified voters of Cumberland County shall cast their votes at the election herein provided for, in favor of the bonds provided for in this act.

Section 1, chapter 353, public laws 1899, repealed, when.

SEC. 9. That in the event a majority of the qualified voters of said county shall vote in favor of public road improvements, section 12 of the said chapter 353, Public Laws of North Carolina, session of 1899, shall be thereby repealed together with anything in said chapter which prevents expressly or by implication the Board of Commissioners of said county from employing such paid labor upon the roads of said county as it may deem necessary and proper for the purposes contemplated by this act.

Section 12, chapter 353, public laws 1899, repealed, when.

SEC. 10. Within five days after the ratification of this act it shall be the duty of the Secretary of State to certify it in full, under the great seal of the State, to the Chairman of the Board of Commissioners of Cumberland County. The said Chairman may, in his discretion, at the expense of Cumberland County, publish it in full in one or more issues of some newspaper published in said county.

Secretary of State to certify copy of act.

Chairman of commissioners to publish act.

SEC. 11. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed in so far as they may relate to Cumberland County.

Repealing clause.

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

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1903.

CHAPTER 168.

AN ACT TO APPOINT M. N. AMIS A JUSTICE OF THE PEACE AND TO ALLOW HIM TO PRACTICE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That M. N. Amis be, and he is hereby appointed a Justice of the Peace in Raleigh Township, Wake County, for the term of six years, to begin upon the ratification of this act.

M. N. Amis appointed a justice of the peace.

SEC. 2. That section 27 of The Code shall not apply to the said M. N. Amis: *Provided*, the said Amis shall be subject to the lawyer's license tax provided by law: *And provided further*, that the

Code, section 27.

Amis authorized to practice law.

said Amis shall not appear as attorney in any case which may be appealed from him wherein he presided or took part as a Justice of the Peace.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 169.

AN ACT TO REGULATE PROCESS IN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

Service of process
by publication.

SECTION 1. That whenever it shall be necessary to serve summons, warrant of attachment, or other process by publication, and it shall appear that in order to make publication for the number of weeks required by law, sufficient time will not elapse between the order of publication and the term of Court next succeeding the order, then, in all such cases, it shall not be necessary to make the summons, warrant of attachment, or other process returnable to the term of Court next succeeding, but it shall be lawful for the Judge or Clerk to direct that the summons, warrant of attachment, or other process shall be returnable to such other term of Court, thereafter to be held, as will allow the summons, warrant of attachment, or other process to be published for the number of weeks required by law so that the publication may be completed before the term of Court to which such summons, warrant of attachment, or other process shall be returnable.

Not necessary to
make process
returnable to next
court, when.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 170.

AN ACT TO AMEND CHAPTER 272 OF THE PUBLIC LAWS OF 1901, REGULATING LOCAL OPTION ELECTIONS IN THE TOWN OF BREVARD AND PLACING SAFEGUARDS AROUND THE MANUFACTURE AND SALE OF SPIRITUOUS LIQUORS IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1, chapter
272, public laws
1901, amended,
"one" in lieu of
"twenty."

SECTION 1. Amend section 1 of chapter 272, of the Public Laws of 1901, by striking out the word "twenty" in line eleven thereof and inserting the word "one."

SEC. 2. Amend section 2 of the said chapter by inserting in line 3 thereof, between the word "sickness" and the word "upon," the words, "a licensed liquor dealer in Transylvania County;" and amend the said section further by adding to the end thereof the following: If any person or persons are found in a state of intoxication on the premises of any distiller in Transylvania County it shall be *prima facie* evidence that such distiller furnished said person or persons with spirituous liquors with which to become intoxicated contrary to the provisions of this act.

Section 2 amended.

Licensed dealer.

Prima facie evidence of distiller's guilt if found intoxicated on premises.

SEC. 3. Amend section 3 of the said chapter by adding to the end thereof the following: *Provided further*, that this section shall not be constructed to prevent the delivery of such liquors as are herein enumerated to any dispensary or any regular licensed dealer in the town of Brevard in said county.

Section 3 amended.

Proviso.

Dispensaries and licensed dealers exempt.

SEC. 4. Amend section 4 of the said act by inserting between the word "druggist" and the word "who," in the first line thereof, the words "or liquor dealer."

Section 4 amended.

Liquor dealer inserted.

SEC. 5. Amend the said chapter by striking out section 8 of the same, and inserting in lieu thereof the following: That, upon petition of one-fourth of the qualified voters of the town of Brevard, the Board of Aldermen of the said town are directed to call an election for the purpose of deciding the question as to whether there shall be a bar room or a dispensary in the said town of Brevard. If such an election shall be called in the said town, there shall be notice given in some newspaper published in the said town, if there be one, and if there be no such paper, then by posters at the court-house and at four other public places in the said town, which notice shall give the purposes of the election, the time of holding the same, and as to whether the call is for a bar room or a dispensary. If the call, as aforesaid, shall be for a bar room, then those who are in favor of a bar room will vote a ticket with the word "License," either written or printed upon the same, and those who are opposed to the bar room will vote a ticket with "No License" either written or printed upon the same, and if a majority of the votes cast shall be in favor of license, then it will be the duty of the said Board of Aldermen to issue license for the sale of spirituous, vinous and malt liquors in the said town of Brevard to any suitable person who shall apply for the same: *Provided*, that such person shall pay all taxes due the county and State, as required by the general law, and a tax to the said town of Brevard, to be fixed by the Board of Aldermen, but in no event less than \$500, and not more than \$1,200, per annum, to the said town, to be paid quarterly in advance. But if a majority of the votes cast at such election shall be "No License," then it shall be unlawful for any liquor to be sold in the said town. If the said call shall be for a dispensary, then

Section 8 repealed.

New section.

Election to be called upon petition of one-fourth voters. Purpose of election.

Notice of election.

Ballots.

Aldermen to issue license, when.

Proviso."

Taxes required, amount.

If majority favor no licenses.

Dispensary election.	those who are in favor of a dispensary will vote a ticket on which shall be written or printed the words "For Dispensary," and those opposed to a dispensary shall cast a ticket on which shall be written or printed the words "No Dispensary," and if there shall be a majority of votes cast in favor of a dispensary, then it will be lawful to sell spirituous, vinous and malt liquor in the said town of Brevard, under the rules and regulations hereinafter set out; but if a majority of the said votes cast shall be against dispensary, then, and in that event, there shall be no dispensary in the said town of Brevard: <i>Provided</i> , that such election shall not be held oftener than every two years for either one of the above purposes.
Ballots.	
Proviso: election every two years.	
Aldermen to establish dispensary.	SEC. 6. That in case the majority of the votes cast shall be for dispensary, as provided in section 5 of this act, then the Board of Aldermen of the town of Brevard shall establish a dispensary in the said town, on one of its principal streets; shall elect a manager for said dispensary, who shall be a man of good character and sobriety, who shall have charge of the same, under the provision of the said Board, and who shall hold said position of manager at the pleasure of the said Board of Aldermen, subject to be discharged at any time. The said Board of Aldermen may appoint such assistance of clerks as they may deem necessary, and may discharge them at pleasure, without notice. The said manager shall be required to give bond, payable to the town of Brevard, in such sum or sums as the Board of Aldermen may determine, not less than \$1,000, conditioned upon the proper accounting for all moneys which may come into his hands as such manager, and for the faithful performance of the duties of his office of manager, as prescribed in this act, and the rules and regulations of the said Board of Aldermen, and the said manager shall receive such salary or compensation as may be fixed by the said Board of Aldermen, which shall not exceed fifty dollars per month, and shall never depend upon the amount of sales. The said Board may likewise require bonds, payable as aforesaid, and in such amounts as may be deemed proper for such clerks or assistants as they may employ.
Manager of dispensary.	
Manager to give bond.	
Dispensary, how operated.	
Compensation of manager	
Manager to pay over money, when,	SEC. 7. The manager of the said dispensary shall, on Monday of each week, pay to the Treasurer of the town of Brevard all moneys which he may hold, as such manager, and shall keep a strict account of all liquors received by him, the amount sold, and the amount on hand; and the said Treasurer shall hold and disburse all the funds coming from the said dispensary, and after paying expenses, and after reserving such a sum as the Board of Aldermen may deem necessary to carry on the dispensary, shall, on the first day of January and the first day of July of each and ever year, pay over twenty-five per cent out of the profit of the said dispensary to the Treasurer of the Board of Education, for
Account to be kept.	
Disposition of funds.	

the public schools of Transylvania County; and twenty-five per cent of the same to the managers of the graded school or schools for the said town, if there be such graded schools, and if there be no graded schools in the said town, the said amount which would have been paid over for the benefit of the graded schools will be paid over to the Treasurer of the Board of Education of Transylvania County for the benefit of the public schools of the said county.

SEC. 8. No liquor of any kind shall be sold in the said dispensary on Sunday or election days, and said dispensary shall never be open, or liquor sold therein, before sunrise or after sunset on any day. The price at which such liquor shall be sold, shall be fixed by the Board of Aldermen of the said town: *Provided*, all sales shall be for cash, and no liquor shall be sold in said dispensary except in unbroken packages or bottles, which shall contain not less than one-half pint and not more than one quart; and such packages and bottles shall be sealed in such manner and way as may be prescribed by the Board of Aldermen in rules governing the management of such dispensary. And it shall be unlawful for the manager or any other person to open any such package or bottle on the premises; and the said manager shall not allow loafing, loitering or drinking on the said premises; and any person drinking liquor on the premises, and any person refusing or failing to leave such premises after being ordered to do so by the manager, shall be guilty of a misdemeanor, and fined or imprisoned in the discretion of the Court.

Liquors, when not to be sold.

Price to be fixed by aldermen.

Amounts in which to be retailed.

Not to be drunk on premises.

A misdemeanor, penalty.

SEC. 9. That it shall be unlawful for any person or persons, firm or corporations, to sell liquor in the town of Brevard, except as is provided in this act, and any person, corporation or firm violating the provisions of this act, shall be guilty of a misdemeanor, and fined or imprisoned in the discretion of the Court: *Provided*, that the agent of the purchaser of the liquor, where the sale of the same is illegal, shall be guilty of a misdemeanor, and shall be subject to the same penalty as if he had acted in such case as the agent of the seller, and subject to the same punishment: *Provided further*, the place of the delivery of the same shall be construed to be the place of the sale.

Unlawful to sell liquors, where.

A misdemeanor, penalty.

Anti-jug law.

SEC. 10. That in case a bar room is established in the town of Brevard, by vote of the people, it shall be unlawful for such bar room to be open, or any liquor sold or drunk therein, or removed therefrom, on Sunday, days of election, or before sunrise or after sunset of any day.

If bar-room established.

How regulated.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 12. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 171.

AN ACT TO FORM A SPECIAL PUBLIC SCHOOL DISTRICT FROM PARTS OF CUMBERLAND AND ROBESON COUNTIES, TO BE KNOWN AS PIKE DISTRICT.

The General Assembly of North Carolina do enact:

Public school district created.

Name.

Boundaries.

Under control of school board of Cumberland county.

SECTION 1. That a new public school district be, and the same is hereby formed, from parts of Cumberland and Robeson counties, to be known as Pike District, bounded as follows: Beginning in the corner of Robeson and Cumberland counties, at the turnpike bridge on Lumber River, and runs down said river one mile to the junction of Buffalo Creek, thence north up said creek to the old Buffalo Mill four miles, thence west to Mountain Creek three miles, thence down said creek to the junction with Lumber River one mile, thence down said river to the beginning three miles.

SEC. 2. That the control and management of the said school shall be under the exclusive authority of the School Board of Cumberland County.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 172.

AN ACT TO FIX THE TIME FOR LEVYING AND COLLECTING TAXES IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Tax collector authorized to levy and sell personal property, when and how.

Real property, when to be levied on and sold.

Repealing clause.

Prior and past legislation rendered ineffectual.

SECTION 1. That the Tax Collector of Buncombe County be, and he is hereby, authorized and empowered to levy upon and sell, after the first day of November of each and every year, personal property, for taxes due said county and State, but only in the manner provided by law for the collection of taxes.

SEC. 2. That said Tax Collector be, and is hereby, authorized and empowered to levy upon and sell, after the first day of March of each and every year, real estate for taxes due said State and county, but only after the notice and in the manner provided by law for the collection of taxes.

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

SEC. 4. That no law passed at the present session of the General Assembly shall have the effect of repealing by implication any of the provisions of this act.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 173.

AN ACT FOR THE BETTER WORKING OF THE PUBLIC ROADS AND HIGHWAYS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Columbus County, in order to provide for the proper construction, improvement and maintenance of the public roads of the county, are hereby authorized, at their regular meeting in June, 1903, and at each regular meeting thereafter annually, to levy a special tax on all property subject to taxation under the State law in said county, of not less than five cents and not more than twenty cents on the hundred dollars worth of property, and not less than fifteen cents and not greater than sixty cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as 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, to purchase such material, implements, teams, wagons, camp outfits, quarters, stockade, or other necessary things determined by the Board of County Commissioners, including the employment of such additional labor as may be necessary, in the judgment of the County Commissioners: *Provided, however,* that the moneys raised under this section shall be, as far as possible, used for permanent improvements.

Commissioners to levy tax, purposes of.

Amount, property and poll.

How expended.

Proviso. Permanent improvement.

Superintendent of roads to be elected, when.

SEC. 2. That there may be elected by the Board of County Commissioners, at their discretion, at their regular meeting in June, 1903, and annually thereafter, a superintendent of roads, who shall be under the direct supervision of the County Commissioners, in charge of all road work, and the Commissioners shall have the power and authority to remove him at any time for good and sufficient reasons. They shall regulate his salary and that of his assistants, should they be required at any time.

SEC. 3. That the Judges of the Superior Court are hereby authorized to sentence convicts to the public roads of Columbus County, in lieu of the penitentiary, for all minor crimes, and they shall, when requested to do so by the Board of Commissioners, sentence those from Columbus County to the public roads of said county.

Convicts to be worked on public roads.

Convicts and
citizens not to be
worked together.

SEC. 4. That the convicts herein provided for working the roads of Columbus County shall not be worked together with the citizens under the general road law of the State, which is not repealed by this act, and that this act shall be an amendment to and in addition to the general road law.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 174.

AN ACT TO AMEND CHAPTER 437, PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

Chapter 437, Public Laws, 1901, amended in regard to ducks and snipes.

SECTION 1. That chapter 437 of the Public Laws of North Carolina, session of 1901, be, and the same is hereby, amended by striking out the words "ducks" and "snipes," in line six of section two of said chapter; also, by striking out the words "February fifteenth," at the end of said section, and insert in lieu thereof the words "April first."

Time changed.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 175.

AN ACT TO PREVENT FAST DRIVING OVER ROQUIST CREEK BRIDGE, BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to trot
horses over
Roquist bridge.

SECTION 1. That it shall be unlawful for any person or persons to trot or run their horses over Roquist bridge, on road leading from Quitsna to Windsor, in Bertie County.

A misdemeanor.

SEC. 2. Any person or persons violating this act shall be guilty of a misdemeanor.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 176.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the Justices of the Peace of each township in the county of Cherokee shall meet at some place in their respective townships on the first Saturday in May, 1903, and annually thereafter, and elect three of their members as Supervisors of Public Roads; that said Justices of the Peace so elected shall have the supervision and control of the public roads in their respective townships. They shall, with respect to this work, constitute and be styled the "Board of Supervisors of Public Roads" of such township, and under that name, and for the purposes aforesaid, they are hereby incorporated the "Board of Supervisors of Public Roads."

Justices of the Peace to meet first Saturday in May, 1903.

To elect supervisor.

Powers.

Name.

Incorporated.

SEC. 2. That the Board of Supervisors of Public Roads shall meet at some place in their respective townships, to be agreed upon by themselves, or in the absence of such agreement to be made by their chairman, on the first Saturday in May, 1903, and on the fourth Saturday in September, 1903, and annually on said days in each year thereafter, for the purpose of looking after the public roads of their townships, and they may hold such other meetings as they may deem necessary. They shall, at their first meeting, held on the first Saturday in May, 1903, and annually thereafter, elect from their body a chairman and a clerk, and said clerk shall keep a record of the proceedings of the Board, and shall have charge of the books and papers of the Board, and issue all orders.

Board, when to meet.

Purpose of meeting.

First meeting.

Elect a chairman and clerk.

SEC. 3. They shall, at said meeting held on the first Saturday of May, 1903, and as often thereafter as may be necessary, divide the public roads of their townships into sections, and appoint an overseer for each section, and at the same time assign hands to work said sections under the directions of the overseer of said road; they shall also classify the public roads of their township, as first class, second class and third class roads. First class roads shall be sixteen feet wide, second class roads twelve feet wide, and third class ten feet wide, except in deep cuts, or where this is impracticable on account of solid rock, when each class may be two feet narrower.

Roads to be divided into sections.

Hands and overseers assigned.

Classes defined.

SEC. 4. All roads that have been laid out or appointed by virtue of any act of Assembly, or any order of Court, and which have not been discontinued, or that may hereafter be laid out by the Board of County Commissioners, are hereby declared to be public roads.

What declared public roads

Overseers, their duties

SEC. 5. That each overseer shall keep his section of road in good repair, clear of trees, logs and other obstructions to the passage of ordinary vehicles, and well drained by ditches wherever necessary, and he shall keep the bridges on his section in good repair, except such bridges as are kept up by the County Commissioners, and he shall provide footways across streams along his section wherever necessary; and any overseer failing to keep his road in good repair for a period of ten days, unless in case of extreme bad weather, or who shall fail or refuse to serve after having been appointed overseer, or failing to perform any other duty herein required, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than ten dollars, or imprisoned not more than ten days, in the discretion of the Court.

Failure to keep road in repair.

Penalty.

Who liable for road duty.

SEC. 6. All able-bodied males of the age of eighteen years and under forty-five years of age, residing in the county, shall be subject and required to work upon the public roads; except, however, the Board of Supervisors, and such persons as may be released by the County Commissioners on account of both poverty and infirmity: *Provided*, that if any hand shall furnish an able-bodied substitute, or shall pay to the overseer seventy-five cents, on or before twelve o'clock of the day preceding that on which he is required to work, for each day so required to work, in either case he shall be excused.

Exceptions

Seventy-five cents in lieu.

Days required, not more than 12 nor less than 3.

SEC. 7. No person shall be required to work more than twelve (12) days in any year, nor more than three (3) days in succession, and at least fifteen days shall intervene between each working unless in case of damage to the road by storm or other contingency.

Notice.

Tools.

Number of hours for work.

Misdemeanor.

Penalty.

Overseer to prosecute.

Fines, disposition of.

SEC. 8. The overseer shall warn each hand at least two days before each working by personal or written notice, stating the time, place, kind of tool required, and the number of days required to work. Written notice may be left at the place of residence of the person, and shall constitute legal notice. For the purposes of this act, not more than ten (10) nor less than seven (7) hours shall constitute a day's work. Any person, after being duly warned, who shall fail to appear and work, or furnish an able-bodied substitute, or pay the seventy-five cents for each day, shall be guilty of a misdemeanor, and, on conviction, shall forfeit and pay two dollars for each day he so failed to work, and all costs, or shall be imprisoned not more than ten nor less than five days. It shall be the duty of the overseer to prosecute all persons who fail to work or pay the seventy-five cents as herein provided, and the Justices of the Peace shall have jurisdiction under this section.

SEC. 9. All moneys collected by overseers in lieu of work shall be expended by them for the improvement of their roads.

SEC. 10. Overseers shall cause their roads to be measured and sign boards to be placed at the forks or crossing of all roads, showing the distance in miles to the most important place to which they lead. Sign boards.

SEC. 11. Each overseer shall make a written report to the Board of Supervisors at each regular meeting of said Board, stating the number of days he has worked his roads since the last meeting of said Board, and the number of days worked by each hand, and whether any hand has failed to work after being legally warned, or to pay seventy-five cents for each day in lieu of work; and whether said delinquent person or persons have been prosecuted or not, and if it shall appear that any delinquent person or persons have not been prosecuted, it shall be the duty of said Board, or any one of them, to issue a warrant and put such person or persons on trial for said offence; the overseer shall also, in said report, state whether any moneys have been secured by him in lieu of work, and if so, how the same have been expended; said reports shall be signed and sworn to before some person qualified to administer oaths. Report by overseers to be in writing.

SEC. 12. Any overseer may resign at the end of one year from his appointment: *Provided*, his road is in good repair, and the Board of Supervisors shall so find, and if such resignation shall be accepted, such overseer shall not be required to serve again within two years. What to set forth.

SEC. 13. When any of the public roads of the county shall be damaged by any person, company or firm operating any saw mill, lumber yard or other works, by reason of hauling logs, lumber or other material over said roads, or the bridges thereof, which damage the ordinary labor of the road hands is not adequate to repair, the township supervisors, or any one of them, shall give a written notice to such person, company or firm, or contractor, or their agent or employees, to repair the same, and if said person, company, firm or contractor, or their agent, shall fail to repair said road or bridge or bridges so damaged by them, within fifteen days from receipt of such notice, shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than fifty dollars or imprisoned not more than thirty days. Duty of board.

SEC. 14. All orders of the Board of Supervisors shall be served by the township constable within ten days from the receipt of the same, and for the purpose of receiving said notice or orders, he shall call on the clerk of said Board within three days after each regular meeting; said orders shall be served by delivering a copy to the person, or by leaving it at his or their usual place of abode, and returning a copy showing the date of execution, to the Board of Supervisors, and for this purpose said Board shall furnish said constable with two copies: *Provided, however*, that Reports to be signed and verified.

Resignation of overseer.
Proviso.

Roads damaged by persons or corporations.

Misdemeanor.
Penalty.

Orders of board, how served and returned.

Proviso.

Powers of Board to serve.

County to pay costs.

Proviso.

Fee 30 cents.

Board to inspect roads during March, July and October.

Report to Clerk of Superior Court

Solicitor to investigate.

Failure by Board or Justices of the Peace.

Misdemeanor.

Penalty.

Repairing roads.

Overseers authorized to enter adjacent lands.

Trees, sand and stone to be taken.

Ditches to be opened.

Misdemeanor to obstruct.

Proviso in regard to ditches.

Authority given County Commissioners by chapter 50, Code, retained.

The same made a part of this act.

Church, mill and cartways, Code.

County Commissioners may levy special tax.

5 cents to 15 cents on the \$100.

15 cents to 45 cents on the poll.

the delivery of any order or notice to any person by any member of the Board of Supervisors shall be a legal service of the same, or said Board may depute some one to serve the same in case there is no constable in the township, or the same may be served by the Sheriff. The county shall pay all cost of serving such orders and notices: *Provided, however*, that the fee for serving orders on overseers shall be thirty cents each.

SEC. 15. The Board of Supervisors shall inspect the roads of their township during the months of March, July and October in each year, and shall report the condition of each section with the name of overseer to the Clerk of the Superior Court on or before the first Monday of the term of Superior Court first held thereafter, and the Clerk of the Superior Court shall furnish said reports to the Solicitor, whose duty it shall be to inquire into the matter. That any Board of Supervisors or Justices of the Peace who shall neglect or refuse to perform each and every duty enjoined by this act shall be guilty of a misdemeanor, and punished in the discretion of the Court, and it is hereby made the duty of the Solicitor to prosecute the said offenses.

SEC. 16. That for the purpose of repairing roads, overseers are hereby authorized to enter upon any uncultivated land near or adjoining such road, to cut and carry away timber, except trees or groves in improved land planted or left for ornamental purposes, to dig or cause to be dug and carry away any sand, gravel, stone or earth which may be necessary to make or improve said road, and to enter on any lands adjoining or near the road to make such ditches as he may deem necessary for the benefit of said road, doing as little injury to said land as possible, and the drain and ditches so made shall be kept open by the overseer, and any person obstructing the same shall be guilty of a misdemeanor and fined in the discretion of the Court: *Provided, however*, that the owner of the land may change any ditch through his land at his own expense and without injury to the road.

SEC. 17. All authority vested in the Board of County Commissioners by virtue of chapter fifty of The Code, shall be retained by them, and the same is made a part of this act in so far as related thereto; also that the Board of Supervisors shall have authority to lay out cartways, church and mill roads, and to discontinue the same, in manner and way as provided in sections 2023, 2056, 2057, 2062, 2063 and 2064 of The Code, which sections are made a part of this act.

SEC. 18. That the County Commissioners of Cherokee County may, and they are hereby authorized, to levy a special tax annually of not less than five (5) cents nor more than fifteen (15) cents on each one hundred dollars worth of property, and not less than fifteen nor more than forty-five cents on each poll, for road

and bridge purposes, to be faithfully applied as a supplement to the labor herein required; and if said tax shall be so levied, the amount of money collected each year under this act shall be in addition to the ordinary levy for county purposes, and shall be kept by the Treasurer of said county separate and distinct from all moneys in his hands, and shall be held and deemed a special tax, and faithfully applied to the building of bridges and grading, making and keeping in repair the public roads of Cherokee County: *Provided*, that no more of said fund shall be expended on the roads and bridges of any one township in any year than the amount of taxes so levied and collected, in such township for said year, or the preceding year, as the case may be.

Levy for road purposes.

How applied.

Proviso.

SEC. 19. That the County Commissioners of Cherokee County, with the advice and consent of the Board of Supervisors of Roads in the respective townships, are hereby authorized to make any and all contracts in relation to the improvement of any road, or part of road, that they may deem necessary to make with the tax money arising under this act, taking care that the money should be placed on those roads, or parts of roads, most essential to public necessity and convenience in each township. They are also authorized to let the contract to improve such roads or parts of roads, or bridges, to the lowest responsible bidder, or otherwise, as they may deem best, and to require bond with good and sufficient surety in double the amount of any contract so let by them, conditioned for the faithful performance of such contract by the contractor. And if the contractor shall faithfully comply with his contract, the Commissioners shall pay him by issuing an order on the County Treasurer, and the County Treasurer shall pay the same. The Commissioners shall require all contracts so let to be faithfully performed before paying for the same, and the failure on the part of the County Commissioners faithfully to carry out the requirements of this act, in so far as it (is) herein made their duty so to do, shall render them guilty of a misdemeanor, and subject to be fined at the discretion of the Court. They may also furnish blasting material and necessary tools to the Board of Supervisors of any township on the request of such Board, for use on the roads of their township, if they may deem the same needful and proper, and pay for the same out of the road fund of such township.

County Commissioners and supervisors to make contracts.

What roads to be worked.

Lowest bidder to secure contract.

Contractor to give bond.

How contractor paid

Failure of county commissioners to perform contract. Misdemeanor.

Supervisors to be furnished material.

How paid for.

SEC. 20. That the Secretary of State shall cause to be published and furnished to the Register of Deeds of Cherokee County, on or before the first day of May in the present year, at least two hundred copies of this act for distribution among the magistrates and overseers.

Secretary of State to furnish copy.

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

Repealing clause.

To apply only to Cherokee County.

SEC. 22. That this act shall apply only to the county of Cherokee.

SEC. 23. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this.... day of February, A. D. 1903.

CHAPTER 177.

AN ACT TO REGULATE THE TERMS OF THE SUPERIOR COURT OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Terms of Superior Court Mecklenburg county changed.

SECTION 1. That there shall be held in the county of Mecklenburg the following terms of the Superior Court, which shall be for the trial of criminal actions only, viz.:

Two weeks terms.

On the third Monday before the first Monday in March, and on the third Monday before the first Monday in September, each of said terms to continue for two weeks; also on the seventh Monday after the first Monday in March, on the thirteenth Monday after the first Monday in March, on the third Monday after the first Monday in September, and on the thirteenth Monday after the first Monday in September, each of said terms to continue for one week.

One week terms.

Civil actions, when to be heard.

SEC. 2. That there shall be held in the said county the following terms of the Superior Court for the trial of civil actions only, viz.: On the seventh Monday before the first Monday in March, on the first Monday after the first Monday in March, on the seventh Monday before the first Monday in September, each of said terms to continue for two weeks; also, on the eighth Monday after the first Monday in March, on the fourteenth Monday after the first Monday in March, on the twelfth Monday after the first Monday in September, each of said terms to continue for one week; also, on the fourth Monday after the first Monday in September, to continue for three weeks.

No civil process returnable at criminal terms.

SEC. 3. That no process nor other writ of any kind, pertaining to civil actions, shall be made returnable to any of the criminal terms, and no business pertaining to civil actions shall be transacted at the criminal terms.

Grand juries, when to be drawn.

SEC. 4. At the first fall and spring terms of the criminal Courts held for each year, grand juries shall be drawn, and the presiding Judge shall charge them as provided by law, and such grand juries shall serve during the remaining fall and spring terms respectively.

Repealing clause.

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

SEC. 6. That this act shall be in force from and after the first day of May, 1903: *Provided, however,* that the grand jury for the spring term of the Criminal Court as now constituted shall serve during the term of the Criminal Court to be held under the provisions of this act on the thirteenth Monday after the first Monday of March, 1903.

When effective.

Present grand jury to continue.

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 178.

AN ACT IN REFERENCE TO THE PERMANENT ROLL OF REGISTERED VOTERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the books containing the permanent roll of registered voters, sent to the office of the Secretary of State by the Clerks of the Courts of the several counties, shall be and constitute the "Permanent Roll of Registered Voters," required by chapter 550, Public Laws 1901, to be kept in the office of the Secretary of State, and such books shall be deemed a full and complete compliance with the requirements of said chapter and section.

Books now in Secretary State's office deemed permanent roll.

SEC. 2. That it shall be the duty of the several Clerks of the Court, within thirty days after the close of each registration hereafter to be held, to forward to the Secretary of State the names of all persons registering under Article VI, section 4, of the Constitution of North Carolina, as required by chapter 550 of the Public Laws of 1901, and it shall be the duty of the Secretary of State to record such names in the "Permanent Roll of Registered Voters" for the several counties.

Clerks of court to send new registration to Secretary of State, when.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 179.

AN ACT TO AMEND SECTION 839, VOLUME ONE, OF THE CODE.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight hundred and thirty-nine (839) of The Code be, and the same is hereby, amended as follows: After the word "Court," and before the word "Provided," in line

Section 839 Code, amended.

Provide

seventeen (17), add the following: "*Provided, however, that in cases of appeal to the Superior Court from said judgment so docketed, when judgment is rendered in the Superior Court on such appeal, the lien acquired by the docketing of such Justice's judgment shall merge into the judgment of the Superior Court, and continue as a lien from the date of the docketing of said Justice's judgment, and be superior to any other judgment docketed subsequent to the date of the Justice's judgment (prior attachment liens and judgment on same excepted), and the Clerk of the Superior Court shall carry forward and tax into the judgment of the Superior Court all costs incurred in the Justice's Court, including transcript and docketing, as well as all costs incurred in the Superior Court, and shall issue execution only on the judgment rendered in the Superior Court, and not upon the Justice's judgment. And when judgment is rendered in the Superior Court, it shall be the duty of the Clerk to enter upon the page of the judgment docket where the justice's judgment is docketed as follows: 'Judgment in Superior Court, day of, see Judgment Docket, page,' date same and sign same as Clerk: *Provided further, that when the judgment of the Superior Court is satisfied, it shall be a satisfaction of the Justice's judgment, and the Clerk shall so note such satisfaction on the record of the Justice's judgment.*"*

Lien required by docketing judgment merged.

A prior lien.

Court cost carried forward.

Execution, when to issue.

Entry to be made by clerk.

Satisfaction of judgment.

To what judgments applicable.

When effective

SEC. 2. This act shall not apply to judgments docketed prior to April 1, 1903.

SEC. 3. This act shall take effect from and after the first day of April, 1903.

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 180.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE PUBLIC ROADS OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Commissioners at June meeting to levy tax for road purposes.

Roxboro Township excepted.

SECTION 1. That the Board of Commissioners of Person County shall, in order to provide from the improvement and maintenance of the public roads of said county, at their regular meeting in June, nineteen hundred and three, 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 in each and every township in said county, except Roxboro Township, of not less than fifteen cents, nor greater than twenty-five cents on the one hundred dollars worth of property, and not less than forty-five

<p>cents nor greater than seventy-five cents on the poll, and in Roxboro Township, at the time aforesaid, the said Commissioners shall levy a special tax, and it is hereby made their duty to do so, on all property subject to taxation in said Roxboro Township, in said county, of twenty-five cents on the one hundred dollars worth of property, and seventy-five cents on the poll, the constitutional equation at all times to be observed, said taxes to be collected as 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 said county, the purchase of such material, implements, teams, wagons, camp outfits or stockades for the use of and safe keeping of the convict force hereinafter provided for, and for the employment of such additional labor as may be deemed necessary: <i>Provided, however</i>, that the moneys raised under this section shall, as far as possible, be used for permanent road improvement.</p>	<p>Amount of tax, property and poll.</p>
<p>SEC. 2. That there shall hereafter be elected by the Board of County Commissioners, at their regular meeting in August, 1903, and at their regular meeting in August 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: <i>Provided</i>, that the said superintendent of roads may, at any time, be removed by the Board of County Commissioners, after having been given ten days' notice and a hearing, when, in the opinion of the Board, there exists good and sufficient cause for such action; and for malfeasance or misconduct in office, he may be removed by them without further notice than may be necessary in order to give him a hearing. It shall be the duty of said superintendent of roads, subject to the approval of the Board of County Commissioners, to supervise, direct and have charge of the maintenance 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 money expended, and he shall submit quarterly a report on the condition of the public roads and bridges, and plans for their improvements, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipments on hand. Said road superintendent, before entering upon the duties of his office, shall deposit with the Board of County Commissioners a good and lawful bond, to be approved by the said Board of Commissioners, for the sum of two thousand (\$2,000) dollars, as a guarantee of the faithful and honest discharge of the duties of his office, which bond</p>	<p>Special tax for Roxboro Township.</p>
	<p>Amount, property and poll.</p>
	<p>Purpose of tax.</p>
	<p>Proviso.</p>
	<p>Permanent improvement.</p>
	<p>Superintendent of roads, when and where elected.</p>
	<p>Proviso.</p>
	<p>Removal from office</p>
	<p>Duty of superintendent.</p>
	<p>Report to be made.</p>
	<p>Official bond required.</p>

Vacancy.	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 death or resignation or removal of said road superintendent, it shall be the duty of the County Commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office at the discretion of said Board of County Commissioners, or until the regular August meeting of said Board, and until his successor has been elected and qualified.
Guards for convicts.	SEC. 3. That the Board of County Commissioners, or the road superintendent, subject to the approval of said Board, shall appoint, with power at any time to remove or discontinue, such guards as may be needed to take charge of the convict force, and also four or more persons in each township of the county, to be known as township supervisors 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. 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.
Township supervisors.	
Compensation of.	
Who liable for road duty.	SEC. 4. That all able-bodied male persons of the county between the ages of twenty-one and forty-five years, except residents of incorporated cities and towns, shall work on the public roads of said county for four days in each and every year, at such time and place, and in such manner as may be designated by the road superintendent or township supervisor: <i>Provided</i> , that the said superintendent or supervisor in each township shall give to each person of his township who is subject to road duty at least three days' notice, by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place when and where such work is to be performed, and also designating in such notice the tool and implement with which such person shall be required to work:
Proviso, notice how given.	<i>Provided further</i> , that in case of washout or other unexpected obstruction to travel, the three days' notice shall not be necessary, and any person liable to road duty in the township in which such obstruction to travel may occur, shall, upon being properly summoned by said superintendent or supervisor of roads, respond to such summons with reasonable promptness: <i>Provided further</i> , that any person may, in lieu of working four days on the public roads, pay, on or before the first day of August, 1903, and on or before the first day of August of each year thereafter, to the
Proviso.	
In cases of emergencies.	
Proviso.	

- County Treasurer or road superintendent, the sum of three dollars, and it shall be the duty of said Treasurer or road superintendent, upon receipt of said money, or any part thereof, to issue to such person a receipt for the same, stating in such receipt the amount and the year for which the same is paid. All moneys paid to the said road superintendent as provided for in this act shall, within thirty days after being received by him, be turned over to the County Treasurer, and credited to the road fund of the township from which the same was paid, and the same shall be expended in the improvement of the roads in that township from which it was paid. If the road superintendent fails to turn over to the County Treasurer money so collected within fifteen days, he shall be guilty of a misdemeanor: *Provided*, that no person liable for road duty under this section shall be required to work 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.
- 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 three dollars), or any person who shall appear as notified and fail or refuse to perform good and reasonable labor as required by the said superintendent or supervisor, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two nor more than five dollars, or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.
- SEC. 6. That proper implements and tools for use in working the public roads of the county, as provided in section four of this act, may be supplied by the County Road Superintendent, and shall be paid for out of the road fund of the townships in which the said implements or tools are to be used: *Provided*, that until the County Road Superintendent shall be able to supply the necessary implements and tools, he may, and he is hereby empowered to, compel any and all persons working on the public roads of the county to provide themselves with such implements as are commonly used while working on said roads, as the superintendent or supervisor may designate in his notice or summons as being necessary.
- SEC. 7. That on the first day of April, nineteen hundred and three, and on the first day of April of each succeeding year, or oftener if required to do so by said superintendent of roads, the township supervisor of roads in each township of the county shall furnish, through the County Road Superintendent, to the Treasurer of the county, a complete list of names of all persons

Three dollars in lieu of road duty.

Funds, how applied.

Failure to turn over fund a misdemeanor.

Only compelled to work in Township of residence.

Failure to work after notice.

Penalty.

Implements and tools.

Proviso.

Temporary implements.

Complete roster of persons liable for road duty to be made April 1st each year.

liable for road duty in the township in which he resides. Said Treasurer of the county, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of three dollars, as provided in section four of this act, and shall, within fifteen days, and as often thereafter as may be necessary, furnish to the County Road Superintendent a correct revised list of all persons liable for road duty in each said township for the year. A list of such persons liable to road duty in each township who have during the year failed to work on the public roads after having been duly notified to pay as provided for in section four of this act, shall immediately be submitted by the County Road Superintendent of township supervisor to a Justice of the Peace in the township in which such persons reside, and it shall be the duty of said Justice of the Peace to immediately issue his warrant for such persons, and proceed against them according to law: *Provided, however*, that the defaulting party may be prosecuted at any time and by any citizen of the county.

Persons having failed to work

How punished.

Prisoners in county jail to be worked on road.

Proviso.

Convicts to be changed with adjoining counties.

Convicts, how maintained.

Proviso.

Convicts exempt.

Convicts from adjoining counties to be procured, how.

SEC. 8. That all prisoners confined in the county jail under a final sentence of the Court for crime or imprisonment for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any Court in said county for nonpayment of costs, and all persons sentenced in said county to the State Prison for a term less than ten years, shall be worked on the public roads of the county: *Provided*, that the Commissioners of the county may arrange with the Commissioners of any neighboring county or counties for such an exchange of prisoners during alternate months or years as will enable each such co-operating county to thereby increase the number of prisoners at work on its public roads at any given time. And upon application of the said road superintendent of the county, or that of the Chairman of the Board of County Commissioners, the Judge of the Superior Court or the Judge of the Criminal Court, the Justice 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 municipal officer to assign such persons convicted in his Court to said road superintendent for work on the public roads of said county; all such convicts to be fed, clothed and otherwise cared for at the expense of the county: *Provided further*, that in case of serious physical disability, certified to by the county physician, persons convicted in said Superior, Criminal or inferior Courts in the county may be sentenced to the penitentiary or to the county jail.

SEC. 9. That when the Commissioners of Person County shall have made provision for the expense of supporting and guarding

while at work on the public roads a larger number of prisoners than can be supplied from that county, upon the application of the Commissioners of said county to the Judge of the Superior or Criminal Courts presiding in adjoining counties, or any other county or counties in the same or adjoining Judicial Districts, which do not otherwise provide for the working of their own convicts on their own public roads may sentence such able-bodied male prisoners, as are described in section eight of this act, from such adjoining counties or other counties in the same or adjoining Judicial Districts, to work on the public roads of said county or counties applying for the same, in the order of their application; and the cost of transporting, guarding and maintaining such prisoners as may be sent to any such county applying for the same shall be paid by the county applying for and receiving them, out of the road fund of each such county: *Provided*, that any and all such prisoners from such other counties may, at any time, be returned to the keeper of the common jail of such counties, at the expense of the county having received and used them.

Proviso.

Return of convicts.

SEC. 10. That the principal public road or highway to be improved or constructed in accordance with the provisions of section one of this act prior to the inauguration of any such permanent improvements on the roads or highways to be so improved or constructed may be first carefully surveyed and located by an engineer or surveyor trained and experienced in such work, aided by the County Road Superintendent and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county for services and expenses, as may be agreed upon by the County Commissioners. All such public roads or high ways where changed or hereafter located or relocated, shall be given a grade nowhere greater than five feet in one hundred feet, and a width of not less than twenty-five feet, clear of ditches, trees, logs and other obstructions. All such roads shall be thoroughly drained, and whenever it may be necessary to turn water across the road, this shall be done by putting in sewer pipes or other forms of covered drains or culverts: *Provided*, when, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grades just described impracticable, the grades may be increased to the extent of one foot in one hundred in either the regions named in this section, for distances of less than fifty feet in one place: *Provided further*, that where the roadway must be located on the steep slope of a mountain, its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock the width of such roadway shall not be less than thirteen feet.

Principal highways to be improved first.

Roads and grades, how constructed.

Drainage.

Proviso.

Heavy grades.

Proviso.

Width of roads.

SEC. 11. That for the purpose of carrying out the provisions of this act, the said superintendent and supervisors are hereby

Eminent domain.

authorized to enter upon any uncultivated lands near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to the said lands and the timber and 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, watercourse or waste ground, and shall be kept open by the said superintendent or supervisors, and shall not be obstructed by the owner or occupant of such lands, or any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days, for each and every offense, said penalty to be collected by the said superintendent or supervisors, if in money, and paid over to the County Treasurer and applied to the road fund of the county. If the owner of any lands, or the agent or agents of such owner, having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid, shall present an account of the same through the County Road Superintendent, at any regular meeting of the County Commissioners, within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of 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, 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.

To enter adjoining land, etc.

Drains and water-ways.

Payment for material taken.

Assessment of damages.

Proviso, may appeal.

Location and relocation of roads.

Eminent domain.

SEC. 12. That, subject to the approval of the Board of County Commissioners, the County Superintendent of Roads is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road where, in his judgment, such location, relocation or change will prove advantageous to public travel. That when any person or persons on whose lands the new road, or part of the road, is to be located, claims damages therefor, and within thirty days petitions the Board of County Commissioners for a jury to assess the damages, the said Commissioners, within not less than fifteen

nor more than sixty days after the completion of said road, shall order said jury of three disinterested freeholders to be summoned by the Sheriff or constable as provided by law, who shall give said land owners, or their local representatives, forty-eight hours notice of the time and place, when and where said jury shall meet and assess damages; and said jury, being duly sworn, in considering the question of damages, shall also take into consideration the benefits to public travel and to the owner of the land, and if the 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 land owner be a non-resident of the county, and have no local representative it shall be deemed sufficient service of such notice for said Sheriff or constable to forward by United States mail a written notice of the purpose, time and place of such meeting of said jury to the last known postoffice address of such land owner, seven days in advance of such meeting, and also to post a notice of same for seven days at the court house door of said county.

Assessment of damages.

SEC. 13. That in case the land owner or his local representative shall be dissatisfied with the finding of the juries provided for in sections eleven and twelve of this act and with the decision of the County Commissioners such dissatisfied party may appeal from the decision of the County Commissioners to the Superior Court of the county, all such appeals being governed by the law regulating appeals from the courts of Justices of the Peace and the same shall be heard *de novo*; but the Judge may in his discretion require said land owner to give bond when the case is taken by appeal to the Superior Court.

May appeal from assessment of damages.

SEC. 14. That any officer or employee appointed by virtue of this act or to whom duties are assigned in this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act, shall in all cases, whether penalties for such failure are or are not prescribed in this act be guilty of a misdemeanor.

Heard *de novo* in Superior Court.

Failure to make return or discharge duty a misdemeanor.

SEC. 15. That the County Treasurer shall be and he is hereby appointed Treasurer of the road fund of the county and of the several townships in the same, and for the faithful keeping and disbursing of said money, the bond of such Treasurer shall be liable, and for his services in receiving and disbursing such fund he shall receive such a commission as the Board of County Commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall pay the accounts against the road fund of the county and of the several townships when

County Treasurer to be treasurer of road fund.

Compensation.

Disbursements of funds.	itemized statements of the same have been certified to by the County Road Superintendent and approved by the Board of County Commissioners.
Road fund to be kept separate.	SEC. 16. The County Treasurer shall keep a separate account of the road fund of the county and of each of the several townships therein and of his disbursements of the same and he shall make a written report thereof to the Board of County Commissioners at their regular meeting 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 report 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.
To make report, when, what to contain.	
Road funds now on hand to be turned over to treasurer.	SEC. 17. All road funds or securities in the hands of any officer of Person County coming under the provisions of this act or of any township thereof on the first Monday of June, 1903, shall be promptly turned over to the Treasurer of the county and by him credited to the road fund of the county or of the township to which he belongs; and all teams, machinery, implements or other equipments belonging to the 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 said county on the first Monday in June, nineteen hundred and three, and by them be held and used on the public roads of the county or of the township owning the same:
All construction property to be turned over to commissioners.	<i>Provided</i> , that the Board of County Commissioners may order such road funds, securities, teams, implements or other road equipment accounted for and turned over as required above at any date prior to its regular meeting in June, and officers or persons refusing or neglecting so to do after having been served with ten days written notice shall be guilty of a misdemeanor.
Proviso.	
Penalty for failure to do so.	SEC. 18. That the service of the Road Superintendent provided for in this act may be paid out of the general County fund if the County Commissioners so elect; and the moneys raised under section one of this act in each township shall be expended in the township paying the same: <i>Provided</i> , that the county road tax paid in the county by the building and loan association, railroads, express, telegraph and telephone companies and like corporations shall be used for permanent road improvements in such manner as the Board of County Commissioners may deem best.
Compensation of superintendent.	
Certain corporation taxes for road purposes.	
Repealing clause.	SEC. 19. That all laws or parts of laws in conflict with this act are hereby repealed.

SEC. 53. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 181.

AN ACT TO ALLOW THE TRUST COMPANY OF NORTH CAROLINA TIME TO ORGANIZE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Trust Company of North Carolina, chartered under chapter 137, Private Laws of 1901, be allowed two years longer in which to perfect its organization.

Trust company allowed two years to organize.

SEC. 2. That the capital stock of said company shall not be increased unless additional fee is paid in to the Secretary of State upon such increase, as required by law.

Capital stock.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 182.

AN ACT TO PROVIDE FOR THE REFUNDING THE BONDED INDEBTEDNESS OF CODDLE CREEK TOWNSHIP IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying such bonds of Coddle Creek Township, Iredell County, which matured in the year 1902, known as the "Coddle Creek Railroad Bonds," amounting to two thousand and nine hundred (\$2,900) dollars, the Board of County Commissioners of Iredell County are hereby authorized and empowered to issue coupon bonds, bearing interest payable annually, at a rate not exceeding six (6) per centum, to the amount of two thousand and nine hundred (\$2,900) dollars, in denominations of \$100.00 each, to be made payable ten (10) years after date of their execution. The said bonds and coupons shall be signed by the chairman of the Board of County Commissioners or Iredell County and countersigned by the clerk to the Board of County Commissioners, and shall be made payable at such place or places as the Board of County Commissioners may determine.

To pay Coddle Creek R. R. bonds.

Commissioners of Iredell County to issue bonds. Amount, shares, time to run.

Bonds, how executed.

Exchange of new
issue for R. R.
bonds.

To be sold at par
value.

Trustees author-
ized to subscribe.

Exchange of
bonds.

Coddle Creek R. R.
bonds to be de-
stroyed

Report to be made.

Commissioners to
levy tax in Coddle
Creek Township.

Purpose of levy.

SEC. 2. That the said bonds may be exchanged for the said "Coddle Creek Railroad Bonds," or if this can not be done, they shall be sold and the proceeds applied to the payment of said bonds, or part sold and part exchanged, as the case may require; but none of said bonds shall be sold or exchanged at a less sum or rate than their par value.

SEC. 3. That all executors, administrators, guardians, trustees and other persons acting in a fiduciary capacity, who now hold, or may hereafter hold, or become possessed of, any of the bonds of said township which matured in 1902, and known as the "Coddle Creek Railroad Bonds," are hereby fully authorized and empowered to exchange the same for bonds issued under the provision of this act.

SEC. 4. That it shall be the duty of the chairman of the Board of County Commissioners and the County Treasurer, to destroy the said "Coddle Creek Railroad Bonds" as they are paid or exchanged; and the clerk to the Board of County Commissioners and the County Treasurer shall make a record of the bonds so destroyed and the bonds issued under this act.

SEC. 5. That the Board of County Commissioners of Iredell County shall levy a tax upon the property and polls of the citizens of Coddle Creek Township to provide for the payment of the interest, as it may accrue, upon said bonds issued under this act, and in like manner provide for the payment of the principal of said bonds as they mature and become payable.

SEC. 6. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 183.

AN ACT TO PREVENT FISHING IN THE HEADWATERS OF STONY FORK AND SOUTH HOMINY CREEKS IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to fish
in certain waters
in Buncombe
County.

SECTION 1. That it shall be unlawful for any person to fish in the headwaters of Stony Fork Creek above the mill of John O'Kelley on said creek and in the waters of South Hominy Creek above the lands of Mrs. Rebecca Davis, widow of Uriah Davis, deceased, in Buncombe County, for the period of fours years from the passage of this act.

SEC. 2. That any person violating the provisions of this act, shall be guilty of a misdemeanor, and fined not exceeding five dollars. A misdemeanor.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 184.

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND FIFTY (750) OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and fifty (750) of the Public Laws of nineteen hundred and one (1901) be amended by adding, at the end of section twenty-one (21) of said chapter, the words, "*Provided further*, that this act shall not apply to any incorporated town or city in Catawba and Caldwell Counties." Chapter 750, Public Laws 1901, amended, sec. 21.

Not to apply to incorporated towns in Catawba and Caldwell counties.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 185.

AN ACT TO AUTHORIZE ISAAC F. ORMOND, CLERK SUPERIOR COURT OF WAYNE COUNTY, TO ABSENT HIMSELF FROM HIS OFFICE AT CERTAIN TIMES.

The General Assembly of North Carolina do enact:

SECTION 1. That Isaac F. Ormond, Clerk of the Superior Court of Wayne County, be allowed to absent himself from his office of Clerk during the month of July in the years one thousand nine hundred and three, and one thousand nine hundred and four, and to be exempt therefor, from the provisions, penalties and liabilities, provided in sections one hundred and fourteen and one hundred and fifteen of The Code, or any other liabilities or penalties provided by law on account of Clerks of the Superior Court absenting themselves from their office on certain days and hours: *Provided*, that said Clerk shall have in his office during these months, a competent deputy to perform all duties authorized to be performed by said deputy. I. F. Ormond, Clerk Court Wayne County, allowed to absent himself from office, when.

Proviso.
To have deputy.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 186.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC
ROADS AND HIGHWAYS OF HALIFAX COUNTY.*The General Assembly of North Carolina do enact:*Commissioners to
levy special tax,
when.

Purpose of.

Amount, property
and poll.

How collected

Labor in lieu of
tax.Tax to be a sepa-
rate fund.Commissioners to
furnish material.Proviso
Permanent roads.Township super-
intendents to be
elected, when and
how.

SECTION 1. That the Board of County Commissioners shall in order to provide for the proper construction, improvement and maintenance of the public roads and the repair of small bridges and culverts in the county, at their regular meeting in June, nineteen hundred and three, and at such 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 ten cents nor more than twenty cents on the one 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 are, except that any person may pay the road tax herein provided for in labor, under the control of the Superintendent of Roads of township in which such person resides, at sixty cents per day, by applying to the township Superintendent of Public Roads in the township where the taxpayer resides, and a certificate by the said Superintendent of Roads that the amount has been paid in labor on the public roads in his township, shall be accepted by the Sheriff in discharge of his road tax and shall constitute a voucher in the hands of the Sheriff or Tax Collector in his settlement of the road taxes with the County Treasurer, the said taxes 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 in the repair of the small bridges and culverts on the same in the county, and further, it shall be the duty of the County Commissioners to furnish each township Superintendent of Roads with material and implements, such as shovels, picks, mattocks, road scrapers, plows and such other tools as may be necessary for the proper construction of good roads in their respective townships, the same to be paid for out of the road fund of such township: *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 County Commissioners at their regular meeting in June, nineteen hundred and three; and at their regular meeting in June of each year and every year thereafter, one Superintendent of Roads in each township in the county, who shall be paid such compensation as may be fixed by the Board of County Commissioners, and to be paid out of the township road fund, and who,

after June, nineteen hundred and three, shall hold office for one year, or until his successor has been elected and qualified, as provided for in this act: *Provided further*, 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 causes 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.

Proviso.

Removal of superintendents.

SEC. 3. That it shall be the duty of the said Superintendent of Roads, with the advice of the Board of Road Supervisors, 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 his township, and he shall give a good and lawful bond satisfactory to the Board of Commissioners for two hundred dollars as a guarantee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the Register of Deeds and filed with the Clerk of the Superior Court; and further, it shall be the duty of each Superintendent of Roads to submit to the Board of County Commissioners a quarterly report concerning the work in progress and moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges, and plans for their improvements, and he shall include in this report and inventory of the tools, implements and other equipments on hand.

Duties of superintendent

To give bond.

To make report.

SEC. 4. That all able-bodied male persons of the county, between the ages of eighteen and forty-five, except residents of incorporated towns and cities, shall work on the public roads of said county not to exceed six days of nine hours each, and two additional days in case of construction or washouts, of nine hours each anywhere in said township that the Superintendent of Roads may direct, in each and every year, at such time and place and in such manner as may be designated by the Superintendent of Roads; *Provided*, that the Superintendent of Roads in each township shall give to each person of his township who is subject to road duty at least two days notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work; *Provided, further*, that in case of washout or other unexpected obstruction to travel the two 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 of Roads

Who liable for road duty.

Number of days, hours.

Proviso.

Notice to be given.

Proviso.

In case of emergency.

Proviso.	respond to such summons with reasonable promptness: <i>Provided, further,</i> any person may pay to the Superintendent of Roads
Sixty cents per day in lieu of work,	sixty cents per day for each day summoned to work the roads in lieu of working the same. That the labor provided for in
Citizenship labor auxiliary.	section three shall be auxiliary to working the public roads, and shall be used only when the moneys and the convicts herein provided for shall have been exhausted.
Money in hands of superintendent, how applied	All moneys paid to the Superintendent of Roads, as provided for in this act, shall within thirty days after being received by him, be turned over to the County Treasurer and credited to the road fund of the township from which the same was paid and the same shall be expended in the improvement of the roads in that township from which it was paid. If the Superintendent of Roads fails to turn over to the County Treasurer money so collected within thirty days he shall be guilty of a misdemeanor, and upon conviction be fined or imprisoned in the discretion of the Court; <i>Provided,</i> that no person liable for road duty under this section shall be required to work on the public roads outside of the township in which he resides, the boundaries of the road districts within each township to be fixed by the County Commissioners.
Failure to turn money over to treasurer.	
Proviso.	
Persons liable only for Township road duty.	
Failure to appear and work.	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 three dollars and sixty cents, or any person who shall appear, as notified, and fail to perform good and reasonable labor as required by the said Superintendent of Roads, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two nor more than five dollars and the cost, or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.
A misdemeanor.	
Tools and implements, how supplied.	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, shall be supplied by the County Commissioners and shall be paid for out of the road fund of the township in which the said implements or tools are to be used; <i>Provided,</i> that until the County Commissioners shall be able to supply the necessary implements and tools they may and are hereby empowered to compel any and all persons working on the public roads of the county to provide themselves with such implements as are commonly used while working on said roads, as the Superintendent may designate in his notice or summons as being necessary.
Superintendent to furnish to treasurer list of persons liable to road duty.	SEC. 7. That on the first Monday in June, 1903, and on the first Monday of June of each succeeding year, or oftener if required to do so, said Superintendent of Roads in each township of the county shall furnish to the Treasurer of the county a com-

plete list of names of all persons liable for road duty in the township in which he resides. Said Treasurer of the county, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of three dollars and sixty cents, as provided in section four of this act, and shall, within thirty days and as often thereafter as may be necessary, furnish to the township Superintendent of Roads, a correct revised list of all persons liable for road duty in each township, who have, during the year, failed to work on the public roads after having been duly notified, or to pay as provided for in section four of this act, shall be submitted by the Superintendent of Roads to a Justice of the Peace in the township in which such persons reside; and it shall be the duty of said Justice of the Peace to immediately issue his warrant for such persons and proceed against them according to law: *Provided, however,* that the defaulting party may be prosecuted at any time and by any citizen of the county.

Duty of treasurer upon receipt of list

Justice of the Peace or citizens to prosecute.

SEC. 8. That the special road tax levied and collected on the property, and poll, under section one of this act, from each and every township in Halifax County, shall be set apart as a special road fund for each and every township in said county upon which it is levied, and be set apart on the Treasurer's books of said county, and in his office, as a special township road fund, for each and every township in said county, to be expended and paid out as hereinafter provided. That the special road tax levied and collected under section one of this act shall be expended with the approval of the Board of Township Road Supervisors, and under the direction of the Board of County Commissioners.

Township taxes to be kept separate.

How applied.

By whom expended.

SEC. 9. Justices of the Peace of Halifax County shall constitute a Board of Township Road Supervisors for their several townships, and shall on the first day of June, 1903, or as soon thereafter as practicable, and annually thereafter, meet and organize by electing one of their members as chairman and another as secretary. They shall inspect all work and make a report thereof, with such recommendations as they see fit to make to the Board of Commissioners at their meeting in July and March of each and every year. They shall also audit and approve all accounts against the road fund of the several townships: *Provided*, that the chairman and two other magistrates shall constitute a quorum.

Justices of the Peace a Board of Township Road Supervisors.

Chairman and secretary.

Duty of supervisors to make report.

Proviso, quorum.

SEC. 10. As soon as the Superintendents of Roads have qualified, it shall be their duty to examine all the public roads in the township for which they are appointed, and take immediate steps to put all the public roads in such township in good condition, and shall keep them in good condition by making all need-

Superintendents to repair existing roads.

ed repairs, so far as the same can be done by the road hands in such township liable to work on the public roads, working the said roads by sections, and of not less than ten hands in each section for not more than two days until the entire list of hands have been worked on said roads; then all hands who have worked two days on said roads shall not be required, under ordinary conditions of the road, to work on said road again until after fifteen days have intervened.

Official neglect of duty.

SEC. 11. That if any Board of County Commissioners, Board of Township Road Supervisors or Superintendent of Roads shall wilfully neglect, fail or refuse to perform any of the duties imposed upon him or them by this act, he or they shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the Court.

A misdemeanor.

Superintendents authorized to enter adjoining lands.

SEC. 12. That for the purpose of carrying out the provisions of this act, the Superintendent of Roads of the several townships are hereby authorized to enter upon any lands unencumbered by crops near to or adjoining such roads; to cut and carry away timbers, except trees or groves on improved land, planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he or they 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 the said Superintendent of Roads, and shall not be obstructed by the owner or occupant of said land, or any other person or persons, under the penalty of forfeiting a sum not exceeding ten dollars, or imprisonment for not exceeding twenty days for each and every offence, said penalty to be collected by said Superintendent of Roads and paid over to the County Treasurer, and applied to the road fund of the said township. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone or gravel were taken as aforesaid, shall present an account of the same through the Superintendent of Roads at any regular meeting of the County Commissioners within thirty days after the taking and carrying away of such timber, stone or gravel, it shall be the duty of said Commissioners to pay for the same such sum as may be agreed upon by them or by an impartial jury of three free holders, one to be selected by the Superintendent of Roads, one by the party claiming damages, and the third to be selected by these two with the right

Eminent domain

Drains and ditches.

Penalty for obstructing drains.

Damage to adjoining premises, how paid for.

of either party to appeal as provided for in section fourteen of this act.

SEC. 13. That the Superintendent of Roads or Board of Township Road Supervisors is hereby given the power subject to the approval of the Board of County Commissioners to locate new roads and relocate, widen or otherwise change any part of any public road when in his judgment such location, relocation or change will prove advantageous to public travel. That when any person or persons on whose lands a new road or part of road is to be located, claims damages therefor, and within thirty days petitions to the Board of County Commissioners for a jury to assess the damages, the said Commissioners within not less than fifteen nor more than thirty days after the completion of said road, shall order a jury of freeholders of the township of not less than three persons, nor more than five, not related to the person claiming damages, to be summoned by the Sheriff of the county or the Constable of the township to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after first being duly sworn, to impartially assess the damages, shall forthwith proceed to assess the same, and to make their report to the regular or special session of the Board of Commissioners of said county. That said jury, in considering the question of damages shall take into consideration the benefits to public travel and the owner of the land, and if said benefits be considered equal to the damages sustained, the jury shall so declare. The Sheriff or Constable serving the process shall be allowed the sum of twenty-five cents for each person summoned for a jury, and the jurors who make claim shall be paid the sum of fifty cents each, to be paid out of the township's road fund. A copy of the summons shall be served on each free holder summoned on the jury: *Provided, however*, that such service shall not be necessary if parties accept service of said summons. The damages, if any awarded, shall be paid out of the road fund of the township in which the property concerned is located.

New roads.

Damages for new road, how paid

Eminent domain.

SEC. 14. That in case either of the parties interested shall be dissatisfied with the finding of the juries provided for in section twelve and thirteen of this act, such dissatisfied party may appeal from the decision of said jury to the County Commissioners and if dissatisfied with their decision, may in turn appeal to the Superior Court of the county of Halifax; *Provided, however*, that an appeal may be taken from the judgment of the Board of Commissioners by either party without bond, and the same shall be heard *de novo*; but the judge may, in his discretion, require either party to give bond, when the case is taken by appeal to the Superior Court: *Provided, further*, that the party to whom the damages awarded, shall recover no more cost than a sum equal to the amount of damages awarded.

Dissatisfied party may appeal to Superior Court.

Proviso.

Heard de novo, bond.

County Treasurer
to be treasurer of
Township fund

SEC. 15. That the County Treasurer shall be and he is hereby appointed Treasurer of the road fund of the several townships in the county, and for the faithful keeping and disbursing of said money, the bond of such Treasurer shall be liable and for his services for receiving and disbursing such funds he shall receive such commission as the Board of County Commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall pay the accounts against the road funds of the several townships when itemized statements of the same have been certified to by the Superintendents of Roads and approved by the Township Road Supervisor, and upon the order of the Board of Commissioners.

Fund, how dis-
bursed.

Duty of treasurer,
to make report,
when.

SEC. 16. The County Treasurer shall keep a separate account of the road funds 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 meeting 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 County Commissioners a written report, giving a statement of receipts and disbursements of the several road funds during the preceding six months, which report, or the substance thereof, shall be published by said Treasurer at the court-house door.

Penalty for ob-
structing roads.

SEC. 17. That any person or persons who shall obstruct any public road of the county or interfere with any officer working the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed fifty dollars, or imprisoned not to exceed thirty days.

Persons confined
in county jail liable
for road duty.

SEC. 18. All persons confined in the county jail, either under sentence of the Court for crime or imprisonment for the non-payment of fines or cost, shall be available to the County Commissioners for the purpose of working them upon the highways or public roads of the county. And upon the application of any Superintendent of Roads, having an order from the County Commissioners, it shall be the duty of the Sheriff or Jailor having such prisoners in his custody to deliver them to the Superintendent of Roads, who shall be responsible for their safe-keeping and return and in case of the escape of any of the said prisoners, the Sheriff of the said county or jailor shall be exonerated from liability therefor.

Convicts to be
obtained from
other counties.

SEC. 19. 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.

SEC. 20. That upon 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 Justices of the Peace of said county to sentence to imprisonment and hard labor on the public roads, highways and bridges or any of them, 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 offence the punishment whereof would otherwise be wholly or part imprisonment in the common jail, also all persons convicted of crime, the punishment whereof would otherwise wholly or in part be imprisonment in the penitentiary for a term not exceeding ten years.

Convicted persons to be sentenced to road labor.

Classes of offenses for which convicts are liable.

SEC. 21. That the convicts sentenced to hard labor shall be under the control of the County Commissioners of said county and said authorities shall have the power to enact and enforce all needful rules and regulations for the successful working of all convicts upon the highways and public roads or public works, and they may appoint a Superintendent or Superintendents for said convicts and such guards and other employees as may be necessary, and commit to the Superintendent or Superintendents 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 or public roads or any other works to which said convicts may be put by 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. And the Board of County Commissioners in their discretion, may work said convicts upon any other public works in said county, and whenever it shall seem to them best for the public interest, they may hire out to any person or corporation in said county the entire body of said convicts, or any part thereof, to be used in building bridges, culverts, or free highways and public roads, and may use said convicts to do any work they may deem necessary for the improvement of the County Home or place where the poor of the county are kept.

Commissioners to have control of all convicts.

Convicts, how guarded, disciplined and controlled.

May hire convicts out.

SEC. 22. 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, or to build and keep a convict camp or camps for said purpose, and to provide for the keeping and maintaining of said convicts. The rules and regulations enacted and enforced by the County Commissioners must be in accord with general rules and regulations governing the use of convicts on public roads and highways laid down and published by the State Highway Commission.

Commissioners to use jail or convict camps.

Rules of State Highway Commission to be observed.

SEC. 23. The prisoners shall do no work on the highways or

Prisoners to be allowed per diem on fines

Penalty for escaping.

Judge to exercise discretion as to convicts to be sentenced.

Proviso.

Certain criminals not to be sent to roads

When effective.

public roads, unless said work has been marked out by the County Surveyor or Superintendent of Roads, or other competent authority in the proper road district, and the prisoners employed in working the highways and public roads shall be allowed so much per day as in the opinion of the Superintendent of Roads their services are worth, which account shall be credited to them on the account charged against them. If any prisoner shall escape from the custody of the Supervisor or those who have such prisoners in charge, he or they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars, or imprisoned not less than ten days or more than thirty days.

SEC. 24. That in all cases where the Judge presiding shall be satisfied that there is good reason to fear an attempt to release or injure any person convicted of any of the offences mentioned in section 20 of this act, it shall be unlawful for the judge to sentence such convicts to imprisonment in the penitentiary, as is now provided by law: *Provided*, that no person who has been convicted and sentenced on charge of murder, manslaughter, rape, attempt to commit rape or arson shall be assigned under this act.

SEC. 25. That this act shall be in force from and after the first day of June, one thousand nine hundred and three.

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 187.

AN ACT TO ESTABLISH A SYSTEM OF PUBLIC ROADS FOR MADISON COUNTY.

The General Assembly of North Carolina do enact:

Three classes of roads.

First class, description of.

Second class, description of.

Third class, description of.

Grades.

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

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

A road of the second class shall be sixteen feet wide, with a road bed of twelve feet and a margin of two feet on each side of the road. A road of the third class shall be twelve feet wide, with a road bed of eight feet and a margin of two feet on each side of the road.

SEC. 3. The grade of a first class road shall not be greater than

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

SEC. 4. The Justices of the Peace in each township shall constitute a Board of Supervisors of Public Roads in the several townships in Madison County.

Justices of the
peace, road
supervisors.

SEC. 5. They shall meet in each township on the first Monday in April, one thousand nine hundred and three, and organize by electing one of their number as chairman and another as clerk.

Supervisors, first
meeting.

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

Quarterly
meetings, when.

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

Powers of
supervisors.

Proviso, grades.

SEC. 8. The Board of Supervisors in the several townships shall at their first meeting, on the first Monday in April, nineteen hundred and three (1903), proceed to classify and divide the roads of the several townships in Madison County into proper sections and appoint overseers and assign hands to work the same, and all hands of a township shall be required to work the same number of days in each year.

Roads to be
classified, when.

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

Now roads, how
established.

SEC. 10. On the laying out of new roads and making amendments on existing roads, the Board of Supervisors shall order a jury of three freeholders, who shall be in no way related to any party through whose lands the road is to be laid out: *Provided*, no Supervisor shall be a juror.

Jury of three
freeholders to lay
out road.

Proviso.

SEC. 11. The jury shall be notified of their appointment by the Township Constable or any lawful officer, which notice shall designate the time and place of meeting and the duty to be performed: *Provided*, that if a juror shall accept a notice directed to him by the Supervisors it shall be sufficient notice.

Meeting of jury.

SEC. 12. The jury shall meet at the time and place given in the notice, and after being duly sworn, proceed to lay out and locate said road or amendments to existing roads and report in writing to the Board of Supervisors, and shall in the same report assess any and all damages accruing to any person.

Jury to be sworn to
make report.

Supervisors to settle all controversies.

SEC. 13. The Board of Supervisors shall have jurisdiction in all controversies that shall arise in regard to the public roads of their several townships. They shall have authority to issue process, compelling the attendance of witnesses.

Existing road beds graded.

SEC. 14. The Board of Supervisors shall as fast as such can be made proceed to order such amendments on existing roads as shall be necessary to make them conform to the grade required in section third of this act: *Provided*, that the said boards shall have power to discontinue such roads as are not for the general good of the public.

Proviso.

To discontinue roads.

Supervisors to inspect roads.

SEC. 15. The Board of Supervisors shall inspect the roads in their several jurisdictions every three months immediately before their quarterly meetings, and shall at their said quarterly meetings or immediately thereafter make a report under oath or affirmation to the Board of County Commissioners reporting the condition of roads in their respective townships, the name of the overseer of each section of road, the number of days labor performed on each section of road per quarter, and whether the hands assigned to each road are sufficient to keep such road in good repair. They shall also state in said report the names of any and all overseers who shall have failed to perform the duties assigned them by this act and how such overseers have been punished.

To make reports, what to contain.

Solicitor to be furnished report, his duty.

SEC. 16. The Board of County Commissioners shall furnish the Solicitor of the Superior Court with a certified copy of the reports of the Supervisors of Roads at the Court first following the reception of such reports and the said Solicitor shall carefully examine said report, and if he discover that the Boards of Supervisors or any one of them have failed to perform the duties assigned them he shall immediately send a bill to the grand jury against such party or parties.

Failure of supervisors to perform duty.

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

Penalty.

Overseer failing to perform duty.

SEC. 18. Any overseer who shall fail or refuse to perform his duties as described in this act shall be guilty of a misdemeanor and upon conviction thereof before any justice of the peace of Madison County shall be fined not less than five (\$5) dollars and not exceeding fifty dollars in the discretion of the Court.

Penalty.

Duty of overseers.

SEC. 19. It shall be the duty of the overseers to take immediate charge of the roads to which they are assigned and proceed to

work their roads, keeping them in the best possible condition with the means committed to them.

SEC. 20. Overseers shall construct drains, culverts, causeways and bridges where necessary and make the road bed of the required width according to class and remove all timber hanging over the road which is deemed by the overseers to be dangerous to the public traveling along said road. Duty of overseers.

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

SEC. 22. Overseers shall have control over the hands on the roads, shall direct and control their labor and require each hand to render faithful service of not less than eight hours per day. Duty of overseers.
Control of labor.

SEC. 23. Overseers shall on the first Monday of January, April, July and October, report to the Board of Supervisors the condition of their roads, the number of hands assigned to work on them, the number of days labor performed, the number of hands and the names of hands that have failed or refused to work after being lawfully warned. Duty of overseers.

To make report.

SEC. 24. Overseers shall have authority to dismiss hands from the road for idleness and insubordination and report such dismissed hands to the Board of Supervisors. Overseers to
dismiss for
idleness, to report.

SEC. 25. The Board of Supervisors or any one of them upon receiving notice of a dismissal of the hands from the road or the failure or refusal of any hands to attend and work who have been lawfully notified to do so, shall issue a warrant for such persons to appear before him or them summoning such witnesses as the overseer may designate, and if upon examination it shall appear that such hand was dismissed for good and sufficient reasons or such hand as wilfully neglected or refused to attend and work, the Court shall give judgment against such persons for the sum of one dollar for every day that he was dismissed from the road or failed to attend and work, and shall further fine said hand or hands not less than one nor more than fifty dollars for each offense and may commit him or them to prison until said fine and costs are paid. Duty of supervisors
upon report of
overseer.

Penalty for
dismissal for
idleness.

SEC. 26. Overseers shall require hands to work three days immediately before the first day of April and three days immediately before the first day of September in each year in repairing their roads if necessary to put their roads in good condition. Six days per
annum.

SEC. 27. Every able-bodied male citizen of Madison County between the ages of eighteen and forty-five years except the Board of Supervisors of public roads and pupils of public schools while in attendance at school shall be liable to work on the public Who liable for road
duty.

road, but the Board of Supervisors shall exempt any person for disability when such disability is shown to exist.

Failure to appear
and work after
notice.

SEC. 28. Any person liable to work on the public roads who after being duly warned, shall refuse or fail to work, either by himself or an able-bodied substitute acceptable to his overseer, or who shall refuse to pay his overseer one dollar for each day he is liable to work, or any person who shall refuse to obey the lawful orders of his overseer, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as set forth in section twenty-five of this act.

Penalty.

New roads, how
established
beyond township
limits.

SEC. 29. When new roads are to be laid out and established that extend beyond the limits of the township except wherein an agreement may have been entered into between the Boards of Supervisors of adjoining townships, such new road shall be ordered laid out by the Board of County Commissioners: *Provided*, that the jury in such cases shall consist of three freeholders whose duties shall be the same as prescribed in section (12) twelve of this act.

Commissioners to
levy tax.

SEC. 30. The Board of County Commissioners of Madison County shall at the time of levying State and County taxes, in each and every year levy a special road tax of five (5) cents on every one hundred dollars worth of taxable property in Madison County, and fifteen cents on each poll to be specially applied on the public roads of the county in the purchase of tools and material for blasting purposes and in the construction of bridges and for the purposes in the construction and repairing of the public roads.

Amount, property
and poll.

How applied.

Tax, how collected
and expended.

SEC. 31. The said road tax shall be collected by the Sheriff and paid to the Treasurer of the county, to be kept by him as a separate fund, and to be paid out by him only on the orders of the Boards of Supervisors of Public Roads.

Tax fund, how
held.

SEC. 32. The road tax fund shall be held by the Treasurer of the county subject to the orders of each Board of Supervisors in proportion to the amount assessed and collected from each township: *Provided, however*, that the board of supervisors in any township may order such portion of the fund belonging to said township as to them may seem advisable, to be extended in any other township in the county.

Proviso.

Lumber companies
injuring road.

SEC. 33. Lumber companies or persons engaged in the lumber trade in Madison County shall be held responsible for the unusual injury done the roads in hauling lumber over them.

When road
injured, duty of
supervisors.

SEC. 34. When such injury is known to the Board of Supervisors they shall notify the party or parties to repair such injury within ten days. If such party or parties fail to make such repairs within the time specified, the Board of Supervisors shall appoint

two suitable persons to assess said damages and report the same to them within five days.

SEC. 35. When the committee of assessment shall have reported damages done to said road or roads, the Board of Supervisors shall issue notice to the parties charged with such damages to appear before them on a specified day to answer said complaints, which notice shall be served by the Sheriff or other lawful officers.

Notice to party charged

SEC. 36. Upon examination of the case if it shall appear that the said parties are responsible for the injury done to said road or roads, then the board shall render judgment against such party or parties for such sum as reason and justice would demand and they shall issue execution to the Constable of the township, or other lawful officer, who shall seize any property in said county of Madison belonging to said party or parties and after giving ten days notice in three several places in said county shall sell at public auction to the highest bidder for cash, so much thereof as may be necessary to satisfy said judgment and all costs.

Judgment to be rendered against party.

Judgment, how satisfied.

SEC. 37. No person liable to work on the public roads shall be required to work more than eight days in any one year except to repair roads damaged or obstructed by storms; in such case every person so liable shall be required to perform such service as is necessary to remove such impediments or make necessary repairs.

Eight days road work per annum.

Exception.

SEC. 38. In laying out new roads and in making amendments on existing roads the Board of Supervisors at their own option may employ an engineer to assist the jury in laying out and grading the roads, and pay them for such service out of the road fund belonging to such township.

Road engineer to be employed.

SEC. 39. Any Board of Supervisors or any member thereof, or any overseer who shall misappropriate or use any money belonging to the road fund of Madison County in any other way than directed by this act he shall be guilty of embezzlement and upon conviction thereof in the Superior Court shall be fined not less than fifty dollars nor more than two hundred dollars and may be imprisoned not more than one year in the discretion of the Court.

Misappropriation of funds.

Penalty.

SEC. 40. That all fines and penalties imposed and collected under the provisions of this act shall be paid by the officer or other person collecting the same to the chairman of the Board of Supervisors of the township in which said fines or penalties were imposed and collected, to be used by him in repairing the damages for which said fines or penalties were imposed and collected.

Fines and penalties, how applied.

SEC. 41. The chairman of the Board of Supervisors in the several townships in Madison County shall keep a book in which he

Record of fines by supervisors.

shall keep a record of all fines and penalties paid to him under the provisions of this act, by whom paid and the time when paid, from whom collected, and the time when collected and at the time of making the report to the County Commissioners as provided for in section fifteen of this act, shall make a full and complete report of all fines and penalties paid to him as before mentioned to the Board of County Commissioners stating how the same has been applied.

To make report.

Reports to be made under oath.

Repealing clause

SEC. 42. All reports of Supervisors and overseers shall be made under oath or affirmation.

SEC. 43. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 44. That this act shall apply only to Madison County.

SEC. 45. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 188.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF UNION COUNTY TO TRANSFER A SPECIAL FUND TO THE POOR FUND OF THE SAID COUNTY.

The General Assembly of North Carolina do enact:

Commissioners of Union County authorized to apply surplus tax to poor fund.

SECTION 1. That the Commissioners of Union County are authorized and empowered to transfer from the special fund collected to pay the bonds issued for the court-house and jail, such sums as remain in the hands of the County Treasurer, after the payment of the said bonds and interest, to the poor fund of the said county, to be used for the payment of the expenses of the Home for the Aged and Infirm in said county.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 189.

AN ACT TO PROVIDE FOR A STOCK LAW ELECTION IN CERTAIN TOWNSHIPS OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Unlawful for stock to run at large in certain portions of Alleghany County.

SECTION 1. That it shall be unlawful for any person to allow his live stock to run at large on the lands of another in the townships, Gap Civil, Whitehead, Cranberry, Panther Creek and Piney Creek, in Alleghany County.

SEC. 2. That any hog or other live stock found running at large, contrary to the provisions of section one of this act, may be impounded by any citizen of said county, who shall immediately report the same, describing the animal impounded, to the nearest Justice of the Peace for his township; said Justice shall immediately advertise such impounded stock (describing the same in said advertisement), at three public places in his township, and after said advertisement for at least five days, sell said property so impounded at a place to be designated by said Justice in his notice, between the hours of ten o'clock a. m. and four o'clock p. m., to the highest bidder for cash: *Provided*, that the owner thereof may, at any time before sale, reclaim such live stock upon paying all costs and expenses already incurred.

Live stock at large to be impounded.

Justice of the Peace to give notice.

Sale of impounded stock. Proviso.

Stock, how reclaimed.

Proceeds of sale, how applied.

SEC. 3. That the proceeds of any sale made under the provisions of this act shall be applied to the cost of impounding, advertising and selling, and any remainder to be paid to the owner, if known, and if not known, or if no one shall prove his claim to the same within twelve months, then such remaining sum shall be paid into the general school fund of said county.

SEC. 4. That the following costs and fees shall be allowed: For horses, twenty cents per head for impounding, and twenty-five cents per day, per head, for the time such stock shall remain unsold and unreclaimed; for cattle, twenty cents for impounding and twenty cents per head per day for keeping and feeding; and for hogs, sheep or goats, ten cents each for impounding and ten cents per head per day for feeding and tending. All of which fees shall be paid in advance, before delivery of said stock to the owner. The Justice advertising and selling, shall be entitled to the following fees: Ten cents for each notice authorized by law; fifteen cents for order of sale, and twenty-five cents for making sale: *Provided*, that where several animals are sold and advertised in one lot, belonging to the same owner, then these fees shall be for the entire lot.

Schedule of fees for impounding.

Proviso.

Wholesale lots.

SEC. 5. That provisions of The Code of North Carolina relating to stock law are hereby repealed so far as they are in conflict with the provisions of this act.

Provisions of Code repealed.

SEC. 6. That the provisions of this act shall not go into effect and be operative in any of the foregoing townships until the same shall be ratified in the manner hereinafter set out.

When effective.

SEC. 7. That whenever one-third or more of the qualified voters of any township to be affected by this act shall petition the Board of Commissioners for an election on this question, it shall be the duty of said Board of Commissioners, after thirty days' notice, to call an election to be held in such township, to vote upon the question of stock law, and those favoring the same shall vote a ticket, written or printed, with the words "For Stock Law"

Petition of one-half voters election to be called.

Ballots.

thereon, and those opposed to stock law shall vote a ticket, either written or printed, with the words "Against Stock Law" thereon. If a majority of qualified voters in any township shall vote "For Stock Law," then the Commissioners shall declare the same carried, and shall publish the result in any paper published in said county, after which the provisions of this act shall be in force as to each and every township so ratifying the provisions of this act.

Result, how declared.

Election, how held

SEC. 8. That said election shall be held under the supervision of the Sheriff, by the Board of County Commissioners of said county, under such regulations as they may prescribe, and in conformity with the laws of the State, and all persons qualified to vote for members of the General Assembly, and living in the respective townships, shall be entitled to vote at the election provided for in this act.

Who entitled to vote.

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 190.

AN ACT TO MAKE THE PLACE OF DELIVERY THE PLACE OF SALE OF ANY SPIRITUOUS, VINUOUS OR MALT LIQUORS WITHIN HIGH POINT TOWNSHIP, GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Jug law.
Place of delivery
of liquor the place
of sale, High Point
township.

SECTION 1. That the place of delivering of any spirituous, vinous or malt liquors, or intoxicating bitters, within High Point Township, Guilford County, shall be so construed as to mean the place of sale, and that any station or other place within the aforesaid township in Guilford County to which any person, firm or corporation shall ship or convey any spirituous, vinous or malt liquors or other intoxicating bitters for the purpose of delivery or conveying the same to a purchaser, shall be construed to be the place of sale.

Penalty for violation.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor.

Repealing clause.

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.

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 191.

AN ACT TO RESTORE LOCAL SELF GOVERNMENT IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next general election to be held in Perquimans County, on Tuesday next after the first Monday in November, in the year 1904, and every two years thereafter, there shall be elected by the qualified electors of the said county, three persons, who shall constitute the Board of County Commissioners of said county, and who shall hold their offices for two years from and after their qualification, and until their successors shall be elected and qualified, with all the powers and duties which now are or may hereafter be prescribed by law for county commissioners.

County commissioners to be hereafter chosen by the voters; three commissioners.

Tenure.

Duties of.

SEC. 2. That at the next general election to be held in Perquimans County, on Tuesday next after the first Monday in November, in the year 1904, and every two years thereafter, there shall be elected by the qualified electors of each township of said county, three persons, who shall be Justices of the Peace for their respective townships in said county and who shall hold their offices for a term of two years from and after their qualification, and until their successors shall be elected and qualified.

Justices of the Peace to be chosen by voters.

Three Justices in each township.

Tenure.

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

Repealing clause.

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 192.

AN ACT FOR THE BETTER WORKING OF PUBLIC ROADS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Burke County shall have charge of the public highways, roads and bridges of Burke County, and shall provide for the opening, construction and repair of the same, and for the working of the public highway and roads therein, as hereinafter provided.

Commissioners to have control of public roads.

SEC. 2. That for the purpose of effecting an improvement in the method of constructing and repairing highways, public roads, bridges and fords, it shall be the duty of the Board to communicate with, to aid and advise with, the township authorities which

Duty of commissioners to communicate with township authorities.

Engineer to be employed.	<p>may engage in the construction and repairs of highways, public roads, bridges, culverts, fords and other county work, supplying them with information and advice, plans and specifications, furnishing, as their judgment may dictate, a competent engineer to aid in the location, relocation, or change, construction and repairs of public roads, highways, bridges and culverts, to draw up rules and regulations governing the use and management of convicts on public roads, if their judgment shall warrant the use of convicts on public roads and other work in the county. And to aid and encourage in every way practicable the general movement for better public roads.</p>
Convicts to be worked on roads.	<p>SEC. 3. The said Board of County Commissioners shall have supervision and control of all the highways, bridges and fords in said county. It shall be the duty of the Board of Commissioners to determine what shall be public roads or parts of public roads of their respective county, and what shall be highways, and shall keep a record thereof, and all highways shall be thirty feet, but only so much shall be used as, in the opinion of the County Commissioners, is necessary for the public good; but in no case shall any public road be less than sixteen feet between ditches.</p>
Commissioners to determine what shall be public roads.	<p>SEC. 4. That there shall be elected by the Board of County Commissioners, immediately after the ratification of this act, and at their regular meeting in March of each and every year thereafter, one Supervisor of highways, public roads, bridges and fords in each township in the county, who shall be paid such compensation as may be fixed by the Board of County Commissioners: <i>Provided</i>, that the compensation shall not exceed one dollar per day for the time actually employed by the Board of County Commissioners, and said Supervisor shall hold office until the first Monday in March, 1904, or until his successor is appointed and qualified as provided in this act: <i>Provided further</i>, that the said supervisors 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 of County Commissioners, 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.</p>
Width of roads.	<p>SEC. 5. That any supervisor may refuse to act after he or they have been appointed, on payment to County Treasurer of five dollars, which amount shall be applied to the public roads in the township for which such appointment was made: <i>Provided further</i>, that each township's supervisor, upon his notice of appointment, shall meet the Board of County Commissioners on any day the said Commissioners may name, and receive instructions for the performance of the road work in their respective town-</p>
Township supervisors to be elected, when and how.	
Proviso. Compensation, tenure.	
Proviso. Removal of.	
Failure to act after appointment.	
Proviso.	
Supervisors to receive instructions from commissioners.	

ships: *Provided further*, that the appointed supervisors of each and every township in the county are hereby authorized to receive from the old Board of Road Supervisors of public roads, all records and books kept for that purpose, and the said old Board of old Supervisors shall give to the said newly appointed supervisors the names of all overseers and hands allotted to each section of public roads, and boundary: *Provided further*, that all overseers of public roads and highways shall hold their road orders and work their roads under the old road law, until they are relieved by the newly appointed township supervisors: *Provided further*, that if any overseer holding such order shall accept the new order and hold office for one year, and that no overseer or supervisor under the old law shall be excused for any neglect of duty under said old law.

Proviso.

Supervisors to receive records of old board.

Proviso.

Old and new supervisors.

SEC. 6. That township supervisors, immediately after their notice of appointment, shall lay out all public roads and highways in their townships into convenient sections, and at the same time appoint overseers for each section throughout the county, and allot the hands to each overseer, giving each overseer the names of all his hands to be worked by him by name and boundary: *Provided further*, that for the purpose of this act, all roads that have been heretofore laid out by the County Commissioners or worked by their order, shall be considered public roads.

Supervisors to lay out roads into sections.

Section overseers.

Proviso.

What public roads.

SEC. 7. That overseers shall serve for one year, and no overseer shall be required to serve more than one year in succession: *Provided*, that any overseer may refuse to act as overseer on highways or public roads, on payment of two dollars to the County Treasurer, which shall be receipted and applied to the road fund, and the party paying such sum shall be placed on the list of hands allotted to said boundary: *Provided further*, that any overseer may be removed by the township supervisor or Board of County Commissioners, after having been given five days' notice and a hearing, when, in the opinion of the Board or the supervisors of the proper township, there exists good and sufficient cause for such action, and for malfeasance and misconduct in office, he may be removed by them without further notice than may be necessary in order to give him a hearing: *Provided further*, that a removal from office shall not release any person from censure for neglect of duty as provided in this act, and that all overseers shall continue in office until he has filed the receipt with the township supervisor in the township wherein he has been appointed. And any overseer who shall allow his road to be out of proper repair, and shall allow the same to remain out of proper repair for a space of five days at any one time, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten (\$10.00) dollars.

Overseers.

Failure to serve.

Removal of overseer.

Overseer neglecting his road.

Penalty.

Sheriff and constables to serve notices.

Overseers, commissions of.

Who liable for road service.

Notice to be given.

Tools.

Work in case of emergency.

Three dollars in lieu of road duty.

Funds, how collected and expended.

Report by overseer.

SEC. 8. That the Sheriff and constables of the county shall serve all notices and orders of the County Commissioners, and township supervisors, and shall be paid by the county for the same as sheriffs are now paid: *Provided further*, that all overseers of public roads shall receive a fee of six cents each for all hands warned to work the public roads, and shall be paid by the County Commissioners.

SEC. 9. That all able-bodied male persons of the county between the ages of eighteen and forty-five years, except residents of incorporated cities and towns, shall work on the public roads of said county for six days of nine hours each, except in cases of washouts or other damage, in which case the overseer may warn his hands to work one additional day in each and every year: *Provided further*, that the said overseer in each township shall give to each person of his boundary, who is subject to road duty, at least two days' notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: *Provided further*, that in case of washouts or other unexpected obstructions to travel, the two days' notice shall not be necessary, and any person liable to road duty in the boundary in which such obstruction to travel may occur, shall, upon being properly warned by said overseer of road, or the supervisor of the proper township, respond to such summons with reasonable promptness.

SEC. 10. That any person may, in lieu of working six days on the public roads, pay, on the day such person is warned to work said section of public roads, to the overseer of his allotted section, the sum of three (\$3.00) dollars, and it shall be the duty of such overseer of such section of road to issue such person a receipt for the same, stating the amount and year for which the same is paid: *Provided further*, that any person may, in lieu of working one day on public roads, pay to the overseer the sum of seventy-five cents, and it shall be the duty of the overseer to issue receipt as provided before; and such person holding receipt for three (\$3.00) dollars shall be released from working on any public road in the county for one year: *Provided further*, that it shall be the duty of any overseer collecting such sum or sums from hands allotted to their respective sections, to expend the same in the improvement of their section of road, provided the overseer shall report in writing to the supervisor the amount collected and the manner in which the same was expended; which report shall be filed with the Board of County Commissioners, and the overseer receiving such sum or sums failing to account for the same, or any overseer who shall fail to report the failure

of any person liable for road duty to work, he or they shall be guilty of a misdemeanor, and, on conviction, shall be fined five (\$5.00) dollars for each offence.

Failure to report persons liable for road duty.
Penalty.

SEC. 11. That any person who shall, after being duly notified as provided in this act, fail to appear and work as required to do, after having failed to pay as provided in this act, or any person who shall appear as notified, and fail or refuse to perform good and reasonable labor as required by said overseer, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two nor more than five dollars for each and every offence, and it shall be the duty of overseers to prosecute all delinquent hands who shall fail to work after having been legally warned, before some Justice of the Peace in said county, who shall have jurisdiction.

Failure to appear and work after notice.

Penalty.

SEC. 12. Each overseer shall not have the power to work the hands so allotted to him on his said section of road more than three days in any one week, nor shall he work them oftener than every fifteen days, except in case of washouts or damages otherwise rendering the road impassable: *Provided further*, the overseer of each section of road in the county shall make a written report to the township's supervisor on the first day of June and September of each and every year, setting forth therein the number of days worked by each hand, and the said report shall be sworn to before some person authorized to administer oaths: *Provided*, said report shall be approved by the supervisor of the proper township, and immediately filed with the Board of County Commissioners: *Provided further*, that any person liable for said duty who shall furnish a good, able-bodied hand, acceptable to the overseer, for each day to be worked, he or they may be discharged from said work, and for the purpose of this act, nine hours shall constitute a day's work.

Not to work more than three days per week.

Report by overseer.

Substitute furnished.

SEC. 13. That any member of the Board, or any supervisor or overseer of public roads, bridges and fords who shall fail to discharge the duties herein required of him or them, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five (\$25.00) nor more than fifty (\$50.00) dollars for each offence, and it shall be the duty of the grand jury to return all road supervisors, road overseers or members of the Board who shall fail or neglect to perform their several duties as contemplated in this act.

Official neglect of duty.

Penalty.

SEC. 14. The overseers of all public roads in the county may, and are hereby empowered to, compel any and all persons working on the public roads of the county, to provide themselves with such tools as are commonly used while working on said roads, as the overseer may designate in his notice or summons as being necessary: *Provided further*, that the County Commissioners may,

Tools and implements, how furnished.

- if necessary for the improvement of the highways and public roads, arrange with any person owning the same, to furnish a good team of horses or mules, wagon or scraper, cart or plow, to be employed or used on the said roads under the direction of the overseer or supervisor, and for nine hours of good and reasonable work. The compensation may be fixed by said Commissioners, provided such compensation shall not exceed two (\$2.00) dollars per day.
- Teams, plows, etc.**
- Style of highway to be constructed** SEC. 15. That all highways and public roads shall be kept clear of stumps and runners, and shall have walk width or driveway as may be ordered and directed by the Board of Commissioners, the same to be not less than sixteen feet nor more than twenty feet in width between ditches. All highways and public roads shall have ditches on both sides, eighteen inches below the center of road: *Provided further*, that all overseers shall work his six days required in this act, and as the supervisor may so direct, between the first day of March and the first day of September of each and every year: *Provided further*, that all overseers will work by the instructions furnished them by the Board of County Commissioners through the supervisors, and any overseer who shall refuse or fail to work by plans and specifications furnished them shall be guilty of a misdemeanor, and shall, on conviction, be fined not less than five nor more than ten dollars for each offence.
- Overseers failing to work as directed.**
- Penalty.**
- Commissioners to levy road tax.** SEC. 16. That the County Commissioners shall levy a road tax of not less than five cents nor more than twenty cents on the one hundred dollars worth of property, and not less than fifteen cents nor more than sixty cents on the poll, always observing the constitutional equation between the property and the poll; which tax shall be collected as other county taxes, and paid into the county treasury, to be used on the public roads of the county: *Provided*, that all material and tools furnished any overseer under the provisions of this act shall be placed in the hands of said overseer for use and safe keeping, and any overseer who shall allow any road material or tools so furnished him to be used for private purposes, shall be guilty of a misdemeanor, and, on conviction, fined ten (\$10.00) dollars for each offense.
- Amount property and poll.**
- Implements and materials to be in custody of overseer.**
- Commissioners to locate roads, Code.** SEC. 17. The County Commissioners shall have power to establish, alter or discontinue any roads in the county as heretofore provided in The Code.
- Survey to be made.** SEC. 18. In relocating and widening roads now in use, or in opening new roads, if the County Commissioners cause 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 owners or owner 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
- Eminent domain.**

road or highway, and any person who shall obstruct the engineer who has an order from the County Commissioners to make such survey for public road or highway 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 in the discretion of the Court, and any person or person who shall obstruct the township's supervisor or road overseer, or any other person working under instructions from the Board of County Commissioners, from opening said change of road or new road, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in the discretion of the Court; and it is hereby made the duty of the Solicitors to prosecute all offenses under the provisions of this section: *Provided*, that any person or persons be aggrieved, he 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 to the property, subtract one from the other, and the result shall be their verdict. The county shall pay the damages assessed.

Persons obstructing engineer.

Penalty.

Solicitor to prosecute.

Assessment of damage.

SEC. 19. All persons confined in the county jail, either under sentence of the Court for crime or imprisoned for the non-payment of fines or costs, shall be available to the County Commissioners for the purpose of working them upon the public roads, or any other county work, and, upon the application of any supervisor, overseer of public roads, or any other person in charge of county work, having an order from the County Commissioners, it shall be the duty of the Sheriff or jailer having such prisoners in his custody to deliver them, who shall be responsible for their safe keeping and return, and in case of the escape of any of the said prisoners, the Sheriff of the said county or jailer shall be exonerated from liability therefor.

Convicts to be worked on roads.

SEC. 20. 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 use convicts.

Convicts to be secured from other counties.

SEC. 21. That upon application of the County Commissioners of Burke County, it shall be lawful for the Judges holding Courts in said county to sentence to imprisonment at hard labor on the public roads or county works, any person of said county convicted before them, for such terms as are prescribed by law.

Judges to sentence convicts to roads.

SEC. 22. That the convicts sentenced by the Court shall be under the control of the County Commissioners of said county, and said authorities shall have power to enact and enforce all needful rules and regulations for the successful working of all convicts

Convicts under control of commissioners.

How controlled.	upon public roads or public works, and they may appoint a superintendent 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 such discipline only as may be necessary to carry out the rules and regulations in the working of the highways or public roads, or any other works to which said convicts may be put by 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; and the Board of County Commissioners, in their discretion, may work said convicts upon any other public works in said county, and whenever it shall seem to them best for the public interest. They may hire out to any person or corporation in said county the entire body of said convicts, or any part thereof, to be used in building bridges, culverts or fill in highways or public roads, and may use said convicts to do any work they may deem necessary for the improvement of the highways and public roads and bridges.
Convicts hired out.	
County jail and convict camps to be used.	SEC. 23. That for the purpose of equipping and maintaining said convict system, the County Commissioners are hereby authorized and empowered to use the county jail for the safe keeping of said convicts, or to build and keep a convict camp or camps for said purpose, and to provide for the keeping and maintaining of said convicts. The rules and regulations enacted and enforced by the County Commissioners must be in accord with general rules and regulations governing the use of convicts at State Prison.
Per diem of convicts in costs and fines	SEC. 24. That the prisoners imprisoned for non-payment of cost, employed in working the highways or public roads, shall be allowed so much per day as the Board of Commissioners may prescribe, which amount shall be credited to them on the account charged against them. If any prisoner shall escape from the custody of the supervisor, or those who have such prisoners in charge, on account of carelessness or neglect, he or they shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned at the discretion of the Court.
Convicts escaping, penalty.	
Sign-boards at bridges—"Go slow" at X roads.	SEC. 25. The County Commissioners shall have erected at each end of such bridges as they may elect, sign boards with the words "Go Slow" in large, legible letters, and there shall be erected at the forks or cross of public roads a post and guide board or finger board directing the way and distance to town or towns respectively: <i>Provided</i> , that if any person shall drive faster than a walk over such bridges, or shall ride or drive over any such bridge at a speed greater than a walk, or shall wilfully demolish, throw down, alter or deface any such post or guide board, every such person so offending shall, upon conviction thereof before any
Penalty for fast driving or injuring sign-boards.	

Justice of the Peace of such county, be fined not less than five nor more than ten dollars, and the money, when collected, shall be, by the Justice of the Peace collecting the same, paid one-half to the informer and the remainder to the County Treasurer, for the road fund.

SEC. 26. 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 across a highway or public road, to build and keep at his or their own expense in good and sufficient repair, all bridges that are or may be erected over such drain or canal, 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 public roads and bridges of the proper township, and any person or persons or corporations who shall fail to perform the duties imposed upon him or them by this section, having been warned by the overseers or supervisors of the proper sections and townships, leaving a written notice at his residence or the residence of his agent, or having been notified verbally and failed to perform said duties acceptable to the overseer or supervisor, shall be guilty of a misdemeanor, and be fined not less than nor more 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 County Treasurer and applied by the Board of County Commissioners to the road fund.

Ditches, drains
and canals across
highways.

Penalty for injury
after notice.

SEC. 27. That in case any person shall remove from any district to another who has, prior to such removal, performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, shall produce a certificate of the same of supervisor (overseer) of the proper district. Such certificate shall be a complete discharge for the amount therein specified.

Removal from one
district to another,
without
completing year's
work.

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 the county.

Residence of
person liable for
road duty.

SEC. 29. That the provisions of this act shall apply only to the county of Burke, and the general public law of the State shall be in full force and effect therein, except as otherwise provided in this act. And the cartways may be laid off and established in said county as now provided by law by petitions before the magistrates of any township wherein the said cartway is prayed for.

Applicable only to
Burke County.
General law still in
force.

Cartways.

SEC. 30. That the duties of the township board of supervisors, as heretofore declared by the general laws of the State, shall be imposed upon and shall be discharged by the township super-

Duty of supervisors
under general law.

visors, whose appointment is provided for by this act, and who shall be appointed by the Board of Commissioners of Burke County.

SEC. 31. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 193.

AN ACT TO PROVIDE FOR A BRIDGE ACROSS TOE RIVER, NEAR SPRUCE PINE, IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Commissioners to
levy tax, purpose
of.

SECTION 1. That the Board of County Commissioners of Mitchell County is hereby authorized to levy a sufficient tax to build an iron bridge across Toe River, at Spruce Pine, in Mitchell County, on the public road between Bakersville and Marion, which tax shall not exceed ten cents on the one hundred dollars worth of property and thirty cents on the poll annually for each of the years 1903, 1904 and 1905.

Amount poll and
property.

Fund to be applied
only to bridge
work.

SEC. 2. That said Commissioners shall not apply said fund to any other purpose, but the same shall be kept for this purpose alone, and it shall be the duty of the said Board to forthwith provide for the construction of said bridge.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 194.

AN ACT TO ALLOW CLERK OF THE COURT OF BEAUFORT COUNTY TO BE ABSENT FROM HIS OFFICE ON CERTAIN DAYS.

The General Assembly of North Carolina do enact:

Clerk Superior
Court Beaufort
County allowed to
absent himself
from office.

SECTION 1. That the Clerk of the Superior Court of Beaufort County shall be required to be at his office on the first Monday in every month from 9 a. m. to 4 p. m., for the transaction of probate business, and on each succeeding day until such matter is disposed of.

Deputy clerk to be
provided.

SEC. 2. That the said Clerk may be absent from his office on other Mondays during the above hours if it shall be necessary

for him to do so, provided he shall have a deputy in his office during said absence.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 195.

AN ACT TO AMEND CHAPTER 126 OF THE LAWS OF 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 126 of the Public Laws of 1895 be amended by striking out all of section one after the word "to," in line five of said section, and by inserting in lieu thereof the following words: "A point up said river at or near an old mill place, where the land of W. R. Gentry and Rosa Collins corner." Chapter 126, Public Laws 1895, amended.
Distance changed,

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 196.

AN ACT TO REGULATE THE KILLING OF GAME IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to kill any mocking bird or blue bird at any time. Unlawful to kill mocking and blue birds.

SEC. 2. That it shall be unlawful to kill or shoot, trap or net, any partridge, quail, robin, lark or wild turkey, squirrel or deer between the fifteenth day of February and the fifteenth day of November, in each year. Unlawful to kill certain birds during certain seasons.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and fined not more than fifty (\$50) dollars, or imprisoned not more than thirty (30) days, for each and every offense. Penalty.

SEC. 4. That this act shall apply only to Northampton County. Applicable only to Northampton County.

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

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 197.

AN ACT TO REPEAL CHAPTER 647 OF THE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Chapter 647, Public
Laws 1901,
repealed.
Stock law John-
ston County.

SECTION 1. That chapter (647) six hundred and forty-seven of the laws of nineteen hundred and one (1901), entitled "An act to regulate the stock law in Johnston County," be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 198.

AN ACT TO PROVIDE FOR AN ADDITIONAL TERM OF COURT FOR PERSON COUNTY.

The General Assembly of North Carolina do enact:

Chapter 28, Public
Laws 1901,
amended

SECTION 1. That chapter twenty-eight (28) of the Public Laws of nineteen hundred and one (1901) be amended as follows: Under the caption "Person County," on page one hundred and seventy (170) of said laws, and the second line of said caption, between the word "March" and the word "third," in said line, insert "thirteenth Monday after the first Monday in March, for the trial of civil cases only."

Additional term of
court for civil
cases

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 199.

AN ACT TO PERFECT THE PUBLIC RECORDS OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Clerk of Court of
Tyrrell County to
furnish records to
Clerk of Washing-
ton County.

SECTION 1. That the Clerk of the Superior Court of Tyrrell County be, and he is hereby, authorized and required to prepare and furnish to the Clerk of the Superior Court of Washington County, a complete and accurate copy and transcript of all the public records in his office, covered by the period from the year 1735 to the year 1799, inclusive, duly certified under the seal of

What records

his office; and in like manner the Register of Deeds of Tyrrell County is hereby authorized and required to prepare and furnish to the Register of Deeds of Washington County a complete and accurate copy and transcript of all the public records in his office, which certainly relate to property which is, or was, in the territory now embraced in Washington County, duly certified under the seal of his office.

Register of Deeds
to furnish records

What records.

SEC. 2. The copies and transcripts provided for in the preceding section shall be made under the supervision of a commissioner, to be appointed by the County Commissioners of Washington County. They shall be made on durable record books, to be furnished by the County Commissioners of Washington County, by the said officers of Tyrrell County, or competent deputies appointed by them, in good, plain, regular handwriting, and shall be approved by the Commissioners of Washington County before being paid for.

Commissioner to
be appointed on
behalf of Washing-
ton County.

Style of records, by
whom furnished.

SEC. 3. As full compensation for the services above required of the said officers of Tyrrell County, they shall receive, and the County Commissioners of Washington County shall pay, seven cents (.07) per copy sheet of one hundred words for the copying done by them, as above provided, and shall receive the usual fee for one certificate and seal, which shall be attached to each volume, making as many of said fees as there are volumes, each officer certifying and sealing only the volumes which he issues from his office.

Compensation for
making records.

SEC. 4. The Board of County Commissioners of Washington County are hereby authorized and required, within six months after the ratification of this act, to appoint the commissioner above provided for, and shall appropriate a sufficient sum, from the general funds of the county of Washington, not exceeding three hundred dollars (\$300), to carry out the provisions of this act.

Commissioners of
Washington
County to appoint
commissioner,
when.

SEC. 5. When the said copies and transcripts shall have been completed, and duly certified and placed in their respective offices of Washington County, they shall be received and treated in all respects as original records of Washington County, and shall be received as evidence in all the Courts of this State.

Copies to be
treated as
originals.
When.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 200.

AN ACT TO AMEND CHAPTER 510, LAWS OF 1901.

The General Assembly of North Carolina do enact:

Chapter 510, Public Laws 1901, amended.

Proviso as to limit of penalties.

Section 4 amended in regard to impounding.

Prima facie evidence if stock found at large

SECTION 1. That chapter five hundred and ten (510) of the Public Laws of one thousand nine hundred and one (1901) be amended as follows: Strike out all of section four after the word "chapter," in line ten of said section.

SEC. 2. Insert the word "on" between the words "rescuing" and "releasing," in line five of said section four, and strike out the words "or impounding," in lines five and six, and insert in lieu thereof the word "impounded," in said section four.

SEC. 3. That any of the live stock mentioned in section one of said chapter 510, found running at large shall be *prima facie* evidence that the owner of said stock wilfully permitted said stock to so run at large.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 201.

AN ACT TO AUTHORIZE A PUBLIC FERRY OR ROPE TRANSMISSION ACROSS FRENCH BROAD RIVER, AT BARNARD, MADISON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

French Broad Manufacturing Co. authorized to establish a public ferry on French Broad River, where

SECTION 1. That the French Broad Manufacturing Company, as a firm or as a corporation, of Madison County, and their successors and assigns, are hereby authorized to establish a public ferry or rope transmission across the French Broad River, for foot passengers, and for the conveyance of all kinds of merchandise, lumber, timber, etc., at or near the mouth of Big Pine Creek, connecting with the Big Pine public road, one landing to be situated in Number Seven Township, on the west side of said river, and the other landing on the east bank of said river, at or near said manufacturing establishment, and connecting with the public road known as Jewell Hill road.

Right to operate same for 30 years.

SEC. 2. That the right to keep said ferry or rope transmitting conveyance is hereby vested in the said French Broad Manufacturing Company, their successors and assigns, during the term of thirty years, and the said ferry or rope transmitter shall be

in all respects a public ferry, or rope transmitter, subject to the general laws, rules and regulations governing such.

SEC. 3. That it shall be lawful for the said French Broad Manufacturing Company, their successors or assigns, to receive such tolls and rates of ferriage as shall be prescribed and regulated by law.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 202.

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND TEN OF THE PUBLIC LAWS OF 1897, ENTITLED "AN ACT TO ESTABLISH A DISPENSARY FOR THE TOWN OF RUTHERFORDTON."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and ten of the Public Laws of eighteen hundred and ninety-seven, "An act to establish a dispensary for the town of Rutherfordton," be and the same is hereby repealed.

Chapter 410, Public Laws 1897, repealed.

Dispensary for Rutherfordton, N. C.

SEC. 2. That this act shall not go into effect until the same be submitted to and endorsed by the qualified voters of the county of Rutherford; and in order to ascertain the will of the people of said county, it shall be the duty of the Board of Commissioners of said county to order an election to be held therein, under the law governing the election of county officers, on Tuesday after the first Monday in May, 1903, and all persons desiring to approve and endorse this act shall vote a ballot on which is printed the words, "Against the Dispensary," and all persons desiring to oppose the same shall vote a ballot on which is printed the words, "For the Dispensary"; and if, upon ascertaining the result of said election, it shall appear that a majority of the voters voting in said election have cast their ballots "Against the Dispensary," then this act shall be in full force and effect; otherwise it shall remain inoperative until it shall be so approved by the voters of Rutherford County.

When effective, upon vote of people of Rutherford County.

Election, when and how to be held.

Ballots.

If majority against dispensary.

SEC. 3. If it shall appear that a majority of the voters voting in said election have cast their ballots "Against the Dispensary," the dispensary shall be allowed the term of sixty days from the day of said election in which to close out and get rid of the stock that may be on hand at that time.

Time in which to wind up dispensary.

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

When effective.

after its ratification, subject to the foregoing provisions as set out in sections one and two of this act.

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 203.

AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS FOR LENOIR COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next election for Commissioners for the county of Lenoir, and every two years thereafter, there shall be elected in said county five Commissioners, with all the powers and duties which now are or may hereafter be prescribed by law for County Commissioners.

SEC. 2. That all laws, parts and clauses of laws in conflict with this act be and the same are hereby repealed in so far as they relate to the county of Lenoir.

SEC. 3. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 204.

AN ACT IN REGARD TO STOCK LAW IN CERTAIN PARTS OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That so much of chapter 531 of the Public Laws of North Carolina, Acts of 1901, as relates to Bear Creek Township, in Chatham County, be and the same is hereby repealed.

SEC. 2. That, upon the application, in writing, of one-third of the qualified voters of said Bear Creek Township to the County Commissioners of Chatham County, it shall be the duty of said County Commissioners to order an election to be held at the regular voting place in said township, on the question of stock law or no stock law, at which election all qualified voters shall be entitled to vote; and if, at such election, a majority of such voters shall vote for stock law, then the said Board of Commissioners shall declare stock law in force in said township, otherwise there shall not be stock law therein: *Provided*, that no election shall be held within twelve months after any election herein provided for.

Commissioners of
Lenoir County to
be increased,
when.

Repealing clause.

Chapter 531 Public
Laws 1901, relating
to Bear Creek
Township, Chat-
ham County,
repealed.
Stock law election
to be held, how
and when

Result of election.

- SEC. 3. That no person residing in any portion where the stock law already obtains, or shall obtain, shall be allowed to vote. Who prohibited from voting.
- SEC. 4. That any election held under this act shall be advertised in a newspaper published in said county for thirty days, and at four public places in said township for same length of time, the pollholders and officers of election to be appointed by said Board of Commissioners when they make such order. Said pollholders and officers shall make return of the votes cast for and against stock law at their next regular meeting to said Board of Commissioners, who shall canvas and declare the result. Notice of election.
Election officers.
Return of election.
- SEC. 5. That all laws in conflict herewith are hereby repealed. Repealing clause.
- SEC. 6. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 205.

AN ACT FOR THE RELIEF OF H. T. PHILLIPS, CLERK OF THE SUPERIOR COURT OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

- SECTION 1. That H. T. Phillips, Clerk of the Superior Court of Davidson County, be and he is hereby exempted from the provisions of section 114 of The Code, and from the liabilities and penalties mentioned in section 115 of The Code, during the months of July and September, 1903 and 1904: *Provided, however,* that during his absence he shall have a competent deputy. Clerk of Superior Court of Davidson County allowed to absent himself from his office, when, a deputy.
- SEC. 2. That this act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 206.

AN ACT TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

- SECTION 1. That the Board of Commissioners of Richmond County shall be composed of five persons. Commissioners increased.
- SEC. 2. That N. G. Nicholson and N. D. McDonald be and they are hereby appointed additional Commissioners of said county, New commissioners appointed

Five commissioners to be elected hereafter.

Secretary of State to furnish copy of act.

Clerk to notify new commissioners.

and shall hold their offices until their successors are elected at the next general election and qualified.

SEC. 3. That at the next general election held in the State, and biennially thereafter, there shall be elected by the qualified voters of the said county, five persons to constitute the Board of Commissioners of Richmond County, and shall have all the powers conferred on County Commissioners by law.

SEC. 4. That within ten days after the ratification of this act, the Secretary of State shall furnish the Clerk of the Superior Court of said county a copy thereof. The said Clerk shall notify the said parties of their appointment, and they shall qualify within one month thereafter.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 207.

AN ACT TO RESTORE LOCAL SELF GOVERNMENT TO PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

County commissioners, five to be chosen at next election.

Tenure.

Powers and duties.

Justices of the Peace. Three to be elected for each township at next election.

SECTION 1. That at the next general election to be held in Pasquotank County, on Tuesday next after the first Monday in November, in the year 1904, and every two years thereafter, there shall be elected by the qualified electors of said county, five persons, who shall constitute the Board of County Commissioners of said county, and who shall hold their offices for two years from and after their qualification, and until their successors shall be elected and qualified, with all the powers and duties which now are, or may hereafter be prescribed by law for County Commissioners.

SEC. 2. That at the next general election to be held in Pasquotank County, on Tuesday after the first Monday in November, in the year of 1904, and every two years thereafter, there shall be elected by the qualified electors in each township of said county, three persons who shall be Justices of the Peace for their respective townships in said county, and who shall hold their offices for a term of two years from and after their qualification, and until their successors shall be elected and qualified.

Repealing clause.

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.

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 208.

AN ACT TO REGULATE THE SALE OF SCRAP METAL.

The General Assembly of North Carolina do enact:

SECTION 1. Every person, firm or corporation is hereby forbidden to buy from a person under twenty-one years of age, any brass, copper or lead metal or scrap.

Forbidden to purchase scrap metal from minors.

SEC. 2. Every junk dealer, plumber or dealer in metal scrap who shall buy any copper, brass or lead metal, or scrap, from any one, shall keep a book containing a description of the articles purchased, and the name and address of the person from whom he purchased the same, which book shall be kept subject to the inspection of any officer of the law at any time.

Junk dealers and dealers in metals to keep record, what to state.

SEC. 3. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and punished by a fine of fifty dollars (\$50.00), or imprisoned for thirty days, and that each purchase forbidden by this act shall constitute a separate and distinct offense: *Provided*, this bill shall only apply to the county of Forsyth.

Violation a misdemeanor.

Proviso applicable only to Forsyth County.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1903.

CHAPTER 209.

AN ACT TO AMEND SECTION 3840 AND 3841 OF THE CODE SO AS TO ABOLISH THE OFFICE OF STANDARD KEEPER FOR LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand eight hundred and forty, and three thousand eight hundred and forty-one shall not apply to Lincoln County, and the office of Standard Keeper for Lincoln County is hereby abolished.

Code, sections 3840-'1, amended.

Standard keeper Lincoln County abolished.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1903.

CHAPTER 210.

AN ACT TO AMEND CHAPTER 696 OF THE PUBLIC LAWS
OF 1899.*The General Assembly of North Carolina do enact:*Chapter 696, Public
Laws 1899, name
inserted

SECTION 1. That section two (2) of chapter six hundred and ninety-six (696) of the Public Laws of 1899 be amended by inserting before the word "Philadelphia" in line 34 of said section the word "Gaston," as a heading.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1903.

CHAPTER 211.

AN ACT TO REGULATE THE HEIGHT OF FENCES IN Mc-
DOWELL COUNTY.*The General Assembly of North Carolina do enact:*Lawful fence,
what.

SECTION 1. That fences four feet high shall be considered and they are hereby made lawful fences.

Where applicable.

SEC. 2. That this shall apply to McDowell County only.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1903.

CHAPTER 212.

AN ACT TO PREVENT HUNTING AND FISHING IN PEEDEE
TOWNSHIP, MONTGOMERY COUNTY.*The General Assembly of North Carolina do enact:*Unlawful to hunt
or fish on lands of
another, where.

SECTION 1. That it shall be unlawful for any person or persons to hunt with dog or gun (or fish) upon the lands of another in Pee Dee Township, Montgomery County, without the permission of the owner of the land, to so hunt (or fish).

Penalty.

SEC. 2. That any person or persons violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty dollars, or imprisoned not to exceed twenty days in the discretion of the Court.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1903.

CHAPTER 213.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MONTGOMERY COUNTY TO ISSUE BONDS AND LEVY A SPECIAL TAX TO BUILD A COURT HOUSE.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Montgomery, for the purpose of building a court-house at Troy, in said county, are authorized and empowered to issue bonds bearing interest at the rate of four per centum per annum to the amount of twenty thousand dollars of the denomination of one hundred dollars, to each and every one of which shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of every year until the bonds shall become due. The bonds so issued by the said Commissioners shall be numbered consecutively from one to two hundred; and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent, and when the interest is due, and shall be receivable in payment of all county taxes. The bonds shall run for a period of fifteen years from their issue, and shall be exempt from all county and municipal taxation.

Commissioners to issue bonds, purpose of.

Amount, interest, denomination.

Style of bonds.

Coupons receivable for taxes.

When due.

SEC. 2. That the said bonds shall be issued under the signature of the chairman of the Board of County Commissioners, and shall be attested by the official seal of the Clerk of the Superior Court of said county; and the chairman of the Board of County Commissioners shall, under the direction of the said Board of Commissioners, of said county, dispose of said bonds as the necessity for the prosecution of the work may require, at a sum not less than their par value: *Provided*, that the bonds may be issued and sold only as the work progresses: *And provided further*, that the issue and sale of said bonds shall cease at the discretion of the Board of County Commissioners.

How executed.

Bonds, how and when disposed of. Proviso.

Sale of bonds.

SEC. 3. That for the purpose of paying the interest as it falls due on said bonds, and of providing a sinking fund for the redemption of said bonds, it shall be the duty of the County Commissioners, and they are hereby authorized to levy and cause to be collected annually, as other county taxes are levied and collected a tax upon real and personal property of said county, not

Payment of interest, sinking fund

Special tax.

Amount property exceeding twenty cents on the hundred dollars worth of prop-
and poll. erty, and sixty cents on the poll.

Bonds to be
repurchased.

SEC. 4. That in order that the Commissioners of Montgomery County may use the excess of the fund raised by taxation under this act, after paying the annual interest accrued on said bonds, they are authorized and empowered to purchase annually one-fifteenth of the bonds issued at a sum not exceeding their par value, and in case no one shall offer to sell one-fifteenth of said bonds, then the said Commissioners are authorized to designate such bonds, not exceeding one-fifteenth of the whole number issued, as they may desire to purchase; and after the designation of said bonds, and a notice thereof given through a newspaper published in Montgomery County, if the holder of the bonds shall refuse to surrender the same and receive their par value, with interest accrued at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, the said bonds shall be affected with the conditions of this act only when conditions are expressed upon the face of the bonds.

Refusal to surren-
der bonds.

No subsequent
interest.
Proviso.

What bonds to
state on face

Surplus of pro-
ceeds, how used

SEC. 5. That the Commissioners of the said county are authorized to use so many of the said bonds as shall be unnecessary to build the court-house or any funds raised by taxation under this act, in excess, after paying the annual interest accrued and the one-fifteenth annual purchases of bonds provided for in this act, for the purpose of constructing a bridge across Uwharrie River, at or near Saunders' Ford in Montgomery County. And the said Commissioners are authorized to sell the old court-house building now located on the public square, and to use the money arising from such sale in the erecting of the court-house provided for in this act.

Build a bridge.

Commissioners to
levy special tax.

SEC. 6. That the County Commissioners of Montgomery are authorized and empowered to levy and cause to be collected annually, as other county taxes are levied and collected, a tax upon the real and personal property of said county, not exceeding twenty cents on the hundred dollars worth of property, and sixty cents on the poll, for the purpose of building the court-house herewith provided for in this act, if the Commissioners of said county shall deem it advisable, and in order that they may exercise a sound discretion in providing funds for the building of the said court-house.

Amount poll and
property.
Purpose of.

Record to be kept

SEC. 7. That the Commissioners of said county shall provide a record, which shall be kept by their Clerk, in which shall be entered the name of every purchaser of a bond, and the number of the bond purchased. They shall also cause to be kept a record of the bonds redeemed annually, and the bonds, when redeemed and recorded, shall be destroyed by fire in the presence of the Board of Commissioners by some one of their number or by their clerk under their direction.

What to contain.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1903.

CHAPTER 214.

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

WHEREAS, The records in the office of the Register of Deeds of Moore County have been destroyed by fire, and much inconvenience and litigation have resulted therefrom:

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the county of Moore shall have the power to cause all the records of grants, now recorded in the office of the Secretary of State, conveying lands situate in the county of Moore, and in the counties of which Moore was a part before the establishment and creation of said county, to be recorded in record books, provided by them for said purpose, and the Secretary of State shall thereupon append a certificate, under the seal of his office in each book; that the record therein made of such grants is correct, as recorded in his office.

SEC. 2. That upon the certification of said record books, as herein provided, they shall be delivered to the custody of the Register of Deeds of Moore County, and deposited in his office, and shall thereupon become the official record books of grants for the County of Moore as to the grants therein recorded and import such verity, and have all the force and effect as the original record of said grants in said office, and the said record books, or a certified copy of any of the grants therein recorded, under the seal of Register of Deeds of said county, may be introduced in evidence in any of the courts of the State.

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

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

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1903.

CHAPTER 215.

AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUOR WITHIN CERTAIN DISTANCE OF TWO CHURCHES AND ONE SCHOOL HOUSE IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to sell or manufacture liquors within one and a half miles of certain churches in Surry county.
Same as to certain other churches

SECTION 1. That it shall be unlawful for any person or persons, or corporation to manufacture or sell or give away any intoxicating liquors within one and one-half miles of Flat Rock School-house, Surry County, Oak Grove Church, Surry County.

Penalty.

SEC. 2. That it shall be unlawful for any person or persons, or corporation to manufacture or sell or give away any intoxicating liquors within two miles of Laurel Hill Church in Surry County, Indian Grove Church, Surry County.

Repealing clause.

SEC. 3. That any person or persons or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor.

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

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

In the General Assembly read three times, and ratified this 25th day , A. D. 1903.

CHAPTER 216.

AN ACT TO AMEND SECTION ONE THOUSAND TWO HUNDRED AND SEVENTY-FOUR OF THE CODE.

The General Assembly of North Carolina do enact:

Code, section 1273, amended.
Deeds of trust good when registered. Proviso
Fee of clerk.

SECTION 1. That section one thousand two hundred and seventy-four of The Code be amended to read as follows: Such deeds of trust shall be good to all intents and purposes when same shall be duly registered according to law: *Provided*, the probate fee of Clerk of Superior Court in such cases shall be ten cents, and the fee of Register of Deeds shall be twenty cents, except in cases in which crop or crops are included in said chattel mortgages, in which cases the fees of Clerk and Register shall be the same as for probating and recording crop liens in such county (and no other fee or tax shall be due on account of the same): *Provided further*, that this act shall only apply to the counties of Brunswick, Warren, New Hanover and Vance.

Crop liens and chattel mortgages.
Proviso, what counties applicable

SEC. 2. This act shall be in force from and after its ratification.
In the General Assembly read three times, and ratified this 25th day of February, A. D. 1903.

CHAPTER 217.

AN ACT TO AMEND CHAPTER 345 OF THE PUBLIC LAWS
OF 1895.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 345 of the Public Laws of North Carolina, session of 1895, be and the same is hereby amended by inserting between the words "tributaries" and "in" in line 3 of section one of said chapter, the words "or any still waters subject to overflow by high waters or otherwise;" also by adding at the end of said section one of said chapter the following: *Provided*, that it shall be unlawful for any person to catch, or attempt to catch fish, in any manner whatsoever, in any private pond, or any pond used for spawning purposes, in said county, except by written permission from the owner or owners of such pond or ponds.

Chapter 345, Public Laws, amended.

In regard to overflows. Proviso added.

Unlawful to fish without written permission of owner.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1903.

CHAPTER 218.

AN ACT TO AMEND CHAPTER 750 OF THE PUBLIC LAWS
OF 1901.*The General Assembly of North Carolina do enact:*

SECTION 1. That the word "Edenton" be inserted between the words "Rocky Mount" and "and" in line two (2) of section twenty-one (21) of chapter 750 of the Public Laws of 1901.

Chapter 750, Public Laws 1901, amended, Edenton inserted.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1903.

CHAPTER 219.

AN ACT TO PROHIBIT THE SALE AND MANUFACTURE OF
AND THE SHIPPING OF LIQUORS INTO HIGH SHOALS
TOWNSHIP, RUTHERFORD COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to manufacture or sell, by subterfuge or otherwise, or ship any malt, spirituous or vinous liquors into High Shoals Township in

Unlawful to manufacture or sell liquors in High Shoals Township, Rutherford County

Rutherford County, and under this act it shall be declared and adjudged that the place of delivery shall constitute the place of sale.

Penalty.

SEC. 2. That any person or persons who shall violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the Court.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 220.

AN ACT TO PROHIBIT THE OBSTRUCTION OF JUNIPER CREEK IN BRUNSWICK AND COLUMBUS COUNTIES.

The General Assembly of North Carolina do enact:

Unlawful to place
obstructions in
certain waters
Brunswick County.

SECTION 1. That it shall be unlawful for any person, firm or corporation to wilfully or negligently fell any trees, or place any brush or other obstruction whatever in Juniper Creek in Brunswick and Columbus Counties, which tend to prevent the free passage of boats or rafts, or to obstruct the natural flow of water in the same. Any person, firm or corporation violating this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Penalty.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 221.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED, "AN ACT TO AMEND CHAPTER 272 OF THE PUBLIC LAWS OF 1901, REGULATING LOCAL OPTION ELECTIONS IN THE TOWN OF BREVARD, AND PLACING SAFEGUARDS AROUND THE MANUFACTURE AND SALE OF SPIRITUOUS LIQUORS IN TRANSYLVANIA COUNTY," RATIFIED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA ON THE 23D DAY OF FEBRUARY, 1903.

The General Assembly of North Carolina do enact:

Act amending
amendatory act
chapter 272, Public
Laws, 1901.

SECTION 1. That the word "or" in line six of section nine of an act entitled "An Act to amend chapter 272 of the Public Laws of 1901, regulating local option elections in the town of Brevard, and placing safeguards around the manufacture and sale of

spirituous liquors in Transylvania County," ratified by the General Assembly of North Carolina on the 23d day of February, 1903, between the word "agent" and the word "purchaser" be stricken out, and the words "of the" be inserted in lieu thereof.

Correction.

SEC. 2. The Secretary of State is hereby authorized, directed and empowered to strike out said word "or" and insert the words "of the" in lieu thereof, as indicated in section one of this act, in the copy of said act indicated in this act, and have the said act printed and published so that it will read "of the purchaser."

Secretary of State directed to make correction.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 222.

AN ACT TO CREATE HAW RIVER TOWNSHIP IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township to be called Haw River Township be and is hereby created in Alamance County to be formed from the territory now within the boundaries of Graham, Faucett and Melville Townships and bounded as follows: Beginning at the mouth of Trollinger's branch on the right bank of Haw River, thence a straight line to a post oak at the juncture of the roads from Burlington and from Graham to Haw River, thence a straight line extending across Haw River to the corner of the Ben McAdams land with corner of the D. W. M. Huffman land on the left bank of Haw River, thence with the line dividing the said McAdams and Huffman lands to Boyd Creek, thence up said creek to where it crosses the Melville and Faucett Township lines, thence with the said lines to the corner of Pleasant Grove and Melville Townships, thence with the said Melville and Pleasant Grove lines to Back Creek, thence down said creek as it meanders to the line of White School District No. 3 in Melville Township, thence with line of said district to Haw River, thence up and across said river to the beginning point.

Haw River township created in Alamance County.

Boundary.

Description.

SEC. 2. That said township shall have all the rights, powers and privileges of other townships in said county.

Rights and powers.

SEC. 3. That the voting place in said township shall be the same as that now lawfully established for Haw River precinct in Melville Township.

Voting.

SEC. 4. That the Justices of the Peace resident in the territory embraced in the new township hereby created shall continue Jus-

Justices of the Peace.

tices of the Peace in said new township till the expiration of their terms.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 223.

AN ACT TO AMEND CHAPTER 459 OF PUBLIC LAWS OF 1901, RELATING TO STOCK LAW IN OCROCOKE TOWNSHIP, HYDE COUNTY, AND TO EXTEND SUCH STOCK LAW TERRITORY IN SO FAR AS IT RELATES TO HOGS AND GOATS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter 459 of Public Laws of 1901 be amended by adding to the end of said section the following words, to-wit:

Chapter 459, Public Laws 1901, amended.

Proviso added.

Stock law territory established.

“*Provided*, that the whole of said island and township of Ocrocoke shall be and the same is declared a stock law territory for hogs and goats, and it shall be unlawful to permit any hogs or goats to run at large in said territory.”

What law applicable, hogs and goats.

SEC. 2. That the provisions of section two, three, four and five, of chapter 459, of Public Laws of 1901, shall apply to the increase of territory provided for under this act, in so far only as it relates to hogs and goats.

SEC. 3. That this act shall be in effect from and after the first day of May, 1903.

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 224.

AN ACT TO AMEND CHAPTER 179 OF THE LAWS OF 1897, RELATING TO THE PUBLIC SCHOOLS OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 179 of the Public Laws of 1897 be and the same is hereby amended by striking out section five of said chapter and inserting in lieu thereof as a substituted section five, the following: “That said Board of School Trustees shall annually elect one of their number treasurer and custodian of all

Chapter 179, Public Laws 1897, amended, section 5 stricken out.

New section.

school funds, and all public school funds derived from the State and county for the use and benefit of said school district shall be paid by the Treasurer of Catawba County to the Treasurer of said Board of Trustees of the Hickory Graded Schools for the use and benefit of said graded school; in all apportionments of such State and county school funds there shall be apportioned to the Hickory School District such sum of money as will be produced by dividing the whole to be apportioned in the county of Catawba by the total number of children of school age in said county and then multiplying the result by the number of children of school age within said district."

Trustees to elect treasurer of school fund, when.

Public school fund, how apportioned.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 225.

AN ACT TO REGULATE THE FEES OF JUSTICES OF THE PEACE IN THE TRIAL OF CLAIM AND DELIVERY ACTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That Justices of the Peace may charge the following fees for issuing the papers and for the trial of actions in claim and delivery proceedings, and none other, to-wit: For issuing all necessary papers and copies thereof and for the trial of the same, where there is one defendant, the sum of one dollar and fifty cents, and fifty cents for each additional defendant, and ten cents for each subpoena issued in said cause, and twenty-five cents for taking the replevy bond when one is given: *Provided*, that where the trial of such cause shall have been removed from before the Justice of the Peace issuing the said papers, the Justice of the Peace sitting in the trial of such cause shall receive fifty cents of the above costs for such trial and judgment.

Fees of Justices of the Peace in claim and delivery proceedings.

Issuing necessary papers and copies.

Subpoenas.

Replevy bond.

Proviso.

Removal from one Justice to another.

SEC. 2. That it shall be unlawful for Justices of the Peace to charge or receive any other fees whatsoever, in the trial of claim and delivery actions, except as above stated.

Unlawful to receive additional fees.

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

Repealing clause.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 226.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND ENLARGEMENT OF LIBRARIES IN THE PUBLIC SCHOOLS OF THE RURAL DISTRICTS.

The General Assembly of North Carolina do enact:

Library, how established.

Librarian for free public schools.

How appointed

County Superintendent to notify Secretary of State Board of the establishment of library.

State Board to refund \$10.

Librarian to select books.

Treasurer to order books.

Book case, how furnished.

Rules governing use of books.

Exchange of local libraries. Provided: when exchange to be made.

Enlargement of library, how secured.

SECTION 1. Whenever the patrons and friends of any free public school shall raise by private subscription and tender to the treasurer of the county school fund, for the establishment of a library to be connected with the said school, the sum of ten dollars the County Board of Education shall appropriate, from the money belonging to that school district asking for the library, the sum of ten dollars for this purpose and shall appoint one intelligent person in the school district the manager of said library. The County Board of Education shall also appoint one competent person well versed in books to select books for the libraries as may be established under the provisions of this act from lists of books approved by the State Superintendent of Public Instruction.

SEC. 2. As soon as the County Board of Education of any county shall have made an appropriation for a library in the manner prescribed, the County Superintendent of Schools shall inform the secretary of the State Board of Education of the fact, whereupon the said State Board of Education shall remit to the treasurer of the county school fund the sum of ten dollars for the purchase of books.

SEC. 3. Within thirty days after the payment of the money to the treasurer of the county school fund, the person appointed to select the books shall submit the list of books to be purchased and prices of same to the treasurer, who shall order the books at once. The treasurer shall receive no compensation except his regular commission. The County Boards of Education shall furnish, at the expense of the general county school fund, a neat book case with lock and key to each library upon application of the County Superintendent of Schools.

SEC. 4. The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be enjoined by the State Superintendent of Public Instruction.

SEC. 5. The local managers of two or more libraries may by agreement exchange libraries: *Provided*, that no exchange shall be made oftener than once in six months and that no part of the expense of exchanging libraries shall be borne by the public.

SEC. 6. Whenever the patrons and friends of any free public school in which a library has been established under the provis-

tions of chapter 662, Laws of 1901, shall raise by private subscription and tender the treasurer of the county school fund the sum of five dollars for the enlargement of the library, the County Board of Education shall appropriate from the money belonging to that school district the sum of five dollars and the State Board of Education shall remit to the treasurer of the county school fund the sum of five dollars. The money thus collected and appropriation shall be used for the enlargement of libraries already established under the same rules and restrictions as govern the establishment of new libraries.

Money refunded
by State Board.

SEC. 7. The sum \$7,500 of the appropriation for the public schools of the State is hereby appropriated and set apart to be expended by the State Board of Education under the provisions of this act: *Provided*, that of this amount a sum not exceeding \$5,000 may be expended by the State Board of Education in the establishment of new libraries, and a sum not exceeding \$2,500 may be expended by the State Board of Education in the enlargement of libraries already established.

Appropriation for
this purpose.

Proviso, two-thirds
for establishing
and one-third for
enlarging
libraries.

SEC. 8. Not more than six new libraries in any county in addition to those already established shall be entitled to the benefits of this act, and not more than six libraries already established in any county shall be entitled to the benefit of section six of this act. No school district in any incorporated town with a population exceeding one thousand persons shall receive any moneys under the provisions of this act, nor shall any school district receive the benefits of this act without the approval of the County Board of Education.

Number of new
libraries
established.

Benefits of this act
limited.

SEC. 9. All laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Repealing clause.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 227.

AN ACT AUTHORIZING THE COMMISSIONERS OF VANCE COUNTY TO FIX THE SALARY OF THE CHAIRMAN OF THE BOARD OF COMMISSIONERS.

WHEREAS, The business of the county of Vance is such, and the careful management thereof is of such importance to the people of the county, as to require the diligent attention of the chairman of the Board of Commissioners of said county; therefore:

Preamble.

Time of chairman
required.

The General Assembly of North Carolina do enact:

Commissioners of
Vance County fix
salary of chairman.

SECTION 1. That the members of the Board of Commissioners of Vance County acting separate and apart from the chairman thereof, are hereby empowered and authorized to fix the salary of its chairman, at an amount that will be a reasonable and just compensation for his services: *Provided*, that the said compensation shall not exceed the sum of twenty-five dollars per month.

Proviso: amount.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 228.

AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS
BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Commissioners of
Buncombe county
increased, who
appointed.

SECTION 1. That J. F. Wells, of Sandy Mush Township, Buncombe County, and Charles N. Parker, of French Broad Township, Buncombe County, be, and they are hereby appointed and elected additional members of the Board of County Commissioners of Buncombe County with the same rights and powers and subject to the same duties and liabilities as members of the said Board of Commissioners as if they had been elected at the last general election of said county, and shall hold their offices as such until their successors are duly appointed or elected at the next general election in said county.

Five commission-
ers to be elected
hereafter.

SEC. 2. That there shall be elected in the county of Buncombe at the next general election and every two years thereafter five County Commissioners of said county who shall hold office until their successors are elected and qualified.

New commission-
ers to qualify,
when.

SEC. 3. That said J. F. Wells and said Charles N. Parker shall immediately after the ratification of this act qualify as County Commissioners of said county before the Clerk of the Superior Court of said county and shall hold office from the time of their qualification until the first Monday in December, A. D. 1904.

Tenure.

New commission-
ers to meet with
present board.

SEC. 4. That said additional Commissioners shall meet with the present Commissioners for said county and with them shall constitute the Board of County Commissioners of Buncombe County.

Vacancies.

SEC. 5. That should there occur a vacancy in said board, the said Board of County Commissioners is hereby ordered and empowered to fill the same.

SEC. 6. The Secretary of State is hereby directed to send a copy of this act under the seal of the State to the Register of Deeds of said Buncombe County immediately after its ratification.

Secretary of State
to furnish copy of
act to Register of
Deeds.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 229.

AN ACT TO EXTEND STOCK LAW IN LITTLE PINE CREEK TOWNSHIP, MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the territory embraced within the following described boundaries shall be a stock law territory:

Stock law created.
Madison County.

Beginning at the mouth of Big Pine Creek and running down French Broad River so as to include the lands of Henry Lunsford, thence back to the line of Number Seven Township, thence with said township line to A. J. Farmer's land and including his land, thence with said township line to S. C. Dockery's farm and including said farm, thence with the township line to the Grass Land, now Pritchard's farm, thence with the township line to the line of Number Six Township, thence with Number Six Township line to where the lines of Number Six and Seven Townships join, thence with the line of Number Seven Township to the French Broad River, thence down and with the French Broad River to the beginning.

Boundary.

SEC. 2. That from and after the first day of April nineteen hundred and three, it shall be unlawful for any stock to run at large upon any of the aforesaid territory, and any person or persons who shall wilfully let their stock run at large in said territory shall be guilty of a misdemeanor. That all laws of chapter twenty, volume two of The Code, relating to stock law territory not inconsistent with this act, together with the pains and penalties therein prescribed, shall apply to the territory embraced in section one of this act: *Provided*, that any person who may take up and impound any stock, may demand, not exceeding ten cents for each animal so taken up, and twenty-five cents per day for each animal so kept impounded.

When effective.

Misdemeanor for
stock to run at
large.

Chapter 20, Code,
applicable.
Proviso, impound-
ing stock.

SEC. 3. That this act shall be in force from and after the first day of April, nineteen hundred and three.

When effective.

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 230.

AN ACT TO DISPOSE OF SPECIAL JAIL TAXES AND FOR
COUNTY COMMISSIONERS OF SAMPSON COUNTY TO
LEVY SPECIAL TAXES.*The General Assembly of North Carolina do enact:*

Commissioners of
Sampson County
to apply surplus of
jail tax to expense
of small-pox
epidemic.

SECTION 1. That the Commissioners of Sampson County are hereby empowered to convert the surplus of special jail taxes, now in the hands of the County Sheriff and Treasurer, after paying off the bonds and interest issued for that purpose, into a "special fund," to defray the necessary expenses incident to the small-pox epidemic heretofore, and now prevailing within the borders of said county, and for no other purpose.

May use proceeds
from sale of jail for
same purpose.

SEC. 2. That the said Commissioners of Sampson County are further empowered to use the proceeds of the sale of the old jail site for the same purpose and no other.

May levy special
tax, purpose of.

SEC. 3. That to supplement the fund specified in sections one and two hereinbefore mentioned the said Commissioners are further empowered to levy a special tax for the years 1903 and 1904, not exceeding (8 1-3) eight and one-third cents on the \$100.00 worth of property, and twenty-five cents on the poll, to be levied and collected as other taxes, and these public taxes when collected shall be used for the purposes hereinbefore indicated and "the surplus, if any, to be used for the support of the poor in said county so far as may be necessary."

Amount, property
and poll.

How applied.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 231.

AN ACT TO AMEND CHAPTER 28 AND SECTION 13 OF
CHAPTER 29 OF THE PUBLIC LAWS OF 1901 RELATING
TO THE COURTS IN CATAWBA COUNTY.*The General Assembly of North Carolina do enact:*

Section 1, chapter
28, Public Laws
1901, as amended
by section 13, chap-
ter 29, Public Laws
1901.

SECTION 1. That part of section one (1) of chapter twenty-eight (28) of the Public Laws of 1901 which provides for the holding of courts in Catawba County, as amended by section thirteen (13) of chapter twenty-nine (29) of the Public Laws of 1901 be stricken out and that there be inserted in lieu thereof the following: "Catawba County—Fourth Monday before the first Monday in March, to continue for two weeks; the first

Time for holding
court changed,
criminal and civil
cases at same term.

week for the trial of criminal cases only, the second week for the trial of civil cases only; ninth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases exclusively; eighth Monday before the first Monday in September, to continue for two weeks, for the trial of both criminal and civil cases; eighth Monday after the first Monday in September, to continue for two weeks, the first week for the trial of criminal cases only, the second week for the trial of civil cases only."

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 232.

AN ACT AUTHORIZING THE TOWN OF HAMLET TO ISSUE BONDS FOR THE PURPOSE OF BUILDING SCHOOL-HOUSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the town of Hamlet, N. C., are hereby authorized to issue coupon bonds of the town of Hamlet to the amount of five thousand dollars, in denominations of not less than one hundred dollars, bearing interest from date of said bonds at a rate not exceeding the rate of interest allowed by law, and payable semi-annually on the first day of January and the first day of July of each year until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by said Board of Commissioners and named therein, not to be less than ten nor more than twenty-five years from date thereof. Said bonds and their coupons shall be numbered, and the bonds shall be signed by the Mayor of said town and countersigned by the clerk to the Board of Commissioners of said town, and shall have the corporate seal of said town attached thereto, and the coupons attached to said bonds shall be signed by the Mayor of said town. That a record of said bonds shall be kept, showing the numbers and denominations thereof, to whom sold, the date of issue of each bond, when the same will mature and the rate of interest thereon, the amount received from the sale of the same and the date of paying the proceeds into the treasury of said town, and such other data in relation to the same as said Board of Commissioners shall direct to be kept.

SEC. 2. That the bonds hereby authorized to be issued, when issued, shall be sold, and the proceeds arising from the sale of

Bond issue authorized, interest.

When payable.

Bonds, how signed.

Record of bonds.

Sale of bonds

Appropriation of funds.

the same shall be paid into the treasury of said town, and shall be held by the treasurer of said town, subject to the order of the Public School Committee of the town of Hamlet, hereinafter provided for, who shall expend the same in the purchase of lands in the town of Hamlet, and the erection thereon of suitable buildings and improvements, and furnishing the same with necessary and proper equipments and furniture for the accommodation of the public schools of the town of Hamlet.

Tax levy to pay bonds and interest.

SEC. 3. In order to pay the interest on said bonds, and to create a sinking fund to pay the principal of the same, at maturity, the Commissioners of the town of Hamlet shall each year, until the last of said bonds to become due shall have been paid, levy and collect a special tax of not more than ten cents on every one hundred dollars valuation of all the taxable property in the town of Hamlet, and not more than thirty cents on each taxable poll in said town, always observing the equation of taxation between property and polls fixed by the Constitution of the State; and the money paid into the treasury of said town from said tax levy shall be appropriated to the payment of said bonds and coupons, and shall be used for no other purpose whatsoever; *Provided*, that all moneys remaining in the treasury, belonging to said fund, after all the aforesaid bonds and coupons shall have been redeemed, may be appropriated by said Commissioners to school purposes in said town.

Bond issue to be authorized by election.

SEC. 4. That said bonds shall not be issued nor said taxes levied unless authorized by vote of a majority of the qualified voters of the said town at a public election to be held on the first Monday in May, next, in the same manner as elections are held in said town for the election of Mayor and Commissioners thereof. At such election those who favor the issuing of said bonds and the levying of the taxes herein provided for shall vote ballots with the words "For School Building Bonds and Taxes," written or printed thereon, and those opposed to issuing said bonds and levying said taxes shall vote ballots with the words "Against School Building Bonds and Taxes" written or printed thereon; and if at such election a majority of the qualified voters of said town shall vote ballots with the words "For School Building Bonds and Taxes" written or printed thereon, the Mayor and Commissioners of said town shall issue the bonds and levy the taxes as hereinbefore specified. Notice of the election herein provided for shall be given by publication for four successive weeks in some weekly newspaper published in Richmond County.

Votes, how cast.

Notice of election.

School district limits.

SEC. 5. That the territory embraced in the corporate limits of the town of Hamlet shall be and constitute a public school district for the white and colored races.

SEC. 6. That J. S. Bishop, N. D. McDonald, O. T. Goodwin, A. S. Cowan and M. D. McDonald, and their successors, shall be, and they are hereby created, a body corporate under the name of "Public School Committee of the Town of Hamlet," with power to sue and be sued, plead and be impleaded in any and all the courts of the State; and that the members of said committee named above shall hold office from and after the ratification of this act until the first day of June, 1903. That their successors shall be elected at the regular town election on the first Monday in May, 1903, and every two years thereafter, and they shall serve a term of two years from and after the first day of June next after their election. That the members of said committee, before entering upon the duties of said office, shall take an oath before some Justice of the Peace, or some other person qualified to administer oaths, to the effect that they will well and truly perform the duties of said office, to the best of their ability. Whenever a vacancy shall occur on said committee from any other cause than the expiration of the term of a member, such vacancy shall be filled by the committee.

School committee created body politic.

Term of office.

Oath of office.

SEC. 7. That the committee provided for in this act shall have the entire and exclusive control of the public school interests in the town of Hamlet; shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall annually employ and fix the compensation of the officers and teachers of the public schools of said town, which officers and teachers shall be subject to removal by the board; shall make or cause to be made an accurate census of the school population of the district embraced in said town, as required by the general school law of the State, and do all other acts that may be just and lawful to conduct and manage the general school interests in said town.

Powers of committee.

School census provided for.

SEC. 8. That said committee shall have the power to acquire by gift, grant or purchase, and to hold property, real or personal, in trust for the public schools of said town; and the said committee may sell, transfer or mortgage the same for school purposes: *Provided*, that all deeds and mortgages and other agreements affecting real estate, made by said committee, shall be deemed sufficiently executed when signed and sealed by the chairman of said committee and attested by the secretary, or when signed and sealed by the chairman and two other members of said committee.

Power to acquire and hold property for school purposes.

SEC. 9. The treasurer of the town of Hamlet shall be *ex officio* treasurer of the public school committee of the town of Hamlet, and he shall be required to give a sufficient bond for the safe keeping and proper disbursement of the funds belonging to said school committee which shall come into his hands for school

Treasurer of school committee.

Disbursement of school funds

purposes, and said treasurer shall keep said school fund separate and apart from all other moneys, and shall pay out the same only upon the warrant or order of the public school committee of the town of Hamlet, and no such warrant or order shall be honored by said treasurer unless the same shall be signed by a majority of the members of said committee, or by the chairman and secretary. The moneys which shall from time to time be apportioned under the general school law of the State to the Hamlet school district shall be paid to the treasurer of the public school committee of the town of Hamlet by the treasurer of Richmond County for the use and benefit of the public schools of said town, and shall be subject to the order of the said committee.

Title to school property.

SEC. 10. All property belonging to the Board of Education of Richmond County, situate and being in the corporate limits of the town of Hamlet, shall immediately upon the ratification of this act vest in the public school committee of the town of Hamlet, which committee shall hold the same in trust for school purposes.

Apportionment of school funds between the races.

SEC. 11. That said committee shall apportion the moneys raised or received for educational purposes in the town of Hamlet between the two races so as to equalize school facilities between white and colored children; and they shall maintain a school for each race for so long a term each year as the funds raised or received by them will allow; and all children residing in said town between the ages of six and twenty-one years shall be admitted to said schools free of tuition. The subjects and studies taught in said schools shall be those taught in the regular public schools of the State, and such other branches as the committee shall adopt. That children who are not residents of said town may be allowed to attend said school upon payment of tuition the rate of which shall be fixed by the committee: *Provided*, that the residence of children, for the purposes of this act, shall be deemed to be where their parents or persons who stand in *loco parentis* reside.

Studies to be taught.

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

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 233.

AN ACT TO REGULATE THE MANUFACTURE AND SALE OF LIQUORS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Unlawful to sell or manufacture liquors except in incorporated towns.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to manufacture, sell or otherwise dispose of for gain any spirituous, vinous or malt liquors or intoxi-

cating bitters within the State of North Carolina, except in incorporated cities and towns wherein the sale or manufacture of liquor is not or may not hereafter be prohibited by law or regulated by special statute: *Provided*, this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors by druggists for sickness upon the written prescription of a legally qualified physician having such person under his charge: *Provided further*, that this act shall not be construed as to apply to wine or cider manufactured from grapes, berries or fruits raised on the lands of the person so manufacturing, or purchased by the manufacturer from the growers thereof: *Provided further*, that this act shall not be construed to apply to brandy, manufactured from fruit or grapes and sold in original packages of not less than five gallons.

SEC. 2. That it shall be unlawful for any person, persons, firm or corporation to manufacture, sell or otherwise dispose of for gain any spirituous, vinous or malt liquors or intoxicating bitters, except as hereinbefore provided, in any incorporated city or town, without first obtaining as provided by law, a license therefor both from the Board of Commissioners of the county in which said town or city is situated, and from the Board of Aldermen or City Councilmen, or the governing authorities, by whatever name called, of said city or town.

SEC. 3. That any person violating the provisions of this act with reference to the sale or disposition for gain of spirituous, vinous or malt liquors or intoxicating bitters, shall be guilty of a misdemeanor, and, upon conviction, shall be imprisoned not exceeding six months or fined not exceeding \$200, or both, in the discretion of the Court.

SEC. 4. That any person violating the provisions of this act with reference to the manufacture of spirituous, vinous or malt liquors or intoxicating bitters, shall be guilty of a misdemeanor and shall, upon conviction, be imprisoned not less than four months nor more than two years; and upon a second conviction of a similar offence the person shall be deemed guilty of a felony, and shall be imprisoned not less than one nor more than three years, and fined not less than one hundred dollars nor more than one thousand dollars, or both, at the discretion of the Court.

SEC. 5. That any physician who shall make any prescription, except in the case of sickness, for the purpose of aiding or abetting any person or persons who are not *bona fide* under his charge, to purchase any intoxicating liquors contrary to the provisions of this act, and any druggist who shall duplicate the prescription of a physician for intoxicating liquors for any person or persons not *bona fide* under his charge, without the written

Proviso, druggists to sell on prescription.

Proviso, not to apply to wine and cider from fruit raised on lands of manufacturer.

Proviso, not applicable to brandy manufactured from fruit and sold in five-gallon packages. Unlawful to sell or manufacture liquors in towns without license, from county commissioners and town authorities.

Penalty for selling contrary to this act a misdemeanor, or, punishment.

Penalty for manufacturing contrary to this act: first conviction punishment a misdemeanor; second conviction punishment a felony.

Physician selling liquor contrary to this act.

Duplicate prescriptions.

A misdemeanor,
penalty.

Druggist to keep
record of sales.

Failure to keep
record a misde-
meanor, penalty.

Unlawful to sell
wine manufactured
from fruit of owner
in less quantities
than one gallon.
Not to drink on
premises.

A misdemeanor,
penalty.

Governing body of
town to order elec-
tion, when.

Notice of.

When to be held.

Questions to be
submitted deter-
mined by petition
—(1) Manufacture
of liquor. (2) Estab-
lishment of saloons
(3) Establishment
of dispensaries.

Proviso, election
not oftener than
two years.

Election, rules
governing.

Three boxes to be
provided, when.

direction of the physician who gave the same, shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, or both, in the discretion of the Court, for each and every offence; and all druggists selling intoxicating liquors by prescription as aforesaid shall keep a record thereof, which shall bear the true dates of the sales, and be subject at all times to the inspection of the Solicitor of the district and of the Mayor and police officers of the city or town in which said druggist's business is located, and all other persons; and any such druggist failing to keep the record aforesaid, or refusing to permit examination of such record by the officers named, and all other persons, shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the Court.

SEC. 6. It shall be unlawful for any person to sell wine manufactured from fruit or grapes grown by himself, in quantities less than one gallon, and said wine shall not be drunk upon the premises where sold. Any person violating the provisions of this section, either by selling in quantities of less than one gallon or by drinking wine on the premises where sold, shall be guilty of a misdemeanor, and punishable at the discretion of the Court: *Provided*, that the provisions of section 6 shall not apply to churches wishing to procure wine for communion services.

SEC. 7. That it shall be the duty of the governing body of any city or town, upon the petition of one-third (1-3) of the registered voters therein, who were registered for the preceding municipal election, to order an election to be held, after thirty days notice, in any year in which the petition may be filed, except within ninety days of any city, county or general election, in time for the notice to be given as above required, to determine: 1. Whether intoxicating liquors shall be manufactured in said city or town. 2. Whether bar-rooms or saloons shall be established in said city or town. 3. Whether dispensaries shall be established in said city or town. And any such election may be ordered to determine any one or two or all of said questions, as the petitioners may designate in their petition: *Provided*, that such election shall not be held oftener than once in two years.

SEC. 8. Whenever such election shall be held, the same shall be conducted and held under the same rules and regulations provided by the laws of North Carolina regulating municipal elections.

SEC. 9. That whenever the governing body of any such city or town shall order any such election, they shall provide one box to determine the question of manufacture of liquors, if such question is to be voted upon; one box to determine the sale by saloons, if such question is to be voted upon; and one box to determine

the sale by dispensaries, if such question is to be voted upon. Any person entitled to vote for members of the General Assembly shall have the right to vote at such elections in all the boxes provided, and every such voter who is in favor of the manufacture of intoxicating liquors shall vote a ticket on which shall be written or printed the words "For Distilleries," and all opposed to the manufacture of intoxicating liquors shall vote a ticket on which shall be written or printed the words "Against Distilleries"; and every such voter who is in favor of bar rooms or saloons shall vote a ticket on which shall be written or printed the words "For Saloons," and all opposed to them shall vote a ticket on which shall be written or printed the words "Against Saloons"; and every such voter who is in favor of dispensaries shall vote a ticket on which shall be written or printed the words "For Dispensaries," and all opposed to them shall vote a ticket on which shall be written or printed the words "Against Dispensaries." Such tickets shall be of white paper and without device.

Who entitled to vote.

Ballots.

SEC. 10. That if a majority of the votes cast in any such election shall be "Against Distilleries," when that question is voted upon, then it shall be unlawful for any person, firm or corporation to manufacture any intoxicating liquors in such city or town until another election shall be held reversing such election. But if a majority of the votes cast in any such election in any city or town shall be "For Distilleries," then it shall be lawful to manufacture and sell at wholesale intoxicating liquors in such city or town: *Provided*, that this section shall not be construed to authorize the manufacture of intoxicating liquors in any such town except upon a full compliance with the conditions and requirements which may now or hereafter be imposed by law.

If majority favor distilleries.

Proviso, prior and subsequent requirements to be also complied with.

SEC. 11. That if a majority of the votes in any such election in any city or town shall be "Against Saloons," then it shall be unlawful for the County Commissioners of any such county, or the governing body of any such town, to grant license to any person for the sale of spirituous, vinous, malt or other intoxicating liquors whatever in such city or town until another election shall be held reversing such election: *Provided*, that liquor dealers in such cities or towns holding license at the time of the election shall be allowed six months after such election in which to close out their stock on hand at the time of such election, if their license so long remains in force. But if a majority of any such votes cast in any such election shall be "For Saloons," then the Board of County Commissioners of such county, and the governing body of such city or town, shall grant license to sell intoxicating liquors in such city or town to all proper persons apply-

If majority against saloons.

No license to be granted.

Proviso, 6 months allowed after election to close out business.

If majority favor saloons.

License to be granted.

ing for the same according to law. And such license shall be granted until another election shall be held reversing such election: *Provided further*, that this section shall not be construed to authorize any person, firm or corporation to sell, either by retail or wholesale, intoxicating liquors in such city or town, except upon a full compliance with the conditions and requirements which may now or hereafter be imposed by law.

If majority against dispensary.

SEC. 12. That if a majority of the votes cast at any such election shall be "Against Dispensaries," then it shall be unlawful to establish any dispensary in such city or town until another election shall be held reversing such election. But if a majority of

If majority favor dispensary.

the votes cast at any such election be "For Dispensaries," then the Board of Commissioners of such city or town shall establish a dispensary therein.

Dispensary, how established, three commissioners appointed.

SEC. 13. That whenever it shall become lawful under the provisions of this act to establish a dispensary in any city or town, the governing body of said city or town shall appoint three commissioners from the voters of said city or town, who, in the election, voted for said dispensary, whose duty it shall be to conduct such dispensary under such rules and regulations, and with such officers and employees, as may be prescribed and allowed by the governing body of said city or town, who shall fix the compensation of said commissioners and their officers and employees.

Qualification of commissioners

Officers and employees of dispensary, compensation. Dispensary, when to be closed.

SEC. 14. No liquor of any kind shall be sold in said dispensary on Sunday or election days, and said dispensary shall never be open or liquor sold therein before sunrise or after sunset on any day. The prices at which said liquor shall be sold shall be fixed by said dispensary board: *Provided*, all sales shall be for cash and at a profit not to exceed eighty per centum of the cost thereof. No liquor shall be sold in said dispensary except in unbroken packages or bottles, which shall contain not less than one-half pint and not more than one quart; and it shall be unlawful for said manager, or any other person, to open any such package or bottle on the premises; and the said manager shall not allow loafing, loitering or drinking on the premises; and any person drinking liquor on the premises, and any person refusing or failing to leave said premises after being ordered to do so by said manager, shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Price of sale. Proviso, sold at cash, profits.

Unbroken packages or bottles. Not less than one-half pint, nor more than one quart. Not to be opened or drunk on premises.

Punishment for drinking on premises.

Manager to keep register of names, what to state.

It shall be the duty of the manager to keep a register, on which shall be kept a record of the names of persons to whom any liquors are sold, the quantity sold, price paid, and date of sale:

Proviso, Register open to inspection.

Provided further, that said register shall be open only to the inspection of the dispensary board and its employees, and the contents thereof shall not be published. No intoxicating liquors

shall be sold to any minors, and the dispensary board shall make such rules and regulations not inconsistent with this act as may be proper for the management of the dispensary. If the manager or clerk shall procure any intoxicating liquors from any person other than those that the dispensary board shall direct, and offer the same for sale, or shall adulterate or cause to be adulterated, any intoxicating, spirituous, vinous or malt liquors, by mixing with coloring matter or any drug or ingredient whatever, or shall mix the same with water or with other liquor of different kind or quality, or shall make a false entry in any book or returns required by this act, he shall be guilty of a misdemeanor.

Minors, management of dispensary

Manager or clerk violating this act.

A misdemeanor, penalty.

SEC. 15. That in any town in which a dispensary is established under the provisions of this act, it shall be unlawful for any person, firm or corporation to sell or otherwise dispose of for gain any intoxicating liquors other than in the manner provided for sales in the dispensary as aforesaid. Any person violating this section shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the Court.

Unlawful for any other person to sell liquors.

A misdemeanor, penalty.

SEC. 16. That said dispensary commissioners shall make quarterly settlements with the governing body of said city or town, and that said governing body shall, within ten days after such settlement, pay one-half of the net profits of said dispensary into the treasury of said city or town, and the other half into the treasury of the county in which said city or town is located, for the benefit of the public schools of said county.

Settlement by dispensaries, when.

How apportioned.

SEC. 17. That any officer or employee of a dispensary established under the provisions of this act who shall violate any of the rules and regulations prescribed by the governing body of the city or town in which said dispensary is located, or by the dispensary commissioners as herein provided for, which said rules and regulations are hereby declared to be ordinances of said city or town, shall be guilty of a misdemeanor, and shall, upon conviction, be fined or imprisoned, or both, in the discretion of the Court.

Violation of act by officers or employees.

A misdemeanor, penalty.

SEC. 18. That the governing body of any city or town in which a dispensary shall be established under the provisions of this act, shall have power to fix the terms of office of the dispensary commissioners provided for herein, and determine the amount of bonds required from said commissioners and officers, and shall have the power to remove any or all of such commissioners and any officers or employees appointed by such commissioners, for good cause shown.

Tenure of commissioners.

Removal of commissioners and officers.

SEC. 19. That nothing in this act shall be construed to repeal, alter or amend any special act prohibiting or regulating the man-

Not to affect special acts.

ufacture and sale of liquors in any locality, township, county or incorporated city or town.

When effective.

SEC. 20. That this act shall be in force from and after July 1, 1903.

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1903.

CHAPTER 234.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY TO REFUND THE BONDED INDEBTEDNESS OF OXFORD AND SALEM TOWNSHIPS.

Preamble.

Whereas, by virtue of the Public Laws of 1885, chapter 116, and the Public Laws of 1887, chapters 3 and 148, the Board of County Commissioners of Granville County, upon the vote of the majority of the qualified voters of Oxford Township, to aid in the construction of the Oxford and Clarksville Railroad, did issue the coupon bonds of said township to the amount of twenty thousand dollars, payable in thirty years, bearing interest at the rate of six per cent per annum;

Oxford Township issued bonds for railroad.

Salem created from Oxford Township.

And whereas, by the Laws of 1891, chapters 63 and 300, the township of Salem was erected out of a portion of said Oxford Township, with the proviso that the property of said Salem Township should still be responsible for its proportionate part of the debt incurred in aid of the construction of the Oxford and Clarksville Railroad;

Portion of bond debt paid.

And whereas, the people of said two townships have paid off three thousand dollars of said indebtedness, and now wish to extend the date of the payment of the seventeen thousand (\$17,000) still due on said bonded indebtedness, and refund the same at a lower rate of interest: Now, therefore,

To refund balance.

The General Assembly of North Carolina do enact:

Commissioners to issue bonds.

SECTION 1. That for the purpose of refunding and paying off the bonded indebtedness of the townships of Oxford and Salem, incurred for the purpose of aiding in the construction of the Oxford and Clarksville Railroad, the Board of Commissioners of the county of Granville, are hereby authorized to issue coupon bonds on behalf of said Oxford and Salem townships, to an amount not exceeding seventeen thousand dollars (\$17,000), in denominations of from one hundred dollars, five hundred dollars and one thousand dollars, payable in not more than thirty years,

Amount, denomination, time to run, interest.

and bearing interest at a rate not exceeding five per centum per annum, payable semi-annually, at such time and place as may be deemed advisable by the said Board of County Commissioners, with a proviso that said bonds may be redeemed after ten years at the option of the said Board of County Commissioners. Said bonds shall be signed by the Chairman of the Board of County Commissioners, and attested by the Register of Deeds, *ex officio* Clerk of the Board, with the seal of said county, and said coupons shall have the engraved or lithographed signature of the Chairman of said Board of County Commissioners. And said bonds shall be payable at such place as the Board of County Commissioners may designate.

When to be redeemed.

Bonds, how executed.

Said bonds shall be sold either publicly or privately, with or without notice, as the Board of County Commissioners may determine, for not less than their par value and accrued interest. And the proceeds of said bonds, including any premium received upon their sale, shall be applied to the payment of the outstanding bonds of the said Oxford Township issued to aid in the construction of the aforesaid Oxford and Clarksville Railroad, and the interest thereon, but the purchaser of said bonds shall not be required to see to the application of the purchase money.

Sale of bonds, par value.

Proceeds, how applied.

SEC. 2. That it shall be the duty of the Chairman and Clerk of the said Board of County Commissioners to make a record of all the bonds paid off, and then destroy said bonds.

Redeemed bonds to be destroyed.

They shall also make a record of the sale of the bonds authorized under this act, and the name and address of the purchaser or purchasers thereof.

Record to be kept

SEC. 3. That the Board of County Commissioners and Justices of the Peace of Granville County are hereby authorized, empowered and directed, at their meeting in June of each year, when the taxes are levied, to levy a sufficient tax upon real and personal property, and all other subjects upon which county taxes can be levied, and polls in said townships, to pay off and discharge the interest upon said bonds, always preserving the equation between the tax upon property and upon the poll. And at the end of ten years they shall also levy such additional tax upon the subjects enumerated above as may be necessary to provide a sinking fund for the payment of said bonds at or before maturity.

Tax to be levied.

Subjects of taxation.

Purpose of.

Sinking fund.

SEC. 4. That after the expiration of ten years said Board of County Commissioners may redeem one or two thousand dollars of said bonds each year, if they deem it advisable, by giving notice to the holders of said bonds and paying the principal and interest up to date.

Bonds, when to be redeemed.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1903.

CHAPTER 235.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF ONSLOW COUNTY TO LEVY A SPECIAL TAX.*The General Assembly of North Carolina do enact:*Commissioners to
levy special tax,
when.

SECTION 1. That the County Commissioners of Onslow County be and they are hereby authorized and empower, in their discretion and if by them deemed expedient, to levy a special tax for the years one thousand nine hundred and three, and one thousand nine hundred and four, not exceeding fifteen hundred dollars per year, for the purpose of liquidating a debt incurred by small pox epidemic.

Amount, purpose.

Tax fund, how
applied.

SEC. 2. That in levying the same, the provisions of the Constitution shall be observed, and that the money so levied and collected shall not be applied to any other purpose than that specified in section one: *Provided*, that nothing in the provisions of this act shall be so construed as to prevent the said Commissioners from using any surplus for general county purposes, when said debt mentioned in section one has been liquidated.

Proviso, surplus,
how used.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1903.

CHAPTER 236.

AN ACT TO ESTABLISH A GRADED SCHOOL IN CERTAIN
SPECIFIC TERRITORY IN ALAMANCE COUNTY.School district,
boundaries.*The General Assembly of North Carolina do enact:*

SECTION 1. That the following territory, lying and being in Alamance County, North Carolina, in township Cable, and more particularly described as follows:

Beginning at the Shaddy ford, on South Stinking Quarter, running with Fayetteville road to Sandy Run, thence down Sandy Run to township line, thence with said line to Harmon road, thence straight to the nearest point in the dividing line between A. J. Albright and G. W. Vestal, thence with said line to J. R. Garrett's and G. W. Garrett's line, to the corner between J. R. Garrett's and Henry Iseley's land, thence northward to the south corner of W. B. Sharp's land, and Judge Isley's land, thence east with said line to Rock Creek, thence north to Nicholson's ford on Stinking Quarter, thence with said creek to corner of H. G. Nicholson and G. A. Nicholson, thence to G. A. Nicholson's tenant

house, thence west to P. S. Page's barn, thence to Patterson Bros.' saw mill on Stinking Quarter, thence up south prong to beginning, is hereby created one school district and named Friendship.

SEC. 2. That the following parties are hereby appointed school trustees for the schools in said district, and shall hold for the following terms, and all vacancies shall be filled in the following manner, to-wit: W. B. Sharp and Joel S. Iseley, for one year; and J. M. Albright and William Graves, Mrs. Elmina Garrett, for two years; and Geo. W. Patterson, T. L. Moser and Peter S. Page, for three years; and the term of office of each of said trustees shall commence with the date of the ratification of this act. All vacancies in said board, whether arising from death, resignation, removal, expiration of the term of office, or otherwise, shall be filled by the remaining trustees, and a majority thereof shall have the power of selection, and the persons so selected shall hold for three years from the date of their selection.

SEC. 3. That said board of trustees shall, on the first Monday in May, next ensuing, submit to the qualified voters of said district above created the question of establishing a graded school in said district. The said trustees shall give thirty days' notice of said election, by a notice thereof published in some newspaper published in Alamance County, and by notices posted at four public places in said district. The said board of trustees shall select three men, qualified voters of said district, one of whom they shall appoint registrar and the other two pollholders to hold said election, and these three shall hold said election, and shall be governed in their acts in all particulars as to registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of county officers; and the qualified voters of said district shall vote at said election on the first Monday in May next ensuing, tickets on which shall be written or printed the words "For Graded School," or "Against Graded School," and the result of the election shall be declared by the same rules that govern the election of county officers. Said elections shall be held at the school house in said territory.

SEC. 4. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall be the duty of the Board of County Commissioners of Alamance County to levy annually a special 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 the taxable property of said school district, and upon the poll not less than seventy-five cents and not more than one dollar; and the said tax so levied shall be collected by the Sheriff of Alamance County, and shall be by him turned over to the treasurer of the said school trustees,

School trustees.

Term of service.

Vacancies, how filled.

Question of establishing Graded School to be submitted to voters.

Method of holding election.

Time of election.

Tickets, what to contain.

Provisions for special tax if voted.

Amount of tax.

How collected, etc.

and the Sheriff shall receive as compensation for the collection and disbursement of this special tax five per cent commission one way.

Moneys due district, how paid.

SEC. 5. That all moneys coming to the said district above described for school purposes from the State and from the county, as well as that coming from the special tax above referred to, shall be by the proper officers paid to the board of trustees above created and appointed, and their duly constituted successors, and shall be by them used for the benefit of the graded school above referred to.

Control of schools in said territory, by-laws for school.

SEC. 6. The said school trustees above named, and their duly constituted successors, shall have the sole and exclusive charge of the public schools in said territory, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper, and they shall elect a treasurer who shall have charge of all moneys to be used for school purposes, and who shall pay the same out on such vouchers as they shall direct, and who shall receive such compensation and give such bond as they shall dictate. The said trustees above named shall spend all moneys coming to their hands from any and all of the sources above named, and any other source that shall be paid, bequeathed or devised them, for the exclusive benefit of the school in said territory, for the benefit of said schools.

Power of trustees.

SEC. 7. That said trustees shall have the power to employ all teachers and select all officers necessary for said public schools, and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold all property, both real and personal, necessary for the use of said schools, and they shall have the right and power to do all things necessary for the successful conduct of said schools. And should parents or other parties having charge of children of school age outside of said territory desire to send to the school in said territory, then the trustees shall have the right to permit them so to do upon such terms as shall be fixed by said trustees.

School property to be conveyed.

SEC. 8. That all the property now situated in said territory and used for public schools shall be, by the proper authorities, conveyed to the trustees above named and their duly constituted successors.

Manufacture or sale of spirits within three miles forbidden.

SEC. 9. That it shall be unlawful for any person, persons, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors within three miles of said school, and any person, persons, firm or corporation violating this provision shall be guilty of a misdemeanor, and punished by fine or imprisonment at the discretion of the Court.

Conflicting laws repealed.

SEC. 10. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1903.

CHAPTER 237.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF BRANDY IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation, to manufacture, sell, or otherwise dispose of for gain, brandy manufactured from fruits, berries, grapes, cider or wine within the county of Iredell, except in the city of Statesville: *Provided*, this act shall not be construed to forbid the sale of such brandy by druggists for sickness upon the written prescription of a legally qualified physician having such sick person under his charge.

Unlawful to manufacture or sell brandy in Iredell County, except in Statesville.

Proviso.

Druggists to sell, how.

SEC. 2. That any person violating the provisions of this act with reference to the sale or disposition for gain of brandy, shall be guilty of a misdemeanor, and, upon conviction, shall be imprisoned not exceeding six months or fined not exceeding two hundred dollars, or both, in the discretion of the Court.

Penalty for violating this act in regard to sale.

SEC. 3. That any person violating the provisions of this act with reference to the manufacture of brandy shall be guilty of a misdemeanor, and shall, upon conviction, be imprisoned not less than four months nor more than two years, or fined not less than one hundred dollars nor more than four hundred dollars; and upon a second conviction of a similar offense, shall be deemed guilty of a felony, and shall be imprisoned not less than one nor more than three years, and fined not less than one hundred dollars nor more than one thousand dollars, or both, at the discretion of the Court.

Penalty for manufacturing contrary to act.

SEC. 4. That any physician who shall make any prescription, except in the case of sickness, for the purpose of aiding or abetting any person or persons who are not *bona fide* under his charge to purchase brandy contrary to the provisions of this act, and any druggist who shall duplicate the prescription of a physician for brandy for any person or persons not *bona fide* under his charge, without the written direction of the physician who gave the same, shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, or both, at the discretion of the Court, for each and every offense; and all druggists selling brandy by prescription as aforesaid shall keep a record thereof, which shall bear the true dates of the sales, and be subject at all times to

Physician aiding persons to violate act by prescription.

Druggist duplicating prescription.

Penalty.

Druggist to keep record, what to state, open to inspection.

the inspection of the Solicitor of the district, and of the Mayor and police officers of the city or town in which said druggist's business is located; and any such druggist failing to keep the record aforesaid, or refusing to permit examination of such record by the officers named, shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the Court.

Penalty.

Repealing clause.

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 July 1, 1903.

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1903.

CHAPTER 238.

AN ACT TO AUTHORIZE COMMISSIONERS OF HENDERSON COUNTY TO ISSUE BONDS TO BUILD OR REPAIR COURT HOUSE.

The General Assembly of North Carolina do enact:

Purposes of act,
new court house
and jail.

SECTION 1. That the Commissioners of Henderson County, for the purpose of building a new court house and jail, or repairing and remodeling and modernizing the present court house and jail as they may determine in their discretion, after taking the advice of a competent architect, and for the purpose of equipping said court house with suitable fire proof vaults and other conveniences for the use and preservation of the records, and for the purpose of providing said building with proper furnace and apparatus for heating the same, so as to avoid the danger of fire incident to the use of fireplaces and stoves, and for the purpose of providing the same with proper closets, water and sewerage conveniences, and authorized to issue and sell bonds of said county, with interest bearing coupons, at a rate not exceeding six per centum per annum, to an amount not more than forty thousand nor less than twenty-five thousand dollars, said bonds to run for a period of not more than twenty-five years, or for such shorter time and in such denominations as the Commissioners may determine.

Preservation of
records.

Sewerage, etc.

Commissioners to
issue bonds, inter-
est, amount, time
to run, denomina-
tions.

Commissioners to
submit question to
voters, when.

SEC. 2. The Board of Commissioners of Henderson County shall, within nine months after the ratification of this act, submit the question of the issue of bonds to a vote of the people of Henderson County, and it shall be the duty of said Commissioners to order an election to be held at such time as they may direct within the period above stated, first giving thirty days' notice of time of holding such election, the election so ordered shall be held and conducted under the same rules and regulations as are now or may hereafter be provided for the election of members of

Notice of election.

Election, how held.

the General Assembly, and the votes cast at such election shall be canvassed and returned to the Board of County Commissioners in the same manner as is now provided for the conduct of all special elections; at such election the voters favoring the issue of said bonds shall vote a ballot upon which shall be printed or written the words "For Bonds," and those opposing said issue of bonds shall vote a ballot upon which shall be printed or written the words "Against Bonds"; if, at said election, the majority of the votes cast shall be "For Bonds," then it shall be the duty of said Board of County Commissioners of said county to issue the bonds hereinbefore mentioned, but if a majority of said votes cast be not for bonds, then the said bonds shall not be issued.

Ballots.

If majority favor bonds.

SEC. 3. That the said bonds, when issued, shall be signed by the Chairman of the Board of Commissioners, and be countersigned by the clerk of the Board, and attested by his official seal, and the Board of Commissioners shall sell the said bonds at not less than par.

Bonds, how executed.

SEC. 4. That for the purpose of paying the accruing interest on said bonds, and to provide for a sinking fund for the payment of the principal, the Board of Commissioners of said county shall levy and cause to be collected annually, as other county taxes are levied and collected, a tax upon real and personal property and all subjects of taxation for general purposes, and upon all polls, not exceeding twenty-five cents upon the one hundred dollars worth of property and seventy-five cents on the poll.

Payment of interest and sinking fund.

Special tax to be levied.

SEC. 5. That for the purpose of paying off said bonds with any moneys that may be on hand at any time, the Commissioners may, at their discretion, purchase annually after the lapse of two years from the date of issuing any of said bonds at their par value, with accrued interest; and in case no one shall offer to sell the bonds desired to be purchased, then the Board of Commissioners are authorized to designate, from those first falling due, as they may desire to purchase, and after such designation and notice thereof given through a newspaper published in said county, once a week for four weeks, if the holder or holders of such bonds fail to surrender the same and receive their par value and interest accrued up to the expiration of such public notice, then the holders shall not receive any interest subsequently accruing.

Redemption of bonds, when and how.

SEC. 6. That the Commissioners of said county shall provide a record, which shall be kept by the Clerk, in which shall be entered the name of every purchaser of a bond, and the number and amount of the bond purchased. They shall also cause to be kept a record of the bonds redeemed annually, and the bonds, when redeemed, and their redemption recorded, shall be destroyed by fire in the presence of the Board of Commissioners, by their clerk under their direction.

Record to be kept, what to state.

Redeemed bonds destroyed.

Right to sell present buildings

SEC. 7. That if the Commissioners shall decide to erect new buildings, they shall have the right to sell the present buildings, with the block occupied by them, as a whole or in separate lots, also the lot deeded to the county of Henderson by Alledge, after advertising the same for thirty days at the court house door and in all the papers published in the county, to the highest bidder, provided that any one shall have thirty days' in which to raise any bid to an amount not less than five per cent, said sale to be made on such terms as the Commissioners may fix. The Commissioners shall also have the right and authority to select and purchase a new site for such public buildings as are herein contemplated, if they shall deem best so to do.

Sale, how made.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1903.

CHAPTER 239.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ANSON COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Commissioners to levy special tax, when.

SECTION 1. That the Board of Commissioners of Anson County be, and they are hereby, authorized and empowered to levy a special tax in the years nineteen hundred and three and nineteen hundred and four, 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-five cents on the one hundred dollars valuation of property and seventy-five cents on each 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 time as other taxes levied for said county.

Amount, property and poll.

Purpose of levy.

How and by whom collected.

May use tax to build and repair bridges.

SEC. 2. That the Board of Commissioners of said county may, if they shall deem it proper and necessary, use any part of taxes collected under this act in building and repairing the public bridges and roads of said county, in such manner and to such extent as they deem advisable.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1903.

CHAPTER 240.

AN ACT PROVIDING FOR WORKING THE PUBLIC ROADS IN
MACON COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Macon County shall, at their regular meeting in June, nineteen hundred and three, and at each annual meeting thereafter in each and every year, levy a special tax on all property subject to taxation of not less than ten cents nor greater than thirty cents on the one hundred dollars worth of property, and not less than thirty cents and not greater than ninety cents on each poll, the constitutional equation to be observed; said taxes to be collected as all others are, and to be kept separate from other funds, and to be set aside as a special road fund, to be used in the construction, improvement and maintenance of the public roads, culverts and bridges of the county, and the purchase of such tools and other implements as may be necessary in the proper carrying on of this work, and for such other purposes as are mentioned in section five of this act.

Special road fund
tax.

Rate.

SEC. 2. The Justices of the Peace in each township shall have the supervision and control of the working of the public roads in their respective townships, and of the laying out of cartways as heretofore. The County Commissioners shall have full power and authority to order the laying out of public roads; to appoint where bridges shall be made, and ferries, if any, established; to discontinue such roads and ferries as may be found useless, and may cause all roads already constructed to be regraded; if in the judgment of a majority of said Board of Commissioners, the services of an engineer are necessary they may employ one at a reasonable compensation and pay him out of the road funds of the county.

Justices, 'super-
vision of town-
ships.

Powers of County
Commissioners.

SEC. 3. The Justices of the Peace of the different townships shall meet at some place in their respective townships, to be agreed upon, or in the absence of such agreement, to be named by the chairman, on the first Saturday of April and September, and at such other times as said Board may have business before it, for the purpose of consulting on the subject of the condition of the roads in their respective townships, and to transact any business that may come before them. They shall twice in each year, during the weeks of their meetings in April and September, go over the roads in their townships and personally examine the same. They shall annually at their meeting in April of each year elect one of their number chairman. The Justices of the Peace shall annually at their meeting in April, divide the roads of their town-

Meetings of
Justices.

Inspection of
roads.

Chairman.

Roads divided
into sections.

ships into sections and appoint supervisors for said sections at said meeting. They shall at the same time allot the hands to said supervisors, and also designate the boundaries or points to which each resident shall be liable to work on said section, and shall within five days after such meeting certify to each supervisor written notice of his appointment with a list of the hands appointed to his section: <i>Provided</i> , that the Justices of the Peace may at any time alter the sections or allotment of hands, but shall give notice thereof to the supervisor; such supervisor shall serve and be liable as such for neglect of duty until he shall be relieved by the Board, which shall be done only upon his showing that his road is in good condition as required by law. The supervisor may resign after one year: <i>Provided</i> , his road shall be in good repair and the Justices of the Peace shall so find.	ships into sections and appoint supervisors for said sections at said meeting. They shall at the same time allot the hands to said supervisors, and also designate the boundaries or points to which each resident shall be liable to work on said section, and shall within five days after such meeting certify to each supervisor written notice of his appointment with a list of the hands appointed to his section: <i>Provided</i> , that the Justices of the Peace may at any time alter the sections or allotment of hands, but shall give notice thereof to the supervisor; such supervisor shall serve and be liable as such for neglect of duty until he shall be relieved by the Board, which shall be done only upon his showing that his road is in good condition as required by law. The supervisor may resign after one year: <i>Provided</i> , his road shall be in good repair and the Justices of the Peace shall so find.
AlLOTMENT of lands.	
Appointment of supervisor and list of hands. Proviso, alteration of sections and of allotment of hands. Notice to supervisor.	
Resignation of supervisor.	
Persons subject to road work.	SEC. 4. All able-bodied persons, between the ages of eighteen years and forty-five years, except those exempt by law, shall be required to work on the public roads, but no person shall be compelled to work more than six days in any one year, except in case of damage by storm or other unexpected obstruction to public travel: <i>Provided</i> , that if any person subject to road duty on or before the day named to work the roads shall pay to the supervisor the sum of seventy-five cents for each day said person prefers not to work said road and said amount shall be received in lieu of the labor for said time. The money so paid shall be applied for the improvement of the road in the district in which said payment was made. The road year shall begin on the first Saturday in April of each year.
Labor required.	
Proviso, commutation for road work.	
Application of money.	
Road year.	
County Commissioners to furnish material.	SEC. 5. The County Commissioners shall, upon the application of any supervisor in writing signed by himself and any two of the Justices of the Peace of his township, to the effect that blasting, culvert or bridge material is necessary, furnish such material upon the best terms possible, and the said Board of Commissioners is hereby fully authorized and empowered to make any contract for the building of bridges and culverts, furnishing material, tools and road implements of all kinds; to order the same paid for out of the funds heretofore in this act provided for.
And make contracts.	
Debts heretofore contracted.	SEC. 6. The said County Commissioners are hereby fully authorized to pay out of the fund arising under this act any debts heretofore contracted for the building of bridges and for any other road improvements heretofore agreed to be paid for: <i>Provided</i> , said Commissioners shall not apply to the payment of such debts more than one-fourth of the money raised under this act in any one year. Any and all moneys in the hands of any person collected under any former law, or which may hereafter be collected under such law, shall be turned over by such persons to the
Proviso, amount to be paid in one year.	
Moneys collected under former laws.	

County Treasurer, or the person acting as such, and be used according to the provisions of this act. It is the joint duty of the Board of County Commissioners and the Justices of the Peace of the township through which the road known as the Western Turnpike Road runs, to keep the same in good condition, and the said Commissioners are empowered to make all necessary contracts for that purpose. Nothing herein shall be construed to release any road hand from the faithful performance of his duty.

Western Turnpike Road to be kept up.

Road hands not released.

SEC. 7. All public roads shall be thoroughly drained and whenever it shall be necessary to turn water across the road, this shall be done by putting in sewers or other kinds of covered drains, culverts or bridges.

Drainage of roads.

SEC. 8. That when any person claims damage on account of the laying out or building of any new road or part of road over the land of such person, the jury appointed under existing law to assess such damage shall also take into consideration the benefits to the owner of the land, and if the benefits be considered equal to, greater or less, then the jury shall so declare. Judgment of confirmation or rejection of such report may be entered in whole or in part, as the said Board of County Commissioners may deem for the best interests of all parties concerned, from which judgment an appeal lies in the Superior Court at terms as in other cases.

Assessment of damages.

Right of appeal.

SEC. 9. The Board of County Commissioners of said county of Macon shall have full power at any time to make, adopt and pass all orders requiring all supervisors and other officers under this act to report to said Board at such times and such manner as may be designated in said order, giving a true and correct statement of all moneys coming into the hands of such officers and how the same was expended, and also a true and correct inventory of all tools, materials or equipments on hand, or which were at any time placed in the hands of such officers, belonging to the county under this act, and each officer shall be responsible for such tools, material, equipments, etc. It is hereby made the duty of each supervisor or other officer to obey within ten days after notice of said order of said Board of County Commissioners, and in case they, or any of them, shall fail or refuse to do so, such person or persons shall be guilty of a misdemeanor.

Commissioners may order reports.

Reports within ten days

Failure a misdemeanor.

SEC. 10. That no money arising under this act shall be applied for the improvement of roads or the building of bridges and culverts, or for the purchase of tools or other implements in incorporated towns.

No money applied to incorporated towns.

SEC. 11. That chapter fifty, volume one, of The Code, entitled "Roads, ferries and bridges," be and the same is hereby amended so far as the county of Macon is concerned and no further, by striking out the words "Board of Supervisors" wherever they occur in said chapter, and insert in lieu thereof "The Justices of the

Title of board of supervisors as to Macon County.

Overseer to be supervisor.

Code in force.

Neglect of duty a misdemeanor.

Secretary of State to furnish copies of act.

Peace," and by striking out the word "Overseer" wherever it occurs in said chapter, and insert in lieu thereof the word "Supervisor." That all of said chapter fifty of The Code be and the same is hereby declared to be the law and in force in and for the county of Macon, except so much of the same as may in any way come in conflict with this act, and all laws and clauses of laws in conflict with this act are hereby repealed, as to said county only.

SEC. 12. Any person failing or refusing to discharge any duty imposed on such person or persons by this act or by chapter fifty of The Code, without legal excuse, shall be guilty of a misdemeanor.

SEC. 13. That the Secretary of State shall, on or before the first day of April, nineteen hundred and three, furnish to the Register of Deeds of said county for distribution, at least fifty copies of this act.

SEC. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 241.

AN ACT TO AMEND CHAPTER 354, PUBLIC LAWS OF 1891, REGULATING THE WORKING OF THE PUBLIC ROADS IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Former law re-enacted.

SECTION 1. That chapter 354 of the Public Laws of 1891 be and the same is hereby re-enacted.

Road tax.

SEC. 2. Amend section 17 of said chapter 354 by striking out the words "five" and "fifteen," in line five thereof, and in lieu thereof insert the words "ten" and "thirty," respectively; strike out the word "fifteen," in line six, and insert in lieu thereof the word "thirty," and strike out the word "thirty," in line seven of said section, and insert in lieu thereof the word "ninety."

Application of law

SEC. 3. Amend said chapter 354 further by striking out all of section twenty-seven (27) of said act.

Re-enactment only as to Clay County.

SEC. 4. That said chapter 354 of the Laws of 1891 as hereby amended and re-enacted shall apply only to Clay County.

Repeal.

SEC. 5. All other laws and clauses of laws regulating the working of public roads in Clay County, except said chapter 354, Laws 1891, as hereby amended, are hereby repealed.

Secretary of State to furnish laws.

SEC. 6. That fifty copies of this act shall be published and furnished to the Board of County Commissioners of Clay County.

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

In the General Assembly read three times, and ratified this the 4th day of March, 1903.

CHAPTER 242.

AN ACT TO REGULATE THE MAKING AND WORKING OF
PUBLIC ROADS IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All roads and ferries in Transylvania County that have been laid out or appointed by virtue of any act of Assembly or any order of Court, are hereby declared to be public roads and ferries. And the Justice of the Peace in each township in said county shall have the supervision and control of the public roads in their respective townships, subject to the provisions of this act; 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 Boards of Township Trustees and the Board of County Commissioners of said county, as hereinafter set forth in this chapter, shall have full power and authority as now provided by law to appoint and settle ferries, and to order the laying out 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: *Provided*, that the making and using of roads shall not be delayed by litigation with the owner of lands about damages.

SEC. 2. That the Boards 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 in May and November of each year, and at such other times as may be fixed by the General Road Supervisor or 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 Boards of Trustees shall be exempt from the six days' labor on the public roads. It shall be the further duty of the Trustees to examine into the condition of the public roads and highways of their respective townships at least twice in each 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 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, County or District Supervisors, 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

All roads and
ferries public.

Justices to have
control in town-
ships.

Incorporated, cor-
porate name.

Trustees and
county commis-
sioners to appoint
ferries.

Lay out roads,
appoint bridges
and fords.

Proviso, litigation
not to delay work.

Meetings of town-
ship trustees.

Record of proceed-
ings.

Chairman, exemp-
tion from road
work.
To examine roads.

Report to Judge.

Duty of Judge.

Duty of Solicitors.	<p>fined or imprisoned, or both, in the discretion of the Court, and it is hereby made the duty of the Solicitors to prosecute said officers.</p>
Townships divided into road districts.	<p>SEC. 3. That the Township Trustees of the several townships of this State shall at the first meeting or within four weeks thereafter, divide their respective townships into suitable road districts, and annually thereafter 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 District Supervisor with a plot of his road district. The Trustees of each township, at their May meeting, and annually thereafter, shall elect one District Supervisor for each road district. And each District Supervisor who refuses or neglects to qualify and serve, shall forfeit and pay the sum of twenty dollars and costs, to be collected by the Township Trustee in an action of debt. Money so collected shall go into the road fund of the township, and be credited to the proper road district. That when any vacancy shall occur in the office of District Supervisor by death, resignation or otherwise, the Trustees of the township where the vacancy occurs shall appoint some suitable person to fill the vacancy.</p>
Districts to be recorded, Supervisors to be furnished with plot.	
Election of Supervisors, penalty on supervisor refusing to serve.	
Application of penalty.	
How vacancies filled.	
Road-beds.	<p>SEC. 4. The road-bed shall be not more than sixteen 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 District 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 repairs, and remove, or cause to be removed, all obstructions that may from time to time be found thereon; for which purpose the Supervisors are hereby authorized to enter upon any uncultivated lands, or improved lands unincumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to make, improve or repair said road; and to enter on any lands adjoining or lying near the road to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and the improvements thereon and timber, as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest water course, and shall be kept open by such Supervisors, and shall not be obstructed by the owner or occupier of such lands, or any other person or persons having the same in charge under penalty of forfeiting a sum not exceeding ten dollars for each and every</p>
Jurors in opening new roads.	
Supervisor to open roads and keep them in repair.	
Powers of supervisors in working roads.	
Drains and ditches.	
Penalty for obstructing.	

offence, to be collected by the District Supervisor and paid over by him to the Township Trustees, and applied to the road fund of the township. And the party offending shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 5. That all ablebodied 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 years, except persons permanently disabled in the military service of the State, shall be liable to do and perform annually six days' labor on the highways, under the direction of the District Supervisor of the road district in which he shall reside: *Provided further*, that if any person being named as hereinafter provided, shall pay the District Supervisor in whose district he may reside the sum of six dollars, the same shall be received in lieu of the six 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; or he may pay one dollar for each day.

SEC. 6. That it shall be the duty of every District 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 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 to him, every such delinquent shall forfeit and pay the sum of one dollar for every such offence, and shall further be liable in all cases of non-attendance 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 or imprisoned not exceeding five days; and the moneys so collected shall be applied by said Supervisor to the improvement of the roads in his district and accounted for by him at the annual settlement with the Township Trustees: *Provided*, that 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.

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 way has paid the whole or any part of the amount aforesaid, in lieu of such labor,

How penalty collected and applied.

Road duty.

Commutation for road duty.

Supervisor to order out road hands.

When

Persons liable to attend when warned.

Substitute.

Forfeiture for failure.

How recovered.

Application of penalty.

Proviso, neglect of supervisor not to excuse.

Removal from district.

and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be complete discharge for the amount therein specified.

Hour of 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 District Supervisor at the hour of seven o'clock in the forenoon with such necessary tools and implements as the Supervisor may direct.
Tools and implements	
Residence.	SEC. 9. That for the purpose 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 held to be where he boards, in any road district in this State.
Supervisors to collect fines, for forfeitures and penalties.	SEC. 10. That the several District Supervisors, within their respective districts, shall collect by suit or otherwise all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for; and they are hereby authorized and required, before their settlement with the Township Trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the requirements and provisions of this act, from whom such fines, forfeitures or penalty, in the opinion of the Supervisor, can be collected by execution; and the said judgment, if not paid together with the cost thereon, shall remain and be in force against the judgment debtor as other judgments at law.
Judgment not paid to remain in force.	
Supervisors to expend moneys.	SEC. 11. That the several District Supervisors shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts; and every District Supervisor is hereby required to account to the Township Trustees at the annual settlement for all moneys expended under this act; and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the six days' labor as required by this act, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this act shall be paid over on demand by the Justice of the Peace or Constable collecting the same to the Supervisor of such road district wherein such fines or forfeitures accrued; and the several District Supervisors shall also render an account to the Township Trustees, at the annual settlement of all moneys that remain in their hands at the time of the settlement; also all judgments that remain unpaid, and the name of the judgment debtor and the Justice of the Peace before whom such judgments were obtained, with the amount thereof; and the Township Trustees shall make such order as to the prose-
Account to trustees	
Returns of work.	
Fines and forfeitures to be paid over.	
Money on hand.	
Unpaid judgments.	
Trustees to order prosecution.	

cution 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.

SEC. 12. That all the moneys that may remain in the hands of the District Supervisor at the time of the annual settlement with the Trustees, shall be paid over to the successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit said receipt with the Township Trustees.

Supervisor to pay over to successor.

It shall be lawful for any Supervisor to sue out executions on any judgment that remains unpaid within his proper district, at any time when in his opinion the same can be collected; and the money so received and collected shall be expended as provided in the foregoing section.

Executions to be sued out.

SEC. 13. That the said Supervisors within the said county be and are hereby authorized to construct foot bridges over streams of water on said highways.

Supervisors to construct foot bridges.

SEC. 14. That each District Supervisor within his district shall erect and keep up, at the expense of the township, out of any money on hand, at the forks of cross roads of every State and county road, a post and guide board or finger board, 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.

Guide boards.

SEC. 15. That if any person shall wilfully demolish, throw down, alter or deface any guide board, every person so offending shall, upon conviction thereof before any Justice of the Peace of the proper county, be fined not exceeding fifty dollars, 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 offence was committed, and be by him applied to the repair of the roads and highways within his district.

Penalty for injury to guide board

Application of penalty.

SEC. 16. That the Township Trustees of the several townships within this State be and they are hereby authorized to furnish plows, scrapers or other tools for the use of the several districts within their townships, to be paid for out of any moneys in the township treasury not otherwise appropriated. The Township Trustees shall take a receipt from each District 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 of 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.

Trustees to furnish tools.

Receipt from supervisor.

Liability of supervisor.

When tools to be returned.

Liability of supervisor enforced.

Commissioners to
levy road tax, rate.

Additional tax on
townships.

Rate.

Collected as other
taxes.

Amount assessed to
be advertised.

Tax may be paid
in labor.
Lists furnished
supervisors.

Rate of commuta-
tion.

Allowance for
team.

Certificate given.

Receivable in
discharge of tax

Division of fund
governed by neces-
sities

SEC. 17. That the Commissioners of Transylvania County are hereby authorized and required to levy at the June session of their Board, annually for road purposes, not less than one mill, nor more than two mills on the dollar and seven-tenths of one mill for general bridge purpose, 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 an additional road tax necessary, they shall determine the per centum upon the taxable property of their respective townships, and shall certify the same in writing to the Boards of County Commissioners at their June session, who may levy a special tax, not exceeding one mill on the dollar, and the Commissioners may levy and assess the same on the taxable property of the township, and the same shall be collected as other taxes and paid out as herein provided.

SEC. 18. That the Chairman of the County Commissioners, immediately after the Commissioners at their annual session for that purpose, have determined the amounts to be assessed for road purposes in their respective districts, shall give notice in some newspaper in general circulation in the county of the per centum on each hundred dollars of the valuation so determined to be assessed in such county and township, and that the said tax may be discharged by labor on the roads under the direction of the Supervisors of the several districts, and shall make out a list of the names of each tax payer, of the amount of the road tax with which each stands charged, and transmit the same to the Supervisor of the proper district.

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 60 cents 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 Collector shall receive all such certificates in the discharge of said road tax. The Township Trustees, in determining the division of this fund, shall be governed not by the miles of road in each district, but by necessities of the roads, the convenience of getting the material, the quantity of material necessary to make substantial repairs, etc., and thus make a just and equitable division of said fund between the several districts.

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 of such receipt or certificate, shall forfeit for every such offence not less than ten dollars, nor more than fifty dollars, to be recovered by an action before any Justice of the Peace of the proper county; and it is hereby made the duty of the township trustees to prosecute all offences against the provisions of this section: *Provided*, that if any supervisor conceives himself aggrieved by the judgment of such Justice of the Peace, he may, on giving sufficient 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 appear just and reasonable.

Penalty on supervisor for neglecting duty or giving false certificate.

Amount, how recovered.

Trustees to prosecute.
Proviso, right of appeal.

SEC. 21. That it shall be unlawful for any supervisor to perform or cause labor to be performed on any road not regularly laid out and established by law.

No work to be done on roads not established.

SEC. 22. That each and every district supervisor who shall cut and take any timber, stone or gravel for the purpose of making, improving or repairing any road or building, or repairing any bridge or cross-way 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, stones or gravel were taken as aforesaid, give a certificate showing the quantity of such timber, stone or gravel, with the value thereof respectively, and the time and purpose for which the same were taken.

Certificate for material taken.

SEC. 23. That any person or persons who shall receive a certificate as provided for in the foregoing section, shall present the same to the County Commissioners of said 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 not so satisfied, they shall determine what sum in their opinion would be just.

Certificate to be paid.

But may be sealed.

SEC. 24. That each district supervisor shall receive for his services not exceeding one dollar per day for the time actually employed on the roads, deducting the commutation for his six days labor. Supervisors having charge of not more than twenty-five hands shall not receive more than ten dollars in one year, and no supervisor having a greater number shall receive more than twenty dollars in any one year, and be paid out of the county treasury.

Pay of supervisors.

Limit.

SEC. 25. That at any time during the year when any public highway shall be obstructed it shall be the duty of the super-

Obstructions removed immediately.

Certificate for extra work.

Penalty on persons and corporations obstructing road.

Amount, liable for damage.

Recovered at suit of trustees.

Application of penalties.

Additional offense.

Proviso, unavoidable accident.

Liability on employees of corporations obstructing road.

visor of the district in which the same may be, forthwith to cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public highways of his district as he may deem necessary to remove such obstructions. If the person or persons thus called out shall have performed their tax days' labor upon the public highways, or paid their road tax, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year.

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 any public highway authorized by any law of this State 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, passing along or upon such road or highway, every person or corporation so offending shall forfeit and pay for every such offence a penalty of twenty 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 an action at the suit of the trustees of the township in which such offence shall have been committed, or any person suing for the same, before any Justice of the Peace within the county where such offence shall have been committed, or by indictment in the Superior Court in the proper 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 offence 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 the hindrance or inconvenience of travel, or any person or persons going along or upon such road or highway, shall be deemed an additional offence against the provisions of this section: *Provided*, this section shall not apply to obstructions caused by unavoidable accident.

SEC. 27. That every railroad company or other corporation, the servant or servants, agent or agents, employee or employees of which shall in any manner obstruct any public road or highway, shall be liable to pay all the fines which may be assessed against such servant or servants, agent or agents, employee or employees, for so obstructing any such public road or

highway, and such liability as may be enforced by execution issued 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 public highway.

SEC. 28. It shall be unlawful for any railroad company to obstruct drainage of any public road or highway by its road-bed or otherwise, or empty the water 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 agent of the said railroad company personally, shall refuse or neglect to remedy the same to the acceptance of the supervisor of said district shall forfeit and pay a penalty of fifty dollars, to be recovered by an action at the suit of the township trustees before any Justice of the Peace of the proper county, and every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offence shall be deemed an additional offence against the provisions of this act; 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 improvements of the roads in his district and accounted for in his annual settlement.

Railroad company not to obstruct drainage, nor empty its ditches in public road.

Penalty, how recovered.

Additional offence.

Application of penalty.

SEC. 29. Whenever any persons shall meet each other on the bridges or road, 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 wilfully offending against the provisions of this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars; and he shall further be liable to any party for damages sustained by reason of such offence: *Provided*, that every such complaint shall be made within one month after the offence shall have been committed, and that every such action for damages shall be commenced within two months after the cause of action shall have accrued.

"Turn to the right."

Misdemeanor, penalty, liable for damages.

Proviso, time to file complaint, and commence action.

SEC. 30. It shall be the further duty of each district supervisor to cause each railroad company to construct and keep in good repair the road-bed of all public roads and streets across the right of way of said railroad 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 road-bed to the acceptance of the supervisor of said district, it shall forfeit fifty dollars, to be recovered by an action at the suit of the township

Railroad to construct and repair road-beds at crossings.

Penalty, how recovered.

trustees before any Justice of the Peace in said 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 of 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 road-bed shall be deemed an additional offence against the provisions of this act.

SEC. 31. That it shall be lawful for the supervisors of road districts bordering on the State line between North Carolina and any adjoining State where a public highway has been located upon such State line in accordance with and under the provisions of the laws of the State of North Carolina, to apply the labor of said district upon said roads in the same manner as upon other roads located within the boundaries of this State; and in case any public road is or shall be established as a part of the line or boundary of any township or incorporated village or city, the trustees in such adjoining township or townships and council of such incorporated towns, village or city, as the case may be, shall meet at some convenient place, when called together for that purpose, and apportion such road between the townships or township and village or city as justice and equity may require, and the trustees in the respective townships, or village or city council shall cause said road or roads to be opened and improved accordingly.

SEC. 32. That for the purpose of making this law effectual, there shall be elected bi-annually, one man, to be known as General Road Supervisor of all the public roads in the county, who shall have general supervision of all the work upon the public roads within the county of Transylvania, and shall see to it that the road laws are fairly and vigorously carried out. He shall make the subject of good roads a special study, and shall hold public road meetings in all the townships in the county as often as practicable, and shall do all in his power to build up the county by the general improvement of the public roads. He shall be *ex officio* Chairman of the Board of County Road Supervisors (hereafter constituted) and shall be the advisor of all the road officers in the county. He shall receive as compensation for his services \$2.50 per day for the time actually employed in the discharge of his duties, to be audited and allowed by the Board of County Commissioners, and to be paid out of the general road taxes. That where this office is filled by a man who is by profession and practice a surveyor or civil engineer, the Board of County Commissioners may allow in addition to the \$2.50 per day, such compensation as may be just and equitable,

for such services as he may render as civil engineer and surveyor. The said office of General Road Supervisor shall be filled by A. L. Hardin until the annual meeting in May, 1905, of the Board of County Road Supervisors, unless he resigns, or is removed before that time, at which time and annually thereafter his successor shall be elected by the Board of County Supervisors; and all vacancies occurring by death, resignation or removal, shall be filled by the said Board. That the office of General Road Supervisor may be vacated at any time for good cause, and by two-thirds of the members of the Board of Road Supervisors, after due notice and trial.

A. L. Hardin until
'905.

Vacancies, may be
vacated for cause.

SEC. 33. That there shall be a Board of County Road Supervisors to be composed of the chairman of each of the boards of township trustees, and with the said General Road Supervisor as their chairman, to be known as the Board of County Road Supervisors for Transylvania County, and in that name they are hereby constituted a body corporate, with all the rights of a corporation, to sue and be sued, and act generally for the best interests of the public roads in Transylvania County. This board shall meet after the passage of this act, at such times and places in the county as they may agree upon or as may be fixed by the General Road Supervisor, and shall hold annual meetings on the second Monday in May of each year. It shall be the duty of this board to make rules for the government of all the other road officers, township trustees and district supervisors, not inconsistent with this act; and it shall be a misdemeanor, punishable by a fine not to exceed fifty dollars or thirty days imprisonment for any one to violate any one of said rules. Said Board of County Road Supervisors shall have power to hear and settle any disputes that may be certified to them from the several boards of township trustees. The chain-gang in Transylvania County may be established and continued, and shall be managed and controlled by said Board of County Road Supervisors, and it shall be lawful for the different courts in the State to send convicts to said chain-gang, to be received by the said Board of County Road Supervisors, and governed, worked, and managed upon the public roads of Transylvania County, under such rules and regulations as may be adopted by them.

Board of county
road supervisors.

Corporate name,
body corporate.

Meetings of board.

Rules of board.

Violation a misde-
meanor, penalty.

Board to hear and
settle disputes.

Chain-gang.

SEC. 34. That the Justices of the Peace of the several townships in the county of Transylvania shall, as soon after the ratification of this act as practical, meet in their respective townships, at a time and place to be fixed by the General Supervisor, and organize themselves under the provisions of this act into a Board of Township Trustees, by electing one of their members chairman of their board, who shall be known as Chairman of the Board of Township Trustees for said township; and such

Meetings for
organization.

Chairman elected.

Member of county board.

Secretary of State to send copies of act.

County commissioners to furnish books and blanks.

Towns not included in road district

Tax levied in accordance with Constitution, applies to cities and towns. Operative on petition.

Repealing and ratifying clause.

chairman so elected shall be *ex officio* a member of the Board of County Supervisors. The boards of township trustees and the district supervisors shall be governed by the provisions of this act and by the rules and rulings of the Board of County Road Supervisors.

SEC. 35. The Secretary of State shall furnish the Chairman of County Commissioners of Transylvania County with a sufficient number of printed copies of this act for the use of the county and district supervisors and township trustees of said county, and the County Commissioners shall furnish the necessary books and blanks for use of the township trustees and county and district supervisors of said county. The township trustees shall not lay off any portion of any incorporated town, city or village in any road district. The tax levied by the County Commissioners under this act shall be levied in accordance with the Constitution of this State, and shall apply to all cities and towns.

SEC. 36. This act shall apply to Transylvania County at and after the April meeting of the Board of County Commissioners: *Provided*, at such meeting a petition signed by a majority of the qualified voters at the last general election shall be presented to, and an order entered by said Board putting it into operation.

SEC. 37. All laws or parts of laws in conflict with this act are hereby repealed. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 3rd day of March, A. D., 1903.

CHAPTER 243.

AN ACT TO PROHIBIT FLOATING SAWDUST IN McLELLAN'S CREEK IN LITTLE RIVER TOWNSHIP, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation operating any saw-mill to float any sawdust from such mill or mills in McLellan's Creek in Upper Little River Township, Harnett County.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the Court, for each and every offence.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 244.

AN ACT TO ESTABLISH A GRADED SCHOOL IN CERTAIN
SPECIFIC TERRITORY IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the following territory lying and being in Ala-
mance County, North Carolina, in township Melville, and more
particularly described as follows: Beginning at Gilbreth Bridge.
on Haw River; thence down said river to the southern boundary
of the late John Foust's land; thence east with his line with
southern boundary lines of the lands of H. Freshwater, Mrs. John
Foust, Joe Freshwater, R. W. Scott, Nute Freshwater, Fisher
Clendinin, S. W. Patton to Haw Creek; thence up said creek, in-
cluding the lands of W. E. Cook, W. E. Woods, McBryde, A. V.
Craig, running on the east and north of said farms; thence west,
including Terrell's farm and south of negro settlement; thence
north and west, including Moses Gibson and James Dixon, to
Back Creek; thence with the said creek to northern boundary of
Stewart Dixon's farm; thence west to Haw River; thence with
said river to beginning, is hereby created one school district and
named Hawfields.

Boundaries.

SEC. 2. That the following parties are hereby appointed School
Trustees for the schools in said district, and shall hold for the
following terms, and all vacancies shall be filled in the following
manner, to-wit: H. A. Dixon and James Gibson for one year; and
J. R. White and J. C. Johnson for two years; and E. C. Turner and
R. W. Scott for three years, and the term of office for each of said
Trustees shall commence with the date of the ratification of this
act. All vacancies in said Board, whether arising from death,
resignation, removal, expiration of the term of office or otherwise,
shall be filled by the remaining Trustees, and majority shall have
the power of selection, and the persons so selected shall hold for
three years from the date of their selection.

School trustees.

Term to begin.

Vacancies.

SEC. 3. That said Board of Trustees shall, on the first Monday
in May next ensuing, submit to the qualified voters of said district
above created the question of establishing a graded school in said
district. The said Trustees shall give thirty days' notice of said
election by a notice thereof published in some newspaper pub-
lished in Alamance County, and by notices posted at four public
places in said district. The said Board of Trustees shall select
three men, qualified voters of said district, one of whom they shall
appoint registrar and the other two pollholders to hold said elec-
tion, and these three shall hold said election and shall be gov-
erned in their acts in all particulars as to the registration of
voters, challenges, etc., by the same rules and regulations as pre-

Election.

Notice of election.

Registrars and
poll-holders.Election as for
county officers.

Tickets.

How result
declared,
Polling place.

Special tax if vote
in favor of school,
rate.

To be collected by
sheriff and turned
over to treasurer of
school trustees,
compensation of
sheriff.

Quota of regular
tax, applicable to
this school.

Trustees to have
charge of school,
organization, by-
laws, treasurer.

Compensation and
bond, money to be
spent for benefit of
schools.

Teachers and
officers.

Powers of trustees.

vail in the election of county officers, and the qualified voters of said district shall vote at said election on the first Monday in May next ensuing, tickets on which shall be written or printed the words "For Graded School" or "Against Graded School," and the result of the election shall be declared by the same rules that govern the election of county officers. The said election shall be held at the school house for the white race in said territory.

SEC. 4. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall be the duty of the Board of County Commissioners of Alamance County to levy annually a special tax of not less than thirty cents nor more than thirty-three and one-third cents on the hundred dollars valuation of all the taxable property of said school district, and upon the poll not less than ninety cents and not more than one dollar, and the tax so levied shall be collected by the Sheriff of Alamance, and shall be by him turned over to the Treasurer of the said School Trustees, and the said Sheriff shall receive as compensation for the collection and disbursement of this special tax five per cent commissions one way.

SEC. 5. That all moneys coming to the said district above described for school purposes from the State and from the county, as well as that coming from the special tax above referred to, shall be by the proper officers paid to the Board of Trustees above created and appointed and their duly constituted successors, and shall be by them used for the benefit of the graded school above referred to.

SEC. 6. The said school Trustees above named, and their duly constituted successors, shall have the sole and exclusive charge of the public schools in said territory, and shall organize by the election of such officers and the passing of such by-laws as they deem proper. And they shall select a Treasurer, who shall have charge of all moneys to be used for school purposes and who shall pay the same out on such vouchers as they shall direct, and who shall receive such compensation and give bond as they shall dictate. The said Trustees above named shall spend all moneys coming to their hands from any and all sources above named, and any other source that shall be paid, bequeathed or devised them for schools in said territory for the benefit of said schools.

SEC. 7. That said Trustees shall have the power to employ all teachers and select all officers necessary for said public schools, and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold real property and personal property necessary for the use of said schools, and they shall have the right and power to do all things necessary for the successful conduct of said schools. And

should parents or other parties having charge of children of school age outside of said territory desire to send to the schools in said territory, then the Trustees shall have the right to permit them so to do upon such terms as shall be fixed by said Trustees. Children outside of territory.

SEC. 8. That all the property now situate in said territory and used for public schools shall be by the proper authorities conveyed to the Trustees above named and their duly constituted successors. School property to be conveyed.

SEC. 9. That it shall be unlawful for any person, persons, firms or corporation to manufacture or sell any spirituous, vinous or malt liquors within three miles of said school, and any person, persons, firms or corporation violating this provision shall be guilty of a misdemeanor, and punished by fine or imprisonment, at the discretion of the Court. Unlawful to manufacture or sell liquor within three miles of school, misdemeanor, penalty.

SEC. 10. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed. Repealing clause.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1903.

CHAPTER 245.

AN ACT TO PREVENT THE THROWING OF SAWDUST INTO THE WATERCOURSES OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, firms or corporation, the lessee or employee of such person, firm or corporation owning or operating any saw-mill which uses either steam or water as a motive power to allow the saw-dust or discharge of such mill to enter into any of the running streams of Yancey County. Unlawful to allow sawdust or discharge of saw mills to enter running streams.

SEC. 2. That any person, as above provided, who shall violate the provisions of this act, shall upon conviction thereof be guilty of a misdemeanor, and fined not less than \$10 nor more than \$50, or imprisoned not less than 10 nor more than 30 days for each and every offence: *Provided*, that the provisions of this act shall not apply to any steam or water mill now in operation, but shall apply to any steam or water power saw-mill which may hereafter be moved from its present site and re-set for operation, and to steam or water power saw-mills hereafter erected or moved from its present site and re-set. Misdemeanor, penalty.

Proviso, not to apply to mills now in operation.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 246.

AN ACT TO SECURE THE PASSAGE OF FISH IN THE NORTH FORK OF NEW RIVER, IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to erect dam or other obstruction without fish ladders.

SECTION 1. That it shall be unlawful for any person, copartnership or corporation to erect, keep or maintain any dam or other obstruction to the natural flow of the water in and along the north fork of New River in the county of Ashe, so as to hinder or prevent the free passage of fish along said stream, without providing proper fish ladders, so constructed as to enable fish to pass over such dam or obstruction in ascending said stream.

County commissioners to inspect, and order ladders.

SEC. 2. That it shall be the duty of the Board of Commissioners of Ashe County, on complaint of any citizen of the county that any such dam or obstruction exists in said stream, to cause to be issued and served upon the owner of such dam or obstruction a notice to appear before the Board and show cause why such owner should not be required to provide, erect and construct fish ladders as provided for in section one of this act; and if it should appear to said Board that such dam or obstruction exists, and that such fish ladder or fishway can be constructed so as to permit the passage of fish, the Board of County Commissioners shall, by order, require of the owner of such dam to construct such proper fish ladder three months from the date of said order, and upon the completion thereof the Board shall have the same inspected, and if found to have been properly constructed, shall pay a reasonable price for the construction of the same by an order drawn on the Treasurer of the county for the payment thereof out of the general county fund.

To inspect ladders and pay for same.

Failure to construct dam a misdemeanor, penalty.

SEC. 3. That if the owner of such dam fail or refuse to construct such fishway or fish ladder within the time specified in the order, as provided in this act, such owner shall be guilty of a misdemeanor, and upon conviction thereof shall be fined and imprisoned, one or both, at the discretion of the Court.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 247.

AN ACT TO AMEND CHAPTER 9 OF THE PUBLIC LAWS OF 1901, IN RELATION TO RAISING REVENUE.

The General Assembly of North Carolina do enact:

That chapter 9 of the Public Laws of 1901, relating to raising revenue, be amended so as hereafter to read as follows:

Former act amended.

SCHEDULE A.

SECTION 1. *Objects for which taxes are levied.*

That the taxes hereinafter designated are payable in the existing national currency, and shall be assessed and collected under the rules and regulations prescribed by law, and applied to the payment of the expenses of the State government, the appropriations to charitable and penal institutions, other specific appropriations made by law, and the interest on the four per centum consolidated debt of this State.

Taxes payable in national currency.

Rules and regulations.

Applied to payment of what.

SEC. 2. *Poll tax.*

On each taxable poll or male between the ages of twenty-one and fifty years, except the poor and infirm whom the County Commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of one dollar and twenty-nine cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law, not inconsistent with the apportionment established by section two of article five of the Constitution of this State.

Poll tax, age, exemption, rate.

Application of proceeds.

SEC. 3. *Rate.*

There shall be levied and collected annually an *ad valorem* tax of twenty-one cents for State purposes, four cents for pensions, and eighteen cents for public schools, making forty-three cents on every one hundred dollars value of real and personal property in this State required to be listed in "An act to provide for the assessment of property and collection of taxes," subject to exemptions made by law, and no city or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one per centum of the value thereof, except by special authority from the General Assembly.

Ad valorem tax rate.

Exemptions. Municipal corporations, maximum levy, special authority.

SEC. 4. *Corporation taxes payable to State Treasurer.*

Every corporation, joint stock association, limited partnership or company whatsoever from which a report is required by law

Corporation taxes payable to State Treasurer.

Ad valorem tax on stock.	to be made to the State Auditor or State Treasurer shall be subject to and pay to the State Treasurer annually a tax as prescribed in section three upon each one hundred dollars of the actual value of its whole capital stock of all kinds, including common, special and preferred, as ascertained in the manner prescribed by law, and it shall be the duty of the Treasurer or other officer having charge of any such corporation, joint stock association or limited partnership upon which a tax is imposed to transmit the amount of the tax to the State Treasurer within thirty days from the date of the settlement of the account by the Auditor and State Treasurer: <i>Provided</i> , that for the purposes of this act, interests in limited partnerships or joint stock associations shall be deemed to be capital stock and taxable accordingly: <i>Provided also</i> , that corporations, limited partnerships and joint stock associations, liable to tax on capital stock under this section shall not be required to make any report or pay any further tax on mortgages, bonds, other securities and credits owned by them in their own right; but corporations, limited partnerships and joint stock associations, holding such securities as trustees, executors, administrators, guardians, or in any other manner, shall return and pay the tax imposed by this act upon all securities so held by them, as in the case of individuals. Individual stockholders in any corporation, joint stock association, limited partnership or company paying a tax on its capital stock under this section shall not be required to pay any tax on said stock or list the same.
Payment in thirty days.	
What deemed capital stock.	
Property not specifically taxed.	
Trust estates taxed separately.	
Individuals not taxed on stock.	

SEC. 5. *Tax exemptions repealed.*

Tax exemptions repealed.	Whenever in any law or act of incorporation, granted either under the general law or by special act, there is any limitation or exemption of taxation, the same is hereby repealed, and all the property and effects of all such corporations shall be liable to taxation, except property belonging to the State and to municipal corporations, and property held for the benefit of churches, religious societies, charitable, educational, literary or benevolent institutions or orders, and also cemeteries: <i>Provided</i> , that no property whatever held or used for investment, speculation or rent shall be exempt, unless said rent shall be used exclusively for charitable or benevolent purposes or the interest upon the bonded indebtedness of said religious, charitable or benevolent institution.
Exceptions.	
Proviso.	

INHERITANCE TAX.

SCHEDULE AA.

SEC. 6. *Rate of inheritance tax.*

Inheritance tax.	From and after the passage of this act all personal property of whatever kind and nature which shall pass by will or by the
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intestate laws of this State, from any person who may die seized or possessed of the same while a resident of this State, whether the person or persons dying seized thereof be domiciled within or out of the State, or if the decedent was not a resident of this State at the time of his death such property or any part thereof within this State, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale or gift made in contemplation of the death of the grantor, bargainor, donor or assignor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to bodies corporate or politic, in trust or otherwise, or by reason whereof any person or body corporate or politic shall become beneficially entitled, in possession or expectancy, to any property or the income thereof, shall be and hereby is made subject to a tax for the benefit of the State as follows, that is to say: Where the whole amount of said legacy or distributive share of personal property shall exceed in value two thousand dollars the tax shall be:

Applicable to personal property only.

Minimum legacy taxed.
Legacies between \$2,000 and \$3,000 value.

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother or sister of the person who died possessed of such property aforesaid, or where the person to whom such property shall be devised or bequeathed stood in the relation of child to the person who died possessed of such property aforesaid, at the rate of seventy-five cents for each and every hundred dollars of the clear value of such interest in such property; and this clause shall apply to all cases where the taxes have not been paid by the executor, or administrator, or other representative of the deceased person. The Clerk of the Superior Court shall determine whether any person to whom property is so devised or bequeathed stands in the relation of child to the decedent.

Legatees, lineal issue, etc.

Legatee in relation of child.

Rate 75 cents on each \$100.

Clerk Superior Court to determine.

Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendent of a brother or sister of the person who died possessed as aforesaid, at the rate of one dollar and fifty cents for each and every hundred dollars of the clear value of such interest.

Rate \$1.50, when.

Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendent of the brother or sister of the father or mother of the person who died possessed, as aforesaid, at the rate of three dollars for each and every hundred dollars of the clear value of such interest.

Rate \$3.00, when.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendent of the brother or sister of the grandfather or grandmother of the person who died possessed, as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest.

Rate \$4.00, when.

Rate \$5.00, when.

Proviso: husband, wife, religious purposes, etc., exempt.

Rate between \$5,000 to \$10,000.

Rate between \$10,000 to \$25,000.

Rate between \$25,000 to \$50,000.

Rate where value exceeds \$50,000.

How liability for tax discharged.

Penalty for non-payment in two years.

Executor, etc., to deduct tax, when.

When tax to be collected on appraised value.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, where the whole amount of said legacy or distributive share of personal property shall exceed two thousand dollars and shall not exceed five thousand dollars the tax shall be at the rate of five dollars for each and every hundred dollars of the clear value of such interest: *Provided*, that all legacies or property passing by will, or by the laws of this State, to husband or wife of the person who died possessed as aforesaid, or for religious, charitable or educational purposes, shall be exempt from tax or duty. Where the amount or value of said property shall exceed the sum of five thousand dollars, but shall not exceed the sum or value of ten thousand dollars, the rates of tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of ten thousand dollars, but shall not exceed the sum of twenty-five thousand dollars, such rates of tax shall be multiplied by two; and where the amount or value of said property shall exceed the sum of twenty-five thousand dollars, but shall not exceed the sum of fifty thousand dollars, such rates of tax shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of fifty thousand dollars, such rates of tax shall be multiplied by three, but this graduated increase of rate shall only apply to the provisions of subdivision five of this section.

SEC. 7. *When all heirs, legatees, etc., are discharged from liability.*

All heirs, legatees, devisees, administrators, executors and trustees shall only be discharged from liability for the amount of such taxes, the settlement of which they may be charged with, by paying the same for the use aforesaid, as hereinafter provided.

SEC. 8. That if said tax is not paid at the end of two years after the death of decedent six per cent per annum shall be charged thereon until same is paid.

SEC. 9. *Executor, etc., shall deduct tax.*

The executor or administrator or other trustee paying any legacy or share in the distribution of any estate subject to said tax shall deduct therefrom at the rate of tax prescribed, or if the legacy or share in the estate be not money, he shall demand payment of a sum to be computed at the same rates upon the appraised value thereof for the use of the State; and no executor or administrator shall be compelled to pay or deliver any specific legacy, or article to be distributed, subject to tax, except on the

payment into his hands of a sum computed on its value as aforesaid; and in case of neglect or refusal on the part of said legatee to pay the same, such specific legacy or article, or so much thereof as shall be necessary, shall be sold by such executor or administrator at public sale, after notice to such legatee, and the balance that may be left in the hands of the executor or administrator shall be distributed as is or may be directed by law, and every sum of money retained by any executor or administrator, or paid into his hands on account of any legacy or distributive share, for the use of the State, shall be paid by him to the proper officer without delay.

Sale of specific legacy.

Executor to pay over tax collected.

SEC. 10. *Legacy for life, etc., tax to be retained upon the whole amount.*

If the legacy subject to said tax be given to any person for life, or for a term of years, or for any other limited period, upon a condition or contingency, if the same be money, the tax thereon shall be retained upon the whole amount; but if not money, application shall be made to the Court having jurisdiction of the accounts of executors and administrators to make apportionment, if the case requires it, of the sum to be paid by such legatees, and for such further order relative thereto as equity shall require.

Tax on legacy for life, etc., how deducted or apportioned.

Court to apportion.

SEC. 11. *Legacy charged upon real estate, heir or devisee to deduct and pay to executor, etc.*

Whenever such legacy shall be charged upon or payable out of real estate, the heir or devisee of such real estate, before paying the same to such legatee, shall deduct therefrom at the rates aforesaid, and pay the amount so deducted to the executor or administrator, and the same shall remain a charge upon such real estate until paid; and in default thereof the same shall be enforced by the decree of the Court in the same manner as the payment of such legacy may be enforced: *Provided*, that all taxes imposed by this act shall be a lien upon the personal property of the estate on which the tax is imposed, or upon the proceeds arising from the sale of such property, from the time said tax is due and payable, and shall continue a lien until said tax is paid and receipted for by the proper officer of the State.

Where legacy charged on land.

How tax enforced.

Tax lien on personal property.

SEC. 12. *Executor or administrator to take duplicate receipts from the Clerk of the Court.*

It shall be the duty of any executor or administrator, on the payment of said tax, to take duplicate receipts from the Clerk of the Court, one of which shall be forwarded forthwith to the Auditor of the State, whose duty it shall be to charge the Clerk receiving the money with the amount, and seal with the seal of

Clerk of court to make duplicate tax receipts.

Duties of State Auditor

Tax receipt, when a voucher. his office and countersign the receipt and transmit it to the executor or administrator, whereupon it shall be a proper voucher in the settlement of the estate, but in no event shall an executor or administrator be entitled to a credit in his account by the Clerk, unless the receipt is so sealed and countersigned by the Auditor of the State.

SEC. 13. *Foreign executor or administrator transferring stock shall pay the tax on such transfer.*

Transfer of stocks, etc., by foreign executor. Whenever any foreign executor or administrator or trustee shall assign or transfer any stocks or bonds in this State standing in the name of the decedent, or in trust for a decedent, which shall be liable for the said tax, such tax shall be paid on the transfer thereof to the Clerk of the Court of the county where such transfer is made; otherwise, the corporation permitting such transfer shall become liable to pay such tax.

Tax on same, how paid.

Liability of corporation.

SEC. 14. *Proportion of tax to be repaid upon certain conditions.*

Return of tax on refunded legacy. Whenever debts shall be proven against the estate of a decedent, after the distribution of legacies from which the inheritance tax has been deducted in compliance with this act, and the legatee is required to refund any portion of the legacy, a proportion of the said tax shall be repaid to him by the executor or administrator if the said tax has not been paid into the State treasury, or shall be refunded by the State Treasurer if it has been so paid in.

SEC. 15. *Appraiser to be appointed by the Clerk, etc.*

Clerk of court to appoint appraiser. It shall be the duty of the Clerk of the Court of the county in which letters testamentary or of administration are granted to appoint an appraiser, as often as, and whenever occasion may require, to fix the valuation of estates which are or shall be subject to inheritance tax, and it shall be the duty of said appraiser to make a fair and conscionable appraisement of such estates; and it shall further be the duty of such appraiser to assess and fix the cash value of all annuities and life estates growing out of said estates, upon which annuities and life estate the inheritance tax shall be immediately payable out of the estate at the rate of such valuation: *Provided*, that any person or persons not satisfied with said appraisement shall have the right to appeal within sixty days to the Court of the proper county on paying or giving security to pay all costs, together with whatever tax shall be fixed by said Court, and upon such appeal said Court shall have jurisdiction to determine all questions of valuation and of the liability of the appraised estate for such tax, subject to the right of appeal to the Supreme Court, as in other cases. The compensation of appraisers appointed under this act shall be at the

Duties of appraiser.

Valuation of legacies, etc.

Right of appeal.

rate of three dollars per day for each day necessarily employed in making the appraisal, together with such necessary traveling expenses as may be incurred, a statement of which shall be property itemized and sworn to, subject to the final approval of the Auditor of State before payment is made by the Clerk of the Court.

Compensation of appraiser, expenses.
Approval of State Auditor.

SEC. 16. *Misdemeanor for appraiser to take fee or reward from executor or administrator.*

It shall be a misdemeanor for any appraiser appointed by the Clerk to make any appraisal in behalf of the State to take any fee or reward from any executor or administrator, legatee, next of kin or heir of any decedent, and for any such offence the Clerk of the Court shall dismiss him from such service, and upon conviction in the Superior Court he shall be fined not exceeding five hundred dollars, and imprisoned not exceeding one year, or both, or either, at the discretion of the Court.

Malfeasance of appraiser a misdemeanor, penalty.

SEC. 17. *Clerk to enter returns made by appraisers, etc.*

It shall be the duty of the Clerk of the Court to enter in a book to be provided at the expense of the State, to be kept for that purpose, and which shall be a public record, the returns made by all appraisers under this act, opening an account in favor of the State against the decedent's estate; and the Clerk may give certificates of payment of such tax from such record; and it shall be the duty of the Clerk of the Court to transmit to the Auditor of State, on the first Monday of each month, a statement of all returns made by appraisers during the preceding month, giving the name of the estate and the clear valuation thereof, subject to the foregoing tax, and the amount of the tax, which statement shall be entered by the Auditor in a book to be kept by him for that purpose. And whenever any such tax shall have remained due and unpaid for one year it shall be lawful for the Clerk of the Court to apply to the Court by bill or petition to enforce the payment of the same; whereupon said Court having caused due notice to be given to the owner or owners of the estate charged with the tax, and to such other person or persons as may be interested, shall proceed according to equity to make such decrees or orders for the payment of the said tax out of such estates as shall be just and proper.

Record of appraisers' returns.

Duties of clerk of court.

Monthly report to State Auditor.

Clerk to enforce payment, when and how.

SEC. 18. *Court may order executor, etc., to file account, etc.*

If the Clerk of the Court shall discover that said tax has not been paid according to law the Court shall be authorized to cite the executors or administrators of the decedent, whose estate is subject to the tax, to file an account, or to issue a citation to the executors, administrators, legatees or heirs, citing them to ap-

Duties of clerk of court when tax unpaid.

Citation.

Publication of notice.

State Auditor to employ counsel.

Allowance of fees and expenses.

pear on a day certain and show cause why the said tax should not be paid, and when personal service can not be had, notice shall be given for four weeks, once a week, in at least one newspaper published in said county; and if the said tax shall be found to be due and unpaid the said delinquent shall pay said tax, interest and costs. And it shall be the duty of the Auditor of State to employ an attorney of the proper county to sue for the recovery and amount of such tax, and the Auditor is authorized and empowered, in settlement of accounts of any Clerk, to allow him costs of advertising and other reasonable fees and expenses incurred in the collection of said tax.

SEC. 19. *Clerk to be agent of the State for collection of said tax.*

The Clerks of the Courts of the several counties of this State shall be the agents of the State for the collection of the said tax; and for services rendered in collecting and paying over the same the said agents shall be allowed to retain for their own use such percentage as may be allowed by the Auditor, not exceeding three per centum on all taxes paid and accounted for.

SEC. 20. *Clerk to be liable on his official bond.*

The said Clerks of the Courts shall be liable on their official bonds to the State for the faithful performance of the duties hereby imposed, and for the regular accounting and paying over of the amounts to be collected and received.

SEC. 21. *Clerk to make returns and payment to the State Treasurer.*

Clerk of court to pay over monthly.

It shall be the duty of the Clerk of the Court of each county to make returns and payment to the State Treasurer of the taxes under this act which he shall have received, stating for what estate paid, on the first Monday of each month; and for all taxes collected by him and not paid over to the State Treasurer within ten days after said monthly return of the same he shall pay interest at the rate of twelve per centum per annum until paid.

Penalty for failure.

INCOME TAX.

SEC. 22. *Taxpayer to show his income on list.*

Certain incomes to be listed.

The tax-payer shall list his income for the year ending June first from any and all sources in excess of one thousand dollars.

SEC. 23. *What question blank shall contain in regard to income.*

Questions

Sources of income.

The blank for listing taxes shall contain the following questions: "Was your gross income from salaries, fees, trade, profession and property not taxed, any or all of them, for the year ending June first, in excess of one thousand dollars? If so, what was that excess?"

Excess over \$1,000.

SEC. 24. *Rate of income tax.*

On all gross incomes as provided in the preceding section hereof Income tax rate.
a tax shall be levied as follows:

On the excess over the amount legally exempted, one per cent. Exemptions.
The above tax shall not be levied upon the income derived from Sources of income.
property already taxed, nor upon income less than one thousand
dollars. The incomes subject to the above tax are those derived
from property not taxed; from salaries and fees, public or pri-
vate, from annuities, from trades or professions, and from any
other sources the incomes from which are not specifically ex-
empted from taxation by law.

SEC. 25. No city, town, township or county shall levy any in- No county or
municipal tax.
heritance or income tax.

SCHEDULE B.

SEC. 26. *Defining taxes under this schedule.*

Taxes in this schedule shall be imposed as license tax for the License taxes.
privilege of carrying on the business or doing the act named, and
nothing in this act contained shall be construed to relieve any
person or corporation from the payment of tax as required in
the preceding schedule. The license issued under this schedule
shall be for twelve months, and shall expire on the thirty-first
day of May of each year. Not in lieu of other
taxes. Term and expira-
tion of licenses.

SEC. 27. *Theaters.*

On each room or hall, used as a theater or opera-house where Theaters.
public exhibitions or performances are given for profit, in a city
or town having more than ten thousand inhabitants, two hundred
dollars per annum; less than ten thousand and over five thousand
inhabitants, one hundred dollars per annum; less than five thou-
sand and over two thousand five hundred inhabitants, fifty dol-
lars per annum; less than two thousand five hundred and over
one thousand inhabitants, twenty-five dollars per annum; less
than one thousand inhabitants, fifteen dollars per annum; the
license under this section shall be issued by the Sheriff and shall License.
be conspicuously posted in the entrance or vestibule of the room
or hall, and said room or hall shall not be liable to any other
license tax by the county, but the said tax shall be divided and
one-half paid to the State, and one-half to the county. Companies
or individuals when performing or exhibiting in rooms or halls
licensed under this section shall not be required to pay any other
county or State license tax. Distribution of
tax No further tax on
performances.

SEC. 28. *Traveling theatrical companies.*

On every traveling theatrical company giving exhibitions or Performances in
unlicensed halls.
performances in any hall, tent or other place not licensed as pro-

Owner of hall
responsible.

vided in the preceding section, whether on account of municipal ownership, or for any other reason, ten dollars on each exhibition or performance, and the owner of the hall, tent or other place shall be responsible for the tax.

SEC. 29. *Circuses, menageries, etc.*

Circuses, shows,
menageries.

On every exhibition of a circus, show or menagerie, to which the price of admission, including a reserved seat, exceeds fifty cents, for each day or part of a day, two hundred dollars, and on each side-show, fifty dollars. On every other show given under canvass or otherwise, in which animals are exhibited, or trapeze or juggling performances are given, for each day or part of a day, fifty dollars, whether free or otherwise. Every county shall have the power to fix the county tax on all circuses, shows, menageries or entertainments mentioned in this section at such amount as the County Commissioners may deem proper, not to exceed one thousand dollars: *Provided*, the same shall not be less than one-half the State tax provided in this section.

Graduated tax.

County tax.

SEC. 30. *Certain entertainments exempt from license tax.*

Entertainments
not taxed.

Proviso.

All exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects shall be exempt from taxation: *Provided*, that when operas, star courses or theatrical troops are employed, such as usually appear in licensed halls or theaters, then the tax shall be the same as that imposed on traveling theatrical companies performing in unlicensed halls.

SEC. 31. *Attorneys, physicians and dentists.*

Attorney, physi-
cian, dentist,
oculist, photogra-
pher, optician,
osteopath, etc.
Proviso.

On each and every practicing lawyer, practicing physician, dentist, oculist, photographer, optician, osteopath or any person practicing any professed art of healing for fee or reward, the sum of five dollars: *Provided*, that no city, town or county shall levy any additional license tax on lawyers, physicians, dentists, oculists or opticians.

SEC. 32. *Real estate and rent collecting agents.*

Real estate agents,
rent collectors.

Every individual or firm, or his or their agents, who makes a business of collecting rents, or in acting as agent in buying and selling real estate of any and every description for compensation, shall pay an annual license tax of ten dollars; and all persons, except licensed attorneys, who draw deeds and contracts, or assume to attend to other legal business for compensation shall pay an annual license tax of five dollars.

Other persons.

SEC. 33. *Coal dealers.*

Coal dealers.

On every individual, firm or association of persons engaged in and conducting the business of selling coal at wholesale or retail, an annual license tax of ten dollars.

SEC. 34. *Undertakers, collecting agents, etc.*

An annual license tax of twenty-five dollars shall be collected from the following: For collecting accounts, bills, notes or money from one person in favor of another, as a regular organized collecting agency, and every dealer in second-hand clothing, and undertakers, shall pay a tax of twenty-five dollars in cities and towns of over fifteen thousand inhabitants; in cities and towns of more than ten thousand and less than fifteen thousand, fifteen dollars; in cities and towns of more than five thousand and less than ten thousand, ten dollars; in cities, towns or villages less than five thousand, five dollars: *Provided*, that this act shall not apply to the cabinet-maker who makes coffins to order.

Undertakers, collecting agencies, second-hand clothes dealers.

Graduated tax.

Proviso.

SEC. 35. *Horse dealers.*

On all persons, firms or corporations who buy and sell horses or mules as a business for profit, an annual license tax of twenty-five dollars. The license for conducting the said business shall be issued by the State Treasurer. No county, city or town shall levy or collect any tax under this section. Any person required to take out license under this section, who shall sell or attempt to sell any horses or mules without having obtained license, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined fifty dollars or imprisoned not exceeding thirty days, the fine to be paid into the State treasury as other taxes: *Provided*, this section shall not apply to persons dealing solely in horses or mules of their own raising.

Horse dealers.

State Treasurer to issue license. No county or municipal tax.

Penalty.

Proviso.

SEC. 36. *Peddlers of clocks, stoves and ranges.*

On every itinerant person or company peddling clocks, stoves or ranges, one hundred dollars per annum for each county in which he or they may peddle the same. The license to be issued by the Sheriff of the county, who shall collect said tax and pay the same to the State Treasurer. No other tax shall be levied by any town or county.

Peddlers of clocks, stoves or ranges.

License.

No county or municipal tax.

SEC. 37. *Bicycle dealers.*

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

Bicycle dealers.

Graduated tax.

Proviso.

SEC. 38. *Merchandise brokers.*

Merchandise brokers, commission merchants.

On every commission merchant, broker or dealer buying or selling goods or merchandise on commission, ten dollars per annum. If the merchant, broker or dealer also buys and sells goods and merchandise on his own account, and the annual license tax levied upon him under the section herein entitled "Merchants' Tax," is more than ten dollars, he shall not be liable for the tax imposed by this section.

Exception.

SEC. 39. *Ship brokers.*

Ship brokers.

On every person engaged in the business of managing the affairs occurring between the owners of vessels and the shippers or consignees of the freight which they carry, usually known as "ship broker," an annual license tax of twenty dollars.

SEC. 40. *Pawnbrokers.*

Pawnbrokers.

No person shall, without a license authorized by law, engage in the business of lending money or other things for profit for or on account of specific articles of personal property deposited with the lender in pledge. Any person who shall in any manner lend or advance money as aforesaid on the pledge and possession of such personal property shall be held to be a pawnbroker. After such person shall have forfeited his right to redeem the property the pawnbroker may cause said property to be sold at public auction. The expenses attending the sale shall be paid out of the proceeds of sale, and if any surplus arise from the sale after satisfying the money advanced, with the interest and costs which have accrued, such surplus shall be paid over to the person depositing the property as aforesaid. Any person acting as pawnbroker without a license shall pay a fine of not less than fifty nor more than five hundred dollars. A pawnbroker shall pay for the privilege of transacting business an annual license tax of one hundred dollars. This section shall apply to all persons, firms or corporations conducting a business of lending money and holding the same by chattel mortgage, pledge or otherwise, and who charge more than the legal rate of interest: *Provided*, this section shall not be so construed as to relieve any person from the penalties incurred under the laws against usury in this State.

Business regulated.

Certain persons embraced.

Proviso.

SEC. 41. *Livery stables.*

Livery stables.

On every person, firm or corporation who keeps horses or mules to hire or let, with or without vehicle, fifty cents for each six months for every horse or mule kept for that purpose. Such person shall, on the first day of January and July of each year, furnish to the Register of Deeds a sworn statement of the number of horses or mules so kept at any time during the preceding six months, the taxes to be collected by the Sheriff or tax collector.

Statement to be furnished.

SEC. 42. *Sewing machines.*

Every manufacturer of sewing machines, and every person or persons or corporation engaged in the business of selling the same in this State, shall, before selling or offering for sale any such machine, pay to the State Treasurer a tax of three hundred and fifty dollars and obtain a license, which shall operate for one year from the date of issue, and all licenses provided for in this section shall be countersigned by the State Auditor, and shall not be valid unless so countersigned. A separate tax shall be paid on every class or style of machine having a separate and distinct name offered for sale in this State, which name shall be furnished in the written application for license to the State Treasurer and inserted in the license. The State Treasurer shall, upon the written application of anyone who has obtained license as provided in this section, and the payment of a fee of fifty cents, issue a certified duplicate copy of said license to any agent designated by the license. Everyone to whom license shall be issued as provided in this section shall have power to employ an unlimited number of agents to sell the machines named in his license. The parties obtaining license issued under this section shall not be taxed for license fee by any county, city or town government. Any person required to take out license under this section, who shall sell or attempt to sell any machine without having obtained license, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars or imprisoned not exceeding thirty days, the fine to be paid into the State treasury as others taxes. In addition to the said fine or imprisonment, any person violating the provisions of this section shall pay a penalty to the officer making the arrest of two hundred dollars, one hundred thereof to be paid into the State treasury as other taxes, and one hundred dollars to the officer making the arrest. It shall be the duty of all county, town and township bonded officers to prosecute for penalties under this section. This section shall not apply to merchants who buy and sell sewing machines on which a license tax has been paid as hereinbefore provided, and who keep the said machines in their general stock of merchandise, and sell and deliver them at their place of business. It shall be the duty of the State Treasurer to have this section printed on the face of each license issued under this act for the information and protection of parties to whom the same may be issued: *Provided*, that any second-hand sewing machine, traded for, or taken in exchange as part payment for a new sewing machine, may be sold free of tax by any party to whom licenses have been issued to sell sewing machines.

Sewing machine business.

License from State Treasurer, State Auditor to countersign.

Each style of machine taxed.

Certified copies of license.

Employment of agents.

No county or municipal tax.

Non-compliance with this section a misdemeanor.

Penalty.

Certain officers to prosecute

Certain merchants excepted.

This section to be printed in license.

Proviso, second-hand machines.

SEC. 43. *Feather renovators.*

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

SEC. 44. *Peddlers.*

Peddlers—different kinds and tax. Any person who shall carry from place to place any goods, wares or merchandise and offers to sell or barter the same, or actually sells or barter the same, shall be deemed to be a peddler and shall pay a license tax as follows: Each peddler on foot, ten dollars for each county; each peddler with horse, ox or mule, with or without vehicle, or with a vehicle propelled by any other power, thirty dollars for every county. Every itinerant salesman who shall expose for sale, either on the street or in a house, rented temporarily for that purpose, goods, wares or merchandise, shall pay a tax of one hundred dollars in each county in which he shall carry on such business, whether as principal or as agent for any other person. Every person mentioned in this section shall apply in advance to the Board of County Commissioners of the county in which he proposes to peddle or sell for a license, and the Board of County Commissioners may, in their discretion, issue the license upon the payment of the tax to the Sheriff, which shall expire at the end of twelve months from its date. This section shall not apply to those who sell or offer for sale, books, periodicals, printed music, ice, fuel, fish, vegetables, fruits, or any articles of the farm or dairy, or articles of their own individual manufacture. The Board of County Commissioners shall have power, at their discretion, to exempt from tax under this section any poor and infirm person, and such license shall be good in any county in the State. Any person carrying a wagon, cart or buggy or traveling on foot for the purpose of exhibiting or delivering any wares or merchandise shall be considered a peddler: *Provided*, that this section shall not apply to persons or their agents engaged in exchanging woolen goods for wool: *Provided further*, that this section shall not apply to drummers selling by wholesale.

Itinerant salesmen.

License, how obtained, expiration.

Exceptions.

County commissioners may exempt, when.

Such license good, where.

Definition.

Proviso, exceptions.

SEC. 45. *Mercantile agencies.*

Mercantile agencies. On every mercantile agency or association having an office in this State which has for its object the rating of the commercial status of persons, firms or corporations, the sum of two hundred dollars, to be paid by the principal office in the State to the State Treasurer, and no city, town or county shall levy any additional license tax. Any person representing any mercantile agency which has failed to pay a license tax as above provided, shall be guilty of a misdemeanor.

No county or municipal tax.

Representing unlicensed agency a misdemeanor.

SEC. 46. *Gypsies or fortune-tellers.*

Every company of gypsies, or strolling bands of persons living in wagons or tents, or otherwise, who trade horses or receive reward for pretending to tell fortunes, one hundred and fifty dollars in each county in which they offer to trade horses or practice any of their craft, recoverable out of any property belonging to any of the company; but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.

Gypsies, fortune tellers.

How collected.

Not exempt from indictment.

SEC. 47. *Lightning-rod agents.*

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

Lightning rod agents.

SEC. 48. *Hotels.*

On each hotel charging for transient custom more than one dollar and less than two dollars per day, an annual tax of twenty-five cents for each and every room; hotels charging two dollars per day or more, fifty cents per room. The office, dining-room, one parlor, the kitchen and two other rooms shall not be counted when calculating the number of rooms in the hotel.

Hotels—graduated tax.

SEC. 49. *Cotton compresses.*

Every individual, firm, corporation or association of persons engaged in the business of compressing cotton shall pay an annual license tax of one dollar for each one thousand bales compressed.

Cotton compresses.

SEC. 50. *Billiard and pool tables and bowling alleys.*

On each billiard or pool table, bowling alley or alley of like kind kept for public use, if in connection with any place where liquor is sold or allowed to be drunk, an annual license tax of fifty dollars, whether kept under the same roof or otherwise; and on all other billiard or pool tables, bowling alleys or alleys of like kind kept for public use, an annual license tax of twenty-five dollars.

Billiard tables, pool tables, bowling alleys, alleys of other kinds.

SEC. 51. *Gift enterprises; prize photographs.*

On any gift enterprise, or any person or establishment offering any article for sale, and proposing to present purchasers with any gift or prize as an inducement to purchase, twenty dollars on every itinerant dealer in prize photographs, or prizes of any kind, one hundred dollars in each county in which the business is conducted. The taxes in this section shall be paid to the Sheriff or tax collector of the county, but shall not be construed as giving license or relieving such persons or establishments from any penalties incurred by violation of the law: *Provided*, that this

Gift enterprises, itinerant dealers in prize photographs, other prizes.

Violation of law not authorized.

Provido, exception.

section shall not apply to a merchant or manufacturer who offers to present to purchasers or customers a gift of a certain value, or who makes or allows a rebate on a sale as an inducement to purchase.

SEC. 52. *Slot machines with fixed returns.*

Slot machines—slot machines with fixed returns only.

Any person, firm or corporation having on a street, alley or other place in any city or town, or on any public road, in any county, or in shops, stores, hotels, boarding-houses, depots, or public or private rooms, or any other place anywhere in the State of North Carolina, a slot machine of any description, into which are dropped pennies, nickels or coins of other denominations, to dispose of cigars, cigarettes, chewing-gum, or other articles of merchandise, or musical, weighing, or other devices that operate on the nickel-in-the-slot principle, used for gain, shall pay for every such slot machine, or musical, weighing or other devices, as the case may be, a license tax of two dollars and fifty cents per year, for the use and benefit of the State, to be collected and accounted for as all other taxes: *Provided*, that this section shall apply only to such slot machines where the return in all cases is fixed or certain. Any person using, running or operating a slot machine of any description for other purpose than above set forth shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred nor more than five hundred dollars, or imprisoned not less than three months nor more than one year, or both, at the discretion of the Court.

Operation of other kinds a misdemeanor.

Penalty.

SEC. 53. *Bagatelle tables, etc.*

Bagatelle tables, merry-go-rounds, hobby horses, switch-back railways, etc.

On each bagatelle table, merry-go-round, hobby horses, switch-back railways, shooting galleries, or place for any other game or play, with or without a name (unless used for private amusement or exercise alone), whether kept in connection with or separate from any place where liquor is sold, twenty dollars in each county where the business is carried on.

SEC. 54. *Stock brokers.*

Stock brokers.

Every dealer in stocks, bonds or other securities shall pay for the privilege of transacting business an annual license tax of fifty dollars. No county, city or town shall levy or collect any tax under this section.

No county or municipal tax.

SEC. 55. *State banks, private bankers, etc.*

State banks, savings banks, private bankers.

Every State bank, savings bank, banking association or private banker shall pay annually to the State Treasurer, for the privilege of transacting business, the sum of one dollar for every thousand dollars employed as capital. No county, city or town shall collect any tax under this section.

No county or municipal tax.

SEC. 56. *Packing houses.*

Upon every meat packing house doing business in this State, one hundred dollars for each county in which said business is carried on.

Meat packing
houses.

SEC. 57. *Breweries and agencies of breweries.*

On all breweries, a tax of two hundred dollars; on all agencies of breweries for bottling, selling or distributing beer, ale, or porter, or other malt liquors, in bottles, kegs, casks, or in other measure, a tax of fifty dollars for each place of business in each county where they carry on business.

Breweries, agencies
of breweries,
bottling establish-
ments.

SEC. 58. *Persons, firms or corporations selling certain oils.*

Each person, firm or corporation selling illuminating oil, lubricating oil, benzine, naphtha or gasoline in this State shall pay an annual license tax to the State Treasurer, on or before the 1st day of July in each year, and receive from him a license to do business in this State for the ensuing twelve months, according to the following schedule:

Dealers in oils,
benzine, naphtha,
gasoline, license
from State
Treasurer.

Where the gross sales in this State of the applicant for license for the twelve months preceding the date of application exceeds \$5,000, and does not exceed \$50,000, twenty-five dollars; where such gross sales exceed \$50,000 and do not exceed \$100,000, fifty dollars; where such gross sales exceed \$100,000, one hundred dollars; and shall also pay upon the gross amount of sales made during the preceding year in this State, if in excess of \$5,000, at the rate of 50 cents on each one hundred dollars. The said amount of sales shall be returned to the State Treasurer by the general manager of said oil company, if a corporation, and if a natural person, by him, and duly sworn to upon forms to be prepared by the State Treasurer for that purpose. Any person, firm or corporation subject to this license tax and doing business in this State without having taken out said license shall be liable to a penalty of one thousand dollars, and in addition thereto to double the tax imposed under this section; and the State Treasurer is authorized to bring any suit for the collection of the same in the Superior Court of Wake County. No county or municipality shall impose any tax under this section. And the person, firm or corporation taking out said license and paying the tax upon the gross sales as aforesaid shall not be liable for any other tax except the *ad valorem* tax upon the property situate and being in this State.

Graduated tax.

Tax on gross sales.
Rate.

Sworn returns to
State Treasurer.

Penalty for doing
business without
license.

Suit by State
Treasurer.
No county or
municipal tax.

SEC. 59. *Dealers in futures.*

Upon every individual or firm, or his or their agents engaged in the business of selling or buying any one or more of the following articles or commodities, to-wit: farm products, sugar,

Dealers in futures.

Graduated tax.

coffee, and salt and meat, railroad stocks and bonds, and stocks and bonds of other kinds for future purchase, sale or delivery, commonly called "futures," whether said business is done through regularly organized stock and cotton exchanges, or boards of trade, an annual license tax as follows: In towns of less than five thousand inhabitants, one hundred dollars; in towns of more than five and less than ten thousand inhabitants, one hundred and fifty dollars; in towns of more than ten and less than fifteen thousand inhabitants, two hundred and fifty dollars; in towns in excess of fifteen thousand inhabitants, three hundred and fifty dollars: *Provided*, that this tax shall not be demanded of any cotton warehouseman, dealer in cotton, or any provision broker, who takes orders in the regular course of trade only for the actual and *bona fide* delivery of cotton and other products so ordered, and where by the terms of the contract it is not left to the option of the party so ordering, or the party taking such order, to avoid the delivery of the produce or products, by paying the difference in the market price of such produce or products at the time of delivery: *Provided further*, that such cotton warehouseman, dealer in actual cotton, or any provision broker does not carry on the business of buying and selling "futures" in connection with his or their business.

Proviso, exceptions

SEC. 60. *Liquor dealers.*

Liquor dealers.

Every person, firm, company or association, incorporated or otherwise, selling spirituous, vinous or malt liquors, or medicated bitters, shall pay a license tax semi-annually in advance on the first days of January and July as follows: First, for selling in quantities of less than five gallons, one hundred dollars for each six months; second, for selling in quantities of five gallons or more, two hundred dollars for each six months, or for rectifying, two hundred dollars for each six months; third, for selling malt liquors exclusively, fifty dollars for each six months. When any person, firm, company or corporation shall pay the tax for rectifying, the wholesale liquor dealer's license tax shall not be required from such person, firm, company or corporation, and every such wholesale liquor dealer may deliver sealed packages of one gallon or more to common carriers without additional tax. The license taken out under this section shall not authorize the sale of any greater or less quantity than is specified in said license. Nothing in this section shall prevent any person selling

Retailers, wholesalers, rectifiers, dealers in malt liquors exclusively.

Delivery of sealed packages to common carriers.

Wines.

Brandy.

County tax. Proviso.

wines of his own manufacture at the place of manufacture or within one hundred yards thereof, in quantities of not less than one gallon, nor brandy manufactured from fruit or grapes and sold in original packages of not less than five gallons. Each county shall levy a like tax for county purposes: *Provided, however*, no license shall be issued under this section where the sale of liquors is prohibited by law.

SEC. 61. *Dealers in rice beer, medicated bitters, etc.*

Any person who shall sell any beverage which partakes of the intoxicating nature of spirituous, vinous or malt liquors, but which shall be designated under such names as rice beer, medicated bitters, champagne cider, cherry cider, orange cider, plum cider, or schiedam schnapps, and who shall fail to comply with the laws regulating the granting of license to liquor dealers, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred nor more than five hundred dollars, one-half of which shall go to the informant, or imprisoned not less than three months nor more than three years, at the discretion of the Court.

Rice beer, medicated bitters, champagne cider, schiedam schnapps, etc.

Failure to obtain license a misdemeanor.
Penalty.

SEC. 62. *Druggists selling liquors.*

Druggists dealing in spirituous, vinous or malt liquors, or medicated bitters, shall, on or before the first day in June of each year, obtain a license upon the payment of twenty-five dollars to the Sheriff or Tax Collector. But any druggist who allows liquor to be drunk within his place of business, or sells liquors except upon the prescription of a practicing physician, as allowed by law, shall be subject to all the taxes levied upon dealers in liquors, and shall be guilty of a misdemeanor: *Provided*, that nothing in this section shall have the effect of modifying or repealing, in whole or in part, chapter two hundred and fifteen, Public Laws of 1887, or chapter three hundred and seventy-five, Public Laws of 1889.

Druggists dealing in liquors

Drinking on premises.

Proviso.

SEC. 63. *Grain distilleries.*

On the first days of January and July of each and every year there shall be paid in advance by every person, firm or corporation operating a grain distillery, a semi-annual license tax as follows: When the daily capacity of such distillery is three and less than six bushels, a tax of twenty-five dollars; when six and less than twelve bushels daily capacity, a tax of fifty dollars; when twelve and less than twenty-four bushels daily capacity, a tax of seventy-five dollars; when twenty-four and less than forty-eight bushels daily capacity, a tax of one hundred and twenty-five dollars; when forty-eight bushels daily capacity or more, a tax of two hundred dollars. When any distillery pays the tax provided for in this section, it shall not be subject to a wholesale dealer's license on the liquor made at such distillery, as required by section sixty of this act: *Provided, however*, that said distillery does not buy and sell whiskey made at any other distillery. Each county shall levy a like tax for county purposes: *Provided, however*, no distillery shall be operated under this section where the same is prohibited by law: *Provided further*, that when a manu-

Distilleries.

Graduated tax

Proviso.

facturer of whiskey rectifies his product and sells by the whole-sale, there shall be a tax paid on the business of manufacturing and the rectifying business.

SEC. 64. *State tax for liquor license—how applied.*

Liquor taxes, how apportioned and applied.

That one-half of the taxes levied by the State for liquor license under the preceding sections shall be paid into the State Treasury, and the other half shall be paid to the Treasurer of the County Board of Education for the benefit of the school fund of the county in which the same is collected.

SEC. 65. *Dispensaries.*

Dispensaries—three per cent on gross receipts.

On each dispensary there shall be paid an annual license tax of three per centum of the gross receipts of such dispensary, the same to be paid direct to the State Treasurer by the managing officers of such dispensary within ten days after the first days of January and July of each year. No county, city or town shall levy any additional tax under this section.

No county or municipal tax.

SEC. 66. *How liquor license may be procured.*

How liquor license procured.

Every person, company or firm wishing to sell liquors under section sixty shall first advertise his intention of making such application by publishing a notice of such intention in some newspaper published in the county in which the business is proposed to be conducted, and if there be no newspaper published in said county, then by posting a written notice of such intention at the front door of the county court house for thirty days next preceding the day on which said application shall be presented to the Board of County Commissioners, and no Board of County Commissioners shall consider such application until it shall have been first proven to their satisfaction that the notice required by this section has been so published or posted. It shall be lawful for any person who may consider himself aggrieved by the granting of such license to contest the same before the Board of County Commissioners. Every such application to the Board of County Commissioners for an order to the Sheriff to issue a license shall be in writing, signed by the applicant and accompanied by the affidavit of six freeholders who are tax payers and residents of the township in which the applicant proposes to do business, all of whom shall declare upon oath that the applicant is a proper person to sell spirituous, vinous or malt liquors; that the building specified is a suitable place for the business to be carried on, and that he has not recommended any other person for liquor license in the same township. Upon the filing of such application and affidavit, the Board of County Commissioners may grant an order to the Sheriff to issue such license, except in territory where the sale of liquor is prohibited by law. But the Board of County

Thirty days notice.

Parties aggrieved may appear.

Application and affidavit.

Board of commissioners may grant. Reception.

Commissioners, upon satisfactory evidence that such applicant has been convicted, or has been found to have confessed his guilt in a Court of competent jurisdiction, of any violation of the laws of this State or any other State regulating the sale of liquors, or that the building specified is without the limits of an incorporated town or city, or is within two hundred feet in a direct line from any church edifice or the premises pertaining thereto, may refuse to grant an order to the Sheriff to issue license to such applicant. The license authorized within an incorporated town or city under this section shall first be granted by the authorities of such town or city. The Board of County Commissioners may, upon complaint made by any resident of the county that any person, company or firm holding a license under this section has violated the laws of this State regulating the sale of liquors, and upon satisfactory evidence of his guilt, revoke any license heretofore granted by them. Upon complaint made as aforesaid, the Board of County Commissioners shall forthwith summon such person, company or firm to appear before them at a time given, within thirty days, to show cause why such license and the order to issue same should not be revoked. All persons taking out license to sell spirituous, vinous or malt liquors, or any mixture thereof, under the provisions of this act, shall post up in some public place in their place of business the license issued to them. The license shall be printed in such form as the Treasurer of the State may prescribe and furnished by the Register of Deeds. Any person failing to post up the license as provided in this section shall be considered as doing business without license. Any person, company or firm taking out license as provided in this section on any date after the first day of July shall pay the whole amount of tax for the six months ending the thirty-first day of December, or the thirtieth day of June, as the case may be, after the date of license. No license shall be issued to any applicant under this section who is not a *bona fide* citizen of the United States and a legal voter of North Carolina: *Provided*, that the notices required to be given in this section shall not be required of applicants to sell spirituous, vinous or malt liquors in incorporated towns or cities, where license has already been granted by the authorities of such incorporated town or city. And in such towns and cities where the qualified voters shall hereafter, under a special act of the General Assembly, vote in favor of license, then the County Commissioners shall grant an order to the Sheriff to issue license, subject to all the provisions of this section.

Commissioners
may refuse.

When municipal
authorities to
grant license first.

Revocation of
license.

Procedure.

License to be
conspicuously
posted.

Penalty

Qualifications of
license.

Proviso: when
notices not
required.

Election, when
commissioners
shall grant.

SEC. 67. *Merchants' tax.*

Each vendor of or dealer of goods, wares, merchandise, commodities or effects of whatsoever kind or nature, either retail or

Merchants, gross
sales.

wholesale, except such business or trades as are specially mentioned by name in other sections of this schedule, and which have a fixed annual license fee levied upon them, shall pay annually on the whole volume of gross sales, according to the following schedule:

Graduated tax

On fifty thousand dollars or less, forty cents on each one thousand dollars or fractional part thereof. On the excess over fifty thousand dollars to seventy-five thousand dollars, thirty cents on each one thousand dollars or fractional part thereof. On the excess over seventy-five thousand dollars to one hundred and twenty-five thousand dollars, twenty-five cents on each one thousand dollars or fractional part thereof. On the excess over one hundred and twenty-five thousand dollars, twenty cents on each one thousand dollars or fractional part thereof. Every person mentioned in this section shall, within ten days after the first day of January in each year, deliver to the Clerk of the Board of County Commissioners a sworn statement of the amount of his gross sales for the twelve months or any part of said time prior thereto, as per schedule made above, stating within which class

Returns under oath.

Record to be kept, sheriff to have copy.

his sales come. The Clerk shall keep a book, in which shall be recorded the list given to him as herein required, and shall furnish the Sheriff with a copy of said list within ten days after the same is given in. It shall be the duty of the Sheriff to collect from every person on said list furnished him by the Clerk, as aforesaid, the taxes embraced therein. The Board of County Commissioners shall have power to require the merchant or dealer making his statement to submit his books for examination to them. Every merchant or dealer failing to render such list or refusing on demand to submit his books for such examination, shall be guilty of a misdemeanor. It shall further be the duty

Merchants to submit books for examination, when. Failure to do so a misdemeanor.

Prosecution.

of the Chairman of the Board of County Commissioners to prosecute any merchant or dealer refusing as aforesaid, for the purpose of obtaining such information and compelling payment of the proper tax. For services required of the Clerk of the Board of County Commissioners in this section he shall receive a fee of fifteen cents on each return, for each year, which shall be allowed by the County Commissioners and be paid by the person making the return. If any person liable under this section shall remove or attempt to remove his goods, wares or merchandise from the county in which he is doing business, without paying the tax thereon, the Sheriff shall levy upon such property for the collection of the tax on the amount of his sale up to the time of such levy.

Compensation to clerk of board.

By whom paid.

Sheriff to levy in case of removal of goods.

SEC. 68. Insurance companies.

Companies subject to tax and amounts.

The officer authorized to collect the tax on insurance, bond and investment companies, associations or orders, shall collect and

pay into the State Treasury charges, fees and taxes as follows: For each license issued to a life insurance company or association, two hundred and fifty dollars; for each license issued to a fire insurance company or association, or to any company or association of companies operating a separate or distinct plant of agencies, two hundred dollars; for each license issued to an accident insurance company or association, two hundred dollars; for each license issued to a marine insurance company or association, two hundred dollars; for each license issued to a surety insurance company or association, one hundred dollars; for each license issued to a plate-glass insurance company or association, one hundred dollars; for each license issued to a boiler insurance company or association, one hundred dollars; for each license issued to a domestic mutual insurance company, fifty dollars; for license issued to a domestic mutual insurance company, operating in not more than two counties, ten dollars; for a license issued to a fraternal order, twenty-five dollars; for license issued to a bond, investment, dividend, guarantee, registry, title guarantee or debenture company, one hundred dollars; for each license issued to all other insurance companies or associations, one hundred dollars. All of said companies shall pay a tax of two and one-half per centum upon the amount of their gross receipts in this State: *Provided*, that if any general agent shall file with the Insurance Commissioner a sworn statement showing that at least one-fourth of the entire assets of his company, when his company has assets, are invested in, and are maintained in any or all of the following securities or property, viz., bonds of this State, or of any county, city or town of this State, or any property situate in this State and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid, and the license fee shall be one-half that named above, and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. Companies paying the taxes levied in this section shall not be liable for tax on their capital stock, and no county or corporation shall be allowed to impose any additional tax, license or fee. The license fees and taxes imposed in this section shall be paid to the Insurance Commissioner, and by him paid into the State Treasury, as provided by law.

Life.

Fire.

Accident.

Marine.

Surety.

Plate glass.

Boiler.

Domestic companies.

Guaranty companies.

Tax on gross receipts.

Proviso, companies investing in certain securities.

Rate reduced.

No tax on capital stock.

No county or municipal tax. Insurance Commissioner to collect and pay to State Treasurer.

SEC. 69. *Dealers in pistols, etc.*

Every merchant, store-keeper or dealer who shall keep in stock, sell or offer for sale any pistol, or pistol cartridges, shall pay an annual tax of twenty dollars; and every such dealer who shall keep in stock any Bowie knife, dirk, dagger, slung-shot, loaded cane or brass, iron or metallic knuckles, shall pay an annual li-

Dealers in pistols and pistol cartridges.

Dealers in Bowie knives, dirks, etc.

Dealers in fire-works.

tense tax of one hundred dollars; and every merchant, store-keeper or dealer selling or offering for sale fire-crackers or other fire-works shall pay an annual license tax of five dollars.

SEC. 70. *Pianos and organs.*

Pianos and organs,
license tax to
State Treasurer.

Every person, firm or corporation selling pianos or organs in this State shall pay an annual license tax to the Treasurer of forty dollars, and the Treasurer shall issue a license to said person, firm or corporation to sell pianos or organs, or both, until July first next thereafter. In addition to the license tax above

Tax on gross sales.

required, every person, firm or corporation selling pianos or organs, or both, shall pay a tax of forty cents on every hundred dollars received from the sale of pianos or organs, which tax shall be paid to the Treasurer on January and July first in each year.

Penalty for non-compliance.

Any person, firm or corporation selling pianos or organs without having paid the license tax required by this section shall pay a penalty of two hundred dollars, to be recovered by the Treasurer in a civil action in the Superior Court of Wake County, and shall also pay double the license and sales taxes required by this section for the year then current. When a person, firm or corporation makes application for the license required by this section, the

Application for license.

Treasurer shall require a sworn statement showing the amount of sales of pianos and organs made by the applicant in this State for the year preceding the first day of July then last past. The

Itemized statement.

Treasurer may require an itemized statement, and may require the production of books and papers, and may make such investigation as he may deem proper; and after making said investigation, the Treasurer shall find what the amount was received from said sales for said year, and shall collect tax upon said amount at the rate aforesaid. If the applicant be a natural person he shall sign the application and statement of sales and swear to the correctness of the latter. If the application be made by a firm, one of the partners shall verify the application. If it be made by a corporation, the verification to the statement shall be made by one of the managing officers. Any person, firm or corporation making a false statement for the purpose of defrauding the State out of taxes due under this section shall be guilty of a misdemeanor, and shall be liable to a penalty of one thousand dollars, to be recovered by the Treasurer in civil action to be instituted in the Superior Court of Wake County. Any person, firm

Making fraudulent statement a misdemeanor.
Penalty.

or corporation taking out license under this section, and desiring to do business in more counties than one, may take out a duplicate copy of said license for every other such county; and for

Duplicate license.

issuing said duplicate license the Treasurer shall charge a tax of one dollar, and the county in which the applicant does business may charge a tax of five dollars. No person, firm or corporation

Fee for same.

licensed under this section shall be required to pay any other li-

County tax.

cense or privilege tax. And no county, city or town shall have the right to impose any license or privilege tax. No person, firm or corporation paying a tax upon gross sales under this section shall be required to pay a tax on the said sales under or by virtue of any other section of this act.

No further county or municipal tax.

SEC. 71. *Cigarette dealers and manufacturers of cigarettes.*

On every manufacturer of cigarettes the following tax: Where the annual output of cigarettes by such manufacturer is less than two hundred and fifty millions, two hundred and fifty dollars; where such annual output exceeds two hundred and fifty millions, but does not exceed five hundred millions, five hundred dollars; where such output exceeds five hundred millions, one thousand dollars: *Provided*, that no county, city, town or township shall levy or collect any tax, assessment, license or fee from or on such manufacturer except the *ad valorem* tax. And every person retailing cigarettes shall pay a license tax of five dollars per annum. No county, city or town shall levy any tax under this section.

SEC. 72. *Public ferries, bridges, etc.*

On every ferry or bridge, one per centum of gross receipts; and any person or company operating any such ferry or bridge shall make returns on oath of such receipts to the Register of Deeds of the county in which such public ferry or bridge is located, within ten days after the first days of January and July of each year, and at the same time pay to the Sheriff the tax herein imposed.

Ferries and bridges.

Tax on gross receipts.

Returns under oath.

SEC. 73. *Purchase tax; liquor dealers.*

Every person who shall buy for the purpose of selling spirituous, vinous or malt liquors shall, in addition to the *ad valorem* tax on his stock, and the license tax levied in sections sixty and sixty-two, pay as a license tax two per centum on the total amount of his purchases, in or out of the State, for cash or credit, whether such person shall purchase as principal or agent or through a commission merchant. Every person mentioned in this section shall, within ten days after the first days of January and July in each year, deliver to the Clerk of the Board of County Commissioners a sworn statement of the total amount of his purchases for the preceding six months, ending on the thirty-first day of December and on the thirtieth day of June.

Liquor dealers—purchase tax.

Sworn statement.

SEC. 74. *Emigrant agents.*

On every emigrant agent or person engaged in procuring laborers for employment out of this State, an annual license tax of one hundred dollars for the State and one hundred dollars for the county for each county in which such agent or person does business, the same to be collected by the Sheriff. Any one engaging

Emigrant agents.

penalty.

in this business without first paying said tax shall be guilty of a misdemeanor and fined not less than two hundred dollars or imprisoned, in the discretion of the Court.

SEC. 75. *Itinerant oculists.*

Itinerant oculists,
Itinerant opticians,
dealers in spectacles.

Upon every itinerant oculist, an annual license tax of five dollars for each county in which he may practice, and five dollars additional for each county in which he may sell or offer to sell spectacles or eye-glasses; and upon every itinerant optician or dealer in spectacles or eye-glasses, an annual license tax of ten dollars for each county in which he may offer to do business.

SEC. 76. *Trading stamps.*

Trading stamps,
other devices

Upon every person, firm or corporation who issues or sells to merchants or manufacturers any trading stamps or other devices to be redeemed by the person issuing or selling the same, an annual tax of fifty dollars for each county in which they engage in business.

SCHEDULE C.

SEC. 77. *Defining taxes embraced in this schedule.*

Definition.

The taxes embraced in this schedule shall be listed and paid as specially herein provided, and shall be for the privilege of carrying on the business or doing the act named, and shall be subject to other regulations mentioned in section twenty-six under Schedule B.

SEC. 78. *Privilege tax on railroads.*

Railroads.

Returns to State Auditor.

Gross earnings.

Number of miles.

Sworn statement.

State Auditor to certify to State Treasurer.

Every steam railroad company and every person operating a steam railroad in this State shall, on or before the thirtieth day of July in each year, make and return to the State Auditor, in such form and upon such blanks as shall be furnished by him, a true statement of the gross earnings of their respective roads for the preceding year ending the thirtieth day of June; of the number of miles of road operated by each such company or person, and the number of miles in the State, and the gross earnings per mile per annum during such year; which statement shall be verified by the oath of the Secretary and Treasurer of such companies, or of the person so operating such railroad, and the State Auditor shall certify said amount to the State Treasurer.

SEC. 79. *Rate of Taxation.*

Railroads, tax
State, gross earnings.
Graduated tax.

To be paid to State Treasurer.

The annual license tax for operating such railroads within the State shall be as follows: When gross earnings per mile are one thousand dollars or less per year, a tax of two dollars per mile; when gross earnings per mile exceed one thousand dollars per year, but do not exceed two thousand dollars, a tax of three dollars per mile; when gross earnings per mile exceed two thousand

dollars per year, but do not exceed three thousand, a tax of four dollars per mile; when gross earnings per mile are in excess of three thousand dollars per year, a tax of five dollars per mile. The tax imposed by this section shall be paid to the State Treasurer at the time of making the report provided in section seventy-eight. No county, city or town shall be allowed to collect any tax under this section.

No county or municipal tax.

SEC. 80. *Express companies, telegraph companies, etc.*

There shall be paid by every express company, telegraph and telephone company doing business in the State, an annual license tax as follows: By each express company, an amount equal to two dollars on every mile of railroad in the State over which mile such company does an express business; by every telegraph company, an amount equal to twenty-five cents on each mile of wire such company operates within the State; by every telephone company, an amount equal to two per cent of the gross receipts of such telephone company within the State, reckoning for the purpose of ascertaining the amount of such gross receipts the proportion of the interstate business done within the State, which is properly credited to North Carolina: *Provided*, that if any such company shall file with the Board of State Tax Commissioners a statement signed and sworn to by its principal officer in this State, showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz., bonds of this State, or of any county, city or town of this State, or any property situate in this State and taxable therein, then the tax shall be one and one-half per cent; and if the amount so invested shall be one-half of its total assets, the tax shall be one per cent; and if the amount so invested shall be three-fourths of its total assets, the tax shall be one-half of one per cent. The superintendent, general manager, or other chief officer of every such company shall make return under oath to the Treasurer of the State within ten days after the first day of January, April, July and October of each year of the amount of the gross receipts of the company for the quarter ending on the first day of the month immediately preceding, and pay to the Treasurer the tax here imposed at the time of making such return. It shall be the duty of each Sheriff to report to the Treasurer any such company doing business in his county. In case of default of such return and payment of tax, the company shall pay a penalty of one thousand dollars, to be collected by such Sheriff, as the Treasurer of the State shall designate, by distress or otherwise: *Provided further*, no county, city or town shall be allowed to impose an additional tax, license or fee provided in this section, except the *ad valorem* tax.

Express companies, mileage tax.

Telegraph companies, tax per wire mile.

Telephone companies, tax on gross receipts.

Interstate business. Proviso, companies investing in certain securities. Sworn statement.

Returns under oath to State Treasurer.

Duty of sheriff. Penalty for default.

No county or municipal tax.

SEC. 81. *Tax on corporations.*

Corporations.

Graduated tax.

Penalty.

Foreign corporations, penalty.

No county or municipal tax: proviso.

Corporations not embraced.

Marriage licenses.

Duty of register of deeds and sheriff

Sheriff to pay to State Treasurer.

County tax.

Official seals.

Exceptions.

On each and every corporation organized under the laws of this State or doing business in this State, an annual franchise tax in proportion to the amount of its capital stock, according to the following graduated scale, to-wit: On corporations having a capital stock paid in or subscribed of twenty-five thousand dollars or less, five dollars; over twenty-five thousand dollars and not exceeding fifty thousand dollars, ten dollars; over fifty thousand dollars and not exceeding one hundred thousand dollars, twenty-five dollars; over one hundred thousand dollars and not exceeding two hundred and fifty thousand dollars, fifty dollars; over two hundred and fifty thousand dollars and not exceeding five hundred thousand dollars, one hundred dollars; over five hundred thousand dollars and not exceeding one million dollars, two hundred dollars; over one million dollars, five hundred dollars. In addition to the penalties otherwise provided in this act, the failure for three consecutive years to pay the franchise tax imposed by this section shall cause a forfeiture of the charter of such defaulting corporation, and its charter in that event shall be and the same is hereby repealed. If such defaulting corporation is a foreign corporation, its permission to do business in this State shall be revoked. No county, city or town shall have the power to levy any franchise tax under this section: *Provided*, that the payment of the tax imposed by this section shall not exempt any corporation from the payment of the license taxes levied under Schedule B of this act: *Provided further*, that the tax provided for under this section shall be payable to the State Treasurer: *Provided further*, that this section shall not apply to railroads, banks, building and loan associations, insurance companies, telegraph companies, express companies and telephone companies.

SEC. 82. *On each marriage license one dollar.*

The tax on marriage license shall be one dollar, and shall be paid to the Register of Deeds. It shall be the duty of the Register of Deeds to render annually to the Sheriff, on the first Monday in December, sworn statements in detail of taxes received by him under this section, and at the same time pay him the money thus received, and thereupon the Sheriff shall file the statements of the Register of Deeds with the Clerk of the Superior Court. The said marriage license tax shall be paid to the State Treasurer by the Sheriff of the county in which the same is collected when he settles for the other State taxes. The counties may levy the same tax upon marriage licenses as is levied by the State.

SEC. 83. *Tax on seal affixed by officers.*

Whenever the seal of State, of the Treasury Department or other public officer required by law to keep a seal (not including

Clerks of the Courts, other county officers and notaries public) shall be affixed to any paper, the tax shall be as follows, to be paid by the party applying for the same: For the Great Seal of the State on any commission, one dollar, except magistrates' commissions, which shall be without fee; on warrants of extradition for fugitives from justice from other States, a reciprocal seal tax and fee shall be charged, *i. e.*, the same fee and seal tax must be collected from the State making requisition which is charged this State for like service; all fees and seal taxes of whatever kind, collected by the Private Secretary of the Governor, shall be paid into the Treasury quarterly; for the seal of the State Department, fifty cents, to be collected by the Secretary of State and paid by him into the Treasury; for the seal of the State Treasurer, to be collected by him and accounted for as other public money, fifty cents. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of the said officers, the said tax shall be on the scroll. Seals affixed for the use of any county or the State, or used on the commissions of officers of the militia, Justices of the Peace, or any other public officer not having a salary, or under the pension law, or upon any process of Court, shall be exempt from taxation. The officers collecting the said taxes and fees may retain as compensation five per centum, except in case of Sheriffs, whose compensation shall be allowed by the Auditor. Any person receiving taxes under this section and wilfully refusing or neglecting to pay the same as required shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars or imprisoned, at the discretion of the Court.

By whom paid.

Great seal of State.

Private Secretary of Governor to collect and pay to State Treasurer. Seal of State Department.

Seal of Treasury Department.

Account to be kept, sworn statement.

Scroll seal.

Seals not taxed.

Officers' compensation.

Non-compliance a misdemeanor.

Penalty.

SEC. 84. *Licenses to be countersigned and recorded by the Register of Deeds.*

All licenses issued in accordance with this act, except those issued by the State Treasurer, shall not be valid until they shall be exhibited to and countersigned by the Register of Deeds, by whom a permanent record of all such licenses shall be kept. The Register of Deeds shall be entitled to a fee of fifteen cents for each license recorded by him, to be paid by the person applying for the license.

Licenses to be countersigned.

Compensation to register of deeds

SEC. 85. *Fines for benefit of school fund.*

Whenever any officer, including Justices of the Peace, receives or collects a fine, penalty or forfeiture in behalf of the State, he shall within thirty days after such reception or collection, pay over and account for the same to the Treasurer of the County Board of Education for the benefit of the fund for establishing and maintaining the free public schools in such county. Whenever any

Fines, penalties and forfeitures.

Payment in thirty days.

For benefit of county school fund.

When docketed,
how remitted.

fine or penalty is imposed by any officer, the said fine or penalty shall be at once docketed, and shall not be remitted except for good and sufficient reasons, which shall be stated on the docket.

SEC. 86. *Misappropriation of taxes deemed embezzlement.*

Officers violating
preceding section
or misappropriat-
ing public funds,
embezzlement.
Penalty.

Any officer, including Justices of the Peace, violating the preceding section, or appropriating to his own use any State, county, school, city or town taxes shall be guilty of embezzlement, and upon conviction shall be punished by imprisonment in the State's Prison for not less than six months nor more than five years, at the discretion of the Court.

SEC. 87. *Duty of Sheriff in case of violations of the provisions of this act.*

Duties of sheriffs.
Diligent inquiry.
Failure to pay
license tax a mis-
demeanor.

That it shall be and is hereby made the duty of the Sheriff of each county in the State to make diligent inquiry as to whether or not all license taxes provided for under Schedules B and C of this act shall have been paid, and any person, firm or corporation liable for such license tax, who fails or refuses to pay such tax when demanded by the Sheriff, shall be guilty of a misdemeanor, and punished by fine or imprisonment, at the discretion of the Court; and it shall be the duty of the Sheriff, upon the failure of any such person, firm or corporation to pay such license tax on demand to swear out a warrant before some Justice of the Peace in said county; and if on the hearing of said matter the Justice shall find that there is probable cause for believing that such person, persons or corporation is guilty of a violation of this act, he shall cause such person, persons or corporation to enter into bond for appearance at the next term of the Superior Court of said county to answer the charge: *Provided, however,* that if said person, persons or corporation shall pay to the Sheriff the full amount of such license tax and all costs and expenses due said Sheriff and the Justice of the Peace before the cause is heard before said Justice, then said Justice may dismiss the action. And upon failure of any person, persons or corporation to pay any of the license taxes imposed by this act when due, the Sheriff shall have power to levy upon any personal or real estate owned by such person, persons or corporation as provided in other cases where taxes are collected by distraint.

Penalty.

Sheriff to swear
out warrant.

Trial.

Proviso, action
dismissed,
when.

Sheriff may levy
on property.

SEC. 88. *Unless prohibited, county may levy same license tax as State.*

County may levy
same tax as State.

In case where a specific license tax is levied for the privilege of carrying on any business, trade or profession the county may levy the same tax, and no more: *Provided,* no provision to the contrary is made in the section levying the specific license tax.

Proviso.

SEC. 89. *Appropriation for Auditor and Treasurer.*

A sum not to exceed twenty-five hundred dollars is hereby appropriated out of any moneys not otherwise appropriated, to be expended by the Treasurer of the State as he may deem best and necessary to secure the prompt and proper collection of taxes and the protection of the Treasury. And a like amount of twenty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to be used by the Auditor of State for the proper enforcement of the Machinery Act.

Appropriation for Treasurer, use of same.

Appropriation for Auditor, use of same.

SEC. 90. *License to be exhibited on demand.*

It shall be the duty of every person liable to any license tax under this act to exhibit his license, upon demand of any Sheriff, Constable, Deputy Sheriff or Justice of the Peace of any county in which he may offer to do business or practice the trade or profession for which license is required, and upon failure to do so every such person may be arrested and held to answer the charge; and if after arrest he shall produce his license he shall be discharged upon payment of cost.

Licenses to be exhibited on demand.

Penalty for failure, arrest, discharge.

SEC. 91. *Subjects of taxation revised in this act not otherwise taxable.*

All laws imposing taxes, the subjects of which are revised in this act, are hereby repealed: *Provided*, that this repeal shall not extend to the provisions of any law, so far as they relate to the taxes listed, or which ought to, or would have been listed, or which may be due previous to the ratification of this act: *Provided further*, that this section shall not be construed to repeal any law otherwise empowering towns or cities to impose taxes.

Conflicting laws repealed. Proviso: taxes which are or should have been listed, etc.

Proviso: powers of cities and towns.

SEC. 92. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 9th day of March, A. D. 1903.

CHAPTER 248.

AN ACT FOR THE RELIEF OF THE CLERK OF THE SUPERIOR COURT OF PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Pamlico County be allowed to absent himself from the Clerk's office of said county during the remainder of the month of July following the first Monday of said month: *Provided*, that the Clerk shall leave the office in charge of a competent deputy.

Leave of absence.

Proviso, competent deputy.

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

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

In the General Assembly read three times, and ratified this the 2d day of March, 1903.

CHAPTER 249.

AN ACT TO AUTHORIZE THE DEPUTY CLERK OF THE SUPERIOR COURT OF BLADEN COUNTY TO PERFORM CERTAIN DUTIES.

The General Assembly of North Carolina do enact:

To be sworn and qualified.

Vested with all powers of clerk.

Judicial powers.

SECTION 1. That the duly appointed Deputy Clerk of the Superior Court of Bladen County, after having been duly sworn and qualified according to law, be and he is hereby vested with all the powers that are now vested in the Clerk; and in the absence of the Clerk, the said Deputy shall have the right to exercise and discharge all the duties of the Clerk, both judicial and ministerial, as prescribed by law.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 250.

AN ACT FOR THE RELIEF OF R. O. RIDDICK, SHERIFF OF GATES COUNTY, N. C.

The General Assembly of North Carolina do enact:

To collect arrears of taxes.

Years, under general law.

Time for collections.

SECTION 1. That R. O. Riddick, Sheriff of Gates County, be and is hereby authorized to collect for the benefit of himself the arrears of taxes due him in said county for the years of 1898, 1899, 1900 and 1901, under such rules and regulations as are prescribed by law for the collection of taxes.

SEC. 2. That the time for the collection of the aforesaid taxes shall expire on the thirty-first day of December, 1903.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 251.

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE ASSESSMENT OF PROPERTY AND THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

That chapter 7 of the Public Laws of 1901 be amended so as hereafter to read as follows: Amendment of former act.

ARTICLE I.

BOARD OF STATE TAX COMMISSIONERS.

SECTION 1. *Board of Corporation Commissioners created Board of State Tax Commissioners.*

In addition to the duties imposed upon the Board of Corporation Commissioners by the act creating said Board, they are hereby created a Board of State Tax Commissioners, with powers and duties prescribed under this act. Corporation Commission created a Board of State Tax Commissioners.

SEC. 2. *Board may employ clerks, etc.*

Said Board may employ such clerks as in their judgment they may deem necessary to put into proper execution the provisions of this act. The persons so elected shall hold office during the pleasure of said Board, and a record of all the proceedings of said Board shall be kept, which record, with all other papers or proceedings of said Board, shall be a part of the record of the Board of Corporation Commissioners, and of which the Clerk of said Board of Corporation Commissioners shall be the lawful custodian, and who, when the Board is not in session, shall also have oversight of the clerical force and have performed such duties as are directed by the Board. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the salaries of said office force and additional work to said Board. Board may employ clerks, etc.
Term of office.
Records to be kept.
Duties of Clerk of Corporation Commission.
Appropriation for salaries of clerks, etc.

SEC. 3. *Members of Board to take oath of office; compensation of members of Board.*

The members of said Board shall take and subscribe the constitutional oath of office, to be filed with the Secretary of State. The members of said Board shall receive an annual salary of five hundred dollars in addition to their salary as Corporation Commissioners, and shall devote their whole time to the discharge of the duties of their office, and they shall also receive their necessary expenses in the performance of their duties, both to be audited and allowed by the State Auditor, and paid monthly by the State Treasurer out of the general fund. Members of board to take oath of office.
Compensation.
Shall devote whole time to discharge of official duties. To be paid necessary expenses

SEC. 4. Place of meeting of Board; shall have access to books, papers, etc., with power to subpoena and examine witnesses.

Place of meeting, etc.

Shall have access to books, papers, etc., in any State department.

Like access to books, papers, etc., in counties, etc.

Witnesses, how subpoenaed

Compelling attendance.

Service of subpoenas; compensation.

Examination of witnesses.

Examination of books, papers, etc.

Penalty.

Regular session of said Board shall be held at the office of said Board in the city of Raleigh. The said Board, and the members thereof, shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of State, subject to the rules and regulations of the respective departments relative to the care of the public records. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, townships and municipalities. Said Board shall have the right to subpoena witnesses, upon a subpoena signed by the Chairman of said Board, directed to such witnesses, which subpoena may be served by any person authorized to serve subpoenas from Courts of record in this State, and the attendance of witnesses may be compelled by attachment to be issued by any Superior Court in the State upon proper showing that such witness has been properly subpoenaed and has refused to obey such subpoena. The person serving such subpoena shall receive the same compensation now allowed to Sheriffs and other officers for serving subpoenas. Said Board shall have power to examine witnesses under oath, said oath to be administered by any member of said Board, or by the Secretary thereof. Said Board shall have the right to examine books, papers or accounts of any corporation, firm or individual owning property liable to assessment for taxes, general or specific, under the laws of this State, and any officer or stockholder of any such corporation, any member of any such firm, or any person or persons who shall refuse to permit such inspection or neglect or fail to appear before said Board in response to its subpoena, or testify, as provided for in this section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the State's Prison for a period not exceeding two years, or both such fine and imprisonment, in the discretion of the Court.

SEC. 5. Time for holding regular meetings; Chairman may call special meetings.

Time for holding regular meetings.

Chairman may call special meetings.

Said Board shall hold regular meetings on the first Tuesday of March, June, July, August, September and October of each year, unless said dates are changed by order of the Board, of which changes due notice shall be given, and may hold adjourned sessions as may be deemed necessary by it for the proper performance of the duties devolving upon said Board. The Chairman may call special sessions of the Board whenever and wherever in the State he may deem it advisable so to do, and shall call such special sessions upon the written request of two members.

SEC. 6. *Duties of the Board.*

It shall be the duty of the Board:

(1) To have and exercise general supervision over the tax listers and assessing officers of this State, and to take such measures as will secure the enforcement of the provisions of this act, to the end that all the properties of this State liable to assessment for taxation shall be placed upon the assessment rolls and assessed at their true value in money.

(2) To confer with and advise assessing officers as to their duties under this act, and to institute proper proceedings to enforce the penalties and liabilities provided by law for public officers, officers of corporations and individuals failing to comply with this act; to prefer charges to the Governor against assessing and taxation officers who violate the law or fail in the performance of their duties in reference to assessments and taxation; and in the execution of these powers the said Board may call upon the Attorney-General or any prosecuting attorney in the State to assist said Board.

(3) To receive complaints as to property liable to taxation that has not been assessed, or has been fraudulently or improperly assessed, and to investigate the same, and to take such proceedings as will correct the irregularity complained of, if found to exist.

(4) To see that each county in the State be visited by at least one member of the Board as often as once a year, to the end that all complaints concerning the law of assessment and taxation may be heard; that information concerning its workings may be collected; that all assessing and taxation officers comply with the law, and all violations thereof be punished, and that all proper suggestions as to amendments and changes may be made.

(5) To require from any Register of Deeds, Clerks of Courts, Mayors and Clerks of towns, or any other officer in this State, on forms prescribed by said Board of State Tax Commissioners, such annual or other reports as shall enable said Board to ascertain the assessed valuations of all property listed for taxation throughout the State under this act; the amount of taxes assessed, collected and returned delinquent, and such other matter as the Board may require, to the end that it may have complete and statistical information as to the practical operation of this act. That every such officer mentioned in this section who shall wilfully neglect or refuse to furnish any report required by the Commission, for the purposes of this act, or who shall wilfully and unlawfully hinder, delay, or obstruct said Commission in the discharge of its duties, shall forfeit and pay one hundred dollars for each offense, to be recovered in an action in the name of the

Duties of board:

1. General supervision over tax listers and assessing officers

2. To advise assessing officers as to their duties, etc. To enforce penalties, etc. To prefer charges, etc.

Assistance of Attorney-General, etc.

3. To receive and investigate complaints. To correct irregularities.

4. Each county to be visited annually. Securing of information. Enforcement of law.

5. To require reports, etc., from officials. Contents of reports. Certain misconduct by officials a misdemeanor.

Penalty.

State. A delay of ten days to make and furnish such report shall raise the presumption that the same was wilful.

6. To investigate laws of other States. To make recommendations to General Assembly.

(6) To make diligent investigation and inquiry concerning the revenue laws and systems of other States and countries, so far as the same is made known by published reports and statistics, and can be ascertained by correspondence with officers thereof, and, with the aid of information thus obtained, together with experience and observation of our own laws, to recommend to the Legislature at each regular session thereof, such amendments, changes or modifications of our revenue laws as seem proper and necessary to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of public revenues.

7. To report to Legislature amount of taxes collected for all purposes. Report, what to contain, etc.

(7) To further report to the Legislature at each regular session thereof, or at such other times as the Legislature may direct, the whole amount of taxes collected in the State for all purposes, classified as to State, county, township and municipal purposes, with the sources thereof; the amount lost; the cause of the loss; the proceedings of said Board, and such other matters of information concerning the public revenues as it may deem of public interest.

SEC. 7. *Board to make annual report to the Governor.*

To make annual report to Governor on or before November 1st. Contents of report.

The Board of State Tax Commissioners shall, on or before the first day of November of each year, make an annual report to the Governor of this State, setting forth the workings of said Commission during the preceding year, and containing the findings and recommendations of said Commission in relation to all matters of taxation. The State Auditor shall cause two thousand copies of said report to be printed on or before the first day of December succeeding the making of said report. Five hundred copies of said report shall be placed at the disposal of the State Librarian for distribution and exchange, and a copy of said report shall be forwarded by said Tax Commission to each member of the General Assembly as soon as printed.

State Auditor to print.

Distribution.

Inspection of tax lists.

SEC. 8. After the various tax lists required to be made under this act shall have been passed upon by the County Board of Equalization, the said several tax lists shall be subject to inspection by the said Board of State Tax Commissioners, or by any member thereof; and in case it shall appear or be made to appear to said Board that property subject to taxation has been omitted from said list or individual assessments have not been made in compliance with law, the said Board may issue an order directing the assessor or lister, whose assessments or failure to assess are complained against, to appear with his tax list at a time and place to be stated in said order, said time to be not less than seven days from the date of issuance of said order, and the place to be at the office of the Board of County Commissioners at the

Duties in case of improper assessment, etc.

List taker to appear. Time and place.

county seat, or such other place in said county in which said roll was made, as said Board shall deem most convenient for the hearing herein provided for. A notice of the time and place that said assessor or lister is ordered to appear, with said list, shall be published in a newspaper published at the county seat in said county, if there be one; if not, in some paper printed in said county, if there be any, at least five days before the time at which said assessor or lister is required to appear, and personal notice shall be given by mail to said persons whose property or whose assessments are to be considered, at least five days prior to said hearing. A copy of said order shall also be served upon the tax officer in whose possession said list shall be, at least three days before he is required to appear with said list. The said Board, or any member thereof, shall appear at the time and place mentioned in said order, and the assessing or listing officer upon whom said notice shall have been served, shall appear also with said tax list. The said Board or any member thereof, as the case may be, shall then and there hear and determine as to the proper assessments of all property and persons mentioned in said notice, and persons affected or liable to be affected by the review of said assessments thus provided for, may appear and be heard at said hearing. In case said Board, or the member thereof who shall act in said review, shall determine that the assessments so reviewed are not assessed according to law, he or they shall, in a column provided for that purpose, place opposite said property the true and lawful assessment of the same. As to the property not on the tax list, the said Board or members thereof acting in said review, shall place the same upon said tax list by proper description, and shall place thereafter in the proper column the true cash value of the same. In case of review under this section, the said Board or the member thereof acting in said review, shall certify under his hands officially and spread upon said list a certificate of the day and date at which said tax list was reviewed by him, and the changes made by him therein. For appearing with said list as required herein, the tax officer shall receive the same pay per diem as is received by him in the preparation of the tax list to be presented to and paid by the proper officers of the county or municipality of which he is the assessing officer in the manner as his other compensation is paid. The action of said Board or member taken as provided in this act shall be final.

Notice.

Publication.

Notice by mail.

Copy of order, on whom served.

Board or member thereof to appear.

Review of assessments.
Duties and powers.

Re-assessment.

Unlisted property to be listed and assessed.

Officially certified.

Compensation of tax officer.

Payment of same.

Action final.

SEC. 9. *Board may order general review of tax list.*

In case it shall appear or be made to appear to said Board that any tax list in the State is so grossly irregular and unlawfully assessed that adequate compliance with the law can not be secured except by a general review of said tax list, said Board may

When board may order general review of tax list.

Time and place.	make and issue an order that said tax list shall be subject to general review, and the time and place shall be stated in said order, at which said list shall be reviewed, and under said order the assessor whose assessment or failure to assess is complained against shall be required to appear with his tax list at the time and place thus determined, said time to be not less than fourteen days from the issuance of the order, and the place to be at the office of the Board of County Commissioners at the county seat, or such other place in said county in which said list was made, as said Board shall deem most convenient for the hearing herein provided for. A notice of the time and place that said assessor is required to appear with said list, together with a statement that said list will be subjected to general review, and that all persons interested therein may be heard at said time, shall be published in a newspaper published at the county seat of said county, if there be one; if not, in some newspaper printed in said county, if there be any, at least seven days before the time at which said assessor is required to appear. A copy of the order made as
Assessor to appear.	aforsaid shall be served upon the tax officer in whose possession
Place.	said list shall be, at least three days before he is required to appear with said list. The said Board or any member thereof shall
Notice.	appear at the time and place mentioned in said order and the tax officer upon whom said notice shall have been served shall appear also with said tax list. The said Board or any member thereof, as the case may be, together with the Chairman of the Board of County Commissioners, shall then and there review said tax list
Publication of notice.	and the assessment of property therein, and he or they shall have power to determine in accordance with law the amount at which said assessment shall be placed, and to change the same so that said assessments may comply with the law. Also to place upon said
Service of order on tax officer. Board or member thereof to appear.	list property omitted therefrom in the same manner as provided in the last preceding section. The determination of said Board or members thereof, acting in said review, shall be placed in a column provided for that purpose, and they or he shall proceed in all respects as provided in the last preceding section, and the tax officer shall receive the same compensation as provided in said section.
To act with chairman board of county commissioners.	
Review of tax list	SEC. 10. If it shall appear to said Board at any time that any property liable to taxation has not been assessed for any previous year as hereinafter provided, the said Board shall report the same to the proper assessing officer, and the same shall be listed for taxation upon the next tax list that shall be made, and shall be valued as all other property. The said Board shall further certify to the Board of County Commissioners of the several counties at the October session thereof, next after said property shall be then listed for taxation, and said Board of County Commis-
To list omitted property	
Procedure.	
Compensation of tax officer.	
Unassessed property to be ordered placed on tax lists.	
Valuation.	
To be certified to board of county commissioners.	

sioners shall ascertain the rate of taxation for said several years, and shall order the taxes for said several years to be entered against said property upon the valuation for the then current year, and the same shall be so entered in a column provided for that purpose, and it shall constitute a charge against the person or property, and be collected as other taxes: *Provided, however,* that this provision shall not be deemed to relate back prior to the going into effect of this act: *Provided further,* that in case of change of ownership of the property omitted, said taxes shall not be entered against said property prior to the last change of ownership.

Rate of taxation.

Proviso: Limit as to going into effect of this act.

Proviso: Change of ownership.

ARTICLE II.

SEC. 11. *Commissioners shall have power to exempt; Sheriff to garnishee if taxes are not paid in sixty days; form of attachment.*

The Board of Commissioners of the several counties shall have power to exempt any person from the payment of poll tax on account of poverty and infirmity; and when any such person has been once exempted he shall not be required to renew his application unless the Commissioners shall revoke the exemption. When such exemption shall have been made, the clerk of the Commissioners shall furnish the person with a certificate of such action, and the person to whom it was issued shall be required to list his poll, but upon exhibition of such certificate the list-taker shall annually enter in the column intended for the poll the word "Exempt," and the poll shall not be charged in computing the list. If any poll tax or other tax shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the Sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery, due or belonging to the person liable, or that may become due before the expiration of the calendar year, and the person owing such debt or having such property in possession, shall be liable for said tax. Any corporation, firm or person who shall on demand or request made, refuse to give to the tax collector of any county, city or town a list giving the names of all persons employed by them who are liable for tax, shall be guilty of a misdemeanor. For the purpose of carrying into effect the provisions of this section, the following form shall be used as an attachment, viz: To A. B. Take notice that this is to attach any debt that is now due or may become due to C. D., a delinquent in his poll (or property) tax for the year of nineteen hundred and, and you are hereby summoned to appear before E. F., an acting Justice of the Peace for County, and disclose any indebtedness which is or may be due said delin-

Board of county commissioners may exempt from payment of poll-tax.

Person exempted not required to renew application.

Certificate of exemption

Poll-tax, failure to pay.

When sheriff to attach.

Failure to furnish list of employees a misdemeanor.

Form of attachment for debt due delinquent.

quent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax and costs of this proceeding. day of, 190.. A. B., Sheriff, or Tax Collector.

Fees. For serving notice the Sheriff shall receive twenty-five cents, and if judgment is rendered, the Justice shall receive twenty-five cents as costs.

SEC. 12. *Commissioners to appoint Board of List-takers and Assessors; shall assess property at its true value in money; shall elect Secretary and Chairman.*

County commis-
sioners to appoint
board of list
takers, when.

Duties of board of
list-takers and
assessors.

Meeting.

Chairman and
secretary.

Duties of secretary.

Assessment in
force for four years,
unless altered.

Real property to
be valued from
actual view or on
best information,
according to its
true value in
money.

What to be con-
sidered.

The Board of Commissioners of each county shall at their session held in the month of April, one thousand nine hundred and three, and every fourth year thereafter, appoint three discreet freeholders in each township, who shall be known as the Board of List-takers and Assessors, and who shall list and assess the real and personal property in said township for taxation. The Board of List-takers and Assessors shall ascertain the true value in money of all personal property and every tract or parcel of land or other real estate with the improvements thereon, and assess the same in accordance with said valuation. Said Board of List-takers and Assessors shall meet at some place in their respective townships on or before the first Monday in May and elect one of their members chairman and one of their members secretary. The person elected secretary of the Board shall be list-taker and shall receive the lists of all persons subject to taxation. He shall perform all the clerical work required of the Board of List-takers and Assessors. The Board is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real and personal property in their respective townships so as to secure a proper assessment of said property. The assessment when made shall be in force for four years, or until altered as provided by this act by reason of structure improved, erected or destroyed.

SEC. 13. *Real property to be assessed at its true value in money.*

Real property shall be valued by the assessors either from actual view or from the best information that the assessors can practically obtain, according to its true value in money. In determining the value the assessors shall consider, as to each piece, its advantage or disadvantage of location, quality of soil, quantity of standing timber, water privileges, mines, minerals, quarries, or other valuable deposits known to be available therein and their value.

SEC. 14. *All articles of personal property to be assessed at their true value in money.*

All articles of personal property shall, as far as practicable, be

valued by the assessors, according to their true value in money; and after arriving at the total valuation of all articles of personal property which they shall be able to discover as belonging to any person, if they have sufficient evidence upon which to form a belief that such person has other personal property consisting of money, credits, debts due or to become due, or any other thing of value liable to taxation, they shall report the fact to the Board of County Commissioners, who shall have power to take such action as may be necessary to get said property on the tax list.

Assessment of personal property according to its true value in money.
Concealment of property reported to county commissioners for necessary action.

SEC. 14½. *Defining "market" value or "true value."*

The intent and purpose of the tax laws of this State is to have all property and subjects of taxation fairly assessed at their true value in money in such manner as such property and subjects are usually sold, but not by forced sale thereof, and, the words "market value" or "true value," whenever in the tax laws, shall be held and deemed to mean what the property and subjects would bring at cost sale when sold in such manner as such property and subjects are usually sold.

Purpose of tax laws.

"Market value" and "true value" defined.

SEC. 15. *Board of Assessors shall advertise in five places.*

Each Township Board of List-takers and Assessors shall advertise in five or more public places in the township immediately after their appointment, notifying all tax-payers to return to the list-taker all the real and personal property which each tax-payer shall own on the first day of June, requiring said returns to be made to the list-takers during the month of June under the pains and penalties imposed by law, and naming the places and times at which they will be present to receive tax lists: *Provided*, in cities and towns of five thousand inhabitants or more, the said Board of List-takers and Assessors may proceed from and after the first Monday in May to assess real estate and personal property, but the actual listing thereof shall not begin until the first day of June, and said list-takers and assessors shall receive for their services such compensation as may be allowed them by the Board of County Commissioners.

Board of township assessors and list-takers to advertise.

Returns to be made.

Proviso: When assessment to begin in certain cities.

SEC. 16. *Tax Commissioners to prepare instructions for assessors and listers.*

It shall be the duty of the Tax Commissioners, at least thirty days previous to the date fixed for listing taxes, to prepare a pamphlet for the instruction of tax assessors. Said pamphlet shall, in as plain terms as possible, explain the proper working of the tax laws of the State, and shall call particular attention to any points in the administration of the laws which have seemed to be overlooked or neglected. They shall advise the assessors of the practical working of the laws, and explain any points which seem to be intricate and upon which assessors may differ. Copies of

Board of tax commissioners to prepare pamphlet of instructions for use of assessors, etc.
What to contain.

To advise assessors.

Copies sent to register of deeds for distribution.

said pamphlet shall be sent to the Register of Deeds of each county, whose duty it shall be to see that each assessor and tax-lister is furnished with a copy.

SEC. 17. *Oath of tax-listers and assessors.*

List-takers and assessors to make complete returns under oath to county commissioners second Monday in July.

The Board of List-takers and Assessors shall make a complete return of their assessments, embracing an abstract of the taxable property of their respective townships, to the Board of County Commissioners on or before the second Monday in July, and annex the following affidavit, subscribed and sworn to before a Justice of the Peace, who shall certify the same:

Form of affidavit.

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

Oath before entering upon duties.

Before entering upon the discharge of the duties of their office they shall also take and subscribe the following oath before the Chairman of the Board of County Commissioners for their respective counties, or some officer qualified to administer oaths:

Form of oath.

"I,, list-taker (or assessor) of township, of County, do solemnly swear (or affirm) that I will discharge the duties devolving upon me as list-taker (or assessor) according to the laws in force governing said office. So help me, God."

SEC. 18. *Board of Equalization.*

Board of equalization, how constituted.

Meet second Monday in July. Chairman board county commissioners to be chairman.

Board to equalize valuation.

Duties and procedure.

The Board of County Commissioners and the Chairman of the Board of List-takers and Assessors of the several townships and wards of cities and towns shall constitute a Board of Equalization for the county, and shall meet on the second Monday in July. The Chairman of the Board of County Commissioners shall be Chairman of the Board of Equalization, and shall lay before the Board of Equalization the returns of the list-takers and the assessors. Said Board shall equalize the valuation so that each tract or lot or article of personal property shall be entered on the tax list at its true value in money, and for this purpose they shall observe the following rules: (1) They shall raise the valuation of such tracts or lots of property or articles of personal property, including stocks, bonds and shares in all incorporated companies, except such as are specifically exempt by law, as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof. (2) They shall reduce the valuation of such tracts and lots or articles of personal property as in their opinion have been returned above their true

value as compared with the average valuation of real and personal property, including stocks, bonds and shares of all incorporated companies of such county. In regard to real property they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot.

SEC. 19. *Compensation of list-takers and assessors.*

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

Compensation of list-takers and assessors

Per diem of board of equalization.

Mileage.

SEC. 20. *List-takers and assessors to make out their accounts; when entitled to compensation.*

List-takers and assessors shall make out their accounts in detail, giving the date of each day when they shall have been employed, which account they shall verify under oath. They shall not be entitled to compensation until they shall have filed lists, schedules, statements and books appertaining to the assessment of property for such year, in the office of the clerk of the Commissioners, the books to be accurately made up. The list-takers and assessors shall not be entitled to pay unless they have performed the labor and made return in strict compliance with the law. The County Commissioners shall be the judges of the number of days actually necessary for taking the list, and may regulate the same when a greater number of days are charged for than they deem necessary.

Accounts of list-takers and assessors.

Not entitled to compensation until all lists, etc., have been made and filed.

Strict compliance with law required.

SEC. 21. The said Board of County Commissioners shall annually, at their session in the month of April, except in the year when there shall be an assessment of property, appoint one competent person in each township to list the lands therein at the valuation previously assessed on the same and all personal property in said township: *Provided*, said Board of County Commissioners may appoint a list-taker for the purposes mentioned in this section for each ward in any city or town in their respective counties. Said Board of Commissioners shall allow the list-takers such compensation for their services as the Board may deem just and proper, and the same shall be paid by the County Treasurer.

Township list-takers.

Ward list-takers in cities and towns.

Compensation.

Every such list-taker shall correct any parcel of real property

List-taker to note increased or diminished value of structures.

on which any structure of over one hundred dollars value may have been erected, or on which any structure of the like value shall have been destroyed, agreeably to the returns made in accordance with the provisions of this act.

SEC. 22. *Township list-takers.*

Township list-takers.
Advertisement.

Each township list-taker appointed under the authority of this act shall advertise in five or more public places within the township immediately after his appointment, notifying all tax-payers to return to him all real and personal property which each taxpayer shall own on the first day of June, and said returns shall be made to the list-taker during the month of June, under the pains and penalties imposed by law, and naming the times and places at which he will be present to receive tax lists.

SEC. 23. *How to list property.*

Every property owner to make and sign verified list under oath of all property, real, personal, etc.

Every person owning property is required to list, and shall make out, sign and deliver to the list-taker a statement, verified by his oath, of all the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies, annuities or otherwise, and the value of improvements on real estate since same was assessed, in his possession or under his control on the first day of June, either as owner or holder thereof, or as parent, guardian, trustee, executor, executrix, administrator, administratrix, receiver, accounting officer, partner, agent, factor or otherwise: *Provided*, that whenever personal property has been conveyed in trust, and the trustee resides out of the State, but the trustor resides within the State, then and in that case such property shall be listed for taxation in this State by said trustor where the property is situated. In all cases where a guardian, executor or executrix, administrator or administratrix resides in a city or incorporated town, all personal property in the hands of such guardian, executor or executrix, administrator or administratrix, shall be listed for taxation only where their wards resided on the first day of June, and where the deceased persons resided on the date of their death, unless such wards or deceased persons were non-residents of the State on the first day of June, or at the day of death, in which case the guardian, executor or executrix, administrator or administratrix shall list the said property where he or she resides on the first day of June. The guardian shall be exempt from municipal taxation on the personal property of his ward when the ward resides outside of the corporate limits of the city or town. Any person who, to evade the payment of taxes, surrenders or exchanges certificates of deposit in any bank in this State or elsewhere for non-tax-paying securities, or surrenders any taxable property for non-taxable property, and after the date of listing property has passed takes said certificates or other tax-

List to state whether owner or held as parent, guardian, trustee, executor, etc.
Proviso.

Personal property in hands of guardian, executor, administrator, etc., to be listed where wards reside.
Exception as to non-residents.

Certain exemptions where ward resides outside of city or town.

Evasion of taxation.

able property back and gives up said non-tax-paying securities or property, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than two hundred dollars, one-half of which shall go to the informer, or imprisonment not less than one month nor more than six months, or both.

Misdemeanor,
penalty.

SEC. 24. *Who may list through agents.*

The list shall be given by the person charged during the month of June as herein prescribed: *Provided*, that agents for the purpose of listing property may be appointed by females or non-residents of the township where the property is situate, or by persons physically unable to attend and file their list at any time during the month of June. The property of a corporation shall be given in by the president, cashier, treasurer, or other person appointed for that purpose.

Owners to list
property in June.
Who may list by
agent.

Property of cor-
porations, by
whom given in.

SEC. 25. *Where to list live stock, timber, mineral and quarry lands.*

All real property and all stock, farming utensils and other property used in connection with the cultivation of a farm subject to taxation shall be listed in the township in which said property is situated on the first day of June. Stock which shall be grazing in the county other than that in which the owner resides shall be listed in the county in which the owner resides on the first day of June. When the fee of the soil of any tract, parcel or lot of land is in any person or persons, natural or artificial, and the right to any minerals, quarry or timber therein is in another or others, the same shall be valued and listed agreeable to such ownership in separate entries specifying the interest listed and shall be taxed to the parties owning the different interests respectively. In listing mineral, quarry or timber interests the owner thereof shall describe the same in his list, together with the separate value of each separate tract or parcel of land in or on which the same shall be situated or located, and the list-taker shall be particular to enter the same on the tax list according to the returns. An owner of separate timber interests shall list the same, whether the timber shall be attached to or detached from the soil.

Real property,
live stock, farming
utensils, etc.,
where listed.

Live stock grazing
in other counties,
where listed.

Fee of soil, etc.,
and mineral,
quarry or timber
rights to be listed
separately, when.

Mineral, etc., in-
terests to be shown
on list.

SEC. 26. *Where polls and personal property shall be listed.*

All taxable polls and all personal property, except such shares of capital stock and other property as are directed to be listed otherwise, shall be listed in the township in which the person so charged resides on the first day of June; and the residence of a person who has two or more places in which he occasionally dwells shall be that in which he dwells for the longest period of time during the year preceding the first day of June. And any tax-payer who fails to list any personal property or poll liable to taxation in this State shall be guilty of a misdemeanor.

All polls and per-
sonal property to
be listed in town-
ship where owner
resides on first day
of June.

SEC. 27. *Debts owing by tax-payer may be deducted.*

Tax-payer to furnish statement of property owned and his income subject to taxation.

Bona fide indebtedness may be deducted from solvent credits. Insurance companies may deduct re-insurance reserve from solvent credits.

At the time and place appointed by the list-taker, the tax-payer in person, except as otherwise provided, shall attend and file with the list-taker, on a blank to be prepared and furnished by the State Auditor, a statement of all the property of every kind and description owned by the tax-payer, and also a statement of his income subject to taxation under the laws of this State. All *bona fide* indebtedness owing by any person may be deducted by the tax-lister from the amount of said person's credits; and insurance companies may deduct from solvent credits due to them an amount equal to their re-insurance reserve.

SEC. 28. *Penalty for not listing personal property.*

Penalty for making false statement as to property for purpose of evading payment of proper taxes.

Forfeiture.

Duty of sheriffs to investigate such cases when reported and bring action on same.

Forfeiture payable to county treasurer.

Any person, firm or corporation in this State owning or holding personal property of any nature or description, individually or as agent, trustee, guardian, administrator, executor, assignee or receiver, which property is subject to assessment, who shall intentionally make a false statement to the assessor of his assessment district, or the Board of Equalization thereof for the purpose of avoiding the payment of the just and proportionate taxes thereon, shall forfeit the sum of ten dollars for every hundred dollars or major fraction thereof so withheld from the knowledge of such assessor or Board of Equalization. It is hereby made a duty of the Sheriff of any county, upon complaint made to him by any tax-payer of the assessment district in which it is alleged that property has been so withheld from the knowledge of the assessor or Board of Equalization, or not included in the said statement, to investigate the case forthwith and bring an action in the Superior Court in the name of the State against the person so complained of. All forfeitures collected under the provisions of this section shall be paid into the county treasury.

SEC. 29. *Tax-lister shall administer oath.*

Duty of tax-lister to administer oath to every-payer listing property.

Failure to administer oath a misdemeanor.

Penalty.

It shall be the duty of the tax-listers of the several counties of the State, before receiving the returns of any tax-payer, to actually administer the oath required by law of tax-payers, the oath being read by the tax-payer in the presence of and in the hearing of the lister, or by the lister in the hearing and presence of the tax-payer; and for failure of said tax-lister to so administer said oath, except in those cases where by law said oath may be made before some other person, such lister shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment of not less than ten days nor more than six months, and in addition shall forfeit the sum of ten dollars for each such omission, one-half to go to the person furnishing information sufficient to convict, and one-half to the education fund of the State, said amounts to be deducted from the compensation of such tax-lister.

SEC. 30. *Oath of tax-payer.*

The tax-payer shall swear to the truth of the statement rendered by him, which oath shall be in the following form, to-wit: "I,, do solmenly swear (or affirm) that the list furnished by me contains a true and accurate list of all of my property and income, and that the amount claimed to be deducted from said list is a true statement of such debts, as to the best of my knowledge and belief, I am entitled to have deducted from said list. So help me, God."

Tax-payer's oath.
Form.

SEC. 31. *Property held in trust listed separately.*

Property held in trust, or as agent, guardian, executor or executrix, administrator or administratrix, or in the right of a *feme covert*, shall be returned on a separate list. The Sheriff or other tax collector in any county shall be liable to suit on his official bond for failure to report any false return of property mentioned in this section which he may discover, or which may be otherwise discovered and made known to him, and it shall be his duty to report such fraud to the grand jury of his county.

Trust property, etc., listed separately.

Sheriff or tax collector liable for failure to report false returns.

SEC. 32. *What shall be specified on tax list.*

The list-taker shall state all the property of the tax-payer, and also the age of the party, if a male, with reference to his liability to a poll tax. The list shall also contain, as of the first day of June: (1) The quantity of land owned in the township, and the land shall be described by name, if it has one, otherwise in such a way that it may be identified. (2) The number of horses, mules, jacks and jennies in one column; goats, cattle, hogs and sheep in another column. (3) Farming utensils, tools of mechanics, household and kitchen furniture, provisions, fire-arms, libraries and scientific instruments, specifying the articles separately. (4) Money on hand. (5) The amount of credits, including accrued interest uncollected owing to the party, whether by a person in or out of the State, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account, or due and payable, whether owing by any State or government, county, city, town or township, individual, company or corporation. The value of cotton, tobacco or other property in the hands of commission merchants or agents in or out of the State shall be deemed credits within the meaning of this act. If any credit be not regarded as entirely solvent, it should be given in at its current or market value, and the party may deduct from the amount of his credits owing to him the amount of collectable debts owing by him as principal debtor. (6) Any certificate of deposit in any bank, whether in or out of the State. (7) Money investments, stocks and bonds, and shares of stock in incorporated companies, which

Tax-list, what to contain.

1. Quantity of land, etc.

2. Live stock.

3. Farming utensils, tools, etc.

4. Money on hand.

5. Solvent credits, etc., debts of doubtful solvency, deduction of indebtedness.

6. Certificates of deposit in banks.
7. Money investments, stocks, bonds, etc.

8. All other personal property.

9. Income.

10. Address and agent of non-resident.

11. Evasion of taxes.

Penalty: Property made non-recoverable in the courts until, etc.

are not taxed through the corporation itself. (8) All other personal property whatever, including all cotton in seed or lint, tobacco, either in leaf or manufacture, turpentine, rosin, tar, brandy, whiskey, musical instruments, bicycles, goods, wares and merchandise of all kinds, plated and silverware, and the watches and jewelry possessed by the party of any minor or child. (9) The income of the party for the twelve months next preceding the first day of June in the current year, if over one thousand dollars. (10) If the party be a non-resident of the county and owns land therein the list shall state his address, and may name an agent in the county to whom notice may be given respecting his taxes. (11) If any person shall, with a view to evade the payment of taxes, fail or refuse to give in to the assessor or tax-lister any bonds, notes, claims or other evidences of debt which are subject to assessment and taxation under this act, the same shall not be recoverable by action at law or suit in equity before any of the Courts of this State until they have been listed, and the tax paid thereon.

SEC. 33. *Bank taxation.*

State taxes on shares paid to treasurer.

When.

Procedure on failure to pay.

County commissioners shall assess for county and school purposes.

Real estate, where listed.

The taxes imposed for State purposes upon the shares of stock in any bank, banking association or savings institution (whether State or national) in this State, shall be paid by the cashier of such bank, banking association or savings institution, directly to the State Treasurer, within thirty days after the first day of July of each year, and upon failure to pay the State Treasurer as aforesaid, he shall institute an action against the bank, banking association or savings institution to enforce the same in the county of Wake, or in the county in which the bank, banking association or savings institution is located, which action shall be prosecuted in the name of the State of North Carolina, on the relation of the Treasurer of the State, and which shall be tried at the return term of the Court: *Provided*, the complaint is filed ten days before the first day of such term, and shall have precedence over all other actions. The Board of Commissioners of the county in which such banks, banking associations or savings institutions are located shall assess against the value of shares of residents in that county the tax imposed for school and county purposes, which shall be paid to the Sheriff of that county; and shall assess against the value of shares held by non-residents of this State, in such bank, banking association or savings institutions located in that county, the said tax imposed for school, county and municipal purposes, which shall be paid to the Sheriff of that county by the said bank. The value of such shares shall be determined as is hereinafter in this section provided. Every bank, banking association or savings institution (whether State or national) shall

list its real estate in the county, city or town in which such real estate is located for the purposes of State, county and municipal taxation. Every such bank, banking association or savings institution shall, during the month of June, list annually with the State Auditor in the name and for its shareholders, all the shares of its capital stock, whether held by residents or non-residents, at its market value on the first day of June, or if it have no market value, then at its actual value on that day, from which market or actual value shall be deducted the assessed value of the real and personal property which such bank, banking association or savings institution shall have listed for taxation in the county or counties wherein such real and personal estate is located. The actual value of such shares, where such shares have no market value, shall be ascertained by adding together the capital stock, surplus and undivided profits and deducting therefrom the amount of real and personal property owned by said institution on which it pays tax and dividing the net amount by the number of shares in said institution. Insolvent debts due said institution may be deducted from the items of undivided profits or surplus if itemized, and sworn to and forwarded to the Auditor by the cashier of such institution. If the Auditor shall have reason to believe that the market or actual value as given in is not its true value, he shall ascertain such true value by such examination and investigation as to him seems proper, and change the value as given in to such amount as he ascertains the true value to be, which action on the part of the Auditor may be reviewed by the Superior Court by an action brought against the State Auditor in his official capacity by the party aggrieved. But no action shall lie until all taxes, admitted by such aggrieved party to be due, shall have been paid or tendered. In listing the shares for State taxation, such bank, banking association or savings institution shall file with the Auditor of the State a statement showing the name and residence of each shareholder, the number of shares held by each and the taxable value of such shares as fixed by the provisions of this act, which statement shall be in writing and subscribed and sworn to by the president, cashier, or some other officer of the bank. For the purpose of aiding the County Commissioners and other municipal officers in enforcing the law as to the listing of bank shares by the individual shareholders, for the purpose of county, school and municipal taxation, it shall be the duty of every bank or banking association or savings institution (whether State or national) to furnish to the Board of County Commissioners of each county wherein any of its shareholders reside, a statement showing the names of all its shareholders resident in such county, with the number of shares owned by each and the taxable value of such shares, ascertained from the statement

Shares of capital stock to be listed with State Auditor. Valuation.

Deduction of value of property.

Actual value, how ascertained.

Insolvent debts.

Auditor may investigate.

Action of Auditor may be reviewed.

Auditor to be furnished names, addresses, etc., of shareholders.

Banks to furnish each county with lists of shareholders.

Auditor to certify to each county, shares of stock and valuation.

County and municipal authorities thereupon to list shares of stock.

Proviso.

Resident shareholders, where to list.

Non-resident shareholders, where to list.

When to be listed.

Tax officials to enforce law.

Equality of valuation.

Officer of corporation, joint stock association, or limited partnership, to make annual report to Auditor.

hereinbefore required to be made by such bank, banking association or savings institution to the Auditor of the State. It shall also be the duty of the State Auditor to certify to the Board of County Commissioners of each county wherein any of said shareholders reside a statement showing the names of all the shareholders resident in such county, with the number of shares owned by each, and the value of such shares as ascertained by the statement hereinbefore required to be made by such bank, banking association or savings institution to the Auditor of the State. And it shall thereupon be the duty of the chairman and clerk of the said Board of County Commissioners to list said shares of stock, with the assessed value thereon, for the purposes of county, school or municipal taxation; and the tax-lister for the city or town shall compute the municipal taxes thereon: *Provided*, that no city or town shall assess any bank stock at a valuation different from that affixed by the Auditor. The residents of this State who are shareholders in any bank, banking association or savings institution (whether State or national) shall list their respective shares in the county, city or town, precinct or village where they reside for the purposes of county, school or municipal taxation. The shares of non-residents of this State, who are shareholders in any bank, banking association or savings institution (whether State or national) located in this State, shall be listed in the county, city, town, precinct or village in which such bank, banking association or savings institution is located for the purposes of county, school and municipal taxation. All shares, whether owned by residents or non-residents, shall be listed at the time prescribed for listing taxes. The County Commissioners, list-takers and other county and municipal officers shall have the same power to enforce the listing of shares of stock in any such bank, banking association or savings institution, whether held by residents or non-residents, as they have for enforcing the listing of other personal property. The taxation of shares in any such bank, banking association or savings institution shall not be at a greater rate than as assessed upon other moneyed capital in the hands of individual citizens of this State, whether such taxation is for State, county, school or municipal purposes.

SEC. 34. *Reports from corporations.*

Hereafter, except in the case of such corporations as are specially mentioned by name of other sections of this or the Revenue Act, and required to make statements in other forms, it shall be the duty of the president, chairman or treasurer of every corporation having capital stock, every joint stock association or limited partnership whatsoever, now or hereafter organized or incorporated by or under any law of this State, to make a report in writing to the Auditor on or before the first day of July of each year, stating specifically:

First. Total authorized capital stock.

Contents of
report.

Second. Total authorized number of shares.

Third. Number of shares of stock issued.

Fourth. Par value of each share.

Fifth. Amount paid into the treasury on each share.

Sixth. Amount of capital stock paid in.

Seventh. Amount of capital on which dividend was declared.

Eighth. Date of each dividend during said year, ending with the first day of June.

Ninth. Amount of each dividend during the year, ending with the first Monday in said month.

Tenth. Highest price of sales of stock between the first and fifteenth days of May.

Twelfth. Highest price of sales of stock during the year aforesaid.

Thirteenth. Average price of sales of stock during the year.

And in said report one of the following-named officers of such corporation, limited partnership or joint stock association, namely, the president, chairman, secretary or treasurer, after

Certain officers to
value stock under
oath.

being duly sworn or affirmed to do and perform the same with fidelity and according to the best of his knowledge and belief, shall estimate and appraise the capital stock of said company at its actual value in cash on the first day of June, after deducting therefrom the assessed value of all real and personal estate upon which the corporation pays tax, as indicated or measured by the amount of profit made, either declared in dividends or carried into surplus or sinking fund, and when the same shall have been so truly estimated and appraised, they shall forthwith forward to the Auditor a certificate thereof, accompanied by a copy of their said oath or affirmation, signed by them and attested by a Magistrate or other person duly qualified to administer the same:

Method of valuation.

Report to Auditor.

Provided, that if the Auditor and State Treasurer, or either of them, is not satisfied with the appraisement and valuation so made and returned they are hereby authorized and empowered to make a valuation thereof based upon the facts contained in the report herein required, or upon any information within their possession, and to settle an account on the valuation so made by them for taxes, penalties and interest due the State thereon, of which such settlement immediate notice shall be given to said corporation by said Auditor and State Treasurer, with the right to the company dissatisfied with any settlement so made against it to appeal to the Superior Court in term time of the county in which such company has its principal place of business in this State, and thence to the Supreme Court of this State; but before such company shall be allowed to exercise their right of appeal, it shall, within twenty days after notice of such settlement, file

Proviso: Auditor
and Treasurer
may re-value.

Notice to corporation.

Right of appeal.

Exception to be
filed.

Hearing on same by Auditor and Treasurer.	with the Auditor and State Treasurer exceptions to the particulars to which it objects, and the grounds thereof, and said Auditor and State Treasurer shall hear said exceptions after ten days' notice of such hearing given by said Auditor and State Treasurer to said company, and if they shall overrule any one of said exceptions, then such company, if it desires to appeal to said Superior Court, shall, within ten days thereafter, give notice to said Auditor and State Treasurer of such appeal to said Superior Court and the said Auditor and State Treasurer shall thereupon transmit to said Superior Court a record of said settlement, with the exceptions of the company thereto, and all decisions thereon and all papers and evidences considered in making said decision. The said cause shall be placed on the civil issue docket of said Superior Court, and shall have precedence of all other civil actions, and shall be tried under the same rules and regulations as are prescribed for the trial of other civil causes. The cause shall be entitled, State of North Carolina on the relation of Auditor and State Treasurer, against such company. Either party may appeal to the Supreme Court from the judgment of the Superior Court, under the same rules and regulations as are prescribed by law for other appeals, except that the State of North Carolina, if it shall appeal, shall not be required to give an undertaking or make any deposit to secure the costs of such appeal; and the Supreme Court may advance the cause on their docket so as to give the same a speedy hearing. And in the event of the neglect or refusal of the officers of any corporation, company, joint stock association or limited partnership, for a period of sixty days, to make the report and appraisement to the Auditor as herein provided, it shall be the duty of the Auditor and State Treasurer to estimate a valuation of the capital stock of such defaulting corporation, company, joint stock association or limited partnership, and settle an account for taxes, penalty and interest thereon, from which settlement an appeal may be made to the Superior Court of the county in which the corporation has its principal place of business. Corporations, limited partnerships or joint stock associations liable to tax on capital stock shall not be required to make any report or pay any further State tax on the mortgages, bonds, other securities and credits owned by them in their own right. The Corporation Commission, the Treasurer and the Auditor are forbidden to divulge or make public any report of a corporation required to be made to them or either of them by this section. The Auditor shall prepare and keep a record book upon which he shall enter a corporate list of all the corporations and banks which he has assessed for taxation, and said record shall show the assessed valuation placed upon same by him.
Appeal; notice.	
Procedure.	
Title of cause.	
No undertaking required of State on appeal. Cause may be advanced on docket.	
Auditor to value when no report made.	
Right of appeal.	
No further State tax on certain property.	
Treasurer and Auditor not to divulge contents of reports.	
Auditor to keep record showing assessed value.	

SEC. 35. *Tax on building and loan associations.*

The Secretary of each building and loan association organized and conducting business in this State shall list for taxation with the State Auditor on the first Monday in June of each year the shares of stock of such association at their actual value, as shown by the books of said association. He shall deduct from such valuation the actual value of the shares upon which said association has made loans, and which have been pledged to such association as security therefor. But it is expressly provided that the Secretary of each association shall show in detail, or by series on the tax list, the actual value of all shares, and also the actual value of shares upon which loans have been made, and which have been pledged to the association as security therefor. The secretary of such association shall pay to the State Treasurer by the first day of July of each year the State tax, and to the Sheriff or tax collector of such county in which such association is located, the county and school tax by the fifteenth day of September of each year. No other tax or assessment shall be charged or levied on said association or the shares therein.

Listing of stock in building and loan associations.

Deductions allowed.

Taxes, when and to whom paid.

SEC. 36. *No exemptions as to foreign corporations.*

Nothing in this act shall be construed to exempt from taxation at its real value any property situate in this State belonging to any foreign corporation.

Property of foreign corporations liable to tax.

SEC. 37. *State Auditor to make certificate to Register of Deeds.*

The State Auditor shall certify to the Register of Deeds of the county in which such corporation, joint stock association, limited partnership or company whatsoever has its principal office or place of business, the total value of the stock of such corporation, joint stock association, limited partnership or company whatsoever as assessed for State taxation. The corporation, joint stock association, limited partnership or company whatsoever shall pay the county, township, town or city taxes upon the valuation so certified by the State Auditor.

Certificate of Auditor to register of deeds. To what counties made. Contents.

Corporation, etc., to pay taxes on certified valuation.

SEC. 38. *Penalty for failure to furnish reports.*

If the said officers of any such limited partnership, joint stock association or corporation shall neglect or refuse to furnish the Auditor, on or before the thirty-first day of July of each and every year, with the report and appraisement of capital stock as aforesaid, as required by the thirty-fourth section of this act, it shall be the duty of the Auditor to add five per centum to the tax of said limited partnership, joint stock association or corporation for each and every year for which said report and appraisement were not furnished, which percentage shall be settled and collected with the said tax in the usual manner of settling and

Penalty for neglect or refusal to furnish Auditor with report, etc.

Penalty 5 per cent.

How collected.

Failure for three years to comply with section 34 a misdemeanor.

Penalty.

Foreign building and loan associations to list stock through agent, etc.

Stock, how valued for taxation. Association failing to list to be barred from doing business in the State.

Local agent, etc., collecting dues for association that has failed to list guilty of a misdemeanor.

Penalty.

Telegraph company, what constitutes.

Annual statement to Corporation Commission. How verified.

Contents of report:
1. Total capital stock.
2. Number and par value of shares
3. Principal place of business.
4. Value of shares

5. Property in State.

collecting such taxes; if the officers of any such limited partnership, joint stock association or corporation, or any of them, shall intentionally fail to comply with the thirty-fourth section of this act for three successive years, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of five hundred dollars and undergo imprisonment not exceeding one year, or both, or either, at the discretion of the Court.

SEC. 39. *Foreign building and loan associations.*

All foreign building and loan associations doing business in this State shall list for taxation with the State Auditor, through its agent, its stock held by citizens of this State in the county, city or town where the owners of said stock reside. In listing said stock for taxation the withdrawal value as fixed by the by-laws of each company shall be furnished the list-taker, and the stock shall be valued for taxation as other money investments of citizens of this State. Any association or officer of said association doing business in this State who shall fail or refuse to so list shares owned by citizens of this State for taxation shall be barred from doing business in this State; and any local officer or person who shall collect dues, assessments, premiums, fines or interest from any citizen of this State for any such association which has failed or refused to list for taxation the stock held by citizens of this State, shall be guilty of a misdemeanor and subject to fine or imprisonment, or both, in the discretion of the Court. All of said taxes shall be paid by the associations listing said stock.

SEC. 40. *Telegraph companies.*

Every joint stock association, company, copartnership or corporation, whether incorporated under the laws of this State or any other State, or of any foreign nation, engaged in transmitting to, from, through, in or across the State of North Carolina, telegraphic messages, shall be deemed and held to be a telegraph company, and every such telegraph company shall annually, between the first day of June and the twentieth day of June, make out and deliver to the Board of Corporation Commissioners of this State a statement, verified by oath of the officer or agent of such company making such statement, with reference to the thirty-first day of May next preceding, showing: First. The total capital stock of such association, company, copartnership or corporation. Second. The number of shares of capital stock issued and outstanding and the par value of each share. Third. Its principal place of business. Fourth. The market value of said shares of stock on the thirty-first day of May next preceding, and if such shares have no market value, then the actual value thereof. Fifth. The real estate, structures, machinery, fixtures

and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation. Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation, situated outside the State of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated. Seventh. All mortgages upon the whole, or any part of its property, together with the dates and amounts thereof. Eighth. (a) The total length of the lines of said association or company; (b) the total length of such of their lines as is outside the State of North Carolina; (c) length of the lines within each of the counties and townships within the State of North Carolina.

6. Property outside of State.

7. Mortgages.

8. Length of lines.

SEC. 41. *Telephone companies.*

Every telephone company doing business in this State, whether incorporated under the laws of this State or any other State, or of any foreign nation, shall annually between the first day of June and the twentieth day of June, make out and deliver to the Corporation Commission of this State a statement verified by the oath of the officer or agent of such company making such statement, with reference to the thirty-first day of May next preceding, showing:

First. The total capital stock of such association, company, copartnership or corporation invested in the operation of such telephone business.

Second. The number of shares of capital stock issued and outstanding and the par or face value of each share.

Third. Its principal place of business.

Fourth. The market value of said shares of stock on the thirty-first day of May next preceding, and if such shares have no market value, then the actual value thereof.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the State and the location and assessed value thereof in each county where the same is assessed for local taxation.

Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation situated outside the State of North Carolina and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated.

Telephone companies. All telephone companies doing business in State to make annual statement to Auditor. Statement to be verified. What to show.

1. Total capital stock

2. Number of shares of stock issued and outstanding and par value.

3. Principal place of business.

4. Market value of stock on May 31st preceding.

5. Real estate, structures, machinery, etc., owned by company in the State. Location and assessed value in county where assessed.

6. Property outside of State.

7. Mortgages. Seventh. All mortgages upon the whole or any of its property, together with the dates and amounts thereof.
8. Length of lines. Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 42. *Express companies.*

Express companies, what considered.

Every joint stock association, company, copartnership or corporation, incorporated or acting under the laws of this State or any other State or any foreign nation, engaged in carrying to, from, through, in or across this State, or any part thereof, money, packages, gold, silver, plate, merchandise, freight or other articles, under any contract, expressed or implied, with any railroad company, or the managers, lessees, agents or receivers thereof:

Proviso.

Provided, such joint stock association, company, copartnership or corporation is not a railroad company, shall be deemed and held to be an express company within the meaning of this act, and every such express company shall annually, between the first day of June and the twentieth day of June, make out and deliver to the Corporation Commission of this State a statement verified by the oath of the officer or agent of such association, company, copartnership or corporation making such statement, with reference to the thirty-first day of May next preceding, showing:

Contents of report.
1. Total capital stock.

First. The total capital stock or capital of said association, copartnership or corporation.

2. Number and par value of shares.

Second. The number of shares of capital stock issued and outstanding and the par or face value of each share, and in case no shares of capital stock are issued, in what manner the capital stock thereof is divided, and in what manner such holdings are evidenced.

3. Principal place of business.
4. Value of shares or capital.

Third. Its principal place of business.

Fourth. The market value of said shares of stock on the thirty-first day of May next preceding; and if such shares have no market value, then the actual value thereof; and in case no shares of stock have been issued, state the market value, or the actual value in case there is no market value, of the capital thereof, and the manner in which the same is divided.

5. Property in the State.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by the said association, company, copartnership or corporation and subject to local taxation within the State of North Carolina, and the location and assessed value thereof in each county where the same is assessed for local taxation.

6. Property outside of State.

Sixth. The specific real estate, together with the improvements thereon, owned by the association, company, copartner-

ship or corporation situated outside the State of North Carolina and not used directly in the conduct of the business, with a specific description of each piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Eighth. (a) Total length of the line or routes over which such association, company, copartnership or corporation transports such merchandise, freight or express matter; (b) the total length of such lines or routes as are outside the State of North Carolina; (c) the length of such lines or routes within each of the counties or townships within the State of North Carolina.

SEC. 43. *Sleeping-car companies.*

Every joint stock association, company, copartnership or corporation incorporated or acting under the laws of this or any other State, or of any foreign nation, and conveying to, from, through, in or across this State or any part thereof, passengers or travellers in palace cars, drawing-room cars, sleeping-cars, dining cars or chair cars under any contract, expressed or implied, with any railroad company or the managers, lessees, agents or receivers thereof, shall be deemed and held to be a sleeping-car company for the purpose of this act, and shall hereinafter be called "sleeping-car company," and every such sleeping-car company doing business in this State shall annually, between the first day of June and the twentieth day of June, make out and deliver to the Board of Corporation Commissioners of this State a statement, verified by the oath of the officers or agent of such company making such statement, with reference to the thirty-first day of May next preceding, showing:

First. The total capital stock of such sleeping-car company invested in its sleeping-car business.

Second. The number of shares of such capital stock devoted to the sleeping-car business issued and outstanding, and the par or face value of each share.

Third. Under the laws of what State it is incorporated.

Fourth. Its principal place of business.

Fifth. The names and post-office addresses of its President and Secretary.

Sixth. The actual cash value of the shares of such capital stock devoted to its sleeping-car business on the thirty-first day of May next preceding such report.

Seventh. The real estate, structures, machinery, fixtures and

8. Mortgages.
8. Length of lines.
Sleeping car companies.
Definition.

Annual report to corporation commission.

How verified.
What to contain.

1. Total capital stock.

2. Number and par value of shares.

3. Under what laws incorporated.
4. Principal place of business.
5. Names and addresses of officers.
6. Value of shares.

7. Property in the State.

appliances owned by said sleeping-car company, and subject to local taxation within this State, and the location and value thereof in each county within this State where the same is assessed for local taxation.

8. Mortgages

Eighth. All mortgages upon the whole or any part of its property and the amounts thereof devoted to its sleeping-car business.

9. Length of lines.

Ninth. (a) The total length of the main lines of railroad over which cars are run; (b) the total length of so much of the main line of the railroad over which the said cars are run outside of the State of North Carolina; (c) the length of the lines of railroad over which said cars are run within the State of North Carolina:

Proviso.

Provided, that where the railroads over which said cars run have double tracks or a greater number of tracks than a single track, the statement shall only give the mileage as though such tracks were but single tracks, and in case it shall be required, such statement shall show in detail the number of miles of each or any particular railroad or system within this State. When the assessment shall have been made by the Corporation Commission in accordance with section 48 of this act, the Clerk of the Commission shall thereupon notify by registered letter the officer attesting such report of the amount assessed against it, and such sleeping-car company shall have

Assessment by
corporation com-
mission.

Notice to
company.

Thirty days to file
objections.
Amount certified
to State Treasurer.

within said thirty days, the amount shall be credited to the State Treasurer, who shall thereupon send by registered letter to the officer attesting such report a bill for the State taxes upon said assessment, and such sleeping-car company shall have thirty days within which to pay said taxes. And the Clerk of the Corporation Commission shall certify to the County Commissioners of the several counties through which such cars are used, the value of the property of such sleeping-car company within such county in the proportion that the number of miles of railroad over which such cars are used in said county bears to the number of miles of railroad over which such cars are used within the State, together with the name and post-office address of the officer attesting such report of such sleeping-car company, with the information that tax bills, when assessed, are to be sent him by mail, and such value so certified shall be assessed and taxed the same as other property within said county. And when the assessment shall have been made in such county the Sheriff or County Tax Collector shall send to the address given by the Clerk of the Corporation Commission to the County Commissioners by registered mail, a bill for the total amount of all taxes due to such county, and such Sheriff

State taxes.

Payment in 30
days.

Amount appor-
tioned among
counties.

County taxes.

Manner of
collection.

or County Tax Collector shall add to such tax bills the postage and registration fee, and such sleeping-car company shall have sixty days thereafter within which to pay said taxes; and upon failure of and refusal to do so, such taxes shall be collected the same as other delinquent taxes are, together with a penalty of fifty per cent added thereto and costs of collection.

Payment in 60 days.

Penalty for failure.

SEC. 44. *Refrigerator and freight car companies.*

Every firm, person or corporation owning refrigerator or freight cars operated over or leased to any railroad company in this State or operating in this State, shall be taxed in the same manner as hereinbefore provided for the taxation of sleeping-car companies, and the collection of the tax thereon shall be followed in assessing and collecting the tax on the refrigerator and freight cars taxed under this section: *Provided*, if it appear that the owner does not lease the cars to any railroad company or make any contract to furnish it with cars, but they are furnished to be run indiscriminately over any lines on which shippers or railroad companies may desire to send them, and the owner receives compensation from each road over which the cars run, the Board of Corporation Commissioners shall ascertain and assess the value of the average number of cars which are in use within the State as a part of the necessary equipment of any railroad company for the year ending May the thirty-first next preceding, and the tax shall be computed upon this assessment.

Refrigerator and freight car companies.

Taxes in same manner as sleeping-car companies.

Proviso.

Manner of assessment in certain cases.

SEC. 45. Every street railway company, water works company, electric light and power company, gas company, ferry company, bridge company, canal company, and other corporations exercising the right of eminent domain, shall annually, between the first and the twentieth of June, make out and deliver to the Board of Corporation Commissioners of this State a statement verified by the oath of the officer or agent of such company making such statement, with reference to the thirty-first day of May next preceding, showing:

Street railway, waterworks, electric, gas, ferry, bridge, canal companies and other corporations having right of eminent domain.

Annual statement to corporation commission.
How verified.
What to show.

(1) The total capital stock of such association, company, copartnership or corporation.

1. Total capital stock.

(2) The number of shares of capital stock issued and outstanding and the par or face value of each share.

2. Number and par value of shares.

(3) Its principal place of business.

3. Principal place of business.

(4) The market value of said shares of stock on the thirty-first day of May next preceding, and if such shares have no market value, then the actual value thereof.

4. Value of shares.

(5) The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the State.

5. Property in the State.

and the location and assessed value thereof in each county where the same is assessed for local taxation.

6. Property outside of State.

(6) The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation situate outside of the State of North Carolina, and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situate.

7. Mortgages.

(7) All mortgages upon the whole, or any part of its property, together with the dates and amounts thereof.

8. Length of lines

(8) (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside of the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 46. *Board of Corporation Commissioners may require additional information.*

Board of corporation commissioners to examine statements

Upon the filing of the statements required in the preceding sections the Board of Corporation Commissioners shall examine them, and each of them, and if the Commissioners shall deem the same insufficient, or in case they shall deem that other information is requisite, they shall require such officer to make such other and further statements as said Commissioners may call for. In case of the failure or refusal of any association, company, copartnership or corporation to make out and deliver to the Board of Corporation Commissioners and statement or statements required by this act, such association, company, copartnership or corporation shall forfeit and pay to the State of North Carolina one hundred dollars (\$100) for each additional day such report is delayed beyond the twentieth day of June, to be sued for and recovered in any proper form of action in the name of the State of North Carolina on the relation of the Corporation Commissioners, and such penalty, when collected, shall be paid into the general fund of the State.

May require further information.

Penalty for failure to furnish statement.

Suit for same.

Payment of same into State Treasury.

SEC. 47. *Corporation Commissioners shall examine statements.*

Duty of commissioners to assess property of all companies making statements as hereafter set forth.

The Corporation Commissioners shall thereupon value and assess the property of each association, company, copartnership or corporation in the manner hereinafter set forth, after examining such statements and after ascertaining the value of such properties therefrom, and upon such other information as they may have or obtain. For that purpose they may require the agents or officers of said association, company, copartnership or corporation to appear before them with such books, papers and statements as they may require, or they may require

May require officers, agents, etc., to appear before them with books and papers.

additional statements to be made to them, and may compel the attendance of witnesses in case they shall deem it necessary, to enable them to ascertain the true cash value of such property.

May compel attendance of witnesses

SEC. 48. *Manner of assessment.*

Said Corporation Commission shall first ascertain the true cash value of the entire property owned by the said association, company, copartnership or corporation, from said statements or otherwise, for that purpose, taking the aggregate value of all the shares of capital stock, in case shares have a market value, and in case they have none, taking the actual value thereof or of the capital of said association, company, copartnership or corporation, in whatever manner the same is divided, in case no shares of capital stock have been issued: *Provided, however,* that in case the whole or any portion of the property of such association, company, copartnership or corporation shall be encumbered by a mortgage or mortgages, such Board shall ascertain the true cash value of such property by adding to the market value of the aggregate shares of stock, or to the value of the capital; in case there should be no such shares, the aggregate amounts of such mortgage or mortgages, and the result shall be deemed and treated as the true cash value of the property of such association, company, copartnership or corporation. Such Board of Corporation Commissioners shall, for the purpose of ascertaining the true cash value of the property within the State of North Carolina, next ascertain from such statements, or otherwise, the assessed value for taxation, in the localities where the same is situated, of the several pieces of real estate situated within the State of North Carolina, and not specifically used in the general business of such associations, companies, copartnerships or corporations, which said assessed value for taxation shall be by said Board deducted from the gross value of the property as above ascertained. Said State Board of Corporation Commissioners shall next ascertain and assess the true cash value of the property of the associations, companies, copartnerships or corporations within the State of North Carolina by taking as a guide, as far as practicable, the proportion of the whole aggregate value of said associations, companies, copartnerships or corporations as above ascertained, after deducting the assessed value of such real estate without the State, which the length of lines of said associations, companies, copartnerships or corporations, in the case of telegraph and telephone companies within the State of North Carolina, bears to the total length thereof, and in the case of express companies and sleeping-car companies the proportion shall be the proportion of the whole aggregate value, after such deduction, which the length of the lines, or routes within the State of North Carolina, bears

Commissioners to ascertain true cash value of all properties to be assessed. How ascertained.

Proviso in case of mortgage incumbrances.

How cash value of property located in State to be ascertained.

Proportionate value, how ascertained

to the whole length of the lines or routes of such associations, companies, copartnerships or corporations, and such amount so ascertained shall be deemed and held as the entire value of the property of said associations, companies, copartnerships or corporations within the State of North Carolina. From the entire value of the property within the State so ascertained there shall be deducted by the Commissioners the assessed value for taxation of all real estate, structures, machinery and appliances within the State and subject to local taxation in the counties, as hereinbefore described in sections 40, 41, 42, 43, 44 and 45 of this act, and the residue of such value so ascertained, after deducting therefrom the assessed value of such local properties, shall be by said Board assessed to said association.

SEC. 49. *Value per mile.*

Value per mile.

How ascertained.

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

SEC. 50. *Total value for each county.*

Total value for each county.
How ascertained.

Said Corporation Commission shall thereupon, for the purpose of determining what amount shall be assessed by it to said association, company, copartnership or association, in each county in the State, through, across and into or over which the line of said association, company, copartnership or corporation extends, multiply the value per mile, as above contained, by the number of miles in each of such counties as reported in said statements, or as otherwise ascertained, and the result thereof shall be by the Clerk of said Board certified to the Chairman of the Board of County Commissioners, respectively, of the several counties through, into, over or across which the lines or routes of said association, company, copartnership or corporation extends. All taxes due the State from any corporation taxed under the preceding sections, except the tax paid for school purposes, shall be paid by the Treasurer of each company direct to the State Treasurer.

Value to be certified by clerk to chairman of board of county commissioners of the several counties.
Taxes due the State to be paid by each company direct to State Treasurer.

SEC. 51. *Companies failing to pay tax.*

On failure to pay tax, solicitors may prosecute suits.

In case any such association, company, copartnership or corporation, as named in this act, shall fail or refuse to pay any taxes assessed against it in any county in this State, in addition to other remedies provided by law for the collection of taxes, an action may be prosecuted in the name of the State of

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

Title of actions.

Penalty.

Where suit may be brought.

Consolidation of suits by Attorney-General.

Taxes collected to be credited to proper counties.

Penalty credited to general State fund.

County treasurers to properly credit and account.

Proviso.

SEC. 52. *Railroads.*

The Commissioners selected from time to time under the authority to establish the North Carolina Corporation Commission shall constitute a Board of Appraisers and Assessors for railroad, telegraph, telephone, street railway, canal and steamboat companies, and other companies exercising the right of eminent domain.

Corporation commissioners to be a board of appraisers and assessors for railroad, telegraph and other companies exercising the right of eminent domain.

SEC. 53. *Railroads.*

The President, Secretary, Superintendent, or other principal
Pub—25

Return of principal accounting officers of certain companies to the commissioners.

accounting officers within this State of every railroad, telegraph, telephone, street railway company, whether incorporated by the laws of this State or not, shall at such dates, as real estate is required to be assessed for taxation, return to the said Commission for assessment and taxation, verified by the oath or affirmation of the officer making the return, all the following described property belonging to such corporation within this State, viz.: The number of miles of such railroad lines in each county in this State, and the total number of miles in the State, including the road-bed, right of way and superstructures thereon, main and side-tracks, depot buildings and depot grounds, section and tool houses, rolling stock and personal property necessary for the construction, repairs or successful operation of such railroad lines, including also, if desired by the North Carolina Corporation Commission, Pullman or sleeping-cars or refrigerator cars owned by them or operated over their lines:

Provided, certain property to be listed where located.

List of same to be furnished corporation commission

Certain officers to report tax rates to corporation commission.

Provided, however, that all machine and repair shops, general office buildings, store houses, and also real and personal property outside of said right of way and depot grounds, as aforesaid, of and belonging to any such railroad companies, shall be listed for purposes of taxation by the principal officers or agents of such companies with the list-takers of the county where the real and personal property may be situated, in the manner provided by law for the listing and valuation of real and personal property, a list of such property shall be filed by such company with the Corporation Commission. It shall be the duty of the Register of Deeds, if required so to do by the said Commission, to certify and send to the said Commission a statement giving a description of the property mentioned in the foregoing proviso, and showing the assessed valuation thereof. The Register of Deeds shall also certify to the Commission the local rate of taxation for county purposes as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said Commission shall require of them, and the Mayor of each city or town shall cause to be sent to the said Commission the local rate of taxation for municipal purposes.

Railroads.

SEC. 54. *Railroads.*

Movable property denominated as rolling stock.

The movable property belonging to a railroad company shall be denominated, for the purpose of taxation, "rolling stock." Every person, company or corporation owning, constructing or operating a railroad in this State shall (in the month of June, annually), return a list or schedule to the Corporation Commission, which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, pas-

List or schedule of all rolling stock to be made to commissioners in June annually.

senger cars of all classes, sleeping-cars and dining cars, express cars, horse cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand-cars, and all other kinds of cars and the value thereof, and a statement of schedule as follows: (1) The amount of capital stock authorized and the number of shares into which such capital is divided; (2) the amount of capital stock paid up; (3) the market value, or if no market value, then the actual value of shares of stock; (4) the length of line operated in each county and total in the State; (5) the total assessed value of all the tangible property in the State; (6) and if desired, all the information heretofore required to be annually reported by section 1959 of The Code. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the Commission and with reference to amounts and values on the first day of June of the year of which the return is made.

SEC. 55. *Tangible and intangible property assessed separately.*

(a) The said Commission shall first determine the value of the tangible property of each division or branch of such railroad, of rolling stock, and all other physical or tangible property. This value shall be determined by a due consideration of the actual cost to replace the property, with a just allowance for depreciation on rolling stock, and also of other conditions, to be considered as in the case of private property.

(b) They shall then assess the value of the franchise, which shall be determined by due consideration of the gross earnings as compared with the operating expenses; and particularly by consideration of the value placed upon the whole property by the public (the value of the physical property being deducted), as evidenced by the market value of all capital stock, certificates of indebtedness, bonds or any other securities, the value of which is based upon the earning capacity of the property.

(c) The aggregate value of the physical or tangible property and the franchise, as thus determined, shall be the true value of the property for the purpose of an *ad valorem* taxation, and shall be apportioned in the same proportion that the length of such road in each county bears to the entire length of such division or branch road in each county bears to the entire length of such division or branch thereof; and the Corporation Commission shall certify to the Chairman of the County Commissioners and the Mayor of each city or incorporated town the amount apportioned to his county, city or town, and the said Commission shall make and forward a like certificate to the Auditor of the State. All taxes due the State from any railroad company, except the tax imposed for school purposes, shall be paid by the Treasurer of each company directly to the State Treasurer within thirty days after the first day of July of each

What list to contain and set forth.

1. Capital stock and number of shares.
 2. Capital stock paid up.
 3. Value of shares.
 4. Length of lines.
 5. Assessed value of tangible property in the State.
 6. Other information.
- Instructions and forms to be observed.

(a) Value of tangible property of each division of branch road to be first determined. How value determined.

(b) Value of franchises next assessed. How determined.

(c) Aggregate value of tangible property and franchises to constitute true value. How apportioned to the several counties.

Corporation to certify apportionment to counties and municipalities.

State taxes (except for school) payable to State Treasurer.

Time of payment.

Suit and penalty upon failure to pay. year; and upon failure to pay the State Treasurer as aforesaid, he shall institute an action to enforce the same in the county of Wake or any other county in which such railroad is located, adding thereto twenty-five per centum of the tax. The Board of County Commissioners of each county through which said railroad passes shall assess against the same only the tax imposed by the State for school purposes and those imposed for county purposes.

Railroads. SEC. 56. *Railroads.*

How assessed when part of road is in this State and part in another State. When any railroad has part of its road in this State and part thereof in any other State, the said Commission shall ascertain the value of railroad track, rolling stock, and all other property liable to assessment by the Corporation Commission, of such company, as provided in the next preceding section, and divide it in the proportion to the length of such main line of road in this State bears to the whole length of such main line of road, and determine the value in this State accordingly. On or after the first Monday in July the said Commission shall give a hearing to all the companies interested touching the valuation and assessment of their property. The said Commission may, if they see fit, require all arguments and communications to be presented in writing.

Corporation to give hearing.

Written arguments and communications.

SEC. 57. *Railroads.*

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

Foreign companies owning property or operating in State assessed as domestic companies are.

SEC. 58. *Railroads.*

Railroads—Commission empowered to summon witnesses and inspect books and papers. The Corporation Commission shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad company. Any president, secretary, receiver or accounting officer, servant or agent of any railroad or steamboat company having any portion of its property or roadway in this State who shall refuse to attend before the said Commission when required to do so, or refuse to submit to the inspection of said Commissioners any books or papers of such railroad company in his possession, custody or control, or shall refuse to

Officer of railroad and other companies refusing to attend and testify when summoned, or produce books and papers, etc., guilty of a misdemeanor.

answer such questions as may be put to him by said Commission or order, touching the business or property, moneys and credits, and the value thereof of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any Court of competent jurisdiction, shall be confined in the jail of the county not exceeding thirty days, and shall be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, accounting officer, servant or agent aforesaid, so refusing as aforesaid, shall be deemed guilty of contempt of such Commission, and may be confined, by order of said Commission, in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

Penalty on
conviction.

Contempt.
Punishment.

SEC. 59. *Canal and steamboat companies.*

The property of all canal and steamboat companies in this State shall be assessed for taxation as above provided for railroads. In case any officer fails to return the property as provided in this section, the Commission shall ascertain the length of such property in this State, and shall assess the same in proportion to length at the highest rate at which property of that kind is assessed by them.

Property of canal
and steamboat
companies to be
assessed as pro-
vided for railroads.

Officers failing to
make returns,
commission to
make assessment.

SEC. 60. *Private banks and bankers.*

Every bank (not incorporated), banker, broker or stock jobber, shall, at the time fixed by this chapter for listing personal property, make out and furnish the assessor a sworn statement showing: (1) The amount of property on hand and in transit; (2) the amount of funds in the hands of other banks, bankers or brokers and subject to draft; (3) the amount of checks or other cash items, the amount thereof not being included in either of the preceding items; (4) the amount of bills receivable, discounted or purchased, and other credits due or to become due, including interest receivable and accrued, but not due, and interest due and unpaid; (5) the amount of bonds and stocks of every kind, State and county warrants, and other municipal securities and shares of capital stock or joint stock of other companies or corporations held as an investment or any-way representing assets; (6) all other property appertaining to said business other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act; (7) the amount of deposits made with them by other parties; (8) the amount of all accounts payable other than current deposit accounts; (9) the amount of bonds and other securities exempt by law from taxation, specifying the amount and the kind of each, the same being included in preceding fifth item. The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The

Private banks,
brokers or stock
jobbers to render
annual statement
to assessors.

What to contain.

1. Property on
hand and in
transit.

2. Amount of
funds in hands of
other banks, etc.

3. Amount of
checks, etc.

4. Amount of bills
receivable, etc.

5. Amount of
bonds, stocks, etc.

6. All other prop-
erty pertaining to
business other
than real estate,
etc.

7. Amount of
deposits.

8. Amount of other
accounts.

9. Bonds, etc.,
exempt from
taxation.

Various items.
How listed for
taxation.

amount of sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credit. The aggregate amount of the ninth item shall be deducted by the tax lister from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

SEC. 61. *Stock brokers and private bankers.*

No person, bank or corporation to act as a stock broker without license
Who deemed to be stock brokers.

Rights of stock brokers.

When stock brokers deemed private bankers.

To pay tax as private bankers in addition to broker's tax.

Penalty for violation of this section.

No person, bank or corporation shall, without a license authorized by law, act as a stock broker or private banker. Any person, bank or corporation that deals in coin, foreign or domestic exchange, government stock, or other certificates of debt or shares in any corporation or chartered company, bank notes, or other notes used as a currency, or to sell the same or any of them on commission or for other compensation, or who negotiate loans upon real estate securities, shall be deemed to be a stock broker. A stock broker shall have the right to buy and sell for profit or to sell on commission the coin, exchange, stocks, certificates of debt, shares in chartered companies, bank notes, and notes used as currency as aforesaid, and may sell either privately or by auction, and also negotiate loans on real estate securities. Any person, bank or corporation engaged in the business of receiving money on deposit, or in lending or advancing money, or in negotiating loans on any class of securities, or in discounting, buying or selling negotiable or other paper or credits, commonly known as stock brokers, whether in an office kept for the purpose or elsewhere, shall be deemed to be a private banker, and in the latter case the tax shall be paid for the additional privilege of private banking. Any person, bank or corporation violating this section shall pay a fine of not less than one hundred dollars nor more than five thousand dollars for each offence.

SEC. 62. *Taxpayer refusing to answer guilty of a misdemeanor; list-taker and Chairman Board Commissioners may examine witnesses.*

Tax payer refusing to answer questions, or refusing to sign, fill and swear to return, guilty of a misdemeanor.
Penalty,

Prosecution.

Completion of list.

If any person liable to be charged with taxes shall wilfully refuse to answer any questions respecting his property, or refuse to fill, sign and swear to his returns, he shall be guilty of a misdemeanor, and on conviction liable to be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days, or both, and it shall be the duty of the assessors or list taker to have the offender prosecuted, and the list taker shall complete the list from the best information he can obtain.

Every list taker and Chairman of the Board of County Commissioners shall have power to send for persons and papers, and to examine witnesses and administer oaths.

Production of papers and examination of witnesses.

SEC. 63. *What property exempt.*

The property mentioned in this section shall be exempt from taxation, to-wit:

- (1) That belonging exclusively to the United States, or this State, or to any county or incorporated town, and used for public purposes.

1. Property belonging to United States.
- (2) The property set apart and belonging to and exclusively used for the University, colleges and institutions of learning.

2. Property set apart for educational purposes.
- (3) Such property as may be set apart for grave yards or burial lots, except such as is held for the purpose of speculating in the sale thereof.

3. Grave-yards, etc.
Exception.
- (4) Personal property owned by any religious, scientific, literary or benevolent association, used exclusively for the purposes of such association, and the real property, when the rents shall be used exclusively for charitable or benevolent purposes, or the interest upon the bonded indebtedness, and necessary for the location and convenience of the buildings of such association; and parsonages, whether of local churches or districts, and whether occupied by the pastor permanently or rented for his benefit. The occasional leasing of such buildings for schools, public lectures or concerts, or the leasing of such parsonages shall not render them liable to taxation. The endowment funds and real and personal estate of any public library association organized under the laws of this State, which, or the income which, shall be used or invested for the purpose of such association.

4. Personalty owned by religious, scientific, etc., associations.
Real property and rents when used in certain manner.

Endowment funds, etc., of any public library association.
- (5) The property of Indians who are not citizens, except lands held by them by purchase.

5. Property of Indians.
- (6) Wearing apparel, private libraries, kitchen and other household furniture not exceeding in value twenty-five dollars, and also growing crops.

6. Wearing apparel etc., to amount of \$25.
- (7) The armories owned by any regiment or company of the North Carolina State Guard and used for military purposes by such organization; but such property shall be subject to local assessments for the improvement of sidewalks or streets, or for the construction and repairs of sewers and drains. It is especially provided that no property mentioned in this act as exempt from taxation shall be omitted from any tax list, but shall be regularly listed, and the amount exempt by law shall be deducted by the tax lister from the gross valuation of the taxpayer's property.

7. Armories of State Guards.

No property exempt to be omitted from tax list.
To be listed and exemption deducted.

SEC. 64. *Form for assessing and listing property.*

The Auditor of the State shall prepare forms to be used in

Auditor to prepare forms for assessing and listing taxes. Forms to be sent to clerk of board of commissioners for delivery to list taker. Assessors' forms to be furnished every fourth year.

assessing and listing property for taxation by the assessors and list takers. He shall transmit said forms to the Clerk of the Board of Commissioners of each county by the fifteenth day of May, and the Clerk shall deliver to each Board of list takers and assessors the necessary number of forms for their respective use. The assessors' forms shall be furnished every fourth year, and the list takers' forms annually.

SEC. 65. *Lists shall be completed by the second Monday in July; shall make a return of polls and property not listed.*

List-takers to return lists to clerk of board by second Monday in July. List of polls not given in for taxation to be returned. Lists to be open to inspection.

The list taker shall, on or before the second Monday in July in each year, return the tax list to the Clerk of the Board of County Commissioners. He shall also return a list of the taxable polls and property of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the Clerk shall give to any person desiring it a copy of so much thereof as relates to his property on paying a fee of ten cents.

SEC. 66. *Oaths of list takers.*

List-taker to make oath.

The list taker, upon making returns to the Board of Commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the Chairman of the Board of Commissioners or any other officer authorized to administer oaths:

Form.

"I,, list taker of, in county of, do solemnly swear (or affirm) that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of which a statement has been made to me by the persons required by law to list the same, is truly returned as set forth in that statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, of any person, company or corporation. I have diligently and by the best means in my power endeavored to ascertain the real value thereof, and that I verily believe a full list, with the value thereof estimated by the rules prescribed by law, is set forth in the annexed returns; that in no case have I knowingly omitted to receive from any person, of whom by law I was required to receive, a statement of the description and value of real and personal property or of the amount of moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint stock compa-

nies, or otherwise, of any kind of taxation, and that I have returned to the Board of Commissioners the original returns made to me, or which I have made, or which by law I am required to procure and return." Any list taker making a false return, as aforesaid, shall be deemed guilty of a misdemeanor.

False return a misdemeanor.

SEC. 67. *Assessors to furnish list of exempt property.*

Each assessor shall, when making the assessment roll for his district, enter on the blanks so furnished to him in regular order, in the name of the owner if known, and from the best information he can obtain, a correct description of all real and personal property then exempt from taxation in his town or assessment district, together with a statement of its value, for what purpose used, and the rent, if any, obtained therefor. The list of such exempt property when completed, and on or before the first day of September, shall be delivered by the assessor to the Register of Deeds, who, on or before the first day of November next thereafter, shall make duplicates thereof and transmit such duplicates to the Corporation Commission and file the original in his office.

Each assessor to make correct return of property then exempt from taxation.

List to be delivered to register of deeds.

Register to transmit duplicate to corporation commission.

SEC. 68. *Equalization of values.*

The Board of Commissioners of each county, after notice in one newspaper or by poster put up, shall meet on the second Monday in July and revise the tax list and valuation reported to them. And it shall be the duty of the Register of Deeds, without additional compensation, to complete the list by computing the tax payable to each person and affixing the same opposite his name. The Board of Commissioners shall sit for one day at least, and, when necessary, shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property or the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the list of the list takers as may be right and just, and so that the valuation of similar property throughout the country shall be as near uniform as possible. They shall have power, after notifying the owner or agent, to raise the valuation of such property as they shall deem unreasonably low. The said Board of Commissioners, on tendering the prescribed oath, may take the list of any person applying to list his taxables at any meeting of the Commissioners held on or before the second Monday in July, upon his paying the Clerk twenty-five cents, for recording the same. The Board of Commissioners shall ascertain the valuation of his property by the examination of witnesses, or otherwise, and insert it in the abstract, and without satisfactory excuse they may add to the tax of the person so allowed to give in five per centum on the regular amount of his tax for that year.

Board of county commissioners to meet second Monday in July to revise tax lists. Register of deeds to complete lists.

Sittings of board.

To hear all persons objecting.

May summon and examine witnesses and correct lists, etc.

May raise valuations

May take lists of persons applying to list on or before second Monday in July. Applicant to pay fee. How valuation ascertained.

May add 5 per cent to tax.

SEC. 69. *Taxpayers may complain to Board of Commissioners.*

Person complaining of assessment to present claim in writing.

Board to hear evidence.

Board finding cause for complaint to take account of same and transmit to Auditor, who shall credit sheriff with.

If any person shall complain before the Board of Commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he may be required to present his claim in writing and the Board of Commissioners shall hear any evidence adduced by him, and shall summon and examine any witnesses necessary for a just decision of the question, holding the assessors or list-takers who made the valuation. If the Board of Commissioners shall find that he has cause for complaint they shall direct the clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be transmitted to the Auditor, who shall credit the Sheriff with the overcharge in his settlement for the year.

SEC. 70. *Commissioners may give certificate of relief granted.*

Application for relief made after sheriff settles accounts to be heard by commissioners.

Complaint to be recorded.

Clerk to make copy for applicant.

Fee for same.

Copy forwarded to Auditor.

Warrant on Treasurer.

If the application for relief be made to the Board of Commissioners after the Sheriff shall have settled the accounts with the State and county, the Board of Commissioners shall carefully examine the case, and if, in their opinion, the applicant is entitled to relief shall direct the clerk to record on the record book the cause of the complaint, and the amount which, in the opinion of the Board of Commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the Board of Commissioners, and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the Auditor of the State, who, on finding the proceedings in conformity with the requirement of the order, shall issue a warrant on the Treasurer of the State for the amount of State tax specified. The Treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

SEC. 71. *Sheriff may recover overpayment by error.*

If sheriff is overcharged in abstract and pays amount overcharged to Treasurer, Auditor on certificate of county commissioners to give warrant on treasurer for excess so paid.

If a Sheriff or tax collector shall, in consequence of an error in the abstract of taxes sent to the Auditor, or otherwise, be charged with more than the true amount with which he should be chargeable and pay the amount so charged in excess to the Treasurer of the State, the Auditor shall, upon the certificate of the Board of Commissioners, setting forth the nature of such error, give his warrant upon the Treasurer of the State for the amount so paid in excess and the Treasurer shall pay the same.

SEC. 72. *Commissioners to enter property escaping taxation in previous years.*

In all cases where the Board of Commissioners shall have

omitted, or in any future year shall omit to enter upon the duplicate of their county any land or town lots situated within their county subject to taxation, it shall be their duty when they enter the same to duplicate the next succeeding year to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall so have escaped taxation, with twenty-five per centum in addition thereto, so far back as the said lands have escaped taxation; and the Corporation Commission shall have like power to list unlisted railroad property. When no assessment has been made for the years in which said property has so escaped taxation, the Board of Commissioners shall be authorized to value and assess the same for those years: *Provided*, this shall not apply beyond five years. In all cases where any personal property, chose in action, or any property, except land liable to taxation, shall have been omitted, or shall be omitted in any future year from the tax list by the owner or person required by law to list the same, the Board of Commissioners shall enter the same on the duplicate of the next succeeding year, and shall add to the taxes of the current year the simple taxes of such preceding year, not exceeding five years, with twenty-five per centum added thereto, in which such personal property as aforesaid shall so have escaped taxation, and the said Board of Commissioners shall value and assess the personal property aforesaid for those years, and are empowered to examine witnesses and to call for papers to determine the value, and to ascertain the persons liable for the tax upon said personal property. The provisions of this section shall extend and apply to all cities, towns and like municipal corporations having the powers under their charters to tax the property aforesaid, and the powers and duties herein imposed upon the Board of Commissioners of the county shall be exercised and performed by the Board of Commissioners, or the Board of Aldermen, as the case may be, of the city or town or other municipal corporation.

SEC. 73. *The Board of Commissioners shall insert omitted property.*

The Chairman of the Board of Commissioners shall examine the tax list from each township for the previous year and insert in said list the description and valuation of all property not given in, and shall charge all such persons with double the tax with which they would otherwise be chargeable unless satisfactory excuse therefor be rendered to the Board of Commissioners on or before the first Monday in October, and all persons who own property and wilfully fail to list it within the time allowed, before the list-taker or Board of Commissioners, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days,

County commissioners omitting to enter property in previous years to add such taxes in next duplicate for succeeding year.

Twenty-five per cent additional to be added for each year that property escapes taxation.

Corporation commission to list unlisted railroad property.

Duty of commissioners when no assessment was made in years when property escaped taxation. Duty of commissioners in regard to personal property escaping taxation.

Examination of witnesses and production of papers.

Applicable to municipalities.

Chairman of commissioners to examine tax lists and insert omitted property and charge double tax on same unless satisfactory excuse is rendered.

Misdemeanor for property owners to wilfully fail to list same. Penalty.

Duty of chairman to present.

List-takers to report changes.

and it shall be the duty of the Board of Commissioners to present to the grand jury the names of all such persons. The list-taker shall report to the Board of Commissioners any change he may make to the tax list as to real estate, and the said Board shall note such change in a book to be kept for that purpose.

SEC. 74. Register of Deeds to make out tax duplicates.

Register of deeds to make two copies of tax lists.

Auditor to furnish form or blanks Form, what to show

The Board of County Commissioners shall cause the Register of Deeds 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 Auditor of the State. Such form shall show in different columns the sum due by each tax-payer to the State and to the county, and also in separate columns the amount of school poll tax levied by the General Assembly and the County Commissioners, and the total amount of property school tax levied by the General Assembly and the County Commissioners. One of said copies shall remain in the office of the clerk of the Board of Commissioners, the other shall be delivered to the Sheriff or tax collector on or before the first Monday in September in each year; and he shall receipt for the same. The clerk shall endorse on the copies given the Sheriff an order to collect the taxes therein mentioned and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged with such list. In such list the clerk shall note all appeals from the judgment of the Board of Commissioners which have been perfected by the giving of a bond. Said order shall be in the following or similar form:

One copy to remain in office of clerk, the other to be delivered to the sheriff or tax collector. Sheriff to receipt for same Order to Sheriff to collect.

Effect of a judgment and execution. Appeals to be noted.

Form of order.

State of North Carolina, County.
Office Board of Commissioners County.

To the Sheriff of County:

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law. In witness whereof, I hereunto set my hand and seal, day of, 19..

Clerk Board of Commissioners.

Compensation to register of deeds.

The Board of Commissioners shall make an order for the payment to the Register of Deeds of such a sum as may be deemed a proper compensation for the work of computing the taxes and making out the tax list and the necessary copies thereof, including the making of such abstract and returns as he may be required to furnish to the Corporation Commission and Auditor. But the sum allowed for computing the taxes and making out the tax list shall not exceed five (5) cents for each name appearing on the tax list, to be paid by the County Treasurer out of the county funds.

Limited to 5 cents per name.

SEC. 75. *Agent paying taxes shall have lien.*

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

Lien in favor of agent paying taxes.

SEC. 76. *Register of Deeds shall make report to Auditor.*

The clerk of the Board of Commissioners shall, on or before the first Monday in November, after the lists are deposited with him by the Board of Commissioners, return to the Auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots and the number of white and negro polls separately and specify every other subject of taxation, and the amount of State and county tax paid on each subject, and the amount paid on the whole. At the same time the clerk shall return to the Auditor an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real personal property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Register of deeds to report to Auditor.

Contents of report.

List of poor.

County and school tax rate.

Gross amount.

SEC. 77. *Penalty for Register of Deeds failing to make report.*

If any Register of Deeds shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the Auditor a copy of the Sheriff's return of taxes received under Schedules B and C, of an act to raise revenue, and a copy of the settlement of State tax account between the Board of Commissioners and the Sheriff or tax collector, made, sworn to and subscribed, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake County, before the clerk thereof, on motion of the State Solicitor, and it shall be the duty of the Auditor to inform the Solicitor of such default and at the same time furnish him with a certified copy of the official bond of said Register of Deeds. The Clerk of the Superior Court shall transmit to the Auditor on or before the second Monday in October in each year a certified copy of the official bond of the Register of Deeds and his sureties, under the same penalties for default as are prescribed in this act. The Register of Deeds shall transmit to the Auditor annually a copy of the bond of the Clerk of the Superior Court.

Register of deeds failing to make returns to Auditor.

Penalty.

Where and how recovered

Duty of Auditor on such failure.

Clerk of Superior Court to furnish Auditor copy of register's official bond.

Penalty on default.

Register to send Auditor copy of clerk's bond.

SEC. 78. *Property may be divided upon sale.*

In case within the interval between the regular periods of the valuation of lands or real property any piece of land or real

Property divided after valuation; parts re-assessed proportionally.

Commissioners to
order amendment.

Proviso.

property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may, at any time, upon five days' notice to the other part owner, apply to the Board of Commissioners for an apportionment of valuation. The Board of Commissioners shall allow such amendment to the tax duplicate as they may think just, and the person who has in custody the tax duplicates shall amend the same according to the assessment of the Board of Commissioners on the production of a certified copy of their proceedings ordering the change: *Provided*, that no amendment made after a tax has become due shall operate to affect that tax.

SEC. 79. *Taxes due first Monday in September.*

Taxes, when due.

Duties of sheriff
when paid.

Failure to perform,
a misdemeanor.

Penalty.

Sheriff not to
collect till settle-
ment and bond
given.

Solvency of bond.

Before receiving
duplicate,
taxes for previous
year to be settled.

Tax collector
appointed on
failure of sheriff.

Bond required.

Sheriff's deputies
to take oath.

Deputies failing to
pay over taxes
guilty of misde-
meanor.

All taxes shall be due on the first Monday in September in each year. When paid the Sheriff or tax collector shall note on the tax duplicate against the name of the party the date of the payment and the amount paid. He shall also give receipt to the parties, stating the amount of the State and county tax separately and the date of payment; and for the failure to give such receipt, stating the State and county tax separately, he shall be guilty of a misdemeanor, and on conviction be fined at the discretion of the Court: *Provided*, the Sheriff or tax collector shall not collect the taxes for any years until he shall have settled in full with the State and county for the taxes of the previous year (if he was the Sheriff or tax collector), and given the bond required by law, and if upon examination the Commissioners are not satisfied with the solvency of the surety to said bonds they may require new bonds to be given. Before receiving the tax duplicate he shall produce the receipts of the State and county, if he was the Sheriff or tax collector, for the previous year, to the clerk of the Board of Commissioners, and in the event the Sheriff fails to produce the aforesaid receipts or give the required bond, the Board of Commissioners shall appoint a tax collector, who shall give bond as required of the Sheriff to faithfully collect and pay over the taxes according to law. When the Sheriff shall collect by his deputies they shall, before the clerk of the Board of Commissioners, or before a Justice of the Peace of the county, take and subscribe an oath faithfully and honestly to account for the same with a Sheriff or other person authorized to receive the same. Said oath shall be filed with the Register of Deeds and kept in the office of the Board of Commissioners; and for failure of any Deputy Sheriff to pay over such taxes as he may collect he shall be guilty of a misdemeanor.

SEC. 80. *Sheriff shall attend to receive taxes.*

Sheriff shall attend
his office during
September and
November.

The Sheriff or his deputy or tax collector shall attend at the court-house or his office in the county town during the months

of September and November for the purpose of receiving taxes. He shall also in like manner attend at least one day during the month of October at some one or more places in each township, of which fifteen days' notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county: *Provided*, that nothing in this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day unless he has reason to believe the tax-payer is preparing to leave the county or State. The Sheriff or tax collector shall be entitled to fifty cents for each actual levy or sale, and fifteen cents for each advertisement, but in no case shall said sums be collected where no levy or sale or advertisement is made on real or personal property: *Provided*, that the Sheriffs of the counties mentioned in chapter one hundred and fifty of the Laws of one thousand eight hundred and eighty-three, as amended by subsequent acts, shall not levy on property or sell the same under execution until after the fifteenth day of March. The Sheriffs of said counties, or their regular authorized deputies, shall attend one day during the month of March, before the fifteenth day of said month, at one or more places in each township for the purpose of collecting the taxes which still remain unpaid, of which ten days' notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county. No costs shall accrue to or fees be collected by the Sheriffs of said counties except in cases of actual levy or advertisement and sale of property as prescribed in this proviso.

SEC. 80½. The Sheriff of each county, within ninety days after the ratification of this act and every six months thereafter, and as often as he may be called upon, shall ascertain and furnish to the Corporation Commission, upon blanks to be furnished by said Commission, a complete list of all subjects in his county liable for tax under Schedules B and C of the Revenue Act; which said list shall be duly verified upon the oath of said Sheriff, and said Corporation Commission shall deliver a copy of said return to the State Auditor. Any Sheriff failing to make the reports provided for in this section, within thirty days of the time prescribed, shall forfeit and pay to the State the sum of one hundred dollars to be recovered on suit instituted by the Treasurer of the State.

SEC. 81. *Clerks of cities and towns shall furnish information.*

The clerk of each city and town shall annually make out and transmit to the Corporation Commission, on blanks furnished by the said Commission, a statement showing the assessed valuation of all property within his town or city and separately the amount of all taxes levied therein by said town or city, including school district, highway, street and sidewalk taxes for the current year

To attend townships during October.
Notice.
Proviso.

May sell, when.

Fee for levy, sale or advertisement.

Proviso.

Shall not levy or sell under execution in certain counties till after March 15th.
To attend each township in said counties one day in March.

Notice.

No cost or fees to accrue unless by actual levy and advertising.

Sheriff to report to corporation commission subjects of taxation under schedules B and C.

Copy for State Auditor.

Sheriff failing liable to penalty.

Clerks of cities and towns to transmit to corporation commission annual statement.

Contents

and the purpose for which the same were levied; also, a complete and detailed statement of the bonded and other indebtedness of his town or city and of the accrued interest, if any, remaining unpaid, and the purpose for which said indebtedness was incurred.

SEC. 82. *City or county indebtedness shall be reported.*

Register of deeds or city or town clerks to furnish corporation commission statement of county or town indebtedness when called upon.

Each Register of Deeds, city or town clerk, whenever required by the Corporation Commission, shall furnish a full and complete statement showing the bonded indebtedness and all other indebtedness of his respective county, city or town, the purpose for which the same was incurred and all accrued interest, if any, remaining unpaid.

SEC. 83. *City clerk or assessor failing to carry out provisions of this act.*

Penalty for failure of town clerks or assessors to perform duties.

Every clerk of any town or city and every assessor who shall fail or neglect to perform any duty required of him by any of the provisions of this act shall, for every such neglect or failure, forfeit not less than twenty nor more than fifty dollars, and every Clerk of the Court and every Register of Deeds who shall fail or neglect to perform any duty required of him by this act shall, for every such failure, forfeit not less than twenty-five nor more than one hundred dollars, and it shall be the duty of the Auditor or Corporation Commission to cause every such forfeiture to be prosecuted for.

Penalty, how prosecuted for. Failure of clerk of court or register to perform duties Auditor or corporation commission to prosecute.

SEC. 84. *All taxes received shall be paid to State Treasurer within ten days after the first of following month.*

Monthly payments of State taxes.

All city, county or State officers authorized to collect or receive taxes or license fees for the State shall make return of the same on the first of every month to the Auditor, and within ten days thereafter pay the amount mentioned in said return to the State Treasurer, and further it shall be the duty of the State Treasurer to immediately notify the State Auditor of any failure upon the part of any official to account as aforesaid. Any officer violating this section shall be guilty of a misdemeanor.

Failure, Treasurer to notify Auditor.

Violation of this section a misdemeanor.

In case of doubt as to license fee, highest to be charged.

SEC. 85. Should there be any doubt in the mind of any Sheriff of any county as to which license fee any corporation, firm or individual should pay on account of the business partaking of the nature of more than one subject of taxation such corporation, firm or individual shall be charged the highest license which might be levied. But this discretion shall not be exercised by the Sheriff when the businesses carried on are separate and distinct branches, but each shall then be taxed as required by law.

Each taxable branch of business to be taxed

SEC. 86. *Definitions.*

Definition of following words and phrases.

The words and phrases following, whenever used in this act, shall be construed to include in their meaning the definitions set

opposite the same in this section, whenever it shall be necessary to the proper construction of this act:

(1) Bank, banker, broker, stock jobber—whoever has money employed in the business of dealing in coin, notes or bills of exchange, or in any business of dealing or in buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, warrants, or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit. 1. Bank, banker, broker, stock jobber.

(2) Collector or collectors—county and deputy collectors, including Sheriffs. 2. Collectors.

(3) List-takers and assessors—have all authority conferred upon list-takers in this act. 3. List-takers and assessors.

(4) Credits—every claim or demand for money, labor, interest of valuable things due or to become due, including money on deposit. 4. Credits.

(5) He—male, female, company, corporation, firm, society, singular or plural number. 5. He.

(6) Real property, real estate, land, tract, lot—not only the land itself, whether laid out in town or city lots or otherwise with all things therein, but also all buildings, structures and improvements and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in anywise appertaining thereto, except where the same may be otherwise denominated by this act. 6. Real property, real estate, land, tract, lot.

(7) Shares of stock, shares of capital stock—the shares into which the capital stock of every incorporated company or association may be divided. 7. Shares of stock, shares of capital stock.

(8) Tax, taxes—any taxes, special assessments or costs, interest or penalty imposed upon property. 8. Tax, taxes.

SEC. 87. *Mistakes in assessments.*

If on the assessment roll there be an error in the name of the person assessed, or any taxable property shall not be entered thereon the name may be changed or the property entered on the list by the assessors after the roll has been returned to the clerk of the Board of Commissioners, or such error may be corrected or the omission supplied by the Board of Commissioners upon satisfactory evidence of such error or omission at a regular meeting of the Board; and the Board may make an order requiring the person affected to show cause, at a day to be therein appointed, why the error shall not be corrected or omission supplied, and his name and the property be entered on the tax list. Such order shall be served upon the party or posted upon the property thirty days before the day appointed therein for showing cause. If no cause, or no sufficient cause be shown to the

Mistakes.

Procedure for correction of mistakes in assessments.

contrary, the Commissioners shall assess such property and order such error corrected or omission supplied, and the name of the person and description of the property entered on the tax list, and the tax shall be collected as in other cases; but proceedings to correct such error or supply such omission must be instituted within six months from the time the taxes would, if regularly assessed, have become delinquent.

Time limit in which error, etc., may be corrected.

SEC. 88. *Taxes on railroads shall be a lien on property of the same.*

Tax a lien on railroad property.

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

SEC. 89. *Removing or concealing personal property a misdemeanor.*

Removing or concealing property to avoid taxation, and failure to list, a misdemeanor.

If any person whose duty it is to list personal property for taxation shall remove or conceal same, or cause same to be removed or concealed for the purpose of avoiding taxation, or shall fail to list same for taxation, he shall be guilty of a misdemeanor.

SEC. 90. *Sheriff to keep the records of settlement of taxes.*

Sheriff to keep record of certain taxes collected.
Auditor to provide suitable record book.

Every Sheriff shall keep a record of the taxes collected by him from the Clerk of the Court, Register of Deeds and under Schedule B of the Revenue Act. A suitable book for the purpose shall be provided by the State Auditor for recording all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects; and on the first Monday in December in each year the Sheriff shall deliver, on oath, to the Board of Commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received, and the aggregate amounts, accompanied by an affidavit taken and subscribed before the clerk of the Commissioners and attested by him, that the statement is correct, and that no receipts have been omitted; and the Register of Deeds shall record the same in a book to be kept for that purpose and shall, before the second Monday in December, send an abstract of such statement, with the affidavit, to the Auditor on a blank to be furnished by the Auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a con-

Sheriff to deliver to commissioners statement on oath.

Contents.

Contents of affidavit.

Register of deeds to record affidavit and send with abstract to Auditor.

spicuous place in the court-house until the first day of January next ensuing.

To register and conspicuously display copy.
When sheriff to settle State taxes.

SEC. 91. The Sheriff or other accounting officer shall, on or before the second Monday of January in each year, settle his State tax account with the Commissioners of his county and pay the amount for which said Sheriff or collector is liable to the Treasurer of the State, in such a manner or at such a place as he shall direct: *Provided*, the State Treasurer may extend the time on a sufficient amount to cover the State tax on the land sales in each county to the first Monday in May. The Commissioners shall forthwith report to the State Auditor the amount due from such accounting officer, setting forth therein the net amount due to each fund, and the Treasurer, upon a statement from the Auditor, shall open an account against such officer and debit him accordingly. The Sheriff or tax collector in making his settlements as aforesaid, shall file with the Commissioners a duplicate of the list required in this act. In such settlement the Sheriff or other officers shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the Auditor; also, with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The Auditor shall give to each Sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the Sheriff or tax collector shall deposit with the clerk of the Commissioners of his county for public inspection.

Proviso: extension of time.

Commissioners to report to Auditor. Contents.

Treasurer's account with sheriff

Sheriff to file duplicate list. What sheriff, in such statement, chargeable with.

Auditor to give sheriff certified statement.

Contents.

List to be deposited with clerk of commissioners of county.

SEC. 92. The Auditor in making the settlement of the amount due from the Sheriff or tax collector aforesaid, shall deduct from the list returned:

Deductions by Auditor from amount due from sheriff.

(1) Taxes on personal property certified by the clerk of the Commissioners of the county, by order of the Commissioners, to be insolvent and uncollectable.

(2) All over-payments made in former settlements by reason of any error in the clerk's abstract of taxables.

(3) Five per centum as commission on the amount collected.

SEC. 93. For his settlement with the State Treasurer the Sheriff or tax collector shall be paid three dollars for each day he may be actually necessarily engaged therein with the Commissioners at the county seat, and ten cents per mile by usual route of travel for twice the distance between the court-house and the place designated by the State Treasurer, to be paid by him on the warrant of the Auditor upon certificate of the Sheriff or tax collector duly verified before the Board of Commissioners.

Compensation of sheriff or tax collector for settlement with State Treasurer.

SEC. 94. In every case of failure by the Sheriff or other accounting officer to settle his account within the time prescribed by this

Failure by collecting officer to make settlement within time prescribed, procedure.

Penalties.

After twenty days' default, judgment to be recovered.

Clerk to transmit to Auditor copy of sheriff's bond.

Penalty for failure.

County taxes to whom paid

Sheriff not to retain over \$300 more than ten days.

Penalty.
To render monthly statements.

To annually account for taxes due.

Penalty for failure.

Relief from penalty.

Extension of time for settlement.

Power of State Treasurer and Attorney-General to grant indulgence, relinquish penalties and bid for property.

act for such settlement, and to take oath required in his settlement and pay the amount due to the Treasurer, the Auditor shall forthwith report to the Treasurer the account of such Sheriff or officer, deducting therefrom for commissions or insolvents, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said Sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and furnish him a copy of the official bond of said officer and his sureties, and if the whole amount be not paid the Treasurer, on motion of the Solicitor in the Superior Court of Wake County, before the Clerk thereof, within twenty days after default shall have occurred, shall recover judgment against him and his sureties without other notice than is given by the delinquency of the officer. And to the end that obligations and names may be known, the Clerk of the Superior Court shall, on or before the second Monday in each year, transmit to the Auditor a copy certified under the seal of the Court, of the bond of the Sheriff and his sureties, upon pain for his default or forfeiting to the State one thousand dollars, which the Auditor shall, and is hereby specially charged to collect in like manner and at such times as is provided in this section.

SEC. 95. The Sheriff or the tax collector shall pay the county taxes to the County Treasurer or other lawful officer. He shall at no time retain over three thousand dollars for a longer time than ten days, under a penalty of two per centum per month to the county upon all sums so unlawfully retained, and shall, on oath, render a statement to the Board of Commissioners at their monthly meeting of the amount in his hands. On or before the first Monday of February in each year the Sheriff shall account to the County Treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing to do so he shall pay the County Treasurer a penalty of two per centum per month on all sums unpaid, and this shall be continued until final settlement: *Provided*, the Board of County Commissioners may in their discretion relieve the Sheriff or tax collector of said penalty of two per centum per month upon payment in full of the county taxes: *Provided further*, the County Commissioners may extend the time of settlement of the Sheriff of the county to the first Monday in May.

SEC. 96. The Treasurer of the State, with the advice and approval of the Attorney-General, is hereby authorized, when in the judgment of these officers it may be best to secure the interest of the State and will not lose any lien held by the State, to grant indulgence to defendants in execution and relinquish penalties upon payment of amount of dues owing to the State; and likewise to bid for in behalf of the State, and purchase property of

said defendants when deemed necessary to secure the payment of the dues.

SEC. 97. The Sheriff or tax collector shall be charged with the sums appearing by the tax list as due for the county taxes, and shall be allowed to deduct therefrom, in like manner as is prescribed in this act in regard to his settlement of State taxes all insolvents and uncollectable poll taxes, and also the amount of county tax on the lands bid off by the county, and costs and fees which shall be: For making a deed, fifty cents; for registering, twenty-five cents, and such other necessary sums as were actually paid by the Sheriff: *Provided*, a majority of any Board of County Commissioners may extend the time for collecting and settlement of the county taxes in the respective counties to such time as they may deem expedient, not to extend beyond the first of May in the year following in which taxes were levied: *Provided further*, that it shall be unlawful for any Sheriff or tax collector in accounting with the Board of County Commissioners for either the State or county taxes, to exhibit or present in said county any money not actually derived from the collection of taxes; and any such Sheriff or tax collector so offending shall forfeit a penalty of five hundred dollars, one-half of which shall belong to any person who shall sue for the same, and the other half to the county in which the Sheriff resides: *Provided further*, that any Sheriff, tax collector or County Treasurer who shall use any part of the county or State taxes otherwise than as directed by law, shall forfeit double the amount of his commissions on county and State taxes for the year in which he so misused said taxes, one-half to belong to any person suing for the same, and one-half to the county in which such Sheriff resides.

SEC. 98. The Board of County Commissioners, at their last regular or other subsequent meeting in each year, shall appoint one or more of their number, not to exceed three, to be present at the accounting and settlements between the Sheriff and County Treasurer provided for in the preceding section; and also to audit and settle accounts of the County Treasurer and all other county officers authorized to receive or disburse county funds. The account so audited shall be reported to the Board of County Commissioners, and when approved by them, shall be filed with the clerk and recorded on his book and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or special error: *Provided*, the compensation allowed the committee for their services shall not exceed two dollars per day each for the time actually spent in said settlements, and there shall be no allowance for extra clerical aid.

SEC. 99. In case the Sheriff of a county shall fail, neglect or refuse to account with the County Treasurer and assistant commit-

Sheriffs and tax collectors charged with, what

Cos's and fees on deeds to county.

Extension of time for settlement of county taxes. Limit.

Unlawful to present money not actually derived from taxes.

Penalty.

Sheriff or collector misusing State or county taxes. Penalty.

Commissioners to appoint one or more of their number to be present at settlement, etc.

Report *prima facie* evidence.

Compensation of committee.

- Failure of sheriff to account with treasurer and committee. Penalty. tee, as above required, or to pay what may rightfully be found due in such accounts, he shall forfeit and pay to the State for the use of the county a penalty of twenty-five hundred dollars. It shall be the duty of the County Treasurer, and if he neglect or refuse to perform it, it shall be the duty of the Chairman of the Board of Commissioners, to cause an action to be brought in the Superior Court of the county on the bond of the Sheriff, against him and his sureties, to recover the amount owing by him and the penalty aforesaid; if the Sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with same penalties imposed for such criminal defalcation in section 95 of this act.
- Action for penalty. SEC. 100. In each year the County Treasurer shall give five days' notice to all the county officers (except the Sheriff) authorized to receive or disburse the county funds, to appear at the court-house on a certain day in January, before him and the committee appointed by the Board of Commissioners, and present an account of all sums received or disbursed for the county with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts when audited shall be reported to the Board of Commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct.
- Liability on corrupt and fraudulent failure. SEC. 101. Whenever in this act a duty is imposed upon the Sheriff of a county of which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform said office instead of the Sheriff, and such tax collector shall collect all the taxes, have all the emoluments, and be subject to all the penalties as provided in case of Sheriffs in this act, and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.
- Notice to county officers (except sheriff) to appear in January at court house and present vouchers. SEC. 102. If any Sheriff shall die during the time appointed for collecting taxes, his sureties may collect them, and for that purpose shall have all power and means for collecting the same from the collectors and tax-payers as the Sheriff would have had, and shall be subject to all the remedies for collecting and settling of the taxes on their bond or otherwise as might have been had against the Sheriff if he had lived.
- Failure to attend a misdemeanor. Accounts when audited shall be reported, filed and recorded. SEC. 103. The Sheriff (and in case of his death the sureties) shall have one year and no longer from the day prescribed for his settlement and payment of the State taxes to finish the collection of all taxes, but the extension of time for collection shall not extend the time of his settlement of the taxes.
- Prima facie evidence. Appointment of tax collector. SEC. 104. The Secretary of State shall have printed five thousand copies of this act and the Revenue Act of this session, and
- Duties of sheriff incumbent on him.
- Power of sureties to collect taxes on death of sheriff.
- Sheriff to have one year from time prescribed for settlement to collect taxes.
- Printing and distribution of Revenue and Machinery Acts.

distribute the said acts among the officers whose duty it is to execute or carry into effect any portion thereof.

SEC. 105. The Secretary of State shall, in like manner, have printed ten copies of said acts for each member of the General Assembly and forward the same to them. Copies for members of General Assembly.

SEC. 106. The State Auditor shall prepare and furnish to the Board of Commissioners of each county a sufficient number of blank forms or lists, with the proper oath added thereto, on which each tax-payer in the State shall make out under oath a true statement and return of all his property, with the value thereof according to the provisions of this act. Auditor to prepare and furnish commissioners suitable blanks, etc.

SEC. 107. *State Treasurer to sue for taxes.*

Upon failure to pay to the State Treasurer within thirty days after the same shall have become due, any tax which by law is made payable direct to the State Treasurer, it shall be his duty to institute an action to enforce the same in the county of Wake, or in the county in which the property taxed is located. State Treasurer to sue for taxes.

SEC. 108. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, that such repeal shall not in any manner affect any rights heretofore acquired or the collection of any taxes heretofore levied or assessed, or the validity of any sales for taxes heretofore made, or any right heretofore acquired under any law of this State. Conflicting laws repealed. *Provido*: rights heretofore acquired not affected.

SEC. 109. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 9th day of March, 1903.

CHAPTER 252.

AN ACT TO CHANGE THE LINE OF CERTAIN TOWNSHIPS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the line between Franklin and Stuard's Creek Township be changed so as to begin in old line on top of Round Peak Mountain; thence running in a southwest direction with the top of Fulcher to the southwest end; thence in a southeast course crossing the top of Skull Camp Mountain to old line at Hodges' Creek. Franklin and Stuard's Creek, new line.

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

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 253.

AN ACT TO PROVIDE FOR THE CONSTRUCTION, IMPROVEMENT AND KEEPING IN REPAIR THE PUBLIC ROADS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Commissioners to
levy special tax,
rate.

SECTION 1. That the Board of Commissioners of Chowan County, at their regular meeting in June, 1903, and annually thereafter, provided, a majority of votes cast in the election to be held, as hereafter provided, shall be "For Good Roads," shall and it is hereby made their duty to levy on all real, personal and other property in said county, subject to taxation under State law, a special tax of not less than five cents and not greater than twenty-five cents on the hundred dollars, and not less than fifteen cents, and not greater than seventy-five cents on each poll in the county, observing at all times the constitutional equation; said

To be collected as
other taxes, to be
kept separate.

taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to appear separate on the tax receipts, to be set aside as a special road fund to the credit of the respective townships in the said county from which said road fund is derived, and to be used in the construction, improvement and keeping in repair the public roads of the county, the rent or purchase of such team, material and implements, and the employment of such labor as may be found necessary to properly carry out this work: *Provided, however,* that the money raised by the aforesaid levy in each township shall be used and expended on the roads of said township, and that each township shall have the benefit of the entire fund collected on the property and polls of said township, under the aforesaid levy, and provided that the moneys raised under this section, as far as possible, be used for permanent improvement: *Provided further,* that the Board of Commissioners, in levying the taxes, shall not be required to levy a uniform rate, but shall levy, in their judgment, according to the needs of the roads in each township.

Application of tax.

Provided, money
to be spent on
roads of township
from which
collected.

Proviso, perma-
nent improve-
ment.

Proviso, rate not
required to be
uniform.

Township road
trustees.

SEC. 2. That the Board of County Commissioners of Chowan County shall, on the first Monday in June, 1903, appoint a Board of Road Trustees for each township in said county, which Board shall be composed of three good and lawful men, freeholders and residents of such townships, public spirited, in favor of good roads, and representing as near as possible, different sections of the township. The term of office of the first Road Trustee shall be three years, the second two years, and the third for one year, and one successor of one Trustee shall be appointed for each of said townships in June, 1904, by said Board of Commissioners, and annually thereafter for the term of three years. And that in event

Term of office.

of a vacancy occurring in any of said Board of Road Trustees, by death, resignation, removal from the township, or otherwise, the said Commissioners shall appoint his successor to fill the unexpired term. The said Trustees are incorporated the Board of Road Trustees of such township, and the same shall be their incorporate name, with such powers as are hereinafter provided.

SEC. 3. That the Road Trustees for each of the said townships shall meet on the first Saturday after the first Monday in June, 1903, and annually thereafter, and organize by electing one of their number Chairman, and one Secretary, and the Secretary-elect shall forthwith report to the Commissioners of the county in writing a list of officers thus elected, which report shall be kept on file in the Register's office of said county. That the Trustees shall meet quarterly, and oftener, if in their judgment they shall deem it necessary for proper transaction of the duties herein imposed, and their Secretary shall keep a record of all their meetings and proceedings. That the said Road Trustees, in their corporate name aforesaid, shall have the right to sue and be sued, plead and be impleaded, in any of the Courts of the State; that they shall make a sworn report, in duplicate, of the condition of their roads, the number of miles worked, the amount of funds received and disbursed, and present one copy of said report to the Board of Commissioners of said county, at their April and October meetings; and in addition thereto, the said Road Trustees shall forthwith file one copy of said report with the Clerk of the Superior Court of said county, for the use of the Solicitor, with such instructions and recommendations as they may deem proper; that the Road Trustees shall have power to lay out roads and cartways as provided in sections 38 and 56, chapter 50, Public Laws 1901, and in sections 2023, 2056, 2057, 2062, 2063, 2064 and 2065, Vol. 1, of The Code, which sections are made a part of this act. That the Road Trustees of each township, at their meeting in June, 1903, and annually thereafter, shall elect one Superintendent for their township, who shall have immediate charge and oversight of the working of the roads therein, under the provisions of this act; that the Road Trustees shall have general power and control over the public roads in their township, and confer with, and may direct the Superintendent as to the best method of constructing, maintaining and permanently improving the public roads; that they shall have worked, first, those roads which are most essential to the public convenience and necessity, and those which are used as routes for the free delivery of the United States mail. That in case of the vacancy in the office of Superintendent occurring by death, resignation, removal or otherwise, the Road Trustees shall appoint his successor for the unexpired term, and may at any time, when they shall deem it for the best interest of

Vacancies.

Trustees incorporated, corporate name.

Meetings of trustees, organization, officers, list of officers reported.

Secretary to keep record. Corporate rights of trustees.

Report on roads.

One copy to county commissioners, one to Clerk of Superior Court.

Power of trustees in laying out roads.

Township superintendent.

General powers of trustees.

What roads to be first worked.

Vacancy in office of superintendent.

Removal of supervisor.
Proviso, pay of trustees.

Road trustees to furnish tools and furnish or hire teams, etc.

Take receipts from superintendent.

Liabilities of superintendent for damage to tools.

Care and feed of team.

Return to road trustees.
Proviso, county commissioners to purchase machinery, how paid for.

Proviso, authority vested in county commissioners.

Roads on township lines apportioned.

Qualifications for superintendent, to take oath of office, bond.

the public roads of their township, remove any Supervisor from office and appoint his successor: *Provided*, that each Road Trustee shall receive one dollar per day of actual service.

SEC. 4. That the Road Trustees are authorized to furnish all necessary tools and implements, furnish or hire all necessary teams, wagons or carts for the use upon the public roads of their township, to be paid out of any moneys in the township for road purposes not otherwise appropriated. The Road Trustees shall take receipts from each Superintendent for such implements or tools as they may deliver to him, showing the number, kind and condition thereof. Any such Superintendent 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; he shall properly care for and feed any and all teams in his charge by reason of this act, and he shall, on the first Saturday in June, annually, return the same to said Road Trustees, the amount and condition of which such Superintendent may be liable: *Provided*, that the County Commissioners of said county are authorized to purchase for the county a road machine, and all costly machinery, upon the recommendation of the township road Trustees, if in their judgment such machine or machinery be necessary to facilitate the working of the roads, said machine or machinery to be paid for out of the road fund of the several townships, not otherwise appropriated, each township to bear its pro rata part: *Provided further*, that all authority vested in the Board of County Commissioners by chapter 50 of The Code shall be retained by them, and the same is made a part of this act, in so far as it relates thereto.

SEC. 5. That in case any public road be the dividing line between two townships, it shall be the duty of the Township Trustees of the respective townships so divided to apportion the said road between the different townships in a just and equitable manner.

SEC. 6. That the Superintendent shall be a man of good habits and character; he shall understand road building and shall acquaint himself with the best methods of road improvement, and shall be a resident of the township over which he is appointed; that each Superintendent, before entering upon the duties of his office, shall take oath before some Justice of the Peace to faithfully and impartially discharge the duties of said office, and shall enter into a good and sufficient bond, to be approved by the Board of Trustees, payable to the State of North Carolina, in trust for all moneys that may be intrusted to him for employment of labor, said bonds not to be less than two hundred dollars, and in no case less than double the tax levied for road purposes under

this act for such township, for such year, which bond shall forthwith be returned to and filed in the office of the Register of Deeds of Chowan County; that said bonds shall be conditioned	Bond filed with register of deeds. Condition of bond.
that said Superintendent shall faithfully, well and truly perform all duties, acts and things required of him under this act to be done and performed, and he and his sureties upon such bond shall be liable thereon for any default of said Superintendent to do and perform any duty or duties required of him under this act. That the Superintendent shall report in writing monthly to the Chairman of the Board of Road Trustees the condition of the roads, the character and extent of the work done thereon, the number of laborers employed, the names of each, with number of days worked by each, and the amount due each, said report shall be signed and sworn to before some person qualified to administer oaths. That the Superintendent shall have the right to employ such labor as the Road Trustees may direct; he shall have the power to hire and discharge all laborers under his supervision, and settle with same under the direction of the Chairman of the Road Trustees. It shall be the duty of the Superintendent to drain, ditch, grade and put in order or cause to be drained, ditched, graded, put in order, and to keep in order, the public roads of his township; he shall have and enforce all the powers granted in sections 42, 51, 52 and 53, chapter 50, Public Laws 1901, which sections are made a part of this act.	Monthly reports of superintendent. Reports signed and sworn to. Superintendent to employ labor. Duty of superintendent.
SEC. 7. That the Road Superintendent shall receive such compensation for his services as the Road Trustees may allow: <i>Provided</i> , that the Road Trustees shall fix the price for each laborer, but in no case shall a laborer receive over one dollar for each day of active service: <i>Provided further</i> , that from sunrise to sunset, with one hour intermission at noon, shall constitute a day's work.	Pay of superintendent. Pay of laborers. Proviso, day's work.
SEC. 8. That the County Treasurer shall be and he is hereby appointed Treasurer of the road fund of the several townships in the county of Chowan, and for the faithful keeping and disbursing of said money, the bond of such Treasurer shall be liable; for his services in receiving and disbursing such funds, he shall receive such commission as the Board of County Commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall keep in a separate book, which shall be labelled "Road Fund," a separate account for each township in which road funds are levied and collected under this act, and credit to the respective townships all the funds arising, levied and collected in said township coming into his hands, and shall pay the accounts of the several townships out of the respective funds of said township, when itemized statements of the same have been certified by the Chairman of the Township Road Trustees, and	County treasurer treasurer of road fund, commission. Road accounts kept in separate book. Vouchers.

Itemized reports, when required.	countersigned by the Chairman of the County Commissioners, and said Treasurer shall at any time the same may be required of him by the Board of Road Trustees, make an itemized report of the amount of receipts and disbursements which he has made; he
Reports to county commissioners.	shall make a written report to the Board of County Commissioners at their regular meeting on the first Monday in August and February of each and every year, giving a statement of all disbursements of the funds of the several townships during the preceding
Report to be posted.	six months, which report shall be posted at the court house door in said county, and shall be published by said Commissioners in at least one newspaper in the county for at least one insertion: <i>Provided</i> , that the Board of Commissioners of the county, for the
Proviso, commissioners may borrow money, how loan paid.	purpose of prosecuting the road work of the county, or any township thereof, are hereby authorized and empowered to borrow money at legal rate of interest until the taxes are levied and collected, in accordance with the provisions contained in section two of this act, and the sum so borrowed shall be paid out of the taxes collected for and applicable to any township for which said
Proviso, limit on amount.	money is borrowed: <i>Provided further</i> , that the said Board shall not borrow a sum to exceed two-thirds of the amount of the taxes to be levied and collected for the said county or township road fund.
Law of 1901 relating to obstruction, made part of act.	SEC. 9. That sections 72, 73, 74 and 75 of chapter 50, Public Laws 1901, prohibiting the obstruction of the public roads by railroad companies and other corporations, are made a part of this act.
Damage by hauling logs, etc.	SEC. 10. When any of the public roads of the county shall be damaged by any person, company or firm operating any saw-mill, lumber yard or other works, by reason of hauling logs or other material over said roads, on the bridges thereof, which damage the ordinary labor of the road hands is not adequate to repair, the township trustees or any one of them shall give a written notice to such person, company, firm or contractor, or their agents or
To be repaired by person causing damage.	employees, to repair the same; and if said person, company, firm or contractor, or their agent, shall fail to repair said road or bridge or bridges so damaged by them, within ten days from receipt of such notice, shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.
Failure a misdemeanor, penalty.	SEC. 11. That any Road Trustees, Superintendent or other officer of said county of whom any act or duty is required in this act to be done or performed, and who shall neglect or refuse to do any such matter or thing as herein required, shall be guilty of a misdemeanor and fined not exceeding two hundred dollars, or imprisoned, in the discretion of the Court; and it shall be the duty of the Solicitor for the First Judicial District to prosecute all offences against this act.
Officers neglecting duty guilty of misdemeanor, penalty.	
Solicitor to prosecute.	

- SEC. 12. That the Board of County Commissioners of Chowan County shall, at their regular meetings on the first Monday in April, 1903, order an election to be held in Chowan County and each township thereof, on the first Monday in May, 1903, submitting to the voters of the county and the respective townships therein, the question of the approval of this act, and said Commissioners shall give notice of said election for twenty (20) days by publication of said notice at the county court house door in Edenton, North Carolina, or in some newspaper published in the county, and said commissioners, when the aforesaid election is ordered, shall appoint the registrars for said election, and for each voting precinct in the county, and the judges of elections, two for each voting precinct of the county, with power in the Chairman of the Board of said Commissioners to fill any vacancies or to substitute their appointees, if reason should exist therefor, and notice shall be given to the respective persons of their appointment, and the registration books of the county shall be placed in the hands of the registrars so appointed, and the registration books shall be kept open for the registration of any persons entitled and not hitherto registered, and said election shall be held in accordance with the general provisions of the law for the holding of elections, except as same may be modified herein.
- SEC. 13. That the election officers shall appoint one of their number to make return of the registration books and poll books, and also the return of the vote from his precinct, said return to be made on Monday, May 11th, 1903, and the Board of Commissioners of Chowan County shall, on that day meet and canvas the vote and record said vote by townships, and by the county, and declare the results of said election.
- SEC. 14. That in said election those favoring this law and the levying of the tax thereunder, shall vote on a written or printed ballot "For Good Roads," and those against on a written or printed ballot "Against Good Roads."
- SEC. 15. That if a majority of the votes cast at said election in the county shall be "For Good Roads," that in such case this act shall be adopted for the entire county of Chowan, and all of its provisions shall be carried out as in this act directed; but if a majority of the votes cast in said election in the county shall be "Against Good Roads," and at the same time a majority of votes cast in said election in any township in said county be "For Good Roads," then, in such case, this act shall be in force and operative only in the townships of said county that have given a majority in its favor: *Provided*, that in any township where this act is not adopted by a majority of the votes cast in the election to be held on the first Monday in May, 1903, the Board of County Commissioners shall order an election in such township, upon a

Election to be ordered.

Notice to given.

Registrars, judges of election, vacancies, notice of appointment, registration.

Election under general law.

Return of votes.

County commissioners to canvas returns.

Ballots

How result determined.

Act operative in townships approving.

Proviso, further elections in townships rejecting act.

Proviso, hired labor supplemented by free labor.

petition of one-fifth of the qualified voters of such township, asking that such election be held; the time for holding said election to be stated in said petition, but in no case shall but one election be held in such township within the same year: *Provided further*, that if the tax levied in any township be not sufficient to repair and keep in repair the roads in such township, by means of hired labor, in that case the hired labor shall be supplemented by such free labor as provided for in sections 43, 44, 45 and 46 of the Public Laws of 1901, which sections are made a part of this act, in so far as related thereto.

Act not to prevent working convicts on roads.

SEC. 16. That nothing in this act shall be construed to prevent the working of convicts upon the public roads, as provided for in chapter 50 of the Public Laws of 1901, if the Court should so order or the Commissioners should see fit to have such convicts so worked.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 254.

AN ACT TO PROVIDE FOR THE WORKING AND IMPROVEMENT OF THE PUBLIC ROADS IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Road law of 1899 amended.

SECTION 1. That chapter eight hundred and fifty-one of the Public Laws of eighteen hundred and ninety-nine, entitled "An act to provide for the better working of the public roads and highways of the State," be and the same is hereby amended, as follows:

Election for road tax to be ordered.

SEC. 2. That section "one" of the aforesaid act be amended to read as follows: That the Board of County Commissioners of Rutherford County shall, in order to provide for the proper construction, improvement and maintenance of the public roads of the county, at their regular meeting in June of each and every year: *Provided*, that a majority of the votes cast in the election or elections to be held as hereinafter provided, shall be cast "For Roads," 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 shall be collected as all other taxes are, and shall be kept separate in the tax books of the

Rate.

To be collected as other taxes. Special township road fund.

county, to be set aside as a special road fund to the credit of the respective townships of said county from which such road fund is derived, and to be used in the construction, maintenance and improvement of the public roads of the county, the purchase of such materials, implements, teams, 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 work, and for the employment of such additional labor as may be deemed necessary: *Provided, however,* that the money raised by the aforesaid levy in each township shall be used and expended on the roads of said township, and that each township shall have the benefit of the entire fund collected on the property and polls of said township under the aforesaid levy: *Provided further,* that the moneys raised under this section, as far as possible, be used for permanent improvement.

Proviso, tax from each township to be expended in township.

Proviso, permanent improvement.

SEC. 3. Strike out in section "two" of said act, between the words "June," in line two thereof and the word "and," in line three thereof, and the words "eighteen hundred and ninety-nine," and insert the words "after the adoption of this law." Insert in line seven of said section "two," between the word "road" and the word "fund," the words "and bridge"; and strike out in the said line "seven" the words "eighteen and ninety"; and in line eight the word "nine"; and add to said section "two" the following words: "*Provided,* such Township Supervisor shall be paid for his services out of the road funds arising from and credited to his township."

Election of superintendent of roads.

Proviso, township supervisor to be paid from township funds

SEC. 4. Strike out in lines fourteen and fifteen of section three of said act, after the word "guards," in line fourteen, the following words, "to be paid out of the general county road fund."

Pay of guards.

SEC. 5. Strike out in section four of said act, and in lines twenty-one and twenty-two thereof, the words "July, 1899," and substitute the words "May, after the adoption of this act." Strike out in line twenty-nine of section four of said act the words "within fifteen days," and substitute the words "on the first Monday of each month." Strike out in line thirty-five of said section four the words "within fifteen days," and substitute the words "on the first Monday of each month after its receipt."

Time for payment of commutation.

Time for supervisor to settle.

SEC. 6. Insert in line three of section six of said act, between the words "superintendent" and "and," the words "or County Commissioners." Add to said section six the following words: *Provided further,* that the County Commissioners, for the purpose of encouraging road improvement, shall have the right to lend to any township, without compensation, or upon such compensation as in their discretion they may deem wise, such road machinery, tools, implements and fixtures as may have been purchased by the county out of its bridge and road fund.

County commissioners to supply tools.

Proviso, road machinery may be loaned to township

Lists of commutators and road hands.

SEC. 7. That section seven of said act shall be amended to read as follows: That on or before the 15th day of April of each and every year the County Treasurer shall furnish to the Road Superintendent of each township Supervisor an alphabetical list by townships of all persons who have paid their money requirement in lieu of the number of 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, as provided in section four of said chapter 581, as amended by 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 all 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 roads, after having been duly notified, or pay as provided for in section four of said chapter 581 of the Laws of 1899, as amended by this act, shall be within fifteen days submitted by the County Superintendent or Township Supervisor to a Justice of the Peace in the township in which such person resides, and it shall be the duty of such Justice of the Peace to immediately issue his warrant for such person and proceed against him according to law: *Provided, however,* that the defaulting party may be prosecuted at any time and by any citizen of the county.

Lists to be submitted to a justice of the peace.

Duty of justice.

Proviso, defaulter may be prosecuted by any citizen.

Convict labor.

SEC. 8. That section eight of said act shall be amended to read as follows: That all prisoners confined in the county jail under a final sentence of a Court for crime, or imprisoned for non-payment of costs or fine, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who may be in prison under the judgment of any Court in said county for non-payment of costs, and all persons who would otherwise be sentenced in said county to the State Prison for a term of less than ten years, shall be worked on the public roads of the county: *Provided,* that in case the number of such persons in any county at any time be less than ten, the Commissioners of the county may arrange with the Commissioners of any neighboring county or counties for such exchange of prisoners during the alternate months or years as will enable such co-operating county to thereby increase the number of prisoners at work on the public roads at any given time. And upon the application of the said Road Superintendent of the county, or that of the Chairman of the Board

Exchange of convict labor.

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 other inferior Court, it shall be the duty of said Judges or Justices 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 work on the public roads of said county or township, all such convicts to be fed and clothed and otherwise cared for at the expense of the township in which they are worked: *Provided further*, that in case of serious physical disability, certified by the county physician, persons convicted in said Superior, Criminal or inferior Court, may be sentenced to the Penitentiary or the county jail.

Proviso, physical disability to exempt.

SEC. 9. That section nine of said act shall be amended to read as follows: That when the County Commissioners of Rutherford County shall have made provisions 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 that county, upon the 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 inferior Court 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 as are described in section eight of this act, from such other counties, to work on the public roads of said county or township applying for the same in the order of their application; and the costs of transporting, guarding and maintaining such prisoners as may be sent to such county or township applying for the same, shall be paid by the county or township applying for and receiving them, out of the road fund of such county or township: *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 county at the expense of the county or township having received and used them.

Convicts from other counties.

Proviso, return of convicts.

SEC. 10. That section ten of said act may be amended by striking out same and substituting in lieu thereof the following: For the purposes of this act the roads are hereby classified as follows:

Classification of roads.

(a) The thoroughfares include the most important public roads which usually lead through two or more townships or counties and extensively used by the traveling public. These become the highways of the county as they are properly graded and drained and have their surface improved by being covered with broken stones, gravel, shells or suitable mixture of sand and clay.

Thoroughfares, highways.

(b) The neighborhood or branch roads are public roads which

Branch public roads.

are usually to the limits of one or two townships, and generally lead from neighborhood or settlements to main thoroughfares.

Cartways.

(c) Cartways which have no general public junction, are private ways opened up to allow one or more persons on foot, on horseback, or with any vehicle to pass to and from his or her property through lands belonging to other parties in order to reach the public roads.

Information and advice from State Highway Commission.

Information and advice concerning the location, re-location and general improvement of these public roads, shall be furnished to the county authorities by the State Highway Commission. And the said Highway Commission is hereby made the interpreter of and may revise the specification for road building provided for in this act; and it shall further prescribe the general regulations for the management of prisoners working on the public roads. That

Thoroughfares or highways to be first improved.

the thoroughfares or highways as defined above to be improved or constructed according to 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 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 re-located or widened, shall be with a given grade nowhere greater than ten feet in a distance of one hundred feet; and they shall have a width of not less than twenty feet, clear of ditches, logs, trees and other obstructions:

Proviso, variance of width.

Provided, that where it shall be necessary to locate the roadway on the steep slope of a mountain, its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock, the width of such roadway shall not be less than thirteen feet:

Proviso, right of way.

Provided further, that these thoroughfares or highways shall have a right of way of at least sixty feet wide, but the width of the road-bed within the limits here specified shall be decided by the Board of Commissioners. All such roads shall be thoroughly drained, and wherever it shall become necessary to turn

Drainage.

water across them, this shall be done by putting in sewer pipes or other forms of covered drains or culverts. The neighborhood or branch roads as defined above, 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 kept in repair, 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; and said roads may be re-located or otherwise changed in the manner provided for in this

Neighborhood or branch roads.

act. The amount and nature of the labor to be performed under this act, in the maintenance and repair, or change of any one of these roads, or parts thereof, shall be at the discretion of the Superintendent or Supervisor in charge of said roads. Cartways defined above 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, through the Road Supervisor of the township or district in which such cartways are to be located, praying for a cartway to be kept open across such lands of another, leading to some public road; and upon making it appear to the Board that the owner or owners of the said lands, or their legal representatives, had a notice of ten days of his intention, the Board shall hear the allegations of the petitioner and the objections thereto, if any, of the owners or their representatives, and if sufficient reason 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 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, either on foot or horseback, or in wagons, or any other vehicles whatsoever. Cartways laid off according to the provisions of this section may be changed or discontinued upon the application of any person concerned, under the same rules and proceedings as they may have been laid off, and upon such terms as to the Board of County Commissioners shall seem equitable and just. And any person over whose lands a cartway shall be laid off, may direct gates or bars to be erected 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 offence ten dollars to the person erecting the same, or to the owner of the land; and if the offence shall be maliciously done, he shall be guilty of a misdemeanor: *Provided*, that in case a cartway has been granted by the mutual consent of the interested parties and without official sanction, the same shall not be closed by any party until an 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 kept up by user.

Methods of opening cartways.

May be changed or discontinued.

Gates, penalty for injury to gates.

Proviso, cartways by mutual consent.

Closing a misdemeanor.

Penalties to use of township.

Material to be paid for by townships.

SEC. 11. That section eleven of said act be amended as follows: Strike out the word "county" in line nineteen of said section eleven, and substitute the words, "township in which the offence was committed." Add in line thirty of said section eleven, after the word "price" and before the word "and," the following words, "out of the township road fund wherein said material was used."

Damages paid by
townships.

SEC. 12. That section twelve of said act be amended by adding to said section the following words: "*Provided further*, that the damages awarded shall be paid out of the road fund of the township in which the property concerned is located."

Mile posts and
guide boards.

SEC. 13. That section fourteen of said act be amended so as to read as follows: The County Commissioners shall cause to be set up along the highways and principal public roads of the county, substantial mile posts, on which shall be indicated the distance from the county site; and at important road forks and crossings the Commissioners shall cause to be erected guide boards on which shall be indicated the principal place or places to which these roads lead, and the distances to the same. That

Penalty for
injuring.

if any person or persons shall wilfully alter, deface or otherwise injure any such posts or guide boards, 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 costs, 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 by said Justice of the Peace, shall be paid over to the treasurer of the road fund for use in the district where the offence was committed. That any person or persons who shall wilfully obstruct any public road in the county, cut, girdle, undermine, or in any other way weaken and leave standing any tree or trees so located that they may fall across and obstruct any public road, or who shall interfere with or in any way wilfully 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 employed by virtue of this act, or to whom duties are assigned by this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to perform 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 road fund of the township interested.

Penalty for neglect
of duty by officers.

Application of
penalties.

County treasurer
treasurer of road
fund.

SEC. 14. That section fifteen of said act be amended to read as follows: That the County Treasurer shall be and he is hereby appointed Treasurer of the road fund of the several townships in the county of Rutherford, and for the faithful keeping and disbursing of said money, the bond of such Treasurer shall be liable, and for his services in receiving and disbursing such fund he

shall receive such commission as the Board of County Commissioners may agree upon, not to exceed two per centum of all moneys discharged hereunder. He shall keep a separate account for each township in which road funds are levied and collected under this act, and shall credit to the respective townships all of the moneys arising out of, levied and collected in said townships, coming into his hands, and shall pay the accounts of the several townships out of the respective funds of said 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.

Commission.

Separate accounts for each township.

Payments on certificate of superintendent or supervisor approved by commissioners.

SEC. 15. That section sixteen of said act be amended to read as follows: That the County Treasurer shall keep a separate account of the road fund, as above provided, from the account of the county road and bridge fund, and all his disbursements of said two funds, and he shall make a written report thereof to the Board of County Commissioners at their regular meeting on the first Monday in August and February of each and every year, giving a statement of the disbursements of the two funds during the preceding six months, which report, or the substance thereof, shall be published by said County Commissioners in at least one newspaper published at the county site, for at least one insertion: *Provided*, 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 according to 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 any township for which said money is borrowed: *Provided further*, that the said Board shall not borrow a sum to exceed two-thirds of the amount of the taxes to be levied and collected for the said county or township road fund.

Accounts separate from county.

Reports to commissioners.

Report to be published.

Proviso, commissioners may borrow money for road work.

How loan repaid. Proviso, limit of loan.

SEC. 16. That section seventeen of said act be stricken out and the following substituted therefor: The Board of Commissioners of Rutherford County may, at its discretion, at its regular meeting in June, or any regular meeting on or prior to the first Monday in June, reduce the number of days for labor required for road purposes in the county, or any township thereof to two days, reducing also in such case the money to be paid in lieu of such labor at the rate of fifty cents for each day reduced.

Commissioners may reduce labor and commutation.

SEC. 17. That sections one, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine, of chapter 581, Laws of 1899, be stricken out.

Inconsistent and unnecessary sections stricken out.

SEC. 18. That the Board of Commissioners of Rutherford

Time of ordering election.	County shall, at their regular meeting on the first Monday in March order an election to be held in the county of Rutherford and each township thereof on Tuesday after the first Monday in May, 1903, submitting to the voters of the county and the respective townships therein the question of the approval of this act, and said Commissioners shall give notice of this election for thirty days by publication of said notice at the court-house door in the town of Rutherfordton, N. C., and in some newspaper published in the county, and said Commissioners, when the aforesaid election is ordered, shall appoint the registrars for said election, one for each voting precinct in the county, and the judges of election, two for each voting precinct of the county, with power in the Board of County Commissioners to fill any vacancies or substitute their appointees, if reason shall exist therefor, and notice shall be given to the respective persons of their appointment; and the registration books of the county shall be placed in the hands of the registrars so appointed, and they shall be kept open for the registration of any person entitled to register and who have not hitherto registered, and said election shall be held in accordance with the general provisions of law for the holding of elections, except as the same may be modified herein.
Notice of election. Registrars, judges of election.	
Notice of appointment, registration books, registration.	
Election under general law.	
Returns, how made.	SEC. 19. That the election officers shall appoint one of their number to make return of the registration books and poll books, and also the return of the vote from the precinct, said return to be made on Monday, May 11, 1903, and the Board of Commissioners of Rutherford County shall meet on that day and canvas the vote and record said vote by townships and by the county and declare the result of said election.
Commissioners to canvas vote.	
Ballots.	SEC. 20. That in said election, or in any subsequent elections which may hereafter be held under this act, those favoring this law shall vote a ballot on which shall be printed the words, "For Roads," and those opposing the same shall vote a ballot on which shall be printed "Against Roads."
Majority of votes cast to ratify act.	SEC. 21. That if, upon ascertaining the result of said election or elections, it shall be found that a majority of the votes cast are "For Roads," in such case this act shall be adopted for the entire county of Rutherford and all of its provisions shall be carried out as in this act directed; but if the majority of the votes cast in said election shall be "Against Roads," and at the same time a majority of votes cast in said election in any township in said county shall be "For Roads," then, in such case, this act shall be in force and operative only in the townships of said county that have given a majority in its favor.
Act operative in townships voting for same.	
If "roads" defeated further elections to be held.	SEC. 22. That if in the first election provided for by this act a majority of the votes cast in said election in the county shall be "Against Roads," then the Commissioners of Rutherford County

are authorized and empowered, in their discretion, to order a new election at such time as they may deem wise, within any calendar year after 1903, and to continue to order and hold elections each year, in their discretion, until a majority of the votes cast in said election shall be "For Roads," said elections to be held after the manner above provided, and to have the same effect as provided in section 21 foregoing, except that such elections shall make no change in the operation and enforcement of this act in any township in said county that has in any previous election given a majority "For Roads."

SEC. 23. That the County Commissioners of Rutherford County may, at their discretion, within any calendar year after 1903, submit to the voters of any township of Rutherford County in which this act is not in force, the question of the approval and adoption of this act as it shall effect said township, and shall provide the necessary machinery for the holding of said election and make all necessary orders thereto; and if a majority of the votes cast in said township at said election shall be "For Roads," then, in such case, this act shall be adopted for said township and shall be in force for said township.

Township elections may be held.

SEC. 24. That this act shall apply only to the county of Rutherford, and the sections of chapter 581, Public Laws of 1899, repealed by this act, are repealed only so far as they concern Rutherford County.

Application of act and extent of repeal.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 255.

AN ACT TO REGULATE THE KILLING OF CERTAIN GAME BIRDS AND WILD TURKEYS IN DAVIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt with gun or dog, trap, shoot or otherwise kill and destroy any partridges, quail, doves, robins, lark or wild turkeys between the first day of March and the first day of December in each year; and any person so offending shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not more than thirty days for each offence.

Close season established.

Misdemeanor, penalty.

SEC. 2. That all provisions of The Code of North Carolina, and all laws amendatory thereto, and all laws and clauses of laws in conflict with this act, in any manner relating to Davie County, be and the same are hereby repealed.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 256.

AN ACT TO AUTHORIZE THE BUILDING OF A BRIDGE ACROSS IVY, AT PALMER'S FORD, IN THE COUNTY OF MADISON.

The General Assembly of North Carolina do enact:

Single track free
iron bridge.

SECTION 1. That the Commissioners of Madison County are authorized to construct a single track iron bridge across Ivy Creek, at or near Palmer's Ford, in Madison County. Said bridge to be used by the public as a free bridge.

A special tax, rate.

SEC. 2. The County Commissioners of Madison County shall levy a tax on the first Monday in June, 1903, of five cents on each one hundred dollars worth of taxable property of the said county, and fifteen cents on each poll; and on the first Monday in June, 1904, the Commissioners of Madison County shall levy a tax of two and one-half cents on each one hundred dollars worth of taxable property in the said county and seven and one-half cents on each poll, which shall be used for the building and construction of said bridge.

When bridge to be
opened.

SEC. 3. That said Commissioners shall build said bridge and have the same open for the public on or before the first day of January, 1904.

Old bridge to be
removed.

SEC. 4. The Commissioners of Madison County shall remove the old bridge in the creek, near Palmer's Ford, in Madison County, and shall use any part of it in the erection of the new bridge that is to be built by the Commissioners, by January 1, 1904, at said Palmer's Ford, in said county, and it is further provided that the Commissioners of Madison County shall use the money now in the hands of the Treasurer of said county, that was levied and collected for a bridge at said Palmer's Ford in the year 1901 and 1902, in the construction of the new bridge.

To be used in
construction of
new bridge.
Former bridge
funds used.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 257.

AN ACT TO AUTHORIZE AND ENABLE THE NORFOLK AND WESTERN RAILWAY COMPANY TO LOCATE, CONSTRUCT AND OPERATE EXTENSIONS AND BRANCHES OF ITS LINES WITHIN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Norfolk and Western Railway Company be, and hereby is, authorized to extend its line or lines of railroad by one or more routes across the boundary line between this State and the State of Virginia, crossing said boundary line in the counties of Alleghany and Ashe, or either of them, as often as said company may determine from any point or points in the counties of Carroll and Grayson, in the State of Virginia, through and to any point or points in the counties of Alleghany, Ashe and Watauga, or either of them, in this State. with full power to locate, construct and operate the same within the State of North Carolina, and also full power to locate, construct and operate branch roads from such extension or extensions in the aforesaid counties of Alleghany, Ashe and Watauga, or either of them, not exceeding twenty-five miles each in length, as may be necessary to enable it to connect with or reach any line of railroad now or hereafter constructed, or with any mining, manufacturing or lumber operations in the State of North Carolina; and for the purpose of this act the said company shall have the same right to acquire, by purchase or condemnation, lands for the right of way and stations in the State which the General Laws of this State grant to railroad corporations in this State.

Extension
authorized.

Route of extension.

Branch roads from
extensions.

Right of condem-
nation of land.

SEC. 2. That said company shall have and exercise such rights, powers and privileges, not inconsistent with the laws of this State, as may be required from time to time to locate, construct and operate the aforesaid extensions and branches in this State, and shall be vested with all the powers and franchises granted railroad companies under, and shall be subject to all the obligations, rules, regulations and restrictions imposed by the General Railroad Laws of this State so far as they may be applicable.

Subject to general
railroad laws.

SEC. 3. It shall be lawful for the Norfolk and Western Railway Company, by mortgages or deeds of trust, now or hereafter executed, to secure the payment of any of its bonds or obligations upon all or any portion of its railroad, property and franchises owned, operated or possessed under the provisions of this act.

May mortgage
extensions and
branches.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 258.

AN ACT TO FACILITATE AND STIMULATE THE IMPROVEMENT OF PUBLIC ROADS IN NORTH CAROLINA.

Preamble, importance of good roads. WHEREAS, It is of the greatest importance to all the people of this State that our highways and public roads shall be improved; therefore,

The General Assembly of North Carolina do enact:

County commissioners may build model roads.

SECTION 1. That the Boards of County Commissioners in any county in this State, if they, or any one of them, shall decide so to do, are hereby authorized, empowered and directed to build and construct a modern public road from their court-house to a distance of (not exceeding) three (3) miles.

May use moneys on hand.

SEC. 2. That in order to meet the expense incident to such building and construction they shall have the right to expend any money in the county treasury not otherwise appropriated, and if they have no unappropriated funds, they are authorized and empowered to have the said road built and constructed, pledge the credit of the county for the payment thereof, and then levy a special tax on all the property in the townships in which said road is located and apply the taxes to the payment of the said costs of construction: *Provided*, that upon the use of any funds out of the county treasury not otherwise appropriated, that such amount shall be chargeable to the township or townships through which such road is constructed in proportion to the mileage and cost of construction in each, and the tax herein provided shall be levied upon such township or townships for reimbursement of the general fund. The tax levy herein provided shall in no case exceed 10 cents on the \$100.00 valuation of real and personal property and thirty cents on the poll.

Or pledge credit of county.

Proviso, money charged to township.

And tax levied for repayment, rate.

Right to condemn land.

SEC. 3. That in order to effectuate the purposes of this act said Commissioners shall have the right to condemn land (and assess the damages resulting therefrom), the damages to be assessed as is now provided under the general road law.

Effect and object of act.

SEC. 4. This act shall not have the effect to repeal, alter, modify or be considered in conflict with any other road law now in force in this State, or any which may hereafter be enacted at this session, and shall not be so construed, it being the intent and purpose hereof to place it in the power of the County Commissioners, if they decide so to do, to build a sample of modern road so that the good results thereof may be seen and a stimulus given to this line of public development: *Provided*, that this act shall not apply to the counties of Cabarrus, Forsyth, Mecklenburg, Gaston, Cleveland, Polk, Moore, Brunswick, McDowell, Pasquotank, Per-

Counties excepted.

quimans, Chowan, Jones, Edgecombe, Lenoir, Henderson, Transylvania, Haywood, Swain, Jackson, Rockingham, Guilford, Montgomery, Stokes, Surry, Harnett, Johnston, Alleghany, Ashe and Watauga.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 259.

AN ACT TO AMEND AN ACT AMENDING CHAPTER 28 OF THE PUBLIC LAWS OF 1901, PROVIDING FOR THE HOLDING OF THE COURTS OF THE EIGHTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the term of the Superior Court for Anson County beginning the sixth Monday after the last Monday in August shall continue for two weeks, and shall be for the trial of civil causes exclusively. Civil term for Anson.

SEC. 2. That there shall be held for the county of Anson a term of the Superior Court for the trial of civil causes, the same to begin the sixteenth Monday after the first Monday in February, the same to continue for one week. Additional civil term for Anson.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 260.

AN ACT TO AUTHORIZE THE COUNCIL OF STATE TO SELL THE STEAMER "LILLIE."

The General Assembly of North Carolina do enact:

SECTION 1. That the Council of State is hereby authorized and empowered to sell the steamer "Lillie," now in service of the Oyster Industry of the State, it having been ascertained that the size of said steamer is greater than the needs of the service require, and the expense of operating said steamer is greater than necessary for such purposes. Sale authorized, reasons for sale.

SEC. 2. That such sale may be made by said Council either at public or private sale, and title to the purchaser shall be made by Sale public or private, disposition of proceeds.

the Governor upon resolution of said Council; and the proceeds less the expense of making such sale, shall be paid into the hands of the State Treasurer, to be held by him as a part of the Oyster Fund of the State.

Governor and
Shellfish Com-
missioner to pur-
chase smaller
boats

SEC. 3. That the Governor and Shellfish Commissioner be and they are hereby authorized and empowered to purchase or cause to be built one or more gas engine boats of small draft, to be used in the service of said Oyster Industry in place of said steamer, the cost and expense of which shall be paid out of that part of the Oyster Fund received from sale of said steamer, and the State Treasurer shall pay the same upon proper vouchers as now required by law for the disbursement of the Oyster Fund.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 261.

AN ACT FOR THE PROTECTION OF TIMBER DEALERS.

The General Assembly of North Carolina do enact:

MAY ADOPT A TRADE-MARK.

Timber dealers
defined, may adopt
trade-mark.

SECTION 1. Any person, firm or corporation, dealing in timber in any form, shall be known as "Timber Dealers," and as such may adopt a trade-mark, in the manner and with the effect hereinafter provided.

Form.

SEC. 2. Every such dealer desiring to adopt a trade-mark, may do so by the execution of a writing in form and effect as follows:

"TRADE-MARK.

"Notice is hereby given that I (or we, etc., as the case may be) have adopted the following trade-mark, to be used in my (or our, etc.) business as timber dealer (or dealers); to-wit: (Here insert the words, letters, figures, etc., constituting the trade-mark, or if it be any device other than words, letters, or figures, insert a *fac simile* thereof.) Dated this day of, nineteen A, B" The said writing shall be acknowledged or proved for record, in the same manner as deeds are acknowledged or proved, and shall be recorded in the office of the Register of Deeds of the county in which the principal office or place of business of such timber dealer may be, also in office of Secretary of State, and a copy thereof shall be published at least once in each week for four successive weeks in

To be proved as
deed, recorded in
county.

Also with Secre-
tary of State,
notice.

some newspaper printed in such county, or if there be no such newspaper printed therein, then in some newspaper of general circulation in such county.

SEC. 3. Every trade-mark so adopted shall, from the date thereof, be the exclusive property of the person, firm or corporation adopting the same, and any other person, firm or corporation, knowingly using or attempting to use such trade-mark without the written consent of the proprietor thereof, shall be guilty of a misdemeanor and fined not less than twenty nor more than two hundred dollars for each offence, and shall moreover be liable to the proprietor of such trade-mark for all damages sustained by such proprietor by reason of such use of said trade-mark.

Trade-mark exclusive property, use by non-owners a misdemeanor, penalty, liability for damages.

SEC. 4. The proprietor of such trade-mark shall, in using the same, cause it to be plainly stamped, branded or otherwise impressed, upon each piece of timber upon which the same is placed, and any person who shall intentionally and without lawful authority, remove, deface or destroy said trade-mark, shall be guilty of a misdemeanor, and subject to all the pains and penalties and liable to the same damages as are provided for in the next preceding section.

Trade-mark stamped on timber, removal a misdemeanor, penalty.

SEC. 5. If any person knowingly and unlawfully buy, sell, take and carry away, secrete, destroy or convert to his own use, any timber upon which said trade-mark is stamped, branded or otherwise impressed, as aforesaid, or if any person shall knowingly and unlawfully buy, sell, take and carry away, secrete, destroy or convert to his own use, any timber upon which said trade-mark has been intentionally and without lawful authority removed, defaced or destroyed, as aforesaid, he shall be deemed guilty of larceny thereof, and punished as in other cases of larceny, and if any person shall intentionally put any such timber in such a position, or place so remote from the stream from which it was taken, or on which it was afloat as to render it inconvenient, or unnecessarily expensive to replace the same in such stream, he shall be guilty of misdemeanor and upon conviction, fined not less than twenty dollars.

Unlawful dealing with branded timber.

Larceny, penalty.

Other unlawful acts.

Misdemeanor, penalty.

SEC. 6. When timber is purchased by the proprietor of any such trade-mark, and the said trade-mark is placed thereon as hereinbefore provided, such timber shall thenceforth be deemed the property of such purchaser, without any other or further delivery thereof, and such timber shall thereafter be at the risk of the purchaser. unless otherwise provided by contract in writing between the parties.

Trade-mark of purchaser placed on timber bought, delivery.

SEC. 7. In any action, suit or contest, in which the title to any timber, upon which any trade-mark has been placed as aforesaid, shall come in question, it shall be presumed that such timber was the property of the proprietor of such trade-mark, in the absence

Trade-mark evidence of title.

Fraudulent use of
trade-mark, mis-
demeanor, penalty.

of satisfactory proof to the contrary, and any person who shall falsely and fraudulently place any trade-mark on timber, not the property of the proprietor thereof, shall be guilty of a misdemeanor, and upon conviction, fined not less than one hundred, not more than five hundred dollars, and imprisoned not less than one nor more than twelve months, for each and every such offence.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 262.

AN ACT FOR THE DRAINAGE OF LOWER CREEK IN THE COUNTIES OF BURKE AND CALDWELL.

The General Assembly of North Carolina do enact:

Drainage commis-
sioners, location.

SECTION 1. That C. A. Little, Frank Rabb, Vance Powell and W. W. Kincaid be and they are hereby appointed Commissioners to supervise the drainage of Lower Creek in the counties of Burke and Caldwell, between Sudderth Mill-dam, in the county of Burke, and Barnhardt's bridge, on the Lenoir and Taylorsville road, in the county of Caldwell, and do and perform such other duties as are prescribed by this act.

Meeting of com-
missioners to elect
chairman, secre-
tary and treasurer,
vacancies.

SEC. 2. That the said Commissioners shall meet at such time as they may agree upon and elect one of their number chairman, and another secretary and treasurer, and shall meet at such other times as they may agree upon, and in case any of the said Commissioners hereby appointed fail or refuse to act, or in the event of a vacancy occurring in said Board at any time, the other members shall have the power to elect some land-owner along said stream and between the points mentioned as a member of said Board.

Board to estimate
area and value of
slobbered lands.

SEC. 3. That said Commissioners shall estimate the number of acres and the value per acre of the bottom land of each person along said stream and between said points which is slobbered or overflowed, or which is depreciated in value on account of the waters of said stream within one-fourth of a mile from the main channel on either side of the same. Said lands shall be taxed in proportion as they are benefited.

Tax in proportion
to benefits.

Commissioners to
levy tax, amount,
tax collector and
duties.

SEC. 4. That said Commissioners shall, on the first Monday in April of each year, according to the value per acre, have power to levy such tax on said land as may be necessary to raise the sum of one thousand dollars per annum, and to appoint one of their

number a collector of such taxes, and it shall be his duty to collect said taxes and he shall have the power and be subject to such penalties as are prescribed for Sheriffs or tax collectors, and shall account to the said Board of Commissioners for the taxes going in his hands.

SEC. 5. That it shall be the duty, and said Commissioners are hereby empowered, to enter into said creek between the points mentioned, and on the lands lying along the same for purposes of draining said streams, and they shall have the power to cut canals, dig ditches, fell and use timber from the lands of such persons owning said sobbed or impaired bottom lands, and which is contiguous thereto, and to employ hands and teams, purchase tools and to do such other things as may be deemed by them necessary and expedient to the proper drainage of said creek and for the improvement of said lands.

Powers of commissioners

SEC. 6. That the money so collected shall be used by said Commissioners for the drainage of said stream, and they shall each year on the first day of January, make and file with the Registers of Deeds of Burke and Caldwell Counties an itemized statement of all receipts and disbursements, and upon failure to file such statement at the time named shall be guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned, or both, at the discretion of the Court.

Tax to be used for drainage of stream, accounts to be filed, failure a misdemeanor, penalty.

SEC. 7. That said Commissioners shall receive as pay for their service in the performance of the duties prescribed by this act, the sum of one dollar per day each while actually engaged in the performance of such duties: *Provided*, that no Commissioner shall be paid for more than thirty days' work in any one year.

Pay of commissioners, limit.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 263.

AN ACT TO ESTABLISH A GRADED SCHOOL IN CERTAIN SPECIFIC TERRITORY IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the following territory lying and being in Alamance County, North Carolina, in township Newland, and more particularly described as follows, beginning at the mouth of a branch on the west side of Haw River on the line of S. E. Woody, White, Williamson & Co., thence up said branch to Pittsboro road, thence across said road and up the creek to old mill road, thence

Boundaries.

down said road to Mary's Creek, near Winfield Robinson's place, thence up said creek to Graham road, thence with said road to crossing of Long Branch, thence west to a point where a southern line to Cane Creek will run west of the old homestead of the late Jonathan Broxton, thence with Cane Creek to Pittsboro road at low bridge, thence north with said road to forks near W. M. Lewis', thence with Concord road to the crossing of W. M. Lewis' meadow branch, thence to the north and west, running west of Thomas H. Moore's residence to forks on Concord or Thomas Woody road, thence east, including S. E. Woody's place to Haw River, thence up said river to beginning, is hereby created one school district and named Spring.

Trustees.

SEC. 2. That the following parties are hereby appointed School Trustees for the schools in said district and shall hold for the following terms, and all vacancies shall be filled in the following manner, to-wit: Wm. Martelle and J. C. Thompson, for one year, and W. J. Stockard and Joseph Woody, for two years, and S. E. Woody and G. G. McBain, for three years, and the term of office of each of said Trustees shall commence with the date of the ratification of this act. All vacancies in said Board, whether arising from death, resignation, removal, expiration of the term of office, or otherwise, shall be filled by the remaining Trustees and a majority shall have the power of selection, and the persons so selected shall hold for three years from the date of their selec-

Term, vacancies.

Term.

Election to be held,
notice of election.

tion.
SEC. 3. That said Board of Trustees shall, on the first Monday in May next ensuing, submit to the qualified voters of said district above created the question of establishing a graded school in said district; the said Trustees shall give thirty days' notice of said election by a notice thereof published in some newspaper published in Alamance County and by notices posted at four public places in said district. The said Board of Trustees shall select three men qualified voters of said district, one of whom they shall appoint registrar and the other two poll-holders, to hold said election, and these three shall hold said election and shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of county officers and the qualified voters of said district shall vote at said election on the first Monday in May next ensuing tickets on which shall be written or printed the words, "For Graded School," or "Against Graded School," and the result of the election shall be declared by the same rules that govern the elections of county officers. The said election shall be held at the school-house for the white race in said territory.

Registrar and
poll-holders.

Election as for
county officers,
ballots.

Polling place.

SEC. 4. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school it shall be

the duty of the Board of County Commissioners of Alamance County to levy annually a special tax of not less than twenty-five cents nor more than thirty-three and one-third cents on the hundred dollars' valuation of all the taxable property of said school district, and upon the poll not less than seventy-five cents and not more than one dollar, and the tax so levied shall be collected by the Sheriff of Alamance County and shall be by him turned over to the Treasurer of the said School Trustees and the said Sheriff shall receive as compensation for the collection and disbursement of this special tax five per cent commission one way.

Special tax if vote for schools, rate. Collected by sheriff, paid over to treasurer of school district.

SEC. 5. That all moneys coming to the said district above described for school purposes from the State and from the county as well as that coming from the special tax above referred to shall be by the proper officers paid to the Board of Trustees above created and appointed and their duly constituted successors and shall be by them used for the benefit of the graded school above referred to.

State and county funds paid to treasurer of school district.

SEC. 6. The said School Trustees above named and their duly constituted successors shall have the sole and exclusive charge of the public schools in said territory and they shall organize by the election of such officers and the passing of such by-laws as they deem proper. And they shall select a Treasurer, who shall have charge of all moneys to be used for school purposes and who pay the same out on such vouchers as they shall direct and who shall receive such compensation and give such bond as they shall dictate. The said Trustees above named shall spend all moneys coming to their hands from any and all sources above named and any other source that shall be paid, bequeathed or devised them for the schools in said territory for the benefit of said schools.

Trustees to have exclusive charge, organization, officers, by laws, treasurer.

Compensation and bond, how money expended.

SEC. 7. That said Trustees shall have the power to employ all teachers and select all officers necessary for said public schools and to fix their compensation and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold real property and personal property necessary for the use of said schools, and they shall have the right and power to do all things necessary for the successful conduct of said schools. And should parents or other parties having charge of children of school age outside of said territory desire to send to the schools in said territory, then the Trustees shall have the right to permit them so to do upon such terms as shall be fixed by said Trustees.

Trustees to employ teachers, select officers, fix compensation, establish, maintain schools, buy, sell and hold property.

Pupils from outside territory.

SEC. 8. That all the property now situate in said territory and used for public schools shall be by the proper authorities conveyed to the Trustees above named and their duly constituted successors.

Property to be conveyed.

Unlawful to manufacture or sell liquors within three miles. misdemeanor, penalty.

SEC. 9. That it shall be unlawful for any person, persons, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors within three miles of said school, and any person, persons, firm or corporation violating this provision shall be guilty of a misdemeanor, and punished by fine or imprisonment at the discretion of the Court.

Repealing clause.

SEC. 10. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 264.

AN ACT TO AMEND CHAPTER 588 OF THE PUBLIC LAWS OF 1901, BEING AN ACT TO REGULATE THE SALE OF SEED COTTON IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

April taken from prohibited months.

SECTION 1. That section 1 of chapter 588, Public Laws 1901, be and the same is hereby amended by striking out the word "April" in the fifth line of said section, and inserting in lieu thereof the word "May."

License to buy seed cotton to include April.

SEC. 2. That section 2 of said chapter 588, be and the same is hereby amended as follows: By striking out the word "and" before the word "March," in the fourth line of said section, and inserting in lieu thereof a comma, and by inserting after the word "March," in said fourth line of said section. and before the word "in," the words "and April"; by striking out the word "and" before the word "March," in the ninth line of said section 2, and inserting in lieu thereof a comma, and by inserting after the word "March," in said ninth line of said section, and before the word "in," the words "and April"; by striking out the words "31st day of March," in line 14 of said section, and inserting in lieu [thereof] the words "30th day of April"; by adding to said section 2 of said chapter the following: "*Provided*, that no license to sell seed cotton shall be granted to any person, firm or corporation, unless the application for same shall be accompanied by a recommendation signed by at least six reputable freeholders, testifying to the good character of the applicant and recommending that license be issued to said applicant."

Proviso, license to be recommended by freeholders.

April added to months for which license may be granted

SEC. 3. That section 3 of said chapter 588 be amended by striking out the word "and," in line four of said section, before the word "March," and inserting in lieu thereof a comma; and by

inserting after the word "March" and before the word "in," in line four of said section, the words "and April."

SEC. 4. That section four of said chapter 588 be and the same is hereby amended by adding to said section the following: "That it shall be unlawful for any person, firm or corporation to buy seed cotton from persons who are not freeholders without the written permission of the persons on whose lands the cotton is raised: *Provided*, this section shall not apply to persons, not freeholders, who rent the lands on which said cotton is raised for a fixed or standing rent."

Unlawful to buy seed cotton from "croppers" without consent of land owners.

Proviso, not applicable to renters for fixed rent.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 265.

AN ACT TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS IN CABARRUS COUNTY FROM THREE TO FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That E. Franklin Faggart and Jonas Cook are hereby elected County Commissioners of the county of Cabarrus; and that they shall have the same power and duties as the present members of the said Board of County Commissioners of said county, and who shall hold their office until the next election of Commissioners of said county.

Additional commissioners.

SEC. 2. That at the next election for Commissioners held for said county, and every two years thereafter, there shall be elected in said county of Cabarrus, five Commissioners with the power and duties which now are or may be hereafter prescribed by law for County Commissioners.

Five commissioners to be elected hereafter.

SEC. 3. That the Commissioners herein named shall qualify and be inducted into office by filing the necessary oath before the Clerk of the Superior Court of Cabarrus County.

Commissioners named to qualify.

SEC. 4. That all laws, parts and clauses of laws in conflict with this act be and the same are hereby repealed in so far only as they relate to Cabarrus County.

Repealing clause.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 266.

AN ACT TO AMEND CHAPTER 409 OF THE PUBLIC LAWS OF 1901, RELATIVE TO THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Prohibition extended to wines.

SECTION 1. That chapter 409 of the Public Laws of 1901 be amended by adding after the word "spirituous" and before the word "malt," in line three of section one of said chapter, the words "vinous or." After the word "liquor," in line three, and before the word "in," insert "intoxicating bitters of whatsoever name or make."

Manufacture of liquors felony, penalty.

SEC. 2. Strike out section five of said chapter (409) of the Public Laws of 1901 and in lieu thereof insert the following: "That any person violating the provisions of this act, so far as the same relates to the manufacture or sale of spirituous, vinous or malt liquors or intoxicating bitters, or beverages of whatsoever name or make, for gain, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Prison or on the public roads of any county in the State to which the Judge presiding may choose, for a period of not less than twelve months.

Other violations of act misdemeanor, penalty.

SEC. 3. That all persons violating any other provision of said chapter shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than \$100.00 nor more than \$500.00, or be imprisoned not less than six nor more than twelve months.

Not applicable to offenses heretofore committed.

SEC. 4. That this amendment shall not apply to any offence committed before the passage of this act, and shall in no way affect any action or prosecution now pending in the Courts of Yancey County for the violation of the original act.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 267.

AN ACT TO FURTHER IMPROVE THE PUBLIC ROADS IN WADESBORO TOWNSHIP IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Election to be held on bond issue.

SECTION 1. That in order to further prosecute the work of improving the public roads in Wadesboro Township in Anson County, under and in pursuance of the provisions of chapter one hundred and sixty-two of the Public Laws of North Carolina, of

the session of the General Assembly in 1899, and the acts of the General Assembly supplemental thereto and amendatory thereof, the Board of Commissioners of Anson County are hereby authorized, empowered and directed to submit to a vote of the qualified voters and electors of Wadesboro Township in Anson County, on the second Tuesday in May, 1903, the question, "Shall Wadesboro Township in said county issue twenty-five thousand dollars of its bonds with interest coupons attached, to further repair, make and improve the public roads in said township?" Said Board of Commissioners shall, for at least thirty days preceding said election, give public notice of said election and the purpose thereof by publication in one or more newspapers published in said township. Whenever the term or words "Wadesboro Township" are used in this act the same shall be held and construed to embrace all of the territory, property and citizens within the geographical boundaries of said township, including as well all incorporated towns therein: *Provided*, none of the money raised by the issue of any bonds or the levy of any taxes provided for in this act shall be expended on any streets or roads within the corporate limits of any incorporated town in said township.

Question, amount,
notice of election.

No proceeds of
bonds to be ex-
pended in incor-
porated towns.

SEC. 2. That said election shall be held and conducted in the same manner as is or may be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, the said Board of Commissioners shall appoint the registrars and judges or inspectors of election and any other officers for holding the election, and the registration and challenges of voters shall be conducted in like manner as is provided in elections for members of the General Assembly. The vote cast at said election shall be counted at the close of the polls and returned to said Board of Commissioners on Thursday next following said election and said Commissioners shall tabulate and declare the result, all of which shall be recorded in the official minutes and records of said Board, and no other recording and declaration of the result of said election shall be necessary.

Election to be held
under general
laws.

Registrars and
judges.

Count and return
of votes.

Commissioners to
canvass votes and
declare result, rec-
ord of returns

SEC. 3. That at said election the ballots tendered and cast by the qualified electors shall have written or printed upon them "For Good Roads" or "Against Good Roads." All qualified electors who favor the issue of said bonds shall vote "For Good Roads." All qualified electors who are opposed to the issue of said bonds shall vote "Against Good Roads." If a majority of all the qualified electors or voters in said township shall vote "For Good Roads" the said election shall be deemed carried in favor of the issue of said bonds and the levy of the taxes herein provided for.

Ballots.

Majority of
qualified voters to
govern.

SEC. 4. That in the event the requisite majority of the qualified voters or electors of said township shall vote "For Good Roads"

Bonds issued if
act approved.

at said election and the result shall be declared and recorded as aforesaid, the said Board of Commissioners shall have prepared and issued bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed that provided for in the first section of this act, and said bonds shall have attached thereto interest coupons representing interest at the rate of six per cent per annum payable semi-annually on the first days of January and July during the time of their running, and the principal thereof shall be payable or redeemable at such time or times not exceeding twenty-five years from the date of their issue as the said Board of Commissioners may determine, and said bonds shall be issued from time to time and at such times as said Board may deem expedient and needful as occasion may require for the purpose for which the said issue or issues are to be made. Said bonds and coupons shall be payable at the banking-house of the First National Bank, of Wadesboro, in said county. Said bonds and coupons shall be signed by the Chairman of the Board of Commissioners of Anson County and countersigned by the Clerk of said Board, and said bonds shall have upon them the seal of said county as used by said Board. Said bonds shall be styled "Wadesboro Township road bonds," and issued as such, and liability for the payment thereof, with the interested represented by coupons as aforesaid, and any other interest on the bonds or coupons shall attach to and be imposed upon the political division of Anson County, known as Wadesboro Township as constituted and defined at the time of said election, including all incorporated towns therein.

Rate of interest,
term of bonds.

When bonds to be
issued.

Bonds and coupons
payable.

Bonds signed and
countersigned,
under seal of
county, designa-
tion of bonds.

Territory liable.

Provisions of
former act appli-
cable.

SEC. 5. That all of the provisions of sections four, five and six of said chapter one hundred and sixty-two of the said Public Laws of 1899, ratified January 26, 1899, shall be and are hereby made applicable to the bonds and interest or coupons herein provided for; the bonds herein provided for are to be issued for like purpose and objects as those contemplated in said chapter as the same relates to Wadesboro Township.

Special tax if bonds
issued.

SEC. 6. That in case the result of said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Anson County shall levy annually, on the first Monday in June of each year a special road tax for said Wadesboro Township of twenty-five cents on the hundred dollars worth of property and seventy-five cents on each poll, the subjects of taxation and levy of tax to be the same on which the said Board of Commissioners now or may hereafter be authorized to lay and levy taxes for general county purposes, and the levy herein provided for shall be limited to said townships, including all incorporated towns therein, and said levy shall be for the purpose of providing a fund for the payment of said bonds, interest and coupons, and

Territory subject
to tax.

the same shall be collected, held, expended and applied in the same way and manner as was provided in case of former issue of bonds authorized and provided for in said chapter one hundred and sixty-two, Public Laws of 1899, the issue of bonds and levy of taxes herein provided for being in continuance of the work and objects provided for in the aforesaid chapter 162, in so far as the same relates to said Wadesboro Township, the said act with the amendments thereto being and are hereby declared to be still in full force and effect, and the official bonds of the Sheriff of Anson County for the collection of the taxes for general county purposes shall be construed and held to cover liability for the taxes provided for in this act, as well as the taxes provided for in said chapter 162, Public Laws of 1899.

Former act continued.

Sheriff's bond to cover special tax funds.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1903.

CHAPTER 268.

AN ACT FOR THE PROTECTION OF QUAIL IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt, shoot, kill, net, trap, or otherwise take or destroy any quail in Iredell County, except in the months of December and January in each year, or to wantonly take or destroy their nests or eggs. Any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars or imprisoned not more than sixty days in the county jail, or both, in the discretion of the Court.

Close season established.

Misdemeanor, penalty.

SEC. 2. That it shall be unlawful for any person, persons, firm or corporation to ship, haul, carry, transport, or otherwise convey beyond the limits of Iredell County any quail, dead or alive. Any such person who shall violate this section shall be guilty of a misdemeanor, and shall be fined not less than twenty dollars nor more than one hundred dollars.

Unlawful to ship game from county.

Misdemeanor, penalty.

SEC. 3. That it shall be unlawful for any person, persons, firm or corporation to sell, offer for sale, trade, barter or otherwise dispose of, for gain, any quail within said county, and any person so offending shall be guilty of a misdemeanor, and shall be fined or imprisoned, or both, within the discretion of the Court.

Unlawful to sell game in county.

Misdemeanor, penalty.

SEC. 4. That it shall be the duty of the Judge of the Superior

Judge to charge
Grand Jury as to
act.

Court of Iredell County, in his charge to the Grand Jury, at each and every term of said Court, to call the attention of the Grand Jury to this act.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 269.

AN ACT TO AMEND THE PUBLIC SCHOOL LAW AND TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE COUNTY BOARD OF EDUCATION.

To be appointed
by General
Assembly.

The General Assembly of North Carolina do enact:

SECTION 1. That section 12, chapter 4, of the Public Acts of 1901, be and the same are hereby repealed, and the following substituted in lieu thereof: "That the General Assembly shall biennially appoint three men in each county, of good business qualification and known to be in favor of public education, who shall constitute the County Board of Education. That the term of office of the said members of the County Board of Education so appointed shall begin on the first Monday in July after their appointment, and shall continue for two years, and until their successors are appointed and qualified. That any vacancy in said County Board of Education, from death, resignation or otherwise, shall be filled by the State Board of Education.

Term of office.

Vacancies filled by
State Board of
Education.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 270.

AN ACT TO DRAIN BELEWS CREEK, IN FORSYTH COUNTY.

Drainage commis-
sioners, drainage
district.

The General Assembly of North Carolina do enact:

SECTION 1. That R. S. Linville, W. H. Hester and W. A. Laurey are appointed Commissioners to supervise and enforce the better drainage of Belews Creek, in Forsyth County, from where said creek crosses the Forsyth County line to its source in said county.

SEC. 2. That in case of a vacancy it shall be the duty of the County Commissioners of Forsyth County, upon application of any interested landowner upon said creek, to appoint some suitable person owning land upon said creek to fill such vacancy.

SEC. 3. That said Commissioners shall appoint one overseer, who shall serve for two years and until his successor is appointed and qualified.

SEC. 4. It shall be the duty of said Commissioners at least once in each year to examine the said stream, and notify said owner of any and all work necessary and proper to be done in order to keep said stream clear of obstructions and the banks thereof clean, and to also notify said overseer of any alteration or changes that should be made in the channel of said stream. It shall be the duty of said overseer, upon receipt of such information from said Commissioners, within five days thereafter, to notify the respective landowners that work is needed along said stream, and which is required to be done by them.

SEC. 5. That each landowner upon and along said stream shall keep the bed of said stream, upon or adjoining his land, clean from logs, brush and other obstructions, and any person who shall fail or refuse to perform such work for fifteen days after notification shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one dollar for each day they fail to perform said duty.

SEC. 6. It shall be unlawful for any person to erect, establish or maintain upon said stream any mill, dam or other obstruction whereby the lands of other landowners are injured or sobbed, and any such obstruction are hereby declared to be public nuisances, and when said nuisance shall consist of maintaining a mill, dam or a mill pond, the effect of which shall be injurious to the owners of land about said dam or pond, and the said dam or pond is kept and used for operating a grist mill or saw-mill, or similar enterprise, and was so kept prior to the passing of this act, then the said Commissioners shall have power and authority to remove said dam or pond or open the same, so that the waters of said creek may have the natural flow: *Provided, however,* that the owner of said dam or pond shall be paid the amount of damages he may have sustained by such removal, destruction or opening by those at whose instance the dam or pond shall have been removed, destroyed or opened, and by those whose land is benefited by the removal of such obstruction, the relative proportion of such benefit to each landowner to be determined by the committee appointed in the section to ascertain the damages to the owner of the dam, the amount of said damages to be ascertained by a committee of three persons, one of whom to be selected by the owner of the dam and by the Creek Commission-

Vacancies

Overseer.

Commissioners to
examine stream.Overseer and
owner to be
notified.

Duty of overseer.

Land owners to
keep obstructions
from bed of stream.Misdemeanor,
penalty.Dams and other
obstructions un-
lawful.

Public nuisances.

Dams or ponds to
be removed.Proviso, owner to
be paid damages.Ascertainment of
damages.

ers, and the third selected by the other two, the amount of said damage to be actually paid before said dam is destroyed, removed or opened.

Repealing clause. 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.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 271.

AN ACT TO PROVIDE FOR REGISTRATION OF LABELS, TRADE-MARKS AND DESIGNS.

The General Assembly of North Carolina do enact:

Labels, trade marks, terms or designs may be filed.

SECTION 1. It shall be lawful for any person or corporation to adopt for their protection and file for registry, or cause to be filed for registry, as herein provided, any label, trade-mark, term or design that has been used or is intended to be used for the purpose of designating, making known or distinguishing any goods, wares, merchandise or products of labor that have been or may be wholly or partly made, manufactured, produced, prepared, packed or put on sale by any person or corporation, or to or upon which any work or labor has been applied or expended by any person, or by any member or members of any corporation that has adopted and filed for registry, or that may adopt and file for registry, any such label, trade-mark, term or design as aforesaid, or announcing or indicating that the same have been made in whole or in part by any such person or corporation, or by any member thereof.

Property, interests and rights in labels, trade-marks, etc., and the use of same protected by filing.

SEC. 2. Whenever any person or corporation shall adopt and file for registry, or cause to be adopted and filed for registry, any label, trade-mark, term or design pursuant to the provisions of this act, the property, privileges, rights, remedies and interests in and to any such label, trade-mark, term or design, and in and to the use of same, provided or given by this act to, or otherwise conferred upon or enjoyed by, the person or corporation filing the same, or causing the same to be filed, for the registry, shall be fully and completely secured, preserved and protected as the property of those entitled to the same before any such label, trade-mark, term or design has been actually applied to any goods, wares, merchandise, or product of labor, and put upon the market for sale or otherwise, and before any use or appropriation of any such label, trade-mark, term or design has been made in connection

with any such goods, wares, merchandise or product of labor, as well as after the same has been used or applied to designate, make known or distinguish any such goods, wares, merchandise, or product of labor and they have been put upon the market.

SEC. 3. Any person, or corporation that has heretofore adopted and used, or shall hereafter adopt and use any label, trade-mark, term or design as herein provided, may file the same for registry in the office of the Secretary of State, or by leaving two copies, *fac similes* or counterparts thereof, with the said Secretary, and filing therewith a statement in the form of an affidavit, subscribed and sworn to by any such person, or by any officer, agent or attorney of any such corporation, specifying the person or corporation by whom, or on whose behalf, any such label, trade-mark, term or design is filed, and the class or character of the goods, wares, merchandise or products of labor to which the same has been, or is intended to be appropriated or applied, and that the person or corporation so filing the same, or on whose behalf the same is so filed, has the right to the use of the said label, trade-mark, term or design, and that no other person, firm or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, without the permission or authority of the person or corporation filing the same, or causing the same to be filed, and that the copies, *fac similes* or counterparts filed therewith, are true and correct copies, *fac similes* or counterparts of the genuine label, trade-mark, term or design of the person or corporation filing the same, or causing the same to be filed; and there be paid for such registry a fee of one dollar to the Secretary of State for the use of the State, and the same recording fees required by the general corporations act, Public Laws 1901, chapter 2.

Trade-mark to be filed with Secretary of State.

What affidavit to contain.

Fees for filing.

SEC. 4. The Secretary of State upon the filing of any such label, trade-mark, term or design, that is not in conflict with the next section hereof, shall register the same, and shall deliver to the person or corporation filing the same, or causing the same to be filed, as many certified copies thereof, with his certificate of such registry, as any such person or corporation may request, and for every such copy and certificate there shall be paid to the Secretary of State, for the use of the State, a fee of one dollar; and any such certified copy and certificate shall be admissible in evidence and competent and sufficient proof of the adoption, filing and registry of any such label, trade-mark, term or design, by any such person or corporation, in any action or judicial proceeding in any of the Courts of this State, and of due compliance with the provisions of this act: *Provided, however,* that such certificate shall not be assignable or transferable by the person or corporation to whom the same is issued by the Secretary of State.

Secretary of State to register labels, etc.

Certified copies.

Fee for copies.

Certified copy admissible in evidence.

Proviso, certificates not assignable.

Identical trade marks, or with such near resemblance as to be calculated to deceive, not to be registered.

Liability of persons securing registration by false or fraudulent representations.

Unlawful to use, sell, etc., imitation or counterfeit of registered trade-marks.

Or have in possession with intent to sell any article bearing counterfeit trade-mark.

Or to sell, offer for sale, or have in possession with intent to sell, articles contained in packages bearing counterfeit trade-mark.

Unauthorized use of registered trade mark unlawful.

SEC. 5. It shall not be lawful for the Secretary of State to register, or permit to be registered, for any person or corporation any label, trade-mark, term or design, that is in the identical form of any other label, trade-mark, term or design theretofore filed by or on behalf of any other person, or corporation, or that bears any such near resemblance thereto as may be calculated to deceive, or that would be liable to be mistaken therefor; and any person or corporation who shall file or procure the filing and registry of any label, trade-mark, term or design in the office of the Secretary of State, under the provisions of this act, by making any false or fraudulent representations or declarations, with fraudulent intent, shall be liable to pay any damages sustained in consequence of any such registry, to be recovered by or in behalf of the party injured thereby.

SEC. 6. Whenever any person or corporation has heretofore adopted and filed for record or registry, or shall hereafter adopt and file for registry, any label, trade-mark, term or design, or cause the same to be done, as herein provided, and the same shall have been registered pursuant to this act, it shall be unlawful for any other person or corporation to manufacture, use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such label, trade-mark, term or design, or have in possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or product of labor to which or on which any counterfeit or imitation of any such label, trade-mark, term or design is attached, affixed, printed, stamped, impressed or displayed, or to sell or dispose of, or offer to sell or dispose of, or have in possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or product of labor contained in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, stamped, impressed or displayed.

SEC. 7. Whenever any person or corporation has heretofore adopted and filed for record or registry, or shall hereafter adopt and file for registry, any label, trade-mark, term or design, as herein provided, it shall be unlawful for any other person or corporation to make any use, sale, offer for sale or display of the genuine label, trade-mark, term or design of any such person or corporation filing the same, or to have any such genuine label, trade-mark, term or design in possession with intent that the same shall be used, sold, offered for sale, or displayed, or that the same shall be applied, attached or displayed in any manner whatever to or on any goods, wares or merchandise, or to sell, offer to sell, or dispose of, or have in possession with intent that the same shall be sold or disposed of, any goods, wares or merchandise in any box, case, can or package, to or which any such genuine label,

trade-mark, term or design of any such person or corporation is attached, affixed, or displayed, or to make any use whatever of any such genuine label, trade-mark, term or design, without first obtaining in every such case the license, consent or authority of the person or corporation adopting, filing and registering the same, or causing the same to be adopted, filed and registered; and any such license, consent or authority may be revoked and terminated at any time upon notice, and thereafter any use thereof shall be a violation of this act, and subject those violating the same to all the liabilities and penalties herein provided against any violation thereof.

Trade-mark may be used under license.

License may be revoked

SEC. 8. The Superior Court shall have jurisdiction in all cases arising or commenced therein under this act for the violations of any of the provisions thereof, and any person or corporation filing, or causing to be filed, for registry, any label, trade-mark, term or design pursuant to the provisions of this act, shall have the right to an action in the said Court against any person or corporations for the violation of any of the provisions of this act; and the said Court is hereby empowered and required to enjoin the manufacture, counterfeiting, imitation, display, use, sale, offer of sale, circulating or uttering of any counterfeit or imitation of any such label, trade-mark, term or design of any such person, association, organization or corporation; and the sale or disposal of any goods, wares, merchandise or product of labor to which, or on which any such counterfeit or imitation, label, trade-mark, term or design is attached, affixed, printed, painted, stamped or displayed, or any goods, wares, merchandise or product of labor contained in any box, case, can or package to or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped, impressed or displayed; and further to enjoin the manufacture, use, sale, offer of sale, or display, or [of] any genuine label, trade-mark, term or design of any such person, or corporation filing the same as aforesaid, or having in possession any such genuine label, trade-mark, term or design with intent that the same shall be used, sold, offered for sale or display, or the same applied, attached or displayed in any manner whatever to or on any goods, wares, merchandise or product of labor; or the selling or offer to sell or dispose of, or having in possession with the intent that the same shall be sold, offered for sale or disposed of, any goods, wares, merchandise in any box, case or package, to or on which any such genuine label, trade-mark, term or design of any such person or corporation is attached, affixed, or displayed, and from making any other, or any use whatever of any such genuine label, trade-mark, term or design, without having first obtained in any and every such case, the consent and authority of the person or corporation adopting, filing and registering the

Jurisdiction of Superior Court.

Owner of trade-mark to have right of action.

Injunction to issue.

Further orders and proceedings.

Court to award damages.

Judgment for profits.

Counterfeits delivered up and destroyed.

Genuine labels delivered to complainant.

Further penalty, to be recovered by owner of trade-mark.

same, or causing the same to be filed and registered, as herein provided; and the said Superior Court is hereby empowered to make such other orders and direct such other proceedings as the Court may deem necessary and proper for the due protection of the rights of complainants, affecting the purposes of this act, the prevention of any violation of any of the provisions of the same, and secure and protect any and all persons or corporations in all the rights, privileges, property, and interest to which they or any of them are or may be entitled in any such label, trade-mark, term or design, under any of the provisions of this act, or otherwise; and it shall be the duty of the said Superior Court to award to the complainant or complainants, in any such action, any and all damages resulting from any such wrongful use of any such label, trade-mark, term or design by any defendant or defendants, or for any violation of any of the provisions of this act, and to require any such defendant or defendants to pay to such complainants any and all such damages, together with all costs incurred by any such complaint in any such action, or proceeding; and the said Court shall also order and decree that the defendants pay to the complainant any and all profits obtained, received or derived from any such wrongful use or any violation of the provisions of this act, or both profits and damages, and that any such counterfeits, or imitations of any such labels, trade-marks, terms or designs in the possession or under the control of the defendant or defendants, in any such action, shall be delivered up to an officer of the Court, or to the complainant, to be destroyed, and that any such genuine labels, trade-marks, terms or designs, in the possession or under the control of any such defendant or defendants, shall be delivered up to the complainant.

SEC. 9. That, in addition to any other rights, remedies or penalties provided by this act, and as concurrent therewith, any person or corporation that shall violate any of the provisions of this act shall be liable to a penalty of two hundred dollars, to be recovered by any such person or corporation that has adopted and filed, or caused the same to be done as aforesaid, any such label, trade-mark, term or design.

SEC. 10. This act shall be in force from and after April 1st, 1903.

In the General Assembly read three times, and ratified this 9th day of March, A. D. 1903.

CHAPTER 272.

AN ACT TO AMEND CHAPTER 17 OF VOLUME 2 OF THE CODE, ENTITLED "ENTRIES AND GRANTS."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 17 of volume 2, of The Code of North Carolina, entitled "Entries and Grants," be amended as follows: Code amended.

That line seventeen (17) subsection 1, of section 2751, be changed as follows: Strike out the words "the sum of," and insert in lieu thereof the words "not less than." Price of land entered for wharves.

SEC. 2. Amend section 2764 so that the same shall read as follows: "Not less than fifty cents shall be paid to the State Treasurer for every acre of land that may be entered, and the Secretary of State may in his discretion charge a greater sum, and is authorized to issue grant to any person other than the claimant if the claimant refuses to pay the sum *bona fide* offered by such other person. In case the land is sold to a person other than the claimant, the purchaser of the land shall, in addition to the amount paid for the land, pay to the Secretary of State an amount sufficient to repay to the claimant all sums expended by him in making the entry and advertising same. And the Secretary of State shall pay over such sum to the claimant." Price of public lands.

Secretary may charge greater price and issue grant to other than claimant

Purchaser to pay to Secretary of State expense of making entry and advertising same. Secretary to pay over to claimant.

SEC. 3. Amend section 2765 so that the same shall read as follows: "The claimant of land shall produce to the entry-taker a writing, signed by such claimant, setting forth where the land is situated, the nearest watercourses and remarkable places, and such watercourses and remarkable places as may be therein, the natural boundaries and the lines of any other person, if any, which divide it from other lands; and every such writing shall be one quarter sheet of paper at least, and be endorsed by the entry-taker with the name of the claimant, the number of acres claimed, and date of the entry; and a copy thereof shall be entered in a book well bound, and rules with a large margin into spaces of equal distance, each space to contain one entry only, and every entry to be made in the order of time in which it shall be received, and numbered in the margin. The entry-taker shall thereupon cause a copy of the entry to be posted for thirty days at three public places in the township or townships in which the land covered by the entry is located. A copy of the entry shall also be posted for thirty days at the court-house door of the county in which such land lies, and advertised for thirty days in a newspaper published at the county seat of such county. If there be no newspaper published in such county, then the advertisement provided for shall be made in the nearest newspaper. For posting and advertising the applicant shall pay to the entry-taker one Entry to be in writing.

What entry to contain.

Endorsement.

Entry book.

Entry to be posted in township.

Also at court-house door.

Newspaper advertisement.

Fee for advertising.

Adverse claimant to file protest.

Entry and protest certified to Superior Court.
Notice to issue to claimant.

Warrant of survey to issue.

What warrant to contain.

Warrants delivered in order of time.
Secretary of State to withhold grant for investigation in certain cases.

Secretary not to issue grant if surveyor's report be adverse.

Further discretion of Secretary of State.

Survey to contain number of entry.

Claimant not to cut timber before perfecting grant.

Misdemeanor.
Penalty.

One-half of fine to informer.

dollar (\$1), and in addition thereto the applicant shall also pay the cost of the newspaper advertising. If any person shall claim title to or an interest in the land covered by the entry, or any part thereof, he shall, within the time of advertisement as above provided, file his protest in writing with the entry-taker against the issuing of a warrant thereon; and upon the filing of such protest, the entry-taker shall certify copies of the entry and protest to the Superior Court, and thereupon a notice shall be issued by the Clerk of the Superior Court to the claimant, commanding him to appear at the next term of said Court and show cause why his entry shall not be declared inoperative and void. In case no protest is filed, or where the protest is filed, and the right of the claimant to make the entry is sustained, the entry-taker shall deliver to the party a copy of the entry with its proper number and a warrant to the surveyor to survey the same, which warrant shall contain a copy of the entry with its number and date, and a certificate that notice has been given as above provided, and that no protest has been filed, or that protest has been filed and that the Court has decided in favor of the claimant. Each warrant shall be delivered to the surveyor in the order of time in which the entry was made. If the Secretary of State has reason to believe that the land covered by any entry and the surveys made in pursuance of the same is the property of the State Board of Education, he may, in his discretion, withhold the issuance of a grant for same until the engineer of the State Board of Education or surveyor appointed by said Board shall have examined into the matter and made report. And if said engineer or surveyor shall report that the lands in question are the property of the State Board of Education and not subject to entry, the Secretary of State shall not issue grant on such entry and surveys. If the Secretary of State shall have reason to believe that the land for which grant is sought has already been granted and does not belong to the State, he shall not issue grant for the same until it appears to his satisfaction that the land does belong to the State and is subject to entry."

Sec. 4. In line five of section 2769, after the word "whereof," insert the words, "and the number of the entry."

Sec. 5. Add the following sections to said chapter 17: "2788 (a). Any person, individual or corporation who shall make an entry for any lands, and who, before perfecting title to same, shall enter upon such lands and cut therefrom any wood, trees or timber, shall be guilty of a misdemeanor and shall be fined not exceeding one hundred dollars or imprisoned not exceeding four months, or both fined and imprisoned, in the discretion of the Court. One-half of any fine collected under this section shall be paid to the informer and one-half to the school fund of the county

in which the land is situate. Any person found guilty under the provisions of this section shall further pay to the State double the value of the wood, trees or timber taken from the land and it shall be the duty of the Solicitor of the district in which the land lies to sue for the same.

Offender to pay double value for timber cut.

Duty of Solicitor.

"Sec. 2788 (b). The Secretary of State is hereby authorized to have printed as many copies of this chapter as he may deem advisable, together with all amendments to the same."

Secretary of State to have land laws printed.

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

In the General Assembly read three times, and ratified this 9th day of March, A. D. 1903.

CHAPTER 273.

AN ACT FOR THE RELIEF OF CERTAIN CONFEDERATE SOLDIERS, SAILORS AND WIDOWS.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be paid out of the treasury of the State of North Carolina, on the warrant of the Auditor, to every person who has been for twelve months immediately preceding his or her application for pension a *bona fide* resident of the State, and who is incapacitated for manual labor and was a soldier or a sailor in the service of the Confederate States of America, during the war between the States, and to the widow of any deceased officer, soldier or sailor who was in the service of the Confederate States of America during the war between the States (provided said widow was married to said sailor or soldier before the first day of April, 1865, and if she has married again, is a widow at the date of her application), the following sums annually, according to the degree of disability ascertained by the following grade, viz: First, to such as have received a wound which renders them totally incompetent to perform manual labor in the ordinary avocations of life, seventy-two dollars; second, to such as have lost a leg above the knee, or an arm above the elbow, sixty dollars; third, to such as have lost a foot or leg below the knee, or a hand or arm below the elbow, or have a leg or arm rendered utterly useless by reason of a wound or permanent injury, forty-eight dollars; fourth, to such as have lost an eye, and to widows and all other soldiers who are now three-fourths disabled from any cause to perform manual labor, thirty dollars. If the fund collected from the special pension tax in any year should be insufficient to pay in full the aforesaid

Pensions to be paid.

Persons eligible for pensions.

Soldiers.

Sailors.

Widows.

Proviso, as to date of marriage and second widowhood in case of remarriage.

Amounts, total disability.

Loss of leg above knee or arm above elbow

Loss of foot or leg below knee or arm below elbow. Leg or arm utterly useless.

Loss of eye, widow, disability of three-fourths.

If special pension fund insufficient, pensions payable from general fund.

pensions, then and in that event the State Treasurer shall pay said pensions out of the general fund in the State treasury: *Provided, however,* that in no year shall the total amount paid for pensions exceed two hundred thousand dollars.

Total amount limited

Applicants to appear before County Board of Pensions.

Certificate of physician for applicants unable to attend.

Inmates of Soldiers' Home ineligible. Deserters and deserters' widows ineligible. *Provido,* deserter defined.

Persons having estate ineligible.

Disposal of property not to qualify.

Application filed with County Board of Pensions.

Constitution of Board.

What application shall state.

Application to be verified

Affidavits of witnesses.

SEC. 2. That all persons entitled to pensions under this act, not now drawing pensions, shall appear before the County Board of Pensions on or before the first Monday in July of each year, for examination and classification in compliance with the provisions of this act: *Provided,* that all such as are unable to attend shall present a certificate from a creditable physician, living and practicing medicine in the community in which said applicant resides, that the applicant is unable to attend.

SEC. 3. That no inmate of the Soldiers' Home at Raleigh, nor any person who was a deserter, or who receives a pension from any other State, or of the United States, nor the widow of such deserter, shall be entitled to a pension under this act: *Provided,* that no soldier who has been honorably discharged or who was in service at the surrender, shall be considered a deserter in the meaning of this act.

SEC. 4. That no person shall be entitled to receive the benefits of this act who owns property whose tax valuation exceeds the sum of five hundred dollars, or who, having owned property in excess of five hundred dollars, has disposed of the same by gift or voluntary conveyance to his wife, or child, or children, or next of kin, or to any other person, since the 11th day of March, 1885.

SEC. 5. That before any officer, soldier or sailor, not now receiving a pension, shall receive any part of the annual appropriation herein made, he shall on or before the first Monday in July of every year file with the Superior Court Clerk of the county wherein he resides, who, together with three reputable ex-Confederate soldiers, to be appointed by the State Auditor, shall constitute a County Board of Pensions for their county, an application for relief setting forth in detail the company and regiment or battalion in which he served at the time of receiving the wound, the time and place of receiving the wound, whether he is holding an office in the State, United States or county from which he is receiving the sum of three hundred dollars in fees or salary, whether he is worth in his own right, or in the right of his wife, property at its assessed value for taxation to the amount of five hundred dollars, and whether he is receiving any aid from the State of North Carolina under any other statute providing for the relief of the maimed and blind soldiers of the State, and whether he is a citizen of the State of North Carolina, which said application shall be verified by the oath of the applicant, made before anyone empowered to administer oaths, and shall be accompanied by the affidavit of one or

more creditable witnesses, stating that he or they verily believe the applicant to be the identical person named in the application and that the facts stated in the application are true, and when said Board is satisfied with the justice of the claim made by the applicant they shall so certify the same to the Auditor of the State under their hands and the seal of the Superior Court of their county, which shall be impressed by the Clerk of the Superior Court of the county: *Provided*, that for the services herein required of the Clerks of the Superior Courts they shall receive no fees whatever, and there shall accompany said certificate so sent to the Auditor of the State the application, affidavit and proofs taken by them, which said papers shall be kept on file in the Auditor's office, and the Governor, Attorney-General and Auditor shall be constituted a State Board of Pensions, and it shall be their duty to examine each case, and for this purpose they may take other testimony than that sent up by local boards, and such as are approved by the State Board shall be paid by the Treasurer upon the warrant of the Auditor.

Board to certify to Auditor.

Proviso, clerk to receive no fees.

Application, affidavit and proofs to accompany certificate.

State Board of Pensions.
To examine each case.
Certificates paid on approval of State Board.

SEC. 6. On the first Monday of July of each year, the Pension Board of each county shall be authorized and directed to revise and purge the pension roll of said county, first giving written notice of ten days to the pensioner who is alleged not to be rightfully on the State Pension Roll, to show cause why his name should not be stricken from the pension list, and said Board shall meet another day to consider the subject of purging the said list.

Pension rolls to be revised, notice to pensioners.

SEC. 7. That it shall be the duty of the Clerk of the Superior Court of the county where the application is filed to forward to the Auditor of the State, immediately after making the certificate, as required in section 5 of this act, and before the first Monday in August in each year, the application and proofs and certificates, and upon the State Board of Pensions being satisfied of the truth and genuineness of the application, the Auditor shall issue his warrant on the State Treasurer for the same.

Clerks Superior Courts to forward papers to Auditor, before first Monday in August, the Auditor to draw warrant.

SEC. 8. After an application has once been passed upon and allowed by the County and State Boards, it shall be necessary only for the applicant to file with the Auditor of the State a certificate from the Clerk of the Superior Court of the county, in which his application was originally filed, setting forth that the applicant is the identical person named in the original application which is on file in the Auditor's office, and that the applicant is alive, but still disabled, and a citizen of this State, and still entitled to the benefits of this act, which certificate may be passed upon by the State Board, upon suggestions of fraud, before the Auditor draws his warrant upon said certificates.

Certificates as to pensioners already on rolls.

To be passed on by State Board on suggestion of fraud.

SEC. 9. That no warrant shall be issued for any sum appropri-

No warrant before 1st September.

Application for pensions must be made by persons entitled.
 Insane persons may apply through guardian or receiver, inmates of asylum not eligible.
 Persons not entitled to pensions

Auditor to provide and forward forms.

Unlawful to speculate in claims

Misdemeanor, penalty.

Warrant payable to pensioner or order

Endorsement attested.

Endorsement by attorney, attested copy of power must be filed.

Warrants sent to Clerk of Court.

Clerk to acknowledge receipt and deliver warrants.

ated under this act in favor of any applicant until after the first day of September of each year. No soldier, officer, sailor or widow, as provided in section one, shall be entitled to the benefits of this act except upon his or her own application, or in case he or she is insane, upon the application of his or her guardian or receiver, having charge of him or her, as herein provided; and no person confined in an asylum shall be entitled to the benefits of this act.

SEC. 10. That no officer, soldier, sailor or widow, holding a national, State or county office, which pays annually a salary or fees the sum of three hundred dollars, or who owns in his or her own right, or in the right of his wife, property of the value of five hundred dollars, as assessed for taxation, or who is receiving aid from the State under any act providing for the relief of soldiers who are blind or maimed, shall be entitled to any of the benefits of this act.

SEC. 11. The Auditor of the State shall provide a form of application according to the terms of this act, and the Auditor is hereby authorized and instructed to have the same printed and sent to the Clerk of the Superior Court of the several counties of the State for the use of applicants.

SEC. 12. Any person who shall speculate or purchase for a less sum than that to which each may be entitled the claims of any soldier or sailor, or widow of a deceased soldier or sailor, allowed under 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. 13. That the Auditor shall issue his warrant payable to the pensioner or order, and such warrant shall not be paid by the Public Treasurer without the endorsement of the payee or his or her duly appointed attorney in fact, specially authorized to make such endorsement; and if such endorsement is made by the payee it shall be attested by the official signature of the Clerk of the Superior Court or some Justice of the Peace of the county in which said payee resides, and if such endorsement is made by the attorney in fact of the payee, as in this section provided, a copy of the power of attorney, duly attested by the Clerk of the Superior Court or a Justice of the Peace of the county in which the payee resides, shall be attached to said warrant.

SEC. 14. That the warrants for pensioners shall be sent by the Auditor to the Clerk of the Superior Court of the county in which the pensioners reside, and it shall be the duty of the Clerk of the Superior Court to acknowledge to the Auditor the receipt of said warrants by the next mail after their receipt, and the Clerk of the Superior Court shall forthwith deliver or mail to each pensioner in his county his or her warrant, and post in

the court-house a list of the pensioners to whom he has mailed or delivered warrants. List of pensioners posted.

SEC. 15. That the Auditor shall, as soon as the same is ascertained, transmit to the said Clerk of the several counties a correct list of the pensioners (with their post-offices), as allowed by the State Board of Pensions. List of pensioners sent to Clerk of Court.

SEC. 16. Any officer or other person who shall neglect or refuse to discharge the duties imposed upon him by this act shall be guilty of a misdemeanor, and upon conviction thereof in the Superior Court shall be fined or imprisoned at the discretion of the Court. Neglect of duty by officer, misdemeanor, penalty.

SEC. 17. The State Board of Pensions are hereby empowered to prescribe rules and regulations for the more certainly carrying into effect this act according to its true intent and purpose. State Board to prescribe rules and regulations.

SEC. 18. That the Auditor be and he is hereby directed to provide a column on the tax list for the year one thousand nine hundred and three, and annually thereafter, and to be called pensions for disabled Confederate soldiers, sailors and widows. This tax shall be collected and paid into the State treasury by the Sheriffs as are other State taxes. Special column for pension tax.

SEC. 19. That in case the amount appropriated by the General Assembly in any year for the purpose of paying the above allowance be insufficient to pay the same in full, then the same shall be annually apportioned *pro rata* among the foregoing grades mentioned in section one. Each member of the County Board of Pensions shall be entitled to two dollars a day, not exceeding three days in any year, when attending the annual meeting of said Board, the said compensation to be paid by the County Treasurer on the order of the Board of County Commissioners. Payment pro rata if appropriation insufficient.

SEC. 20. That this act shall be in force from and after its ratification. Pay of county boards.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 274.

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE
SEVERAL COUNTIES OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*Apportionment of
Justices of the
Peace.Term six years,
unless otherwise
stated.Terms, when to
begin.

SECTION 1. That the following named persons be and they are hereby appointed Justices of the Peace for their respective counties and townships in North Carolina for a term of six years, except when a different length of time is named herein. Said terms to begin April 1st, nineteen hundred and three, or when their present terms of office expire:

Alamance.

Township.

ALAMANCE COUNTY.

Newland.—Jno. W. Faust.

Alexander.

ALEXANDER COUNTY.

Millers.—J. S. Moore, C. A. Dunn, E. B. Alexander.*Gwaltness.*—J. Y. Williams, G. S. Martin.*Taylorsville.*—J. E. Chatham.

Alleghany.

ALLEGHANY COUNTY.

Cherry Lane.—T. C. Higgins, J. C. Roberts.*Cranberry.*—F. M. Absher, W. F. Thompson.

Anson.

ANSON COUNTY.

Lanesboro.—H. M. Baucom (2 years).*Morven.*—A. S. Morrison (2 years).*Ansonville.*—A. E. Henley, M. T. Ballard, Jr. (2 years).*Wadesboro.*—Julius A. Little (2 years).

Ashe.

ASHE COUNTY.

Jefferson.—J. B. Neal, J. H. Wagoner, S. T. Sandifer.*Peak Creek.*—Jas. C. Miller, W. L. Miller.*Obids.*—L. Lyon, D. W. Adams.*Pine Swamp.*—Felix Howell, J. F. Hartzog, L. S. Vannoy, A. N. Johnston.*Old Fields.*—Green McGuire (2 years), J. F. Laurence (2 years), D. S. Laurence (2 years), Ira Duncan (2 years).*North Fork.*—Smith Eggers, L. D. Osborne, Z. T. Johnson.*Creston.*—W. K. Harris (2 years), T. S. Maxwell, W. J. McEwen.*Laurel.*—J. A. Martin, Elihu Graybeal.*Clifton.*—John Weaver (2 years), Alvin Lewis (2 years), F. M. Miller.*Horse Creek.*—Frank Miller, Sidney Tucker, W. J. Stonsbury (2 years).*Helton.*—J. J. Thomas, James Peekins, Sanders May (2 years).

Grassy Creek.—J. A. Pierce, Walter Greer.

Piney Creek.—H. C. Tucker, B. G. Fow, W. S. Francis (2 years).

Piney Creek.—Jas. M. Grimsley (2 years).

Chestnut Hill.—J. E. Gambill, Walter McMillan.

Walnut Hill.—Will D. Cox, Z. F. Blevins (2 years), J. N. Baldwin.

BEAUFORT COUNTY.

Beaufort.

Chicowinity.—Thomas A. Norman.

Richlands.—Alonza Stilley, Absalom Tutem.

BERTIE COUNTY.

Bertie.

Windsor.—E. L. Smith, James H. White.

Merry Hill.—A. J. Shield, E. R. Nicholls.

Whites.—J. H. Lawrence, Frank W. Leary.

Colerain.—J. B. Mitchell, C. J. Morris.

Roxobell.—W. J. Watson, Wiley J. Parker, A. W. Early.

Mitchell.—Miles T. Phelps, Joseph S. Jenkins.

Snake Bite.—Geo. W. White, John L. Pritchard.

Woodville.—J. T. Veale, John B. Saunders.

Indian Wood.—Lee Bond, D. C. Outlaw.

BLADEN COUNTY.

Bladen.

Bethel.—J. J. McMillan, W. F. McNeill, John M. Past, Manning Grisson, L. B. Grimes.

BRUNSWICK COUNTY.

Brunswick.

Lockwood Folly.—Samuel Lewis, C. Dexter Robinson, J. A. Stanley, Samuel Danford (2 years each).

North West.—J. P. Murrell, C. C. Williams, R. L. Chimis (2 years each).

Shallotte.—Samuel Hickman, Henry Long, J. F. Tripp (2 years each), W. H. Gore (2 years).

Smithville.—S. P. Thorp, A. B. Drew, W. A. Price, I. M. Williams, W. T. Pinner (2 years each).

Town Creek.—P. S. Hawes, John S. Henry, David R. Mercer (2 years each), A. V. Goodman (2 years).

Waccamaw.—Asa R. Edwards, L. E. Formyduval, S. K. Millikan (2 years each).

BUNCOMBE COUNTY.

Buncombe.

Leicester.—Robert C. Wells, J. L. Williamson (2 years).

Upper Hominy.—C. D. Mallonee (2 years).

Lower Hominy.—A. H. Felmet (2 years).

Ivy.—J. H. Woodard (2 years).

Asheville.—A. T. Summey, I. V. Baird, John C. Cowan (2 years each).

Swannanoa.—S. W. Davidson, Jr. (2 years).

Black Mountain.—H. W. Fitch (2 years).

Burke.

BURKE COUNTY.

Quakermeadow.—Chas. Edmondson.

Upper Creek.—John Barrier, G. Anderson Loven, W. M. Cuthbertson.

Upper Fork.—J. B. Bumgardner.

Lower Fork.—C. M. Hoyle, J. W. Mosteller, A. E. Pruett, Peter Franklin Buff.

Cabarrus.

CABARRUS COUNTY.

No. 1.—John A. Barnhardt.

No. 2.—W. J. McLaughlin, W. F. Cannon.

No. 3.—R. W. Fleming.

No. 4.—E. L. Isenhour.

No. 9.—W. L. Widenhouse, M. E. Herrin.

No. 10.—P. J. Hartsell.

Caldwell.

CALDWELL COUNTY.

Hudson.—Jacob S. Hart.

Lenoir.—Bristoe Hood, Geo. Tuttle.

North Catawba.—P. B. Rush.

Lovelady.—G. W. Sherrill, J. M. Rhodes.

Camden.

CAMDEN COUNTY.

Court House.—T. C. Ferebee, T. B. Boushall.

Shiloh.—G. C. Barco.

Carteret.

CARTERET COUNTY.

Newport.—John B. Etheridge, Jas. C. Graham.

Merrimon.—Wm. E. Salter.

Morehead.—Edwin Willis.

White Oak.—L. B. Ennett, W. C. Bell.

Straits.—L. B. Willis.

Beaufort.—Ralph Howland.

Caswell.

CASWELL COUNTY.

Dan River.—C. B. Flintoff, W. K. Williams, O. W. Sales.

Hightowers.—W. Y. Malone, H. E. Satterfield, Wm. Smith.

Leesburg.—T. L. Lea, R. A. Pointer.

Locust Hill.—J. B. Warshaw.

Milton.—D. B. Stainback, Carr Thomason, Henry W. Hagerman, Geo. A. Featherston.

Pelham.—J. W. Travis.

Yanceyville.—George Dailey.

Stoney Creek.—Thomas Neal, W. J. Stadler.

Catawba.

CATAWBA COUNTY.

Mountain Creek.—George I. Sherrill.

Bandys.—John S. Goodman, E. P. Johnson.

Caldwell.—H. H. Caldwell.

Catawba.—Walter L. Sherrill.

Hickory.—B. Foy Campbell, Noah Whitner.

CHATHAM COUNTY.

Chatham.

Albrights.—John P. Ward.

New Hope.—R. J. Yates, N. J. Wilson, Adolphus D. Farrell.

Riggsbee.—J. Marshall Riggsbee, A. E. Cole, Robt. L. Ward.

CHEROKEE COUNTY.

Cherokee.

Hot House.—G. W. Jones, I. M. Gaddie, J. M. Newman, T. T. Johnson, S. W. Lefever.

Notla.—J. W. Kirkpatrick, J. S. Shields, E. B. Barbee, J. M. Watson, C. W. Davidson, G. W. Aiken, A. M. Hatchett, A. J. Hughes.

Beaverdam.—Theo. N. Bates, G. J. Crow, Geo. Dockery, J. M. Martin.

Murphy.—J. T. Hayes, R. J. Roane, Eli Sudderth, Henry Palmer, J. H. Brendle, W. J. Martin, Jr., W. N. Moore.

Valleytown.—Mack Cooper, Bruce Fisher, John Bradley, Thos. Ladd, J. L. Robinson, W. O. Wilson.

Shoal Creek.—T. J. Shearer, W. N. Burges, P. E. Nelson, Reno Pastell, Avery Martin, A. H. Davidson.

CHOWAN COUNTY.

Chowan.

Third.—Geo. H. Baker, Geo. B. Copes (4 years each).

CLAY COUNTY.

Clay.

CLEVELAND COUNTY.

Cleveland.

COLUMBUS COUNTY.

Columbus

Whiteville.—J. H. Maxwell (2 years).

Ransom.—G. W. Applewhite (2 years).

Williams.—W. J. Hughes (2 years).

CrAVEN COUNTY.

Craven.

Eighth.—Amos T. Wetherington, Henry L. Hall, E. S. Street.

No. 3.—Luby S. Harper.

CUMBERLAND COUNTY.

Cumberland.

Beaver Dam.—D. B. Beard, J. S. Horne, R. S. Tatum (2 years each).

Gross Creek.—W. C. Troy, John X. Smith (6 years each).

CURRITUCK COUNTY.

Currituck.

Poplar Branch.—A. P. Barco, J. F. Sumrell.

DARE COUNTY.

Dare.

Kennohut.—B. P. Miller.

Hatteras.—Geo. W. Farrow.

Nags Head.—John Q. Hoover, Wm. S. Davis, J. M. Crank, Jr.,
Solomon Lewark (2 years each).

Davidson.

DAVIDSON COUNTY.

Abbott's Creek.—M. D. Raper, C. H. Teague.

Midway.—C. R. Wilson.

Hampton.—W. B. Hampton, J. P. Nelson.

Reedy Creek.—W. M. Byerly, Junius Hill, A. A. Grimes.

Lexington.—S. J. Coley.

Emmons.—A. J. Beck, U. E. Sexton, B. I. Harrison.

Tyro.—D. C. Craver.

Cotton Grove.—John L. Miller, O. L. Stoner.

Thomasville.—J. R. Keen.

Silver Hill.—J. L. Nance.

Alleghany.—John Rodgers, James W. Newsom, M. E. Varner,
Alfred H. Michael.

Healing Springs.—C. G. Harris, W. P. Kinney, Moses L. Cole.

Conrad Hill.—John R. Plummer.

Arcadia.—K. C. Weesner.

Boone.—A. A. Young.

Davie.

DAVIE COUNTY.

Fulton.—Chas. F. Anderson.

Jerusalem.—J. M. Blount, W. H. Wyatt, W. H. Hobson.

Clarkville.—A. W. Eaton, A. H. McMahan.

Calahan.—A. J. Anderson, M. C. Ijames, L. B. Walker.

Mocksville.—E. E. Hunt, A. T. Grant, Sr.

Shady Grove.—A. C. Wood, Henry T. Smithdeal.

Farmington.—Enos C. Smith, M. D. Bowden.

Duplin.

DUPLIN COUNTY.

Faison.—J. A. Shine, W. S. Loftin.

Wolfscrape.—John L. Kornegay, R. McWilliams, John F.
Goodson, John Blaylock, Rufus D. Bennett.

Smith's.—L. Smith, R. Q. Sandlin.

Limestone.—T. G. Smith.

Cypress Creek.—R. N. Cole, E. W. Brown.

Rose Hill.—E. A. Benton.

Island Creek.—John E. Farrior, S. H. Cavenaugh.

Rockfish.—J. L. Johnson.

Warsaw.—John E. Swinson.

Durham.

DURHAM COUNTY.

Edgecombe.

EDGECOMBE COUNTY.

No. 10.—J. T. Harris.

FORSYTH COUNTY.

Forsyth.

Old Richmond.—Jesse E. Spease, Calvin A. Sprinkle.
Salem Chapel.—Joe Ed. Crews, D. M. Johnson.
Bethadia.—J. G. Clayton.

FRANKLIN COUNTY.

Franklin.

GASTON COUNTY.

Gaston.

South Point.—M. N. Hall (2 years).
Gastonia.—J. A. Gullick (2 years).
Dallas.—J. B. Hartsell (2 years).
Crowder's Mountain.—Dr. O. G. Falls.

GATES COUNTY.

Gates.

Hall.—K. R. Carter.

GRAHAM COUNTY.

Graham.

Yellow Creek.—N. W. Allman, Aitha Wall.
Stecoah.—D. E. Hyde, D. R. Welch.

GRANVILLE COUNTY.

Granville.

Dutchville.—A. W. Raycroft.
Walnut Grove.—Geo. B. Daniel.
Oak Hill.—Samuel V. Morton.
Fishing Creek.—Thomas J. Brummett.

GREENE COUNTY.

Greene.

GUILFORD COUNTY.

Guilford.

Morehead.—Wm. S. Lyon.
Friendship.—Henry M. Crutchfield.
Gilmer.—David H. Collins.
Center Grove.—L. A. Walker.
High Point.—W. T. Parker.

HALIFAX COUNTY.

Halifax.

Roanoke Rapids.—T. B. Jones, R. W. Brown, F. H. Treacy,
W. S. Hockaday, A. M. Ingle, R. O. Cordle, V. M. Benton.
Conoconarie.—L. A. Mullen, N. Fitzpatrick.
Halifax.—John H. Fenner, M. F. McMahan, W. A. Willson,
W. D. Willson.
Enfield.—S. Meyer, N. V. Barnhill, H. C. Atkinson, Jr., R.
Pettitt, J. T. Applewhite.
Brinkleyville.—W. H. Clark, F. M. Taylor, Thos. C. Williams,
Geo. S. Sledge, S. S. Viverett.
Littleton.—John S. Northington.
Butterwood.—W. T. Jenkins, W. T. Hawkins, A. E. Carter,
R. A. Dickens.
Weldon.—F. W. Garrett, L. N. Garner (2 years each).

Roasneath.—Amos Cherry.

Palmyra.—T. J. Johnson, Bob Ausborn.

Harnett.

HARNETT COUNTY.

Averasboro.—R. F. Thornton.

Haywood.

HAYWOOD COUNTY.

Pigeon.—D. Vance, H. H. Gerner.

Clyde.—A. J. Davis.

Cecil.—William Moore.

Henderson.

HENDERSON COUNTY.

Mills River.—J. L. Gash, B. T. Norris, J. H. Murry.

Hooper's Creek.—Frank Smith, Press Cunningham.

Green River.—John Cox, S. J. Heatherly.

Crab Creek.—Joseph Shipman, Trammel Jones, J. C. Orr.

Edneyville.—W. F. Pryor, G. P. Edney, A. S. Edney.

Blue Ridge.—J. L. Prittillo, S. M. Gilliam, Alonzo King.

Clear Creek.—Thomas Seagle, Thomas Rogers.

Hertford

HERTFORD COUNTY.

Harrellsville.—J. R. Wilder, W. E. Miller, A. B. Adkins.

Money's Neck.—L. F. Lee.

Murfreesboro.—Uriah Watson, N. Vaughn, H. T. Lassiter.

St. John's.—M. L. Taylor, A. J. Vincen, E. A. Garrett, J. C. Early.

Hyde

HYDE COUNTY.

Currituck.—B. L. S. Dunbar, Asa J. Smith.

Fairfield.—S. W. Williams, R. E. Carter.

Lake Landing.—Geo. I. Watson, Edward Adams, T. R. Benson, Edward H. Jones.

Iredell.

IREDELL COUNTY.

Davidson.—R. F. Baker, T. J. Nixon.

Fallstown.—N. W. Johnston.

New Hope.—W. I. Jolly, T. E. Redman, D. T. Barker.

Cool Spring.—V. C. Montgomery, C. L. Murdock.

Concord.—J. R. Jenkins.

Sharpesburg.—E. S. Millsaps.

Jackson.

JACKSON COUNTY.

Canada.—Freeman Baird.

Johnston.

JOHNSTON COUNTY.

Selma.—Jesse Daughtry.

Pleasant Grove.—Walter Whittington (2 years), J. A. Stephenson, R. I. Ogburn (2 years), L. B. Grimes (2 years).

Wilders.—Jas. B. Reeves, John W. Hocutt.

O'Neals.—Charlie Corbett.

Banner.—S. M. Johnson (2 years).

JONES COUNTY.

Jones.

White Oak.—S. S. Waters, Lewis Bynum, Ernest L. Mattocks.

Pollocksville.—Geo. W. White, M. N. Harriett, A. A. Kellum,

John C. Parker.

Trenton.—F. W. Foscue, J. W. Mallard, Sr., Ed. Kellum, Sam.

W. Scott.

Cypress Creek.—Geo. R. Jones, J. L. Hardy.

Tuckahoe.—W. B. Hargett, Geo. G. Nobles.

Chinquopin.—D. W. Dudley, Willie Dale, Lake Dillahunt, J.

E. Harrison.

Beaver Creek.—Cicero Williams, Walter L. Moore, E. B. Isler,

Leary Pollock, P. B. Worley.

LENOIR COUNTY.

Lenoir.

Falling Creek.—M. H. Wooten.

Trent.—W. W. Rouse, Herbert Davis.

Kinston.—James G. Cox, Wm. F. Stanley.

Neuse.—Lott B. Taylor.

Lenoir Institute.—Stephen P. Hardy.

LINCOLN COUNTY.

Lincoln.

Catawba Springs.—W. H. Lowe (4 years), John T. Puntch, O.

Cannor Price.

Howard's Creek.—J. Frank Warlick, Henry D. Warlick.

Irononton.—J. M. Ivey.

MACON COUNTY.

Macon.

Highlands.—Henry M. Bascom, Barak Wright.

MADISON COUNTY.

Madison.

Marshall No. 1.—M. P. Weaver, L. M. Bryan, James H.

Guthrie.

Shelton Laurel No. 2.—James W. Crow (2 years).

Bull Creek No. 3.—W. M. Buckner (2 years), J. D. Carter.

Middle Fork No. 4.—L. C. Buckner (4 years), Jas. Anderson
(4 years), J. M. Deweese.

West Fork No. 5.—Simeon Chandler, W. W. Murray.

Sandy Mush No. 6.—M. F. Plemmons.

No. 7.—G. G. Wilson, Jacob Jarrett.

No. 8.—J. F. Askew.

No. 9.—Jno. W. Daniel, Victor H. Reynolds, J. M. Waddell,
Wm. Gowan.

No. 10.—Jesse B. Rice.

No. 11.—Thomas Yelton, Geo. W. Marchbanks.

No. 12.—W. B. Fortner, S. C. Worley.

No. 13.—J. E. Gregory.

No. 14.—Joseph D. Bradley, S. S. Coats.

No. 16.—Robert Buckner, J. P. Thomas.

Martin.

MARTIN COUNTY.

Robersonville.—Benj. R. Jenkins.

Jamesville.—Jas. C. Smith, Jas. C. Jordan, Jno. E. Riddick.

McDowell.

MCDOWELL COUNTY.

North Cove.—J. D. Avery, Marion Good (2 years each).

Marion.—J. A. McDonald (2 years.)

Mecklenburg.

MECKLENBURG COUNTY.

Steel Creek.—Jno. L. Millwee.

Charlotte.—D. G. Maxwell.

Mitchell.

MITCHELL COUNTY.

Cranberry.—Jno. F. Davie, Ed. Young.

Bakersville.—Jno. Wilson, Newton Young.

Clarsa.—James Young, Mack Young.

Red Hill.—Thomas McIntruf, Jule Hall.

Kenner.—Robert Wiseman, John Phillips.

Snow Creek.—Wm. Silver, Fred. Chandler.

Glenn.—Wm. Glenn.

Grass Creek.—Filmore Blalock, S. M. Callis.

Montgomery

MONTGOMERY COUNTY.

Pee Dee.—R. E. Andrews.

Mt. Gilead.—W. H. Parker, Edgar M. Harris.

Rocky Springs.—A. R. Bowden, D. I. Ewing, A. P. Green.

Hollingsworth.—T. A. Russell, R. B. Mann.

Hill.—E. K. Auman, Geo. Stewart.

Little River.—Jesse Brown, Dan McLeod, Jno. C. Cornelson.

Troy.—N. C. Cochran, D. S. Pool, D. D. Benton, L. R. Link.

Uwharrie.—Offie Harris, Henry Vickers, Oscar Mullinix.

Eldorado.—O. H. Brewer, Geo. W. Lefler, J. F. Bruton.

Cheek's Creek.—Cheslie T. Green, C. L. Cox, Chas. E. Brookshire, C. E. Winfrey.

Ophin.—Jno. L. Saunders, Henry D. Reynolds, Giles Hurley.

Moore.

MOORE COUNTY.

Bensalem.—H. A. Kelly, J. M. Deaton.

Carthage.—A. Hannon, D. M. Underwood, Jno. A. Fry.

Sheffield.—J. R. Maness, J. W. Moore, Martin Brewer.

Ritters.—W. R. Muse.

Deep River.—A. B. Harrington.

Pocket.—W. A. Wadsworth, J. R. Jones, E. M. Judd.

Sanford.—T. L. Chisholm.

Cape Fear.—J. R. Howard.

Jonesboro.—Thomas M. Campbell.

Greenwood.—M. McL. McKethan.

Mineral Springs.—T. B. Colton. I. H. Caddell, W. W. Cole.

McNeills.—Jno. E. Buchan, Daniel McNeill, Murdock Bryan, P. H. Beck, D. A. Blue, L. P. French.

Sand Hills.—Jno. Campbell, J. W. Graham, Angus McLean, L. S. Packard.

NASH COUNTY.

Nash.

Castalia.—J. B. H. Boddie.

Nashville.—J. D. Beall, B. H. Sarsby.

Stony Creek.—C. D. Jones, B. F. Smith, R. T. Watson.

NEW HANOVER COUNTY.

New Hanover.

Wilmington.—S. F. Craig, L. B. Sasser, Jas. E. Thompson, Jno. A. Everett, Jr., C. H. O'Berry, W. S. Bernard, H. M. Chase, F. W. Ortman, A. D. Brown, Henry Fennell, Wm. Sheehan, Sr., Geo. Harriss, B. C. Moore, R. N. Sweet, E. F. Johnson, H. MacQueen, Daniel Quinlivan, Nathan J. Williams, G. W. Chestnutt, Louis E. Hall, W. R. Smith, T. A. Baxter, D. C. Love, Jno. H. Sweeney, Isaiah West, Morgan Turrentine, W. R. Smith, Thos. Burnett, Wm. Goodman, Geo. N. Harriss, H. T. Bauman, W. A. Wilson, Jr., J. C. Morrison, Jno. F. Divine, Wm. Tienken, Jno. R. Turrentine, Jr., Geo. H. Ward, H. W. Malloy, Z. E. Murrill.

Harnett.—W. H. Stakley, George Croft, Giles Westbrook.

Cape Fear.—W. H. Shearin.

Masonboro.—D. D. George, D. W. Trask, W. G. Fergus.

NORTHAMPTON COUNTY.

Northampton

Gaston.—J. R. Green, E. S. Rooke.

Jackson.—J. E. Moore, Jno. Calvert, R. W. Fleetwood.

Kirby.—B. F. Martin, C. R. Revell, J. B. Stevenson, J. W. Haggard, J. A. Garriss, H. Thos. Parker.

Roanoke.—W. G. Spivey, F. C. Brewer, J. R. Baugham, J. H. Wood, J. M. Grant, P. T. Hicks.

Rich Square.—C. W. Harrell, A. Vann, J. B. Bryan, J. J. Bishop, W. E. Spivey.

Seaboard.—J. E. Woodruff, G. F. Gay, J. J. Wheeler, T. J. Taylor.

Wiccacanee.—L. L. Taylor, A. B. Spivey, J. H. DeBerry, J. W. Flythe, E. C. Allen, I. P. Parker.

Occoneachie.—W. D. Ellis, M. W. Ransom.

ONslow COUNTY.

Onslow.

Swansboro.—Solomon J. Hewett.

ORANGE COUNTY.

Orange.

PAMLICO COUNTY.

Pamlico.

No. 1.—John P. Tingle.

No. 2.—Geo. W. Birte, Chas. E. Birte.

No. 3.—D. B. Hooker, Eli E. Mayo.

No. 5.—Jas. H. Broughton.

Pasquotank.

PASQUOTANK COUNTY.

Pender.

PENDER COUNTY.

Burgaw.—D. T. Bowden, G. F. Jordan, T. J. Bradshaw.

Grady.—N. R. Croom, A. C. Moore, J. H. Brinson.

Union.—D. J. Farrior, John New, L. T. Thomas, T. C. Murray.

Rocky Point.—J. E. Durham, Stuart Black, E. D. Pearsall, E. McLendon.

Perquimans

PERQUIMANS COUNTY.

Belvedere.—D. E. Winslow, Sr., J. J. Watson (2 years).

Person.

PERSON COUNTY.

Bushy Fork.—J. F. Anderson, N. R. Villines.

Holloway.—W. T. Humphreys.

Flat River.—G. H. Jones.

Cunningham.—G. L. Cunningham.

Woodsdale.—W. C. Pulliam, Green B. Williams.

Roxboro.—W. A. Winstead.

Pitt

PITT COUNTY.

Polk.

POLK COUNTY.

Cooper Gap.—W. W. Cowart, N. T. Mills, F. C. Jackson, W. W. Thompson.

Saluda.—B. C. Rhodes, H. Leighton Capps, B. T. Boon.

Green Creek.—J. E. Prince.

Columbus.—E. B. Cloud, L. L. Tallent.

Randolph.

RANDOLPH COUNTY.

Asheboro.—W. D. Spoon.

Concord.—E. C. Lassiter.

Coleridge.—J. M. Caveness, T. J. Green, T. S. Graves, J. T. Lambert.

Richland.—Jno. N. Cagle.

Liberty.—W. H. Griffin, L. H. Smith.

Franklinsville.—J. F. Brower, E. L. York, W. B. Webster, A. F. Cox, J. F. Hamilton.

Back Creek.—Clark L. Robbins, J. A. Neighbors.

New Hope.—Geo. T. Murdock, Jas. W. Luther.

New Market.—R. L. White.

Randleman.—J. L. Fields.

Robeson

ROBESON COUNTY.

Blue Springs.—D. B. McLaughlin, J. W. Wilkes (2 years), W. B. McQueen, T. H. Waters (2 years each).

Wishart.—J. Troy Phillips, J. E. Tyson (2 years each.)

Red Springs.—D. P. McEachern, Murdock McDonald.

Raft Swamp.—W. K. Culbreth.

Maxton.—M. G. McKenzie.

RICHMOND COUNTY.

Richmond.

Black Jack.—A. J. Harrington, E. N. Ingram (2 years each).

Steeles.—John Bolton, J. P. Little, Jr.

Rockingham.—J. L. Bundy.

ROCKINGHAM COUNTY.

Rockingham.

New Bethel.—W. I. Witty, W. L. Price.

Simpsonville.—J. A. Bevil, D. E. Purcell, Levi R. Dixon.

Reidsville.—Jas. H. Bennett, Jas. M. Harris.

Price.—Nathaniel C. Deshazo.

ROWAN COUNTY.

Rowan.

Gold Hill.—G. H. Peeler.

Salisbury.—Jas. D. Heilig (2 years).

Litaker.—J. D. A. Fisher (4 years).

China Grove.—Jno. F. Cooper.

RUTHERFORD COUNTY.

Rutherford.

Cool Springs.—J. C. Green.

SAMPSON COUNTY.

Sampson.

North Clinton.—T. R. London (2 years), Z. E. Matthis (2 years), Julius Lewis (4 years), J. E. Chestnutt.

South Clinton.—L. H. Boykin (2 years), H. B. Chestnutt (2 years), R. H. Bennet, (4 years), J. A. Ferrell.

Lisbon.—W. S. Vann (2 years), D. L. Herring (2 years), Wm. Soan (4 years), C. T. Lamb.

Franklin.—H. W. Moore (2 years), Robt. Pigford (2 years), John Melvin (4 years), A. L. Hubbard.

Taylor's Bridge.—Howard James (2 years), Jem. Robinson (2 years), M. H. Register (4 years), A. J. Smith.

Turkey.—David Friar (2 years), W. B. McGowan (2 years), L. A. Kennedy (4 years), J. F. Faison.

Piney Grove.—David J. King (2 years), W. E. Faison (2 years), H. L. Clifton (4 years), M. W. Clifton.

Halls.—W. J. Weeks (2 years), R. C. Sanderlin (2 years), T. A. Hobbs (4 years), Zeb. King.

Newton Grove.—G. B. Rose (2 years), M. A. Warwick (2 years), J. W. Denning (4 years), J. W. Bryan.

West Brook.—M. E. Bass (2 years), E. M. Baggett (2 years) M. B. Wilson (4 years), Allen Daughtry.

Mingo.—W. A. Jackson (2 years), Moses Lee (2 years), D. M. Williford (4 years), Jesse F. Wilson.

Harrings.—R. D. Vann (2 years), W. B. Warren (2 years), S. A. Royal (4 years), C. H. McLamb.

Honeycuts.—A. E. Underwood (2 years), W. H. Taylor (2 years), E. L. Parker (4 years), E. S. Harrings.

Dismal.—N. F. Tew (2 years), Charlie Williams (2 years), W. D. Spell (4 years), L. C. Spell.

Little Coharie.—L. A. Spell (2 years), A. R. Harris (2 years), D. W. Culbreth (4 years), M. M. Hall.

McDaniels.—A. Bradley Parker (2 years), Geo. W. Howard (2 years), Hardy Johnson (4 years), Sylvester Carter.

Scotland.

SCOTLAND COUNTY.

Spring Hill.—Sandy Tyner.

Stewartsville.—James M. Graham.

Stanly.

STANLY COUNTY.

Ridenhours.—Marvel Ritchie (2 years).

Albemarle.—W. F. Hathcock (2 years).

Big Lick.—W. E. Whitley.

Stokes.

STOKES COUNTY.

Danbury.—R. W. Hill, N. A. Martin, Walter F. Davis, T. J. Davis, D. N. Alley.

Sauratown.—Dr. Elias Fulp, S. C. Rierison, J. I. Blackburn, W. B. Vaughn, Jno. W. Davis, Luther Mitchel.

Yadkin.—J. S. D. Pulliam, S. A. Hauser, J. P. Covington, J. P. Ferguson, W. L. Culler.

Quaker Gap.—Presley Pearce, R. E. Smith, W. W. George, G. L. Simmons.

Peters Creek.—F. L. Moore, R. L. Lawson, J. M. Burge, J. A. Lawson, Mat. Robertson.

Snow Creek.—W. E. Willis, Jr., D. S. R. Martin, T. M. Martin, W. F. Brown, J. A. Amos.

Beaver Island.—R. P. McArmally, Z. V. Martin, J. C. Flynn, W. J. Atkins, Frank Flynn, G. F. Daniels.

Meadows.—R. L. Tuttle, J. D. Lawson, I. G. Ross, O. L. Pulliam, E. L. Cumbie.

Surry.

SURRY COUNTY.

Mt. Airy.—Jas. A. Deatheridge, A. W. Dean, L. B. McCargo.

Rockford.—J. T. Poindexter, W. M. Norman, R. A. Doss, D. B. McKaugham.

Pilot Mountain.—Jno. W. Hill.

Dobson.—J. A. Haynes, Jesse M. Venable.

Swain.

SWAIN COUNTY.

Transylvania.

TRANSYLVANIA COUNTY.

Estatoe.—James E. Galloway.

Boyd.—W. M. Liday, Lee Ledbetter.

TYRRELL COUNTY.

Tyrrell.

Columbia.—Joseph L. Spruel, Walter N. Norman.

Scuppernong.—Wm. W. Sawyer.

UNION COUNTY.

Union.

New Salem.—W. H. Brooks, M. C. Austin.

Vance.—Judge E. Broom, W. D. Hawfield.

Jackson.—Henry McWharter.

Lanes Creek.—J. J. Cox.

Sandy Ridge.—G. W. Sutton, Henry L. Pierce.

VANCE COUNTY.

Vance.

WAKE COUNTY.

Wake.

House Creek.—Geo. L. B. Penny.

White Oak.—W. B. Holland, C. F. Williams.

WARREN COUNTY.

Warren.

Judkins.—B. C. Alston, W. W. Fimple.

Warrenton.—Alex. Kartzenstein.

WASHINGTON COUNTY.

Washington.

Scuppernong.—C. J. Spear, Johnson W. Spruill, Wm. F. Owen.

Skinnersville.—W. T. Wichard.

WATAUGA COUNTY.

Watauga.

Boone.—Jno. C. Brown, B. B. Daughterty, M. B. Blackburn.

Meat Camp.—Timothy Morretz, Jonas Winebarger, C. R. Norris.

Cave Creek.—Carroll Adams, Jno. H. Bingham, J. L. Norris (2 years).

Laurel Creek.—Finley Lunsford, John Smith.

Ball Mountain.—C. P. Todd, Jno. L. Tatum.

Watauga.—Wm. H. Mast, J. C. Horton.

WAYNE COUNTY.

Wayne.

Mahunta.—J. D. Davis, C. C. Teague, W. A. Martin.

Buck Swamp.—E. S. Dees, Milford Aycock.

Indian Springs.—J. R. Mervin.

New Hope.—Jno. L. Phelps, L. A. Ivey.

Saulston.—Preston Parks, Elcana Roberts.

Great Swamp.—Peter Peacock, P. B. Scott.

Stony Creek.—O. F. Worrell, David L. Edgerton.

Granthams.—J. W. Rose.

Goldsboro.—N. B. Outlaw.

WILKES COUNTY.

Wilkes.

Edwards.—N. E. Parlier.

North Wilkesboro.—Jno. S. Forrester.

Goshen.—W. B. Reeves.

Union.—John Bowlin.

Wilson.

WILSON COUNTY.

Black Creek.—Howard M. Rowe.

Old Field.—Chas. H. Winborne, Alsa R. Taylor, Henry Thompson.

Spring Hill.—Simon Barnes.

Stantonsburg.—H. E. Thompson.

Wilson.—R. W. McFarland, Jno. W. Blount, Roscoe B. Barnes.

Toisnot.—J. W. Cox.

Gardners.—James S. Woodard, Jr.

Taylors.—Wiley D. Dew.

Yadkin.

YADKIN COUNTY.

Boonville.—W. R. Cown, R. L. Spear.

Knabe.—K. M. Thompson, J. M. Holcomb, J. B. Messick.

Buck Shoals.—T. D. Holcomb, Lee Weatherman.

Deep Creek.—J. L. Holcomb, W. C. Bohanon.

Liberty.—J. L. Sampson, Thomas Williams.

Forbush.—E. T. Davis, J. O. Conrad, R. A. Poindexter.

Full Creek.—W. F. Miller, H. O. Matthews.

Little Yadkin.—Thos. Puryear, B. J. Arendell, S. H. Noding.

Yancey.

YANCEY COUNTY.

Burnsville.—D. A. Angel, J. C. Bird, A. J. Bennett, Jesse Horton.

Jack's Creek.—Joseph Peterson, D. F. Young.

Crabtree.—J. Hughes, N. N. Silvers.

Brush Creek.—Ran. Thomas.

Cane River.—E. J. Angel, H. M. Radford.

Price's Creek.—W. B. Ray, R. M. Ray, Jas. Robinson.

Egypt.—Jackson Higgins.

Ramseytown.—E. D. Peterson.

Green Mountain.—S. P. Huskins, Adolphus Bailey.

Pensacola.—M. P. Ray, T. J. Anglin.

South Taw.—Sandy Patten, Jno. W. Wilson.

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

In the General Assembly read three times, and ratified this 9th day of March, 1903.

CHAPTER 275.

AN ACT TO REVISE THE LAWS AUTHORIZING THE BUSINESS OF BANKING AND TO DEFINE THE DUTIES OF THE CORPORATION COMMISSION IN THE SUPERVISION OF THE STATE, PRIVATE AND SAVINGS BANKS OF THE STATE AND TO PROVIDE FOR THE CHARTER OF SAME BY THE SECRETARY OF STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That any number of persons, not less than three, may associate to establish banks of discount and deposit, to be known as Commercial Banks, and also to establish offices of loan and deposit to be known as Savings Banks, or to establish banks having departments for both classes of business, upon the terms and conditions and subject to the liabilities prescribed in this act, but the aggregate amount of capital stock of any such bank shall not be less than \$25,000.00, except when banks with a capital of not less than \$5,000.00 may be organized in a city or village, the population of which does not exceed 1,500 inhabitants, and with a capital of not less than \$10,000.00 in a city or village, the population of which does not exceed 5,000 inhabitants. No bank shall be the holder as pledgee or as purchaser of any portion of its capital stock, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith.

Establishment of banks.
Not less than three incorporators.
Commercial banks.
Savings banks.

Amount of capital required.

When bank may purchase its own stock.

SEC. 2. The persons associating shall execute Articles of Incorporation, which shall specify:

Articles of incorporation; what to specify:

1st. The name assumed by such bank, which shall be in no material respect similar to the name of any other bank organized under the laws of this State or National Banking Association.

1 Name.

2d. The county and city, or village, where such bank shall be located to conduct its business.

2. Location and place of business.

3rd. The nature of its business, whether that of commercial bank, savings bank, or both.

3 Nature of business.

4th. The amount of its capital stock, which shall be divided into shares of \$50.00 or \$100.00 each.

4. Capital stock and shares.

5th. The names and places of residence of the stockholders, and the number of shares held by each of them.

5. Stockholders; residence; shares held

6th. The period for which the bank is organized, which shall not exceed thirty years.

6. Period.

Such Articles of Incorporation shall be acknowledged before any officer authorized by the laws of this State to take and certify acknowledgments.

Acknowledgment.

SEC. 3. Such Articles of Incorporation shall be executed in triplicate, one of which shall be recorded in the office of the County Clerk for the county in which the bank is located, one filed in the office of the Corporation Commission and one filed and recorded in the office of the Secretary of State, and shall also be spread

Articles of incorporation executed in triplicate

Where filed and recorded.

Certified copies to be evidence.	upon the minutes of the incorporation. Such Articles of Incorporation or copies thereof, duly certified by either of said officers may be used as evidence in all courts, for and against such banks.
When general corporation act applicable.	SEC. 4. That sections twenty-nine (29) and ninety-six (96) of chapter two (2), Public Laws of 1901, being "An act to revise the Corporation Laws of North Carolina," shall be applicable to banks organized under this act. The machinery provided for the dissolution of corporations under said act shall also apply to banks.
Dissolution.	The Secretary of State shall then issue a Certificate of Incorporation to such corporation, granting the privilege of doing a banking business as authorized by this act.
Secretary of State to issue certificate.	SEC. 5. Whenever the Articles of Incorporation are filed with the Corporation Commission as provided in this act and the bank transmitting the same files the certificate of payment of capital stock as provided in this act, and certifies that such bank has complied with all of the provisions in this act required, before the bank shall be authorized to commence business, the Corporation Commission shall examine the sworn statements of the conditions of such bank, or have same examined in person and ascertain the amount of money paid in on account of its capital, the name and place of residence of each of its directors and the amount of capital stock of which each is the owner in good faith, and whether such bank has complied with all the provisions of this act required to entitle it to engage in the business of banking.
Payment of capital stock.	SEC. 6. The Corporation Commission may withhold from any bank its certificate authorizing the commencement of business whenever it has reason to believe that the stockholders have formed the same for any other purpose than the legitimate objects contemplated by this act.
Corporation commission to examine condition of bank.	SEC. 7. If upon such examination it appears to the Corporation Commission that such bank is lawfully entitled to commence the business of banking, it shall within thirty days after the filing of the certificate of payment of capital as provided in this act, give to such bank a certificate signed by the Chairman of the Corporation Commission, attested by the Secretary of the Commission, that such bank has complied with all the provisions required to be complied with before commencing the business of banking and that such bank is authorized to commence such business.
When to begin business.	SEC. 8. Upon making and filing the Articles of Incorporation required by this act, the bank shall become a body corporate and as such shall have power:
When authority to begin business may be withheld.	1st. To adopt and use a corporate seal.
Authority to begin business, how granted and evidenced.	2d. To have succession for the period of years named in the Articles of Incorporation.
Becomes body corporate.	3rd. To make contracts.
Powers.	
1. Seal.	
2. Succession.	
3. Contracts.	

4th. To sue and be sued in any court of law or equity as fully as natural persons.

5th. To elect or appoint directors, who shall choose from their number a president and one or more vice-presidents, and shall have power to appoint and employ a cashier or treasurer and any other officers, define their duties, require bonds from such officers and clerks, dismiss such officers so elected or appointed, or any of them at pleasure and elect or appoint others to fill their places.

6th. To prescribe by its board of directors by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors and officers elected or appointed, its stockholders convened for special meetings, its property transferred and its general business conducted and the privilege granted to it by law exercised and enjoyed.

7th. To exercise by its board of directors or duly authorized officers or agents subject to law, all such powers as shall be necessary to carry on the business of banking, by discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debts, by receiving deposits, by buying and selling exchange, coin and bullion, by loaning money on personal security or real property. Such association at the time of making loans or discounts may take and receive in advance such interest as may be agreed upon not exceeding the legal rate.

SEC. 9. Such bank may purchase, hold and convey real estate for the following purposes:

1st. Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments to rent as a source of income, which investment shall not exceed 25 per cent of its paid in capital stock and permanent surplus: *Provided*, that this provision shall not apply to any such investment made before the date that this act takes effect.

2d. Such as is mortgaged to it in good faith by way of security of loans made or money due to such bank.

3d. Such as is conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4th. Such as it acquires by sale on execution or judgment of any Court in its favor.

SEC. 10. At least 50 per cent of the capital stock of every bank shall be paid in in cash before it shall be authorized to commence business and the remainder of the capital stock of such bank shall be paid in in monthly installments of at least 10 per cent in cash of the whole of the capital, payable at the end of each succeeding month from the time it shall be authorized by the Corporation Commission to commence business, and the payment of each installment shall be certified to the Commission under oath by the Cashier or President of the bank.

Stock of delinquent stockholders, how sold.	SEC. 11. Whenever any stockholder or his assignee fails to pay any installment on the stock, when the same is required by the preceding section to be paid, the Directors of such bank may sell the stock of such delinquent stockholders at public sale, as they shall deem best, having first given the delinquent stockholder
Notice.	twenty days notice, personally or by mail, at his latest known
Forfeiture to bank.	address. If no party can be found who will pay for such stock the amount due thereon to the bank, with any notes incurred, the
Sale of same.	amount previously paid shall be forfeited to the bank and such stock shall be sold as the Directors may order, within six months
Cancellation.	of the time of such forfeiture, and if not sold, it shall be cancelled and deducted from the capital of the bank.
Shares deemed personal property.	SEC. 12. The shares of stock of such bank shall be deemed personal property and shall be transferred on the books of the bank in such manner as the by-laws of the bank may direct; but no
Transfer of shares.	transfer of stock shall be valid against the bank so long as the registered holder thereof shall be liable as principal debtor, surety or otherwise to the bank for any debt which shall be due
Indebtedness of shareholders.	and unpaid, nor in such case shall any dividends, interest or profits be paid on such stock so long as such liabilities continue; but all such dividends, interests or profits shall be retained by the bank and applied to the discharge of such liabilities, and no stock shall be transferred on the books of any bank without the consent of the Board of Directors where the registered holder thereof is in debt to the bank for any matured and unpaid obligations.
Individual liability of stockholders.	SEC. 13. The stockholders of every bank organized under this act shall be individually responsible, equally and ratably and not one for another for all contracts, debts and engagements of such corporation, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The term "stockholder," when used in this chapter, shall apply not only to such persons as appear by the books of the corporation to be stockholders, but also to every owner of stock, legal or equitable, although the same may be on such books in the name of another person; but not to a person who may hold the stock as collateral security for the payment of a debt.
Term "stockholder," what to include.	
Transfer of stock.	SEC. 14. No person who has in good faith and without any intent to evade his liability as a stockholder, transferred his stock on the books of the corporation, when solvent, to any person of full age, previous to any default in the payment of any debt or liability of the corporation, shall be subject to any personal liability on account of the non-payment of such debt or liability of the corporation, but the transferee of any stock as transferred previous to any default shall be liable for any such debt or liability of the corporation to the extent of such stock, in the same manner as if he had been the owner at the time the corporation contracted such debt or liability.
Personal liability when to cease.	

SEC. 15. Every President, Director, Cashier, Teller, Clerk or agent of any bank or association created under this act, who embezzles, abstracts or wilfully misapplies any of the moneys, funds or credits of the association, or who, without authority from the Directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of the bank or association, with the intent in either case to injure or defraud the bank or association or any other company, or any individual person, or to deceive any officer of the bank or association, or any person who aids and abets in the doing of any of these things, shall be guilty of a high misdemeanor, and upon conviction shall be imprisoned in the penitentiary of the State for not less than two years, nor more than fifteen years, and likewise fined, at the discretion of the Court.

Officers or agents embezzling, defrauding, etc., guilty of high misdemeanor.

Penalty.

SEC. 16. Every bank shall at all times keep a correct list of the names of all its stockholders, and once in each year, or whenever called upon, file in the office of the Corporation Commission a correct copy of such list.

List of stockholders to be kept.
Annual certificate to corporation commission.

SEC. 17. Whenever any bank, under the laws of this State or of the United States, is authorized to dissolve and shall have taken the necessary steps to effect dissolution, it shall be lawful for a majority of the Directors of such bank, upon the authority in writing of the owners of two-thirds of its capital stock, with the approval of the Corporation Commission, to execute articles of incorporation as provided in this act, which articles, in addition to the requirements above, shall further set forth the authority derived from the stockholders of said dissolved National Bank or State Bank, and upon filing the same as hereinbefore provided, upon the organization of banks, the same shall become a bank under the laws of this State, and thereupon all assets, real and personal, of said dissolved National bank, shall by act of law be vested in and become the property of said State bank, subject to all liabilities of said National bank not liquidated under the laws of the United States before such reorganization: *Provided*, such State or National bank shall not be required to pay the fee as provided in section 4 of this act.

Dissolution.

Re-organization.

Approval of corporation commission.

Proviso.

SEC. 18. Every bank, association, firm or individual now doing a banking business without being organized by a State charter to do so, shall conform to all the provisions of this act before such bank, firm or individual shall be authorized to continue to do a banking business: *Provided*, such bank, association, firm or individual shall have sixty days within which to conform to the provisions of this act: *Provided further*, this shall not apply to individuals or firms doing business as bankers in his or their own names and so published.

All banks, etc., to conform to this act.

Sixty days allowed.

Proviso: certain individuals and firms excepted.

This act applicable to all banking business now or hereafter transacted. Supervision.

SEC. 19. Every bank, corporation, partnership, firm or individual, now or hereafter transacting a banking business under the laws of and within this State, shall be subject to the provisions of this act and regulated by and be under the supervision of the North Carolina Corporation Commission.

Corporation commission to make rules and regulations.

SEC. 20. The North Carolina Corporation Commission shall have power to make such rules for the government of the banks and banking institutions of this State as may in its judgment seem wise and expedient: *Provided*, that no such rule or regulation shall in any way conflict with any of the provisions of this act.

Proviso.

Quarterly reports to corporation commission.

SEC. 21. Every bank and every corporation, partnership, firm or individual transacting a banking business shall make to the Corporation Commission not less than four reports during each year, according to the form which may be prescribed by said Board, which reports shall be verified in the case of incorporated banking companies by the oath or affirmation of the President, Vice-President or Cashier, and, in addition, two of the Board of Directors, and in other cases by the oath or affirmation of the partners, members of the firm or individual owner. The bank, corporation or individual making such report shall publish same in some newspaper in the county in which such bank, corporation or individual is located.

Form and verification.

Publication of same.

Special reports.

SEC. 22. The Corporation Commission shall have power to call for special reports from any bank, corporation, firm or individual transacting a banking business, whenever necessary, in order to obtain a full and complete knowledge of its, their or his bank.

Bank examiners.

SEC. 23. The North Carolina Corporation Commission shall appoint a suitable person or persons to make an examination of and into the affairs of every bank, corporation or individual doing a banking business as often as shall be deemed necessary and proper, and at least once every year. The Corporation Commission may at any time remove any person appointed by said Commission.

Appointment and removal of same.

Powers and duties of bank examiners.

SEC. 24. The person or persons so appointed as examiners shall have power to make a thorough examination into all the books, papers and affairs of the bank or corporation, firm or individual transacting a banking business, and, in so doing, to administer oaths and affirmations and to examine on oath or affirmation any individual banker and the officers, agents, partners and clerks of such bank, corporation, firm or individual touching the matters he or they shall be authorized and directed to inquire into, and examine, and to summon, and by attachment compel the attendance of any person or persons in this State to testify under oath before him or them in relation to the affairs of such corporation, partnership, firm or individual. The person or persons making such examination shall make a full and detailed report of the

May administer oaths.

May examine witnesses and compel attendance.

Examiners to report to corporation commission.

condition of such corporation, partnership, firm or individual to the Commission: *Provided*, that any examiner appointed under the provisions of this act, who shall knowingly and willingly make any false or fraudulent report of the condition of any bank which shall have been examined by him, with the intent to aid or abet the officers, owners or agents of such bank, in continuing to operate an insolvent bank; or if any such examiner shall receive or accept any bribe or gratuity, given for the purpose of inducing him not to file any report of an examination of any bank made by him, or who shall neglect to make an examination of any bank by reason of having received or accepted any bribe or gratuity, he shall be deemed guilty of felony, and, on conviction thereof, shall be imprisoned in the State penitentiary for not less than two nor more than ten years.

Making false report, accepting bribe, etc., a felony.

Penalty.

SEC. 25. One examination each year shall be designated as the annual examination, and for each examination the bank, corporation, association or individual so examined shall pay into the office of the Corporation Commission, to be paid to the examiners, an examination fee as follows: Banks, banking institutions or individuals doing a banking business, having a capital of \$25,000 or less, shall pay a fee of \$15.00; those having a capital stock of more than \$25,000 and not over \$50,000, \$25.00; those having a capital stock of over \$50,000, \$30.00. The expenses incurred and services, other than examinations performed especially for any bank, shall be paid by such bank or banking institution. No bank shall be compelled to pay for more than one examination in each year, unless it shall appear from report, examination or otherwise that the condition of any bank or banking institution or banker is precarious, or in any way unsatisfactory, it shall be the duty of the Commission to order a special examination, which shall be paid for as regular examinations.

Annual examination.

Expenses of same; by whom paid.

Amount.

Other expenses.

When bank liable for.

SEC. 26. Every bank, corporation, partnership, firm or individual that shall refuse, fail or neglect to make any report, or any published statement required by the provisions of this act, shall be subject to a fine or penalty of fifty (\$50) dollars per day for each day after the time named for said report or statement to be made, that it, they or he delays to make and transmit such report or statement to the Corporation Commission. The fine or penalty herein provided for shall be recovered by the State, for the benefit of the general fund, in a civil action in any Court of competent jurisdiction, and it is hereby made the duty of the Attorney-General to enforce the fine or penalty herein provided.

Penalty for failure to comply with this act.

Suit for penalty.

Duty of Attorney-General.

SEC. 27. Any person or persons who shall wilfully and knowingly subscribe to, or make, or cause to be made, any false state-

False and fraudulent statements, acts, etc., felony.

ment or false entry in the books of any bank, corporation, partnership, firm or individual transacting a banking business, or shall knowingly subscribe to or exhibit false papers, with the intent to deceive any person or persons authorized to examine into the affairs of said bank, corporation, partnership, firm or individual, or shall make, state or publish any false statement of the amount of the assets or liabilities of any such corporation, partnership, firm or individual, shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the State penitentiary not less than one (1) year nor more than ten (10) years.

Penalty.

Reserve fund; amount, character

Proviso, as to certain cities and savings banks.

SEC. 28. Every bank shall at all times have on hand as a reserve in available funds an amount equal to at least fifteen (15) per cent of the aggregate amount of its deposits. Two-fifths of said fifteen (15) per cent shall be cash in the vaults of the bank: *Provided*, that in cities having a population of more than twenty-five thousand (25,000), said reserve shall be twenty (20) per cent of the aggregate amount of the deposits: *Provided further*, that savings banks shall have on hand at all times, as a reserve in available funds, an amount equal to at least five (5) per cent of their aggregate deposits.

Available funds.

Cash, to include what.

When not to make certain loans and discounts.

When not to pay dividends.

Examiner may take possession of bank, when.

When examiner may retain possession of bank.

Appointment of receiver.

SEC. 29. The available funds shall consist of cash on hand and balances due from other solvent banks. Cash shall include lawful money of the United States, and exchange for any clearing house association. Whenever the available funds of any bank shall fall below the reserve herein required, such bank shall not make any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight; nor shall such bank make any dividends of its profits until it has on hand the available funds required by this act.

SEC. 30. Any bank examiner when appointed by the Corporation Commission, and who has filed such bond as may be required by the Commission, when ordered by said Board, shall have authority to take possession of any bank doing business under the laws of this State and retain possession of said bank for a time sufficient to make a thorough examination into the affairs and financial condition of said bank, and in case it is found by said examiner, upon said examination, that said bank is insolvent or is conducting its business in an unsafe and unauthorized manner, or is jeopardizing the interests of its depositors, then such examiner, when authorized by the Corporation Commission, shall have full power and authority to hold and retain possession of all the money, rights, credits, assets, and property of every description belonging to such bank, corporation, partnership, firm or individual whose property has been taken possession of by such examiner, until the Corporation

Commission can receive and act on the report made by the examiner of said bank, and have a receiver appointed, for the purpose of winding up and settling the affairs of said bank, banking institution or banker, according to law: *Provided*, the Commissioners in their judgment may grant such bank, corporation or individual thirty or sixty days in which to correct any errors or irregularities, and make good any deficiencies or losses shown in such reports or otherwise.

Proviso: corporation commission may grant time.

SEC. 31. That all laws and clauses of laws in conflict with this act be and are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1903.

CHAPTER 276.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF SPIRITUOUS LIQUORS WITHIN CERTAIN LOCALITIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture, sell or dispose of for gain or remuneration any spirituous, vinous or malt liquors or any other substance, either liquid or solid, that produces, or many produce, intoxication, within one (1) mile of the following places:

Manufacture and sale of liquor regulated.

In Anson County: Burn's School House (white) in Burnsville Township, School House number 3 (white) in Gullledge Township, Rocky Mount Baptist Church in Burnsville Township.

One mile limit. Manufacture and sale prohibited—Anson.

In Davidson County: Center M. E. Church, South, in Lexington Township, and Piney Primitive Baptist Church and Piney Missionary Baptist Church.

Davidson.

In Moore County: Bethlehem Church in Carthage Township.

Moore.

In Beaufort County: Public School House No. 5 (col.) in Richmond Township.

Beaufort.

That it shall be lawful for any person, firm or corporation to sell or dispose of for gain or remuneration, any spirituous, vinous or malt liquors or any other substance, either liquid or solid that will or may produce intoxication within (1) one mile of the following places:

Sale prohibited—

In Columbus County: Zion Tabernacle Church, in Chadbourne Township; Mishop Springs School House, No. 6, in Whiteville Township; China Grove Church in Chadbourne Township; Britt's School and Chapel and Smyrna Baptist Church in Whiteville Township; Presbyterian and Baptist churches at Cronly in Ran-

Columbus. Three mile limit. Sale prohibited—

son Township, or in (3) miles of Macedonia Baptist Church in Edenton Township in Chowan County.

Chowan.

SEC. 2. That it shall be unlawful for any person, firm or corporation to manufacture, sell or otherwise dispose of any spirituous, vinous or malt liquors or any other substance, liquid or solid that will produce intoxication, within one and one-half ($1\frac{1}{2}$) miles of the following places:

In Alexander County: Pleasant Hill Baptist Church, Pilgrim Church.

Guilford.

In Guilford County: Davis Free School in Deep River Township.

Henderson.

In Henderson County: Shaw's Creek Baptist Church.

Two mile limit.
Manufacture and
sale prohibited—
Alexander.

SEC. 3. That it shall be unlawful for any person, firm or corporation to manufacture, sell or dispose of for gain or remuneration any spirituous, vinous or malt liquors or any other substance, either liquid or solid, that produce, or may produce, intoxication, within two (2) miles of the following places:

Anson.

In Anson County: Rocky River Baptist Church in Burnsville Township; Hopewell Methodist Church in Burnsville Township; Cedar Grove Baptist Church.

Beaufort.

In Beaufort County: Core Point Chapel Church.

Burke.

In Burke County: St. George Chapel Church; Good Shepherd Church; Chapel of the Cross Church; School House, No. 1, in Silver Creek Township; Jonas Ridge Church; Jonas School House in Upper Creek Township.

Davidson.

In Davidson County: Fair View Church in Emmons Township; Zion M. E. Church, South, in Thomasville Township; Linwood M. E. Church in Boone Township.

Granville.

In Granville County: Peace's Chapel Missionary Baptist Church in Fishing Creek Township.

Henderson.

In Henderson County: Liberty Baptist Church, Middle Fork Baptist Church.

Hyde.

In Hyde County: School District No. 5.

Jones.

In Jones County: Pleasant Hill Church.

Lincoln.

In Lincoln County: Denver Academy or School House, Pleasant Grove Methodist Church in Howard Creek Township.

Montgomery.

In Montgomery County: Stoney Fork Baptist Church, Little River M. E. Church, South; Biscoe Methodist Church.

Moore.

In Moore County: Beulah Hill Church in Mineral Springs Township.

Nash.

In Nash County: Sugar Hill School House in Jackson Township, Sandy Cross M. E. Church, South, in Cooper's Township; Philadelphia Church.

Northampton.

In Northampton County: Galatia Baptist Church, Creekville Baptist Church, Providence M. E. Church, South; Severn Baptist Church, Pine Forest Baptist Church.

Pitt.

In Pitt County: Bethany Free Will Baptist Church, School House District No 13 (white) in Greenville Township.

In Polk County: Lynn School Building at the Lynn Hosiery Mills. Polk.

In Rockingham County: Gideon's Grove Church. Rockingham.

In Randolph County: Rocky Ridge School House. Randolph.

In Rutherford County: Fairview Baptist Church, Golden Valley M. E. Church, South, in Golden Valley Township; Howard's Chapel Christian Church. Rutherford.

In Surry County: Siloam M. E. Church, South; Siloam Missionary Baptist Church, both located in the village of Siloam; Poplar Springs Methodist Protestant Church in Siloam Township, Salem School House, Green Hill Church, Beam's School House and Zion Church. Surry.

In Stokes County: Baptist Church in Germanton, Stokes County; Asbury Presbyterian Church in Quaker Gap Township; Brim's Grove Baptist Church, Quaker Gap Township. Stokes.

In Union County: Macedonia Baptist Church, Grace Chapel Protestant Methodist Church, Union Baptist Church. Union.

In Wilkes County: Beulah M. E. Church, South, in Moravian Falls Township; Lebanon Church, Oak Grove Church, Boomer High School and the three churches at Boomer, Wilkes County; Oakwood Church, Lewis Fork Church, Baptist; Walnut Grove Church, Piney Grove Church, Briar Creek Church, Union M. E. Church, South; Harmony Baptist Church; The First Baptist, New Hope Baptist Church, Pleasant Home Baptist Church, Charity Methodist Church, Oak Forest Baptist Church, Mt. Pleasant Church, Macedonia Baptist Church, Dimmetts Church, Yellow Hill Church. Wilkes

In Washington County: Sugar Hill School House.

Washington

In Wake County: Bay Leap Baptist Church. That the prohibition as to Lebanon Church and Pumpkin Creek School House shall only apply to the sales, and not to the manufacture of brandy.

Wake.
Exception as to
brandy.

SEC. 4. That it shall be unlawful for any person, firm or corporation to manufacture, sell or dispose of for gain or remuneration any spirituous, vinous or malt liquors or any other substance, either liquid or solid, that produces, or may produce, intoxication, within two and one-half ($2\frac{1}{2}$) miles of the following places:

Two and a half
miles limit.
Manufacture and
sale prohibited—

In Alleghany County: Rocky Ridge Presbyterian Church.

Alleghany.

In Henderson County: Pattys Chapel Methodist Church.

Henderson.

In Davie County: Cooleemee M. E. Church, South, at Cooleemee.

Davie.

SEC. 5. That it shall be unlawful for any person, firm or corporation to manufacture, sell or dispose of for gain or remuneration any spirituous, vinous or malt liquors, or any other substance, either liquid or solid, that produces, or may produce, intoxication, within three (3) miles of the following places:

Three miles limit.
Manufacture and
sale prohibited.

In Burke County: Wilkie's Grove Baptist Church and Water's Academy.

Burke.

- Beaufort.** *In Beaufort County:* White Hill Church and Sandy Grove Church.
- Bladen.** *In Bladen County:* Abbottsburg M. E. Church, South; Bladen Springs M. E. Church, South; Singletary M. E. Church, South; Trinity M. E. Church, South; Union M. E. Church, South; Wesley Chapel M. E. Church, South; French Creek, Natmore, Shady Grove, Haw Bluff Missionary Baptist Church, Galud Missionary Baptist Church.
- Carteret.** *In Carteret County:* Tabernacle M. E. Church, South, in Straits Township; Providence School House at Morehead City.
- Craven.** *In Craven County:* Gallilee Church in No. 2 Township.
- Chowan.** *In Chowan County:* Macedonia Baptist Church in Edenton Township.
- Caldwell.** *In Caldwell County:* Laurel Hill Church and Wilson Creek churches, Upton School House.
- Catawba.** *In Catawba County:* Lebanon Union Church in Mountain Creek Township, South Fork Baptist Institute, located at Maiden, Catawba County; St. Paul's M. E. Church, South, and Pisgah Church.
- Duplin.** *In Duplin County:* Island Creek Baptist Church.
- Granville.** *In Granville County:* New Hope M. E. Church, South, in Dutchill Township; Fellowship Baptist Church in Dutchill Township; Mt. Zion Baptist Church in Walnut Grove Township.
- Davie.** *In Davie County:* Oak Grove M. E. Church, Concord; Center, Salem and Zion.
- Greene.** *In Greene County:* Howell Swamp Church.
- Haywood.** *In Haywood County:* Pleasant Balsam Baptist Church.
- Iredell.** *In Iredell County:* Shady Grove Baptist Church, Saint James Episcopal Church, Westley Chapel M. E. Church, South; Triplet M. E. Church, South; Williamson's School House, Simpson's School House, Arthur's School House, Pine Valley School House, Shinn's School House, and St. James Mission School House, located in Barringer's Township; Barker's Church in New Hope Township, Cool Springs Academy in Cool Springs Township.
- Jackson.** *In Jackson County:* St. Peter's Episcopal Church at Balsam.
- Jones.** *In Jones County:* Pleasant Hill Church.
- Lincoln** *In Lincoln County:* Salem Baptist Church, Pleasant Grove, Howard's Creek Township; Denver School House in Catawba Springs Township.
- Mitchell.** *In Mitchell County:* The Christian Church at Hale and Methodist E. Church, South, at Elk Park; Mountain Baptist Church in Linville Township.
- Mecklenburg.** *In Mecklenburg County:* Providence Presbyterian Church in Providence Township.
- Person.** *In Person County:* Mt. Tirzah M. E. Church, South; Woodsdale M. E. Church, South; Ephesus Baptist Church, Hill Creek Baptist Church, Providence Baptist Church, Terrell School House, No. 1 and 2, in Olive Hill Township; Terrell School House, No. 1 and 2, in Bushy Fork Township.

In Perquimans County: Chapel Hill Baptist Church, situated on the Perquimans and Chowan line; Piney Woods Friends Church, near Belvidere postoffice; Friends Academy at Belvidere, Whiteville Grove Baptist Church, Bethany M. E. Church, South; Friends Church, known as Upper River, near Niconor postoffice; Andrews M. E. Church in Hertford Township.

In Tyrrell County: Malachi Church.

In Rowan County: Pond School House in Morgan Township.

In Rutherford County: Montford's Cave Baptist Church.

In Surry County: Ladonia Church, Bald Knob School House.

In Wayne County: St. John's Free Will Baptist Church, Friendship Primitive Baptist Church, New Hope Friends Church and Casey's Chapel in New Hope Township, Copeland School House.

In Union County: Corinth Baptist Church.

In Wake County: Catawba Springs Church.

In Graham County: Yellow Creek Baptist Church, Lone Oak Baptist Church, Stecoah Baptist Church, Free Will Baptist Church in Stecoah, Fairview Baptist Church, Panther Creek Baptist Church, Atoah School House, West Buffalo School House.

In Stanly County: Cottonville and Silver Springs Baptist churches and Rehobeth Methodist Church in Tyson Township; Love's Chapel Methodist Church in Furr Township; Wesley's Chapel Methodist Church in Ridenhour Township; Oak Grove School House in Harris Township, and Cedar Grove Methodist Church in said county of Stanly.

SEC. 6. That it shall be unlawful for any person, firm or corporation to manufacture, sell or dispose of for gain or remuneration any spirituous, vinous or malt liquors, or any other substance, either liquid or solid, that produces, or may produce, intoxication within three and one-half ($3\frac{1}{2}$) miles of the following places:

In Columbus County: Smyrna Baptist Church.

SEC. 7. That it shall be unlawful for any person, firm or corporation to manufacture, sell, or dispose of for gain any spirituous, vinous or malt liquors, or any other substance, either liquid or solid, that produces, or may produce, intoxication, with four (4) miles of the following places:

In Anson County: Bethel Methodist Church, Gullledge Township.

In Alamance County: Concord Methodist Church and all churches in Newlin Township, Alamance County.

In Carteret County: Independent School House, Morehead City.

In Moore County: Fair Promise M. E. Church, South, in Deep River Township, Pockett Presbyterian Church in Pockett Township, St. Andrews Church in Greenwood Township, Cedar Grove School House in Pocket Township, known as public school house; Euphronia Presbyterian Church in Pocket Township; Grace

Chapel Church, Christian Church in Pocket Township, White Hill Presbyterian Church in Greenwood Township, Staunton Hill School House in Greenwood Township, Center M. E. Church, South, in Greenwood Township, High Falls M. E. Church at High Falls, Brown's Chapel Christian Church, Johnson Grove Methodist Church, Friendship Baptist Church.

Robeson.

In Robeson County: Oak Grove M. E. Church, South.

Randolph.

In Randolph County: New Salem Church, New Salem School House, Union Grove School House, Providence Church, Providence Public School House, Bethel Church, Bethel Public School House, Staley Public School House, Sandy Creek Missionary Baptist Church, in Columbia Township, Shady Grove Baptist Church, Gray's Chapel Methodist Protestant Church, White Hall M. P. Church, South; West Chapel M. E. Church, South; New Union M. E. Church, Browers M. P. Church, Bethany Church, Back Creek Friends Church, Cedar Falls Baptist Church.

Rowan.

In Rowan County: St. Paul's Protestant Episcopal Church, Main Street M. E. Church, South; Baptist Church, Lutheran Church, Presbyterian Church, and school that is carried on on Chestnut Hill and Factory Hill, suburbs of the city of Salisbury. That this act does not apply to the corporate limits of the city of Salisbury, Rowan County, N. C.

Wayne.

In Wayne County: Smith's Chapel Church.

Watauga.

In Watauga County: Pleasant Grove Baptist Church, Smith's Chapel Methodist Church.

Five miles limit.
Manufacture and
sale prohibited—

SEC. 8. That it shall be unlawful for any person, firm or corporation to manufacture, sell or dispose of for gain or remuneration any spirituous, vinous or malt liquors, or any other substance, either liquid or solid, that produces, or may produce, intoxication, within five (5) miles of the following places:

Catawba.

In Catawba County: Mt. Olive Evangelical Lutheran Church.

SEC. 9. That this act shall be in force from and after the 1st day of July, A. D. 1903.

In the General Assembly read three times and ratified, this 9th day of March A. D. 1903.

CHAPTER 277.

AN ACT TO PROVIDE FOR THE BETTER DRAINAGE OF CERTAIN BOTTOM LANDS ALONG THE NORTH PRONG OF BELEWS CREEK IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons owning and holding land through which the north prong of Belews Creek flows, from the Thomas Sullivan ford in Forsyth County to John Linville's line in Stokes County, shall on or before the first Monday in August, 1903, remove all stones, rocks, trees and other obstructions to the flow of water except such dams or walls as are erected by virtue of water right.

Obstructions to be removed by certain time.

Exceptions.

SEC. 2. That no person or persons shall be compelled to remove any stones, rocks, trees or other obstructions from any part of the aforesaid creek, except such part as flows through his or her land.

Duty of land owners.

SEC. 3. That any person failing to comply with the provisions of the preceding sections shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars, nor more than fifty dollars, or be imprisoned thirty days, or both at the discretion of the court.

Non-compliance with this act a misdemeanor, penalty.

SEC. 4. That John T. Martin, Edgar Linville and John W. Flint be and are hereby constituted and appointed a committee for the purpose of carrying out the provisions of this act.

Committee to enforce act.

SEC. 5. That it shall be the duty of the aforesaid committee, not later than the first Monday in July, 1903, to meet and inspect all that portion of the creek between the Thomas Sullivan ford in Forsyth County and John Linville's line in Stokes County, and if any person or persons shall not have removed all obstructions as specified in sections 1 and 2 of this act, it shall be the duty of the aforesaid committee to notify such person or persons, and the penalty for failure to comply with the provisions of this act.

Duties of committee. Meeting, notice to persons not complying.

SEC. 6. It shall then be the duty of the aforesaid committee to meet again not later than the second Monday in August, 1903, and inspect that portion of the creek as specified in section 1 of this act, and if any person or persons shall not have removed the obstructions as enumerated in the preceding sections of this act, the committee aforesaid shall report such person or persons to the Solicitor of the District at the following term of the Superior Court, for the trial of criminal cases, in the county in which the land of such person or persons is situated. And it shall be the duty of the Solicitor, when he has received such re-

Inspection by committee.

Indictment of persons failing to comply with act.

port, to present a bill of indictment, to be acted upon by the grand jury, and to prosecute such person or persons as have violated the provisions of this act, if a true bill is found.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 278.

AN ACT FOR THE BETTER PROTECTION OF LIVE STOCK IN POPLAR BRANCH TOWNSHIP, CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Territory.

SECTION 1. That it shall be unlawful for any farmer or planter in Poplar Branch Township, Currituck County, to plant, cultivate or attempt to cultivate any crop without first having a sufficient fence about his cleared ground under cultivation at least three feet and six inches high, if same be built of plank, wire or pickets, and four feet high if said fence be built of rails, unless said lands be bounded by some navigable stream or deep water-course that shall be sufficient instead of such fence.

Height of fence.

Injury to stock
not authorized.

SEC. 2. That this act shall not be construed as to justify the killing or maiming of any stock that may intrude upon any lands enclosed under such fence as provided for by this act.

Violation of this
act a misde-
meanor, penalty.

SEC. 3. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and fined not less than twenty dollars nor more than fifty dollars or imprisoned not more than thirty days at the discretion of the court.

Conflicting laws
repealed.

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.

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 279.

AN ACT TO AMEND CHAPTER 388 OF PUBLIC LAWS OF 1895, RELATIVE TO THE FEES OF COTTON WEIGHERS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Former law
amended.

SECTION 1. That chapter 388 of the Public Laws of 1895 be and the same is hereby amended, by striking out the word

"six" (6) in line two (2) and substituting the word "ten" (10) in lieu thereof. Fee not to exceed ten cents.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 280.

AN ACT TO PROTECT BIRDS, ETC., IN UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to kill or take in any manner whatsoever, by trap, net or otherwise, any wild quail, or partridge, mocking bird, robbin, blue bird, red bird and thrush between the fifteenth day of January and the fifteenth day of December in each and every year. Close season prescribed for certain birds.

SEC. 2. That it shall be unlawful for any person or persons to kill or take in any manner whatsoever any wild turkey, or destroy the nests or carry away the eggs or kill the young of any wild turkey between the fifteenth day of March and the fifteenth day of November in each and every year. Close season for wild turkeys.

SEC. 3. That it shall be unlawful for any person or persons to ship or in any way take or carry beyond the limits of the county of Union any of the birds mentioned in section one of this act, any time during the year, or to destroy the nests or break or take and carry away the eggs or the young of any of the birds mentioned in section one of this act. Unlawful to ship certain birds out of county, etc.

SEC. 4. That any person or persons who shall violate any of the provisions of this act shall pay a fine of not less than five dollars nor more than twenty dollars. Penalty.

SEC. 5. That one-half of the fine for every conviction under this act shall be paid to the informer and prosecutor in the case. Half of penalty to go to informer.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this act shall apply only to the county of Union. Applies only to Union county.

SEC. 8. That this act shall be in force and effect from and after the fifteenth day of March, A. D. 1903. In force after March 15, 1903.

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 281.

AN ACT TO PROTECT FISH, BIRDS AND OTHER WILD FOWL IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Fishing in certain creeks regulated.

SECTION 1. That it shall be unlawful for any person or persons to construct any fish traps, dam in the waters of Hiawassee River, Brasstown, Shooting Creek and Tusquitte creeks for more than two-thirds the width of said streams.

Close season for certain game prescribed.

SEC. 2. That it shall be unlawful for any person or persons to trap, net, shoot or otherwise take or kill any wild turkey, partridge or quail or pheasant between the first day of March and the first day of December in each year.

Possession of protected game prima facie evidence of guilt.

SEC. 3. That any person or persons found in possession of any of the wild fowl named in section two of this act shall be *prima facie* evidence of the guilt of the said party or parties.

Violation of section 2 a misdemeanor.

SEC. 4. That any one violating the provisions of section two 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.

Conflicting laws repealed.

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

Applicable only to Clay County.

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

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 282.

AN ACT TO CHANGE THE TIME OF HOLDING THE SPRING TERM OF ASHE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Time for spring term of court changed.

SECTION 1. That chapter 28 of the Public Laws of 1901, in so far as it relates to Ashe County, be and the same is hereby amended so as hereafter to read as follows: "Ashe County. Fifth Monday after the first Monday in March; sixth Monday before the first Monday in September, and fifth Monday after the first Monday in September, each to continue for two weeks."

SEC. 2. That this act shall be in force from and after June 1st, 1903.

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 283.

AN ACT FOR THE PROTECTION OF OWNERS OF LIVE STOCK ON SCUPPERNONG RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any transportation company or common carrier to receive live stock for shipment at any of the landings or shipping points on Scuppernong River, Columbia excepted, between the hours of sunset and sunrise. During the time any live stock may be held for shipment at any landing or shipping point on said river, Columbia excepted, it shall be kept in a covered pound or inclosure, supplied with necessary food and drinking water, and at all times in full view of the public.

When live stock may be received for shipment. Columbia excepted.

Care of live stock pending shipment. Columbia. excepted.

SEC. 2. That any transportation company, common carrier, or the agent of either who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned or both at the discretion of the court.

Violation of this act a misdemeanor.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 284.

AN ACT TO AMEND CHAPTER 756 OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That section 2 of chapter 756 of the Public Laws of 1901 be and the same is hereby amended by striking out "1901" at the end of said section and inserting in lieu thereof "1904."

Time for removing obstructions in Crowder's Creek, Gaston County, extended to January 1, 1904.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 285.

AN ACT FOR THE RELIEF OF A. S. ELLER, CLERK OF THE SUPERIOR COURT OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That A. S. Eller, Clerk of the Superior Court of Ashe County, be and he is hereby permitted to absent himself

Leave of absence granted. Competent deputy to be provided.

from his office one Monday in each month: *Provided* the same is not a first Monday of the month: *And provided further*, that he leave a competent deputy in his office to transact the duties thereof.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 286.

AN ACT TO PROTECT GAME IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Close season

SECTION 1. That it shall be unlawful for any person to net, trap, take, catch or in any manner destroy any quail or partridges between the tenth day of January and the first day of December in any year.

Unlawful to hunt on land without permission of owner. Prima facie evidence.

SEC. 2. That it shall be unlawful for any person to hunt any game upon the lands of another without permission of the landowner, and if any person shall go upon the land of another with a gun, or dog, it shall be *prima facie* evidence that such person is hunting within the meaning of this act.

Applicable only to Gaston County. Violation of this act a misdemeanor. Penalty.

SEC. 3. That this act shall only apply to the county of Gaston.

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

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 287.

AN ACT TO PROVIDE A FUND FOR IMPROVEMENT OF PUBLIC ROADS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

County commissioners to appropriate \$500.

SECTION 1. That the Board of Commissioners of Hyde County shall on the first Monday in June, 1904, and every year thereafter, set aside and appropriate, out of any special taxes now

provided or hereafter to be provided for said county, the sum of five hundred dollars to be expended in improvement of those public roads in Hyde County where the hands assigned to such roads are insufficient to keep said roads in good conditions with the six days work required by the general road law.

SEC. 2. That no public road in Hyde County shall receive any aid out of the fund provided in this act until the overseer for said road and the Chairman of the Board of Supervisors for the township in which such road is situated shall certify to the Board of Commissioners of Hyde County that all the road hands assigned to such road have done six full days work on said road and that such work is insufficient to keep said road in good condition. Any overseer or Chairman of Board of Supervisors making a false report as to the amount of work done, or the condition of the road for which aid is sought under this act, shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court.

Certificate from road authorities necessary.

Road authorities making false report guilty of a misdemeanor.

SEC. 3. That the Board of Commissioners of Hyde County shall make and prescribe such rules and regulations for the proper distribution of the fund provided for under this act, the manner in which the work on the roads needing aid shall be performed, the amount of bonds to be given for faithful performance of contracts made for such work and the manner of letting out such work, whether by contract, or otherwise, as they shall deem best.

County commissioners to make rules and regulations.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 288.

AN ACT AMENDATORY OF CHAPTER 715, PUBLIC LAWS OF 1901, RELATING TO FEES OF WITNESSES AND OFFICERS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 715 of Public Laws of North Carolina of session 1901, be and the same is hereby extended and applied to the county of Clay.

Fees of witnesses and officers in Clay County regulated.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 289.

AN ACT TO LIQUIDATE AND SETTLE THE OUTSTANDING INDEBTEDNESS OF MADISON COUNTY, AND TO AUTHORIZE THE ISSUE OF A SERIES OF BONDS FOR THE PURPOSE OF PAYING OFF FLOATING DEBT, OLD BONDS, ETC., CONTRACTED FOR THE NECESSARY EXPENSES OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Preamble.

WHEREAS, by an act of the General Assembly of North Carolina, Public Laws of 1887, chapter 398, hereinafter referred to, the Commissioners of Madison County were authorized to issue the bonds of the county, not to exceed the sum of twenty-five thousand dollars, bearing interest at six per cent, payable semi-annually, and in conformity with the said act the Board of Commissioners of Madison County issued the bonds of the said county amounting in all to twenty-one thousand dollars with coupons attached in conformity with the said act.

Issue of bonds under former act.

Bonds now outstanding.

AND WHEREAS, the said bonds are now an outstanding indebtedness against said county, and the said county will not be able to pay the principal of the same at maturity.

Advisability of renewal.

AND WHEREAS, it is to the best interest of the tax payers of the said county that the said bonds shall be renewed before their maturity by refunding the same at a lower rate of interest than six per cent, and also that the present floating debt of the said county, incurred for the necessary expenses thereof prior to the first day of January, 1903, together with all accrued interest due at the date of payment or refunding, be liquidated and funded by issuing a new series of bonds to cover the same and to embrace the entire debt of said county incurred for the necessary expenses, as it existed on January 1st, 1903, with the interest thereafter accruing.

Floating debt.

NOW THEREFORE,

The General Assembly of North Carolina do enact:

Board of commissioners authorized to issue not exceeding \$75,000 of bonds.

SECTION 1. That the Board of Commissioners of Madison County are hereby authorized and empowered to issue coupon bonds not to exceed in amount the sum of seventy-five thousand dollars (\$75,000), to be issued in the denominations of one thousand and of five hundred dollars respectively, said bonds to be dated June 1st, 1903, and to become due and payable on the first day of June, 1933, and to bear interest at the rate of five per centum per annum, payable semi-annually, on the first days of June and December in each and every year until said bonds shall

Denominations; date of issue; date of payment.

Interest.

be paid, said bonds to be issued only to liquidate outstanding bonds and fund the debts incurred for the necessary expenses of said county prior to January 1st, 1903, with their accumulated interest, and to express that fact upon their faces, bonds and coupons to be payable to bearer at the First National Bank of New York, or at such other bank or place that may be agreed upon by the said Commissioners and the purchasers of said bonds.

To express on face purposes for which issued.

Place of payment.

SEC. 2. That the coupons attached to the said bonds shall bear the number of the bond to which they shall be attached, and as they mature and thereafter, they shall be receivable in payment of all county taxes and debts due the said county. The purchaser or purchasers of said bonds, or any of them, shall not be required to see to the application of the purchase money thereof.

Coupons receivable in payment of county taxes and debts.

Purchaser not required to see to application of funds. Commissioners to levy special tax.

SEC. 3. That in order to pay the interest on said bonds as it may accrue, and to pay the principal thereof, when it matures, the Board of Commissioners of Madison County is hereby authorized to annually levy a special tax to pay the said interest, and principal when the same becomes due. Said taxes shall be levied and collected as other county taxes are levied and collected and shall be imposed upon such property, polls and other subjects of taxation as are now or may hereafter be subject to taxation in this State, and it shall be collected by the officer or officers charged with the collection of other county taxes, and who shall in respect thereto be liable officially as well as personally for the collection of said taxes, and the said Commissioners are hereby directed and required to levy a tax each year fully sufficient to pay one year's interest on said bonds.

To be levied, collected and accounted for as other taxes.

SEC. 4. That the said bonds shall be signed by the Chairman of said Board of Commissioners and countersigned by the Clerk of the same and they shall bear the seal of the said county, said coupons to bear the lithographed signatures of said Chairman and said Clerk.

Bonds, how executed.

SEC. 5. That the said Treasurer of Madison County shall keep a separate book of account in which shall be regularly, promptly and accurately entered all the moneys from time to time derived from the collection of the taxes herein authorized and all the coupons paid upon the said bonds with a statement of how the same are paid and all disbursements of the said moneys made by him, and an annual statement of the sundry moneys as collected separately from the poll and property taxes herein provided, and said book shall be at all times open to the inspection of the public.

Treasurer to keep separate account.

SEC. 6. That the Board of Commissioners of Madison County shall keep a separate book of account in which shall be entered every item of outstanding indebtedness incurred by said county

Commissioners to keep separate account and complete record.

for its necessary expenses prior to January 1st, 1903, as reported to them by the Board of Audit, herein provided for, together with a complete and accurate record of all the bonds issued under this act, the names of the purchasers thereof and of their subsequent transfers as well as a record of all the coupons received by them in payment of taxes or other debts due the said county and all coupons taken up and cancelled and such book shall at all times be open to public inspection.

Board of audit created.

SEC. 7. That for the purpose of ascertaining what part of the present floating and unliquidated debt of the said county was incurred for its necessary expenses prior to January 1st, 1903, the Chairman of the said Board of Commissioners and P. A. McElroy and Chas. B. Mashburn, all of Madison County, are hereby constituted and appointed a special Board of Audit on behalf of the tax payers of the said county until the first day of June, 1903, to scrutinize, examine and adjust and report to the said Board of Commissioners all bonds, claims and debts contracted by the said county prior to the first day of January, 1903, which are still outstanding, unsettled and unliquidated. They shall meet as such Board and elect one of their members Chairman, and the Board of Commissioners of said county shall fill all vacancies therein. They shall sit together, and adjourn from time to time as may be necessary and shall severally receive as compensation for their services the sum of ten dollars and one dollar per diem for each and every day they shall actually sit for the purposes herein mentioned. The findings of said Board of Audit shall be conclusive proof as to whether any bond, debt or claim was contracted for the necessary expenses of said county, prior to January 1st, 1903.

Duties.

To elect chairman.

Vacancies, how filled.
Meetings.

Compensation.

Findings of board of audit conclusive.

Authority and powers.

SEC. 8. That they are hereby authorized, empowered and directed to adjust on such terms as may be equitable and just all of the said floating and unliquidated indebtedness of said county and they shall report to the said Board of Commissioners all claims audited by them with their findings thereon, recommending the respective amounts to be allowed the divers claimants and sundry creditors of said county whose debts shall be a part of the present floating debt of said county, unliquidated and submitted to them for settlement and provided two of said Board concur as to each separate claim and no bonds shall be issued, exchanged or sold in settlement of any part of the unliquidated or floating debts of the said county which has not been by them passed upon and allowed.

Concurrence of majority of board of audit necessary.

Meeting of board of audit to be advertised.

SEC. 9. That immediately after the ratification of this act the Chairman of the said Board of Commissioners shall advertise in some newspaper published in the county of Madison, and at the

court-house door in said county, for thirty days, of the place and time when and where the said Board of Audit shall sit and require all persons holding debts against said county incurred prior to the first day of January, 1903, to present the same before the said Board of Audit at the times and places mentioned that the same may by them be inquired into and reported as herein directed, and the said Chairman shall also promptly give written notice by mail to all non-resident creditors, whose place of residence may be known to appear before the said Board of Audit within the time mentioned and to present their claims to be audited and adjusted as provided by this act.

Notice to creditors.

SEC. 10. That the said Board of Commissioners are hereby authorized to retire all of the outstanding bonds issued under chapter 398 of the Public Laws of 1887 with the interest due thereon at their par value and pay off and discharge all of the outstanding indebtedness of the said county, incurred for the necessary expenses thereof prior to January 1st, 1903, as herein provided, by selling so many of the bonds issued under this act as may be necessary for such purpose and by applying the proceeds thereof to the liquidation of such bonds so retired and of such debts. The bonds authorized and sold under the provisions of this act shall be sold for not less than their par value. The said bonds when issued, shall be placed by the said Board of Commissioners in the hands of the Treasurer of said county, whose duty it shall be to sell the same, and when sold the money arising from said sale shall be exclusively applied, as in this act provided, to the payment of the outstanding indebtedness of Madison County, incurred prior to January 1st, 1903, and he shall receive as full compensation for his services rendered under this act one-fourth of one per cent of all sums disbursed by him.

Outstanding bonds may be retired.

Sale of bonds.

Application of proceeds.

Not to be sold at less than par.

Compensation of County Treasurer.

SEC. 11. That if any creditor of the said county, whose debts or claims come within the meaning of this act, or any holder of any bond or bonds of said county, shall desire to exchange his bond or bonds and coupons or other evidence or evidences of said indebtedness belonging to him for one or more bonds hereby authorized, it shall be the duty of the said Commissioners to pay off the said creditor or creditors and liquidate the said indebtedness in the bonds authorized by his act, exchanging said bonds at their par value and cancelling the evidences of indebtedness taken in lieu thereof.

Bonds may be exchanged for outstanding bonds and indebtedness.

SEC. 12. All of the bonds issued under this act shall be exempt from county and municipal taxation.

Bonds exempt from county and municipal taxation.

SEC. 13. That the special taxes provided for in this act shall be collected in the same manner and at the same time and subject to the same regulations and penalties as are the general taxes of said county and shall be turned over to the Treasurer

Manner of levying, collecting and accounting for the special tax.

by the Sheriff or Tax Collector of said county, and the said Treasurer shall give an original and duplicate receipt therefor to the said officer, one receipt to be kept by the said Sheriff or Tax Collector and the other shall be filed by him with the Board of Commissioners of said county at their next regular meeting and shall be recorded and kept by them as the other records of their office; said receipts shall specify the amount collected from the property tax separately from that collected from the poll tax and such receipts shall be received as *prima facie* evidence of the truthfulness of their recitals in any court of competent jurisdiction.

Increase of
Treasurer's bond.

SEC. 14. That the said Commissioners shall have the power and they are hereby authorized and directed to require the said Treasurer of Madison County, before the proceeds arising from the sale of any of the bonds issued under this act shall go into his hands, as Treasurer to increase his bond in the additional sum of not less than ten thousand dollars justified and executed as required by law with sufficient sureties, conditioned that he will faithfully execute the duties of his office, as is now required of him by law.

Payment of
coupons.

SEC. 15. That the Treasurer of said county shall pay the interest on the bonds authorized by this act semi-annually as the coupons become due, out of the moneys derived from the special taxes provided for and collected under this act, whenever the said coupons after their maturity shall become due as provided by this act.

Surplus of special
tax.

SEC. 16. That should any surplus remain in the hands of the Treasurer of Madison County after paying the interest due upon the said bonds for the then current year that the same shall be applied to the payment and redemption of the principal of the bonds herein provided for: *Provided*, the holders of said bonds or any one or more of them shall be willing to surrender the same; and should they be unwilling to surrender one or more of the same for payment before they become due then the Commissioners of said county are hereby authorized to apply the same on the payment of the interest falling due upon said bonds for the next succeeding year or years and to a diminution of the next following tax levy.

Diminution of
special tax.

Misapplication of
bonds or proceeds
of bonds or special
tax levy a felony.

SEC. 17. That if any officer of Madison County or employee thereof shall apply the proceeds of any bond issued under this act, or exchange any such in any other manner or for any other purpose, or shall issue or have issued any more of the bonds provided for in this act than may be necessary for the specific purposes of this act, or shall knowingly and unlawfully misapply any of the moneys derived from the tax levies herein authorized, or shall fail and refuse to perform the duties imposed

upon him by the provisions of this act, shall be guilty of a felony and upon conviction shall be fined not less than one thousand dollars and imprisoned not less than twelve months in the discretion of the court. Penalty.

SEC. 18. That the taxes that have been collected, and that are to be collected upon the levies heretofore made under the said laws of 1901, shall be applied by the Treasurer of said county as therein directed and for no other purpose. Application of taxes under former levies.

SEC. 19. That if the bonds authorized by this act are issued, the Board of Commissioners of said county shall not levy the tax of twenty cents on property and sixty cents on the poll as authorized by section 8 of chapter 322 of the Public Laws of 1901, but shall levy a sufficient tax on property and polls to pay the interest on said bonds, and a sufficient amount to pay the principal of said bonds when they become due, as hereinbefore provided by section 3 of this act. Repeal of special tax heretofore authorized.

SEC. 20. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 290.

AN ACT FOR THE PROTECTION OF BIRDS IN CHEEK'S CREEK TOWNSHIP, MONTGOMERY 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 Cheek's Creek Township, Montgomery County, without first obtaining the consent of the owner of the land to so hunt. Unlawful to hunt on land without permission of owner.

SEC. 2. That any person or persons violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars or imprisoned more than twenty days, in the discretion of the court. Violation of this act a misdemeanor, penalty.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 291.

AN ACT TO ALLOW W. W. PRESNELL TO PEDDLE WITHOUT LICENSE.

The General Assembly of North Carolina do enact:

Exemption from
peddler's tax.

Proviso.

SECTION 1. That W. W. Presnell, a one-armed ex-Confederate soldier of Watauga County, be and he is hereby allowed to peddle without paying a license tax: *Provided*, that nothing herein shall authorize him to sell intoxicating liquors of any kind.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 292.

AN ACT TO PREVENT THE FELLING OF TIMBER INTO THE STREAMS OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to
obstruct streams
by felling of
timber.

SECTION 1. That it shall be unlawful for any person or persons to fell any timber or roll any logs or other timber (and leave it) into any of the streams in Watauga County, so as to prevent the free flow of the waters of the same.

Violation of this
act a misde-
meanor, penalty.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars, and on failure to pay the fine shall be imprisoned not exceeding ten days.

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

In the General Assembly read three times, and ratified this 2nd day of March, 1903.

CHAPTER 293.

AN ACT TO AMEND CHAPTER TWENTY-EIGHT OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

November term for
both civil and
criminal cases.

SECTION 1. That section one of chapter twenty-eight of the Public Laws of 1901, be and the same is amended by striking out under "Macon County" (page 175) in line two all after the word "March" and all between the words "week" in line four and "The" in line five thereof.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 294.

AN ACT TO CHANGE THE TIME FOR HOLDING THE FALL TERM OF THE SUPERIOR COURTS IN THE THIRD JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Fall Terms of the Superior Courts of the Third Judicial District shall be opened and held at the times hereinafter set forth, and each court shall continue in session one week, except as hereinafter provided, unless the business shall be sooner disposed of. Namely: Greene County, First Monday in September and thirteenth Monday after the first Monday in September, the last named term to continue two weeks; Pitt County, second Monday after the first Monday in September and the ninth Monday after the first Monday in September, last to continue for two weeks, and the last named term to be for the trial of civil causes only; Craven County, fourth Monday after the first Monday in September and the eleventh Monday in September and the eleventh Monday after the first Monday in September, each to continue for two weeks; Carteret County, sixth Monday after the first Monday in September; Pamlico County, seventh Monday after the first Monday in September; Jones County, eighth Monday after the first Monday in September.

Courts of Third
Judicial District.

Greene County.

Pitt County.

Craven County.

Carteret County.

Pamlico County.

Jones County.

SEC. 2. That all papers, writs, bonds and process of every kind returnable to and all causes continued to the fall terms of said courts are hereby made returnable to the said terms as fixed by this act.

Return of
process, writs,
etc.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 295.

AN ACT TO AMEND CHAPTER 653 OF THE PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

SECTION 1. That section one (1) of chapter six hundred and fifty-three (653) of the Public Laws of 1899 be and the same is

All hunting, with-
out consent,
forbidden.

hereby amended by striking out the word "Birds" in line two (2) of said act.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 296.

AN ACT IN REFERENCE TO THE SALE OF CERTAIN PROPERTY BELONGING TO THE COUNTY OF NEW HANOVER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 279 of the Public Laws of 1895 be and the same is hereby repealed.

SEC. 2. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 297.

AN ACT TO EXEMPT W. I. CADDELL, AN AGED AND DISABLED EX-CONFEDERATE SOLDIER OF THE COUNTY OF RICHMOND, FROM THE PAYMENT OF PEDDLER'S TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That W. I. Caddell, an aged and disabled ex-Confederate soldier of Richmond County, be and he hereby is exempted from the provisions of the Revenue Act with reference to the payment of peddler's license.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 298.

AN ACT TO AMEND CHAPTER 715, PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 715, Public Laws of 1901, be and the same is hereby amended by striking out the word "Macon" in line three of section three of said act, and inserting in lieu thereof the word "Stanly."

Power to sell old court house and apply proceeds repealed.

Exemption from peddler's tax.

Regulation of fees of witnesses and officers.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 299.

AN ACT TO PROVIDE FOR A GRADED SCHOOL IN THE TOWN OF WILLIAMSTON, N. C.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory lying within the corporate limits of the town of Williamston, and all that portion of Martin County not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to-wit, beginning at the mouth of Conoho Creek, running up said creek to the upper end of Conoho farm, thence a straight line to Conoho road, down said road to Skewarkey Cut; thence up said cut to a path leading from Hamilton road to the McCaskey road, up said path to the McCaskey road; thence down said road to the Wild Cat Road; thence a straight line across J. R. Mobley's farm to the New Road, down said New Road to the Washington Road; thence a straight line to Sweetened Water Creek, down said creek to the Roanoke River, up said river to the beginning, shall be and are hereby constituted a public school district for white and colored children, to be known as "The Williamston Graded School District."

Graded school district.

Boundaries.

Name.

SEC. 2. That for the purposes and benefits of this act the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Williamston, shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town, as fully as if the same lay within said corporate limits; and that in all elections which shall be held under this act, that portion of said graded school district lying without said corporate limits, shall be deemed a part of said town.

Levy and collection of taxes.

Elections.

SEC. 3. That the Board of Graded School Trustees, hereinafter provided for, shall be, and are hereby authorized and empowered to issue bonds of said graded school to an amount not exceeding five thousand dollars, of such denomination and of such proportion as said Board of Trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable half

School bonds.

Issue, amount, interest, etc.

yearly, at such time or times, and at such place or places as may be deemed advisable by said Board of Trustees; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding fifty years from the date thereof, and at such place or places as said Board of Trustees may determine: *Provided*, that said Board of Trustees shall issue bonds at such time or times and in such amount or amounts as may be required to meet the expenditure hereinafter provided for in section 4 of this act.

When redeemable.

Proviso.

Proceeds of bonds; application.

Buildings and equipment.

SEC. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said Board of Graded School Trustees in providing, by purchase or otherwise, such graded school buildings as may be required, and in furnishing the same with school furniture and other necessary equipment.

Sale of bonds to be at not less than par; application of proceeds.

SEC. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a less price than their par value; nor shall said bonds, nor their proceeds, be used for any other purpose than that declared in section four of this act.

Bonds exempt from town tax.

SEC. 6. That said bonds and their coupons shall not be subject to taxation by the town of Williamston until after they shall have become due, and tender of the payment shall have been made.

Coupons receivable for town taxes and dues.

And such coupons shall be receivable in payment of all taxes and other public dues of said town, for any fiscal year in which said coupons shall become due, or thereafter; and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times, and at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Interest to cease, when.

Special tax authorized.

SEC. 7. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the town of Williamston shall annually and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, nineteen hundred and three, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district, on which said Board of Commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatever; said particular tax to be not more than thirty-five cents on the hundred dollars assessed valuation on property, and not more than one dollar and five cents on each taxable poll.

Tax rate.

Collection and disbursement of special tax.

Tax collector.

Treasurer.

SEC. 8. That said taxes shall be collected by the Tax Collector of the town of Williamston at the time and in the manner that the municipal taxes are collected; and said Tax Collector shall pay the same over to the Treasurer of said town, who shall keep

such monies separate and apart from the municipal funds. And the Treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded schools, only upon the warrant of the Chairman and Secretary of said Board of Graded School Trustees: *Provided*, that said Tax Collector and said Treasurer shall enter into bond in such amounts as said Board of Trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands, for the use and benefit of said graded schools, and that of the latter for the safe keeping and proper disbursement of the same.

Graded school trustees.

Proviso: undertakings required.

SEC. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of the qualified voters of said graded school district, at an election to be held on a day to be designated by the Board of Commissioners of the town of Williamston immediately after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections three and seven of this act, or a synopsis of the same, shall be published in one or more weekly newspapers published in the town of Williamston, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section three, and the levy and collection of the particular taxes provided for in section seven of this act, shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded school districts are in favor of granting to the aforesaid Board of Trustees authority to issue bonds, and to the Board of Commissioners of said town authority to levy such particular tax, and said Board of Trustees and said Board of Commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Schools," then said Board of Commissioners shall not have such authority: *Provided*, that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Williamston, and after thirty days from the date of such enrollment, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of said qualified voters shall fail to vote in favor of issuing such bonds, and of levying such particular tax, said Board of Commissioners shall order another election at any time after the expiration of six months from the

Election.

Notice.

How published.

Ballots.

Majority of qualified voters.

Returns conclusive in thirty days.

Proviso: New election may be ordered.

date of the former election, when requested to do so by said Board of Trustees; and if, at such election, a majority of the qualified voters shall vote "For Schools" it shall have the same force and effect as if no election had been previously held: *Provided*, that no election shall be held under the provisions of this act after the first day of July, nineteen hundred and four.

Proviso.

Board of trustees.

Term of office.

Vacancies, how filled.

Proviso.

Proviso.

Body corporate.

Corporate name.

Powers.

Duties.

Equal facilities for each race.

SEC. 10. That William Slade, Eli Gurganus, William C. Manning, Charles D. Corstorphens and Dennis S. Biggs shall be and are hereby constituted a Board of Trustees for the public schools of said graded school district. That the first two of said Trustees shall hold office until the first Monday in July, 1904, the next two until the first Monday in July, 1906, and the last one until the first Monday in July, 1908, and their successors elected, hereinafter provided, shall hold for the term of six years each. The vacancies occurring by reason of the expiration of the terms of office of the Trustees as aforesaid shall be filled by a majority vote of the other members of such Board of Graded School Trustees, holding over, acting in conjunction with the Board of Commissioners of the town of Williamston. And for the purpose of filling such vacancies said members of the Board of Trustees and said Board of Commissioners shall meet in joint session on Monday immediately preceding the first Monday in July of each year in which any such vacancy is to occur: *Provided*, that any and all vacancies in said Board of Trustees occurring by reason of death, resignation, or otherwise than by expiration of term of office, shall be filled by the other members of said Board of Trustees: *Provided*, that the position of Trustee shall not constitute an office within the meaning of article 7, section fourteen, of the Constitution of this State.

SEC. 11. That the said Board of Graded School Trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Williamston;" and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise, real and personal property, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal which it may break and change at pleasure.

SEC. 12. That it shall be the duty of said Board of Graded School Trustees to establish graded public schools for the white and colored children of said graded school district. And said Board of Trustees shall appropriate and use the funds derived from said particular taxes, and from other sources, in such manner as may be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the differ-

ence in the cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Proviso: donations.

SEC. 13. That said Board of Graded School Trustees shall have exclusive control of all public schools in said district, free from the supervision and control of the County Board of School Directors, and the County Superintendent of Schools of Martin County shall prescribe rules and regulations not inconsistent with this act for their own government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general school law of the State, an accurate census of the school population of said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools: *Provided*, that the Board of School Trustees of No. 10 District of Martin County until June the thirtieth, 1903, shall exercise over said schools all such powers as are herein conferred upon said Board of Graded School Trustees over the public schools in said graded school district: *Provided further*, that the Treasurer of the Martin County school funds shall, without delay, pay over to the Treasurer of the town of Williamston all funds of said school district No. 10 now in his hands; and that the said Treasurer of the town of Williamston shall, up to June thirtieth, nineteen hundred and three, disburse said funds upon the warrant of said Board of School Trustees of District No. 10 only, and thereafter as hereinafter provided for the disbursement of other funds of said graded school district.

Management of schools.

County superintendent to make rules and regulations.

School census.

Proviso.

Proviso: school funds.

SEC. 14. That all public school funds derived from the State and from the county of Martin, for the use and benefit of the public schools in said graded school district shall be paid over to the Treasurer of the town of Williamston by the Treasurer of the said county, for the use and benefit of the graded public schools in said graded school district, except as hereinbefore provided in section 13 of this act; and the property, both real and personal, of the various public school districts, shall become the property of the said graded school district, and the title thereto shall be vested in said Board of Trustees in trust therefor; and said Board of Trustees may, in their discretion, sell the same, or any part thereof, and apply the proceeds to the use of the public graded schools to be established in said graded school district.

State and county school funds.

Apportionment and application.

School property may be sold.

SEC. 15. That said Board of Graded School Trustees may, if in their judgment necessary for the maintenance of said graded schools, require from each pupil entered therein an incidental fee of not more than two dollars and fifty cents per annum, payable as said Board of Trustees may direct: *Provided*, that such

Fee may be required of pupils.

Proviso.

fee shall be applied exclusively to the maintenance of such graded school as the pupil paying the same may attend.

School superintendent, how elected.

SEC. 16. That said Board of Graded School Trustees shall elect, annually, at least thirty days before the opening of the fall term of said graded schools, a Superintendent, who shall supervise the graded schools of said school district, and exercise such powers and discharge such duties as said Board of Trustees may prescribe.

Curriculum; text-books.

SEC. 17. That said Board of Graded School Trustees are hereby authorized, in their discretion, to fix a curriculum of studies, and to adopt text-books for said graded schools; to provide for instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor; and to admit pupils residing without the limits of said graded school district upon such terms as said Board of Trustees may deem just and reasonable.

Tuition.

Admission of pupils.

Trustees to report annually.

SEC. 18. That it shall be the duty of said Board of Graded School Trustees to make to the Mayor and Board of Commissioners of the town of Williamston, annually, after the close of each school year, a full report of the operations of the public graded schools of said school district. And duplicate copies of said report shall be furnished the County Superintendent of Martin County.

Apportionment to be per capita.

SEC. 19. That the several Boards of School Trustees, having authority under the general school law of the State, shall, in the apportionment of all public school funds to said graded school district, apportion the same upon a per capita basis.

Conflicting laws repealed.

SEC. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 21. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, 1903.

CHAPTER 300.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF TYRRELL COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Authority to levy special tax.

Rate.

Years.

SECTION 1. That the Board of County Commissioners of Tyrrell County be hereby empowered to levy a special tax, in the year 1903, of thirty cents on every three hundred dollars' valuation of the property, and thirty cents on every poll, and the same amount set forth above shall also be levied and collected for the year 1904.

SEC. 2. That two-thirds of the taxes set forth in section 1 shall be for the special purpose of rebuilding and furnishing material and keeping in repair the five public bridges crossing the rivers and creeks of Tyrrell County, and one-third of said tax to be applied to the county poor fund; said taxes shall be collected and accounted for by the same officers and in the same manner as other county taxes are collected and accounted for, but for the specific purposes set forth above.

To be applied to what purposes.

Bridges.

Poor fund.

How collected and accounted for.

SEC. 3. That the said County Commissioners are empowered to appropriate, out of the special tax of 1902, so much as is necessary to defray the expenses of the poor of the county during the year 1903.

Appropriation from special tax of 1902 for county poor.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 301.

AN ACT TO PREVENT THE DESTRUCTION OF BIRDS IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall kill, trap, or otherwise take any quail or partridge, for sale or market, or shall buy or sell, or expose to sale, any quail or partridge, or shall wilfully suffer to run at large any dog owned by the him or in his keeping which destroys the eggs or the young of quail or partridges, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Unlawful to kill or take quail for market, etc.

Penalty.

SEC. 2. That the provisions of this act shall apply to Catawba County.

Applicable to Catawba County.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 302.

AN ACT TO REGULATE HUNTING AND FISHING IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section 1, chapter 240, Public Laws of 1901, be amended by adding in line two after the word "the" and before the word "land," the words "enclosed, cultivated or improved."

Former act amended.

Grassy Creek
township
excepted.

That this act shall not apply to Grassy Creek Township, in Mitchell County.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 303.

AN ACT TO PROHIBIT THE KILLING OF DEER IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to hunt
or kill deer for five
years.

SECTION 1. That it shall be unlawful for any person or persons to hunt with gun or dogs, trap or kill in any way, any deer in Randolph County for a period of five years.

Violation of this
act a misde-
meanor.

SEC. 2. That any person or persons violating section 1 of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty dollars, nor more than fifty dollars, or imprisoned for thirty days, in the discretion of the Court.

Penalty.

One-half penalty
to informer.

SEC. 3. That any person giving information that will lead to the arrest and conviction of any person or persons violating section 1 of this act, shall receive one-half of the fine prescribed by the Court.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 304.

AN ACT TO AMEND CHAPTER 295 OF THE PUBLIC LAWS OF THE YEAR 1901, RELATING TO THE GAME LAW OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Close season
established.

SECTION 1. Section seven of chapter 295 of the Public Laws of the year 1901, is hereby stricken out and the following substituted therefor: It shall be unlawful for any person to kill or take in any manner whatsoever, by trap or otherwise, any wild quail, partridge, grouse, pheasant, wild turkey, doves, robins or woodcock, before the first day of December and after the first day of March, following in each and every year, in the townships of

Cleveland, Steele, Scotch-Irish and Morgan Townships, in Rowan County. Applicable to certain townships.

SEC. 2. Section one of the said chapter 295, of the Public Laws of the year 1901, shall apply to the said townships of Cleveland, Steele, Scotch-Irish and Morgan, in Rowan County. Former law applicable.

SEC. 3. Section four of said chapter 295, of the Public Laws of the year 1901, shall not be construed to forbid the sale of the game mentioned therein during the months of January and February of each year: *Provided*, such game was lawfully killed by the person offering the same for sale, and any such game lawfully sold or bought may be lawfully used during said months of January and December. When game may be sold.
Proviso.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 305.

AN ACT TO ALLOW JOHN L. EVERETT, CLERK OF THE SUPERIOR COURT OF RICHMOND COUNTY, TO BE ABSENT FROM HIS OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. That John L. Everett, Clerk of the Superior Court of Richmond County, be and he is hereby allowed to be absent from his office in July and August in the years nineteen hundred and three and nineteen hundred and four. Leave of absence granted.

SEC. 2. That all laws and clauses of laws in conflict with this act shall be inoperative as to the said John L. Everett during said years. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 306.

AN ACT TO CHANGE THE TIME FOR THE SHERIFF OF PERSON COUNTY TO SETTLE WITH THE STATE TREASURER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 150 of the Public Laws of 1883, be amended by striking out the word "Person" in line two of section one of said act. General law made applicable.

Conflicting laws
repealed.

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

SEC. 3. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 307.

AN ACT TO EXEMPT JOHN A. RUSS, OF BRUNSWICK COUNTY, FROM THE PAYMENT OF THE TAX WHICH IS NOW OR MAY HEREAFTER BE IMPOSED ON PEDDLERS.

The General Assembly of North Carolina do enact:

Exemption from
peddler's tax.

SECTION 1. That John A. Russ, an aged and disabled Confederate soldier, of Brunswick County, be and is hereby exempted from the payment of the tax which is now or may hereafter be imposed on peddlers under the revenue laws of this State.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 308.

AN ACT TO PROTECT FISH IN CAMPBELL'S CREEK, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to fish.

SECTION 1. That it shall be unlawful for any person or persons to fish with drag net or seine in Campbell's Creek, in Beaufort County.

Misdemeanor.
Penalty.

SEC. 2. That all persons violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not more than thirty days.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 309.

AN ACT FOR THE RELIEF OF R. D. HARRIS, CLERK OF THE SUPERIOR COURT OF HYDE COUNTY, TO EMPOWER THE BOARD OF COMMISSIONERS OF SAID COUNTY TO PAY SAID CLERK FOR WORK IN RECORDING LIST OF PERMANENT REGISTERED VOTERS, ETC.

WHEREAS, Chapter 550, Public Laws of North Carolina, session of 1901, required of Clerk of the Superior Courts of the several counties in the State to record the list of permanent registered voters in books to be provided for that purpose, and also to send to the Secretary of State certified copies of said list; and

WHEREAS, Chapter 89, Public Laws of 1901, required of said Clerks of the Superior Courts of the several counties to record a list of voters who had paid their poll tax for the previous year prior to the 1st day of May, and to certify to a true copy thereof to the Chairman of the Board of Elections for each county; and

WHEREAS, Neither of the above-mentioned acts provided any compensation for such Clerks for the services so required of them, now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Hyde County be and they are hereby allowed to pay the said R. D. Harris, Clerk of the Superior Court of Hyde County, for the services required of him, and by him performed, under the provisions of the aforesaid acts, in all cases where the acts do not specifically provide compensation for such services: *Provided*, such compensation shall not exceed two cents per name for recording the list of permanent registered voters, two cents per name for the certified copy of such list furnished the Secretary of State, and for recording the list of persons who paid their poll tax prior to 1st day of May such compensation shall not exceed one cent per name and the like sum for the list of such names furnished to the Chairman of the County Board of Elections of Hyde County.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

Preamble.

Commissioners to pay Clerk Superior Court for certain services.

Amount of compensation.

CHAPTER 310.

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

The General Assembly of North Carolina do enact:

May levy special
tax in 1903 and
1904.

SECTION 1. That the Board of Commissioners of Greene County be and they are hereby authorized to levy a special tax for the years nineteen hundred and three (1903) and nineteen hundred and four (1904) at the times of levying the general taxes for said county, which special tax 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 six thousand dollars (\$6,000.00). One-half of the same to be levied and collected in each of said years, observing the equations prescribed in the Constitution, and the said special tax is authorized, and is to be levied and collected only for the purposes of paying off the indebtedness of construction and repairing bridges and public buildings and of making necessary provisions to secure the public health of said county.

Limited to \$6,000,
one-half in each
year.

Constitutional
equation to be ob-
served.

Purpose of tax.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 311.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF
HARNETT COUNTY TO LEVY A SPECIAL TAX TO PAY
EXPENSES OF BUILDING STOCK LAW FENCES.

The General Assembly of North Carolina do enact:

Purpose of tax.

SECTION 1. That whereas a certain stock law territory in Harnett County, composed of two townships, to-wit, of Upper Little River and Barbecue Townships, has never had a tax levied to defray the expenses of building the public fence, the County Commissioners of said county are, therefore, authorized and empowered to levy a special tax on the freeholders in said stock law territory sufficient to pay all the expenses of building said fence in one year.

Amount.

Years of levy.

SEC. 2. That said County Commissioners may levy, or cause to be levied, said tax for the purpose mentioned in section one thereof for the year nineteen hundred and two, or nineteen hundred and three, as they may deem expedient.

SEC. 3. That said Board of Commissioners may levy a continuous tax on said stock law territory in after years not to exceed one-fourth of one per cent.

Continuous tax not exceeding one-fourth of one per cent. may be levied thereafter.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 312.

AN ACT TO PERMIT H. C. PRIVOTT, CLERK OF THE SUPERIOR COURT OF CHOWAN COUNTY, TO ABSENT HIMSELF FROM HIS OFFICE ON CERTAIN DAYS.

The General Assembly of North Carolina do enact:

SECTION 1. That H. C. Privott, Clerk of the Superior Court of Chowan County, be and he is hereby allowed to absent himself from his office of Clerk for twenty days in each year, in either the month of July or August, and be exempted from the provisions, penalties and liabilities mentioned in sections one hundred and fourteen and one hundred and fifteen of The Code: *Provided*, said Clerk shall not be absent from his said office on the first Monday of any month, or any Monday of a term of Superior Court of said county: *Provided further*, that he shall have a competent deputy to perform all duties authorized to be performed by said deputy: *Provided*, that the provisions and benefits of this section shall also apply to J. N. Edwards, Clerk of the Superior Court of Alleghany County, and R. A. Crowell, Clerk of the Superior Court of Stanly County.

Leave of absence granted under certain restrictions.

Proviso: must supply competent deputy.

This act not applicable to Alleghany and Stanly counties.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 313.

AN ACT TO PROVIDE FOR AN ADDITIONAL TERM OF THE SUPERIOR COURT OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be held each year in Rockingham County four terms of the Superior Court.

Four terms of court.

SEC. 2. That the said term shall begin on the following times, respectively, to-wit: The first Monday before the first Monday in

Dates of courts.

First and fourth terms two weeks each.
Second term for civil cases only. Jury of eighteen only.

Third term for criminal cases only; appearance term for civil cases.

Conflicting laws repealed.

March; the thirteenth Monday after the first Monday in March; the fifth Monday before the first Monday in September; the ninth Monday after the first Monday in September in each year.

SEC. 3. That the first and fourth terms shall each continue two weeks and shall be for the trial of all civil and criminal cases.

SEC. 4. That the second term shall be for the trial of civil cases only, and shall continue two weeks, at which term it shall only and shall continue two weeks, at which term it shall only be required to have eighteen jury summoned.

SEC. 5. That the third term shall continue one week, and shall be for the trial of criminal cases only: *Provided*, the said term may be used as an appearance term for civil causes.

SEC. 6. That all acts or parts of acts in conflict with this act be and the same are hereby repealed.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 314.

AN ACT TO PROVIDE FOR COMPILING, COLLATING, REVISING AND DIGESTING THE PUBLIC STATUTE LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Code commissioners. Duties.

SECTION 1. That Needham Y. Gulley, Thomas B. Womack and William B. Rodman be and they are hereby appointed Commissioners, whose duty it shall be to compile, collate, revise and digest all the Public Statute Laws of this State now in force, including those which may be enacted during the present session of the General Assembly.

Powers and duties.

SEC. 2. The Commissioners shall collect, revise and reduce into one act the different statutes and parts of statutes, which, from similarity of subjects, ought, in their opinion, to be so arranged, distributing them under such titles, divisions and subjects as may to them seem proper, with marginal notes of such statutes or parts of statutes as may be compiled, collected, revised and digested in each title, division or section. They shall also prepare accurate and full alphabetical indexes of the subjects contained in such compilation, collation, division and digest. They are authorized to rearrange chapters; to renumber and transpose sections; to provide other and different head notes; to omit all repeated sections or provisions in existing statutes, and, in every

Indexing, etc.

Method of revision.

other respect, to complete said revision in such a manner as to them shall seem most proper and needful to render said statutes plainer and easier to be understood.

SEC. 3. The Commissioners shall designate such statutes or parts of statutes, if any, as in their opinion should be repealed, amended or modified; and they may also suggest the enactment of such additional statutes or parts of statutes as shall seem to them necessary to improve and perfect the whole.

Powers of commissioners.

SEC. 4. The Commissioners shall include in their revision the Constitution of the United States, the Constitution of this State, and the acts of the Congress of the United States prescribing the mode in which the record and judicial proceedings in other States shall be authenticated, with proper indexes thereof.

Constitution of the U. S. and State to be included in revised code.

SEC. 5. The Commission shall prepare the said compilation, collation, revision and digest so that the same may be ready for submission to the next General Assembly; and to that end shall cause to be printed at the cost of the State in convenient form and with sufficient marginal spaces five hundred copies thereof, which shall be by the 15th day of November, 1904, deposited with the Secretary of State, who shall forthwith furnish to the Governor, the Secretary of State, the Treasurer, the Auditor, the Attorney-General, the Superintendent of Public Instruction, the Commissioner of Insurance, the Chairman of the Corporation Commission, and the Commissioner of Agriculture, the Judges of the Supreme and Superior Courts, and the members-elect of the General Assembly each one copy thereof.

Provision for printing.

Delivery of copies to Secretary of State

Copies; to whom to be delivered.

SEC. 6. The Commissioners shall each receive in full compensation for his services the sum of one thousand dollars per annum, to continue for not longer than two years, and to begin on the first day of May, 1903; and they may employ such clerical assistance as in their judgment may be necessary: *Provided*, the total amount to be used for such clerical assistance shall not in any event exceed fifteen hundred dollars. The compensation and provisions for clerical assistance herein provided shall be paid by the State Treasurer quarterly upon proper vouchers to the Auditor and upon the warrant of the Governor.

Compensation of commissioners.

Clerical assistance and payment for same.

SEC. 7. Any vacancies occurring in this Commission shall be filled by the appointment of the Governor.

Vacancies; how filled.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 315.

AN ACT TO ESTABLISH A DISPENSARY AT PINE LEVEL,
NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Sale of liquors
prohibited in
corporate limits.

SECTION 1. That it shall be unlawful for any person, in any capacity whatever, to sell, directly or indirectly, any spirituous, vinous, malt or other intoxicating liquors within the corporate limits of the town of Pine Level, Johnston County, North Carolina, except as hereinafter provided.

Dispensary com-
missioners.

SEC. 2. That B. Godwin, D. B. Oliver and Jesse Parker are hereby appointed Dispensary Commissioners for the town of Pine Level, who shall be known as "Dispensary Commissioners," and who shall hold their office respectively for one, two and three years, and each of whom shall continue in office until the election of his successor; that upon the expiration of the term of any Dispensary Commissioner the two Dispensary Commissioners whose terms have not expired shall nominate an elector of the town to fill the vacancy, and upon the approval of the Town Commissioners, he shall become a Dispensary Commissioner for the term of three years. Should the Town Commissioners reject the nomination of anyone as Dispensary Commissioner, the said Dispensary Commissioners whose terms have not expired shall nominate another or others until one has been approved by the Town Commissioners. If from any cause the Dispensary Commissioners shall fail for thirty days to nominate a Commissioner to succeed one whose term has expired, then it shall be the duty of the Town Commissioners to elect a citizen of Pine Level to fill the office then vacant. The Dispensary Commissioners, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully to discharge and perform the duties of their office, which oath shall be filed with the Clerk of the Board of Town Commissioners.

Terms of office.

Successors; how
nominated and
elected

Oaths.

Duties of commis-
sioners.

SEC. 3. That it shall be the duty of the Dispensary Commissioners, first appointed by the General Assembly, to provide a suitable place for the sale of spirituous, vinous, malt and other liquors within the corporate limits of the town of Pine Level (which shall not be within three hundred feet of any church) where spirituous, vinous, malt and fermented liquors shall be kept for sale under the direction of the Dispensary Commissioners by a manager, who shall have charge and control of all liquors bought by said Dispensary Commissioners for sale in said town of Pine Level.

Manager.

SEC. 4. That a manager shall be chosen by the Dispensary Com-

missioners and shall have charge of the management of said dispensary, under the control of the Dispensary Commissioners, and he shall be subject to dismissal for any cause which said Dispensary Commissioners shall, in their discretion, deem sufficient; he shall give bond in a sum to be fixed by the Dispensary Commissioners, not less than five hundred dollars, for the faithful discharge of his duties and for the payment of all sums of money received by him into the Bank of Smithfield, or other depository to be named by the Dispensary Commissioners. He shall be paid a salary, to be fixed by the Dispensary Commissioners, not exceeding the sum of fifty dollars per month, which compensation shall not be dependent upon the amount of sales made by him. It shall be the duty of the manager to keep a register on which shall be kept a record of the names of persons to whom any liquors are sold, the quantity sold, price paid and date of sale. That the Dispensary Commissioners are hereby invested with power to remove the manager, to employ assistants, or to fill temporary vacancy on account of sickness or other cause.

Bond.

Depository for dispensary funds.

Salary.

Duties.

Assistants.

SEC. 5. The manager of the dispensary shall and at all times keep, under the supervision of the Dispensary Commissioners, a stock of spirituous, vinous and malt liquors in such quantities as the Dispensary Commissioners shall direct. All bills incurred for the establishment and maintenance of the dispensary and the purchase of stock shall be paid by the Dispensary Commissioners. That said manager shall sell only for cash, and shall turn over or deposit all moneys received by him under the direction of the Dispensary Commissioners.

To keep stock of liquors.

Payment of bills.

To sell only for cash.

SEC. 6. That said Dispensary Commissioners shall make from time to time rules and regulations for the operation of said dispensary; the quantity to be sold to any one person shall be determined by them, but in no event shall wine or liquors be sold or furnished in quantities less than one-half pint, and none shall be drunk in the building or on the premises where the dispensary is established, nor shall any liquors be sold to any person known to be a habitual drunkard, to a minor or persons intoxicated. The dispensary shall not be opened before sunrise, and be closed before sunset, and it shall be closed on Sundays, election days and such other days as makes the sale of liquor unlawful under the laws of this State.

Commissioners to make rules and regulations.

Not to sell less than half pint; no drinking on premises.

Sale, to whom prohibited. Opening and closing.

SEC. 7. The price at which spirituous, vinous and malt liquors shall be sold shall be fixed by the Dispensary Commissioners: *Provided*, the same shall not be sold for a profit exceeding eighty per centum (80 per centum) above actual cost.

Prices.

Provido.

SEC. 8. The manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any broken packages in said dis-

Sealed packages.

- Monthly reports by manager.** dispensary. Said manager shall make a monthly report to the Dispensary Commissioners, and oftener if so required by them, showing amount of sale for preceding month and stock on hand at last day of the month.
- To sell pure liquors only.** SEC. 9. The said Dispensary Commissioners shall cause an inspection and analysis to be made of stock on hand from time to time, and no vinous, spirituous or malt liquors shall be sold in said dispensary that are not well known in the market as pure and unadulterated. If any spirituous, vinous or malt liquors shall be condemned as impure and adulterated, the same shall not be sold, and payment for the same shall be refused to the person from whom such liquors were purchased.
- Inspection and analysis.**
- Goods condemned** SEC. 10. That no spirituous, vinous or malt liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again. And any person who shall buy any liquors from said dispensary for the purpose of selling again shall be guilty of a misdemeanor.
- Re sale of liquors a misdemeanor.**
- Loitering prohibited.** SEC. 11. The manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary and the premises on which it is situated, and for a failure to comply with this section he shall be removed by the Dispensary Commissioners, and any person refusing to leave the dispensary or the premises on which it is situated shall be punished upon conviction in the Mayor's Court or in a Justice's Court as shall be prescribed by the ordinance of the town of Pine Level.
- Penalty.**
- Town ordinances.** SEC. 12. That the Board of Commissioners of the town of Pine Level shall from time to time pass such ordinances as may be necessary to carry out the purposes of this act.
- Town commissioners to make appropriation.** SEC. 13. That the Board of Commissioners of the town of Pine Level shall appropriate from the town treasury a sufficient amount of money to establish the dispensary as provided for in this act, which amount shall be repaid into the town treasury by the profits of the dispensary, and thereafter the dispensary shall be supported and maintained from the profits arising from the sales in the dispensary.
- Dispensary commissioners to make annual report.** SEC. 14. The Dispensary Commissioners shall make an annual report to the Commissioners of the town of Pine Level, showing in detail the amount of money expended in the purchase of liquors, to whom paid, the amount of money realized from the sale of liquors, the expense of said dispensary, salary paid manager, Dispensary Commissioners, and all other moneys expended on any account of said dispensary and moneys received on account thereof.
- Compensation of dispensary commissioners.** SEC. 15. That the Dispensary Commissioners shall be paid for their services the sum of twenty-five dollars per annum.
- SEC. 16. That all books and records kept by the Dispensary

Commissioners or the manager of said dispensary shall at all times be open for inspection of all citizens of Pine Level and all officers of the law.

Books and records open to public inspection.

SEC. 17. That the Dispensary Commissioners after paying all expenses of said dispensary, shall every six months divide the profits arising from the sale of liquors by said dispensary, paying one-half of said profits to the Treasurer of the town of Pine Level and the other half to the Treasurer of Johnston County.

Semi-annual division of profits.

Distribution of same.

SEC. 18. That part of the profits paid to the Town Treasurer shall be subject to the order of the Town Commissioners for the benefit of and improvement of said town of Pine Level.

One-half to town of Pine Level.

SEC. 19. That part of the profits from said dispensary paid to the Treasurer of Johnston County shall be by said Treasurer placed to the credit of the school fund and applied to the support of the free public schools in the districts in which the town of Pine Level is situated, and shall be used by said schools as the Board of Commissioners of the town of Pine Level shall direct.

One-half to public school fund.

SEC. 20. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

Conflicting laws repealed.

SEC. 21. That the Board of Commissioners of Johnston County are hereby required and directed to order a special election to be held in the town of Pine Level, said election to be held on the first Monday in May, 1903, in which only the qualified electors, living within the corporate limits of said town may vote; and those favoring the establishment of said dispensary shall vote a printed ticket containing the words "For Dispensary," and those opposing the establishment of said dispensary shall vote a printed ticket containing the words "Against Dispensary." That said election shall be held in the same manner and under the same law as is provided for the election of town officers of said town of Pine Level. And if a majority of all the votes cast at said election be "For Dispensary," then this act shall be in full force and effect, but if a majority of all the votes cast at said election shall be "Against Dispensary," then this act shall be inoperative and of no force.

To be submitted to the qualified voters.

Election.

Ballots.

Result.

SEC. 22. That this act shall be in force from and after its adoption by a majority of all the votes cast at an election herein provided for.

Act to take effect, when

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 316.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROWAN COUNTY TO ISSUE BONDS TO PAY THE FLOATING DEBT OF SAID COUNTY, AND TO LEVY A SPECIAL TAX TO PAY THE INTEREST THEREON, AND TO PROVIDE A SINKING FUND TO PAY SAID BONDS.

The General Assembly of North Carolina do enact:

Issue of bonds.	SECTION 1. That in order to pay off and liquidate the outstanding floating indebtedness of Rowan County the Board of Commissioners of said county of Rowan are hereby authorized and empowered to issue bonds bearing interest at a rate not greater than the rate of five per centum per annum in amounts not exceeding twenty-five thousand dollars.
Purposes; rate of interest.	
Amount.	
Denominations.	SEC. 2. That said bonds shall be of such denominations as the said Board of County Commissioners may determine, not exceeding five hundred dollars each, and each and every bond shall have coupons attached representing the interest of said bonds, which said coupons shall be due and payable on the first day of January and July of each year until the bonds shall become due. The bonds so issued shall each be numbered consecutively and the coupons shall bear the number corresponding to the bonds to which they are attached, and shall declare the amount of interest they represent and when the interest is due, and shall be receivable in payment of all county taxes.
Interest coupons.	
Receivable for county taxes. Execution and issue.	SEC. 3. The said bonds shall be issued under the signature of the Chairman of the Board of Commissioners of Rowan County and shall be attested by the Register of Deeds, under the official seal of the Board of County Commissioners of said county.
Sale at not less than par.	SEC. 4. The Chairman of the Board of Commissioners of said county shall, under the direction of said Board of Commissioners, dispose of said bonds at a sum not less than their par value.
Term of bonds.	SEC. 5. That ten thousand dollars of said bonds shall be due and payable ten years after date of issue, and fifteen thousand shall become due and payable in twenty years after date of issue: <i>Provided</i> , that all bonds issued for a longer time than ten years shall have written across its face: "This bond is redeemable after ten years at the option of the Board of Commissioners of the County."
When redeemable.	
Time and place of payment.	SEC. 6. That the time of payment shall be expressed on the face of said bonds, together with the place where the same shall be payable.
Investment for trust funds.	SEC. 7. That it shall be lawful for any executor, administrator, guardian, trustee or receiver to invest the trust funds in his hands in said bonds.

SEC. 8. That the Board of Commissioners of Rowan County are hereby authorized and required at the time of levying other county taxes to levy annually an additional special tax sufficient in amount to pay the interest upon said bonds and so much of the principal of said debt as may fall due during the next succeeding years after such levy, together with the cost and charge incident to said tax, and to provide a sinking fund for said debt upon all subjects of county taxation in said county as aforesaid until the final payment of said bonds shall be provided for, maintaining the constitutional equation between property and the poll: *Provided*, such levy shall in no year exceed fifteen cents on the one hundred dollars worth of property, and forty-five cents on each taxable poll.

Special tax levy.

Sinking fund.

Constitutional
equation.
Special tax rate.

SEC. 9. That said taxes shall be collected by the Sheriff of said county, whose bond shall be liable therefor as for other county taxes, and he shall pay over the same to the County Treasurer in like manner as other county taxes are paid, and said taxes shall be used for the payment of said bonds and interest thereon as the same shall be due and payable, and the fund arising from said fund shall be used for no other purpose.

Collection and
application of
special taxes.

SEC. 10. That the Commissioners of said county shall provide a record, which shall be kept by their Clerk, in which shall be entered the name of every purchaser of a bond and the number of the bonds purchased. They shall also cause to be kept a record of the bonds redeemed annually, and the said bonds when redeemed and recovered shall be destroyed by fire by the Board of Commissioners of said county, or by their Clerk, under direction of the Board and in their presence.

Record to be kept

Payment and
destruction of
bonds.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 317.

AN ACT TO AMEND CHAPTER 182, PUBLIC LAWS OF 1901, CONCERNING STOCK LAW IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three (3) of chapter one hundred and eighty-two (182), of Public Laws of 1901, be amended by adding to the end of said section the following, viz: "And that if the stock of any person or persons living within the boundary of stock law territory, shall get into and damage the crop or produce of another, then the owners of said live stock shall pay to

Former act
amended.

Damage by stock.

Payment for same.

Damages; how assessed.

Sale of stock

the owner of said damaged crop or produce, an amount equal to two-thirds of the amount of the damage done." This damage shall be determined by three disinterested persons if the parties concerned fail to agree, and the stock doing the damage may be held and sold for the damages (after having given ten days' notice to the owner of said stock), paying any surplus back to the owner after paying said damages, cost of keeping stock and cost of sale.

Applicable to Watauga county only.

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

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 318.

AN ACT TO INCORPORATE BETHEL BAPTIST CHURCH, IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Manufacture and sale of liquors prohibited.

Four mile limit. Proviso.

Violation a misdemeanor.

SECTION 1. That it shall be unlawful for any person to manufacture, sell or dispose of directly or indirectly, with a view to remuneration, any spirituous, vinous or malt liquors within four miles of Bethel Baptist Church, in Orange County: *Provided*, this shall not apply to the sale by any person of wine of his own manufacture made on his own premises from grapes grown by him.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, at the discretion of the Court.

SEC. 3. This act shall be in force from and after the first day of July, 1903.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 319.

AN ACT TO INCORPORATE POWELLSVILLE METHODIST EPISCOPAL CHURCH, SOUTH, IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Manufacture and sale of liquors prohibited; within what territory.

SECTION 1. That it shall be unlawful for any person or persons to engage in the sale or manufacture of spirituous, vinous or malt liquors, within three miles of the Methodist Episcopal Church, South, of Powellsville, Bertie County, or within any incorporated town within three miles of said church.

SEC. 2. Any person or persons violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the Court.

Violation a
misdemeanor.
Penalty.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 320.

AN ACT AUTHORIZING COUNTY COMMISSIONERS OF WARREN TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Warren County, with the concurrence of a majority of the Justices of the Peace of said county, at their regular June meeting in each year, be and they are hereby authorized and empowered to levy a special tax not to exceed ten cents on the one hundred dollars' valuation of all taxable property and thirty cents on each poll for the purpose of paying off the indebtedness of said county incurred in the erection of fire-proof vaults for the preservation of the records and putting in steel cells in the jail.

Special tax
authorized.

Rate.

Purposes.

SEC. 2. That said tax may be levied for each and every year hereafter until said debt is paid, and the constitutional equation between property and poll tax shall be observed in said levies.

Years of levy.
Constitutional
equation.

SEC. 3. That said taxes shall be collected and accounted for by the Sheriff or other Tax Collectors in the same manner and under the same penalties and within the time fixed by law for the general taxes levied for said county.

Collection and
accounting for.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 321.

AN ACT TO CREATE A GRADED SCHOOL IN CERTAIN SPECIFIC TERRITORY IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the following territory lying and being in Alamance County, North Carolina, being in the township of Haw River, and more particularly described as follows: Beginning at the mouth of Trollinger's Branch, on the right bank of Haw River; thence a straight line to a post-oak at the junction of the

Graded school
district.

Boundaries.

road from Burlington and Graham to Haw River; thence a straight line extending across Haw River to the corner of the Ben McAdam's land, with corner of the D. M. Huffman's land on the left bank of Haw River; thence with the line dividing the said McAdam's and Huffman's land to Boyd's Creek; thence up said creek to pond on road leading from the late Col. Fonville home place to cross-roads at Baxter Bason's old store place; thence down the Haw River road to where the road leads out from Abel Horn's house; thence a straight line to forks of Roxboro and Hillsboro roads, at the Thomas Guffis place; thence with Hillsboro road to bridge on Back Creek, known as the Cornie Faucetts bridge; thence down Back Creek to railroad bridge; thence up said railroad towards Haw River to railroad crossing at Ed. Dodson's place; thence a straight line to Back Creek bridge at Harry Goodman's; thence down Back Creek with school district No. 3 line in Melville Township; thence with said district line to Haw River; thence up and across said river to the beginning point, is hereby created one school district, and named the Thomas M. Holt's School.

Name.	
Trustees named.	SEC. 2. That the following parties are hereby appointed School Trustees for schools in said district, and shall hold for the following terms, and all vacancies shall be filled in the following manner, to-wit: C. Sellars and J. N. Blackman, for one year; John A. Trollinger, S. J. Hughes, W. P. Knight, for two years, and A. W. Haywood, for three years and the term of office of each of said Trustees shall commence with the date of the ratification of this act. All vacancies on said Board, whether arising by death, resignation, removal, expiration of the term of office or otherwise, shall be filled by the remaining Trustees, and a majority thereof shall have the power of selection, and the person so selected shall hold for three years from the date of their selection.
Terms of office.	
Vacancies; how filled.	
Successors; how selected.	
Election.	SEC. 3. That the said Board of Trustees shall, on the first Monday in May next ensuing, submit to the qualified voters of said district above created, the question of establishing a graded school in said district. The said Trustees shall give thirty days' notice of said election by a notice thereof published in some newspaper in Alamance County, and by notice posted at four places in said district. The said Board of Trustees shall select three men, qualified voters of said district, one of whom they shall appoint registrar, and the other two poll-holders, to hold said election. These three shall hold said election and shall be governed in their acts in all particulars as to registration of voters, challenges, etc., by the same rules and regulations as provided in the election of county officers, and the qualified voters of said district shall vote at said election on the first Monday in May next ensuing tickets on which shall be written or printed the
Notice.	
Registrar and pollholders.	
Rules and regulations.	

words "For Graded School," or "Against Graded Schools," and the result of the election shall be declared by the same rules that govern the election of county officers. The said election shall be held at the school-house for the white race in said territory.

SEC. 4. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall be the duty of the Board of County Commissioners of Alamance County to levy annually a special tax of not less than thirty cents and not more than thirty-three and one-third cents on the hundred dollars' valuation of all taxable property of the said school district, and upon the poll not less than ninety cents nor more than one dollar. And the said tax so levied shall be collected by the Sheriff of Alamance County, and shall be by him returned to the Treasurer of the said school trustees, and the said Sheriff shall receive as compensation for the collection and disbursement of this special tax, five per cent commission one way.

SEC. 5. That all moneys coming to the said district described for school purposes from the State and from the county as well as that coming from the special tax above referred to, shall be by the proper officers paid to the Board of Trustees above created and appointed and their duly constituted successors, and shall be by them used for the benefit of the graded school above referred to.

SEC. 6. And the said School Trustees above named and their duly constituted successors shall have the sole and exclusive charge of the public schools in said territory, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper, and they shall select a treasurer, who shall have charge of all moneys to be used for school purposes, and who shall pay out on such vouchers as they shall direct, and who shall receive such compensation and give such bond as they shall dictate. The said Trustees above named shall spend all moneys coming to their hands from any and all of the sources above named, and any other source that may be paid, bequeathed or devised them for the exclusive benefit of the schools in said territory for the benefit of said schools.

SEC. 7. That said Trustees shall have the power to employ all teachers and select all officers necessary for said public schools, and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold all property, both real and personal, for the use of said schools, and they shall have the right and power to do all things necessary for the successful conduct of said schools. And should parents or other parties having charge of children of school age outside of said territory desire to send to the schools

Ballots.

Result.

Voting place.

If result favorable,
levy of special
tax.

Rate.

Collection and
disbursement.Compensation of
sheriff.All school funds to
go to said trustees.Management and
control.By-laws.
Treasurer.

Vouchers.

Duties and powers
of trustees
Employment of
teachers.May buy and hold
property.Children outside
the district.

in said terirtory, then the Trustees shall have the right to permit them to do so upon such terms as shall be fixed by said Trustees.

Conveyance of school property to trustees.

SEC. 8. That all the property now situate in said territory and used for public schools shall be by the proper authorities conveyed to the Trustees above named and their duly constituted successors.

Manufacture and sale of liquor prohibited.

SEC. 9. That it shall be unlawful for any person, persons, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors within two miles of said school disctrict, and any person, persons, firm or corporation violating this provision shall be guilty of a misdemeanor, and punished by fine or imprisonment at the discretion of the court.

Violation a misdemeanor. Penalty.

Conflicting laws repealed.

SEC. 10. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 322.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GASTON COUNTY TO ISSUE BONDS TO MACADAMIZE AND IMPROVE THE PUBLIC ROADS THEREOF.

The General Assembly of North Carolina do enact:

Issue of bonds.

SECTION 1. That for the purpose of macadamizing and otherwise improving the public roads of Gaston County the Board of Commissioners of said county is hereby authorized, empowered and directed to issue bonds of the county to an amount not exceeding three hundred thousand (\$300,000) dollars of the denominations not to exceed one thousand dollars, bearing interest from the date thereof, of a rate not to exceed four per centum per annum, with interest coupons attached, payable semi-annually, at such time and places as may be deemed advisable by said Board of County Commissioners; such bonds to be of such form and tenor. and transferable in such way, and the principal thereof payable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the said Board of County Commissioners may determine: *Provided*, that none of said bonds authorized by this act shall be disposed of either by sale, exchange, hypothecation or otherwise for a less price than their face value.

Amount, denominations interest, rate, coupons.

Form.

Term.

Not to be sold at less than par.

SEC. 2. The bonds and coupons shall be numbered and shall

be signed by the Chairman of said Board of Commissioners and countersigned and attested by the Treasurer of said county and bear the corporate seal of said county of Gaston.

Execution of
bonds.

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

Record to be kept.

SEC. 4. In order to pay the interest on said bonds said Commissioners, or other authority vested with levying taxes for said county, shall annually compute and levy at the time of levying other county taxes a sufficient special tax on all polls, all real estate and personal property and all other subjects of taxation, which said Commissioners or other authorities now or hereafter may be allowed to levy taxes upon for any purpose whatever, always observing the constitutional equation between the tax on property and the tax on polls.

Special tax.

SEC. 5. That said taxes, when collected, shall be kept separate and apart from all other taxes and shall be used only for the purpose for which it was collected.

Special tax to be
kept separate.

SEC. 6. That after the expiration of ten years the said Commissioners, or other authorities vested with the power of levying taxes, in order to create a sinking fund for the purpose of taking up said bonds at maturity, shall levy a special tax of not exceeding ten cents on the hundred dollars worth of property and thirty cents on the poll in addition to the special tax to pay the interest.

Sinking fund.

SEC. 7. That it shall be the duty of the said Commissioners to annually invest any and all moneys arising from the special tax for sinking fund in the purchase of any of said bonds at a price deemed advantageous to said county by said Commissioners. But in case said county bonds can not be purchased, the said Commissioners shall invest said sinking fund in North Carolina four per cent State bonds; or may loan the same upon notes or bonds, secured by the deposit of such North Carolina State bonds as collateral security for said loan.

Additional special
tax.

Investment of
sinking fund.

SEC. 8. That any money of said sinking fund so loaned shall have the legal rate of interest in North Carolina, and any interest from said fund shall be annually reinvested in the same way.

Re investment of
interest from
same.

SEC. 9. That the money arising from the sale of said bonds shall be used to purchase improved road-working machinery, macadamizing and otherwise improving the public roads of said county and in guarding and maintaining such convict force as may from time to time be assigned to work on said road.

Proceeds of bonds;
how applied.

SEC. 10. That the bonds hereinbefore provided for shall be deposited in some safe deposit company or bank to be designated by said Board of County Commissioners and only drawn out on

Depository for
bonds.

How withdrawn.

the joint order of the Chairman of said Board and the Treasurer of said county, the proceeds of which shall be applied in the way hereinbefore provided for.

Election.

SEC. 11. For the purpose of ascertaining the wishes of the voters of Gaston County upon the question of issuing bonds and improving the roads as is provided in this act, an election shall be held at all the voting precincts in said county of Gaston on the first Thursday in August, nineteen hundred and three, it being the sixth day of the said month of August. At said election all qualified voters in said county may vote a written or printed ticket. Those who favor the purposes of this act shall vote a ticket with the words "For Road Improvements," written or printed thereon, and those who oppose the purposes of this act shall vote a ticket with the words "Against Road Improvement" written or printed thereon. And if a majority of the qualified

If election favorable, bonds to issue.

voters at said election shall be "For Road Improvement," then the bonds provided for in this act shall be issued and sold according to the provisions hereinbefore contained. The said election shall be held in the manner provided by law for the election of members of the General Assembly, except as provided

Election; how held

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

New registration.

books for said new registration shall be opened on the first day of July, nineteen hundred and three, at twelve o'clock noon and shall be closed on the thirty-first day of July, nineteen hundred

Duties of registrars and pollholders

and three, at sunset. The registrars and poll-holders of each precinct shall meet at their respective precincts on Saturday the first day of August, nineteen hundred and three, at nine o'clock A. M., and shall hear any complaints for refusal of registration and also all challenges which may be made against persons admitted to registration. But no name shall be erased from the registration list without notice to said person and a hearing, and said hearing may be had at any day after the registration books shall have closed, to and including the day of election.

Appointment of registrars and judges of election.

The registrars and judges of election shall be appointed by the Commissioners of Gaston County not later than the first Monday in June, nineteen hundred and three, and the list of persons so

Publication of list.

appointed shall be published for two weeks in some newspaper published in Gaston County, during the month of June, nineteen hundred and three. There shall be appointed one registrar and two judges of election for each precinct and, if practicable to do so, the Commissioners shall appoint one judge of election favorable to road improvement and one opposed thereto, and the said registration and election shall be held in all respects like the elections for members of the General Assembly are held, except as may be provided otherwise in this act. At the close of the

Rules for appointment.

election in each precinct the votes shall be counted and returned over the signatures of the registrar and judges of election to the Board of County Commissioners. Abstracts or blanks for this purpose shall be prepared by the Board of County Commissioners and furnished to each precinct, and the registrar or one judge of election shall be chosen as a messenger to transmit the said returns to the Board of Commissioners. Said returns shall be executed in triplicate. One copy shall be transmitted as aforesaid to the Board of Commissioners, 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 Monday in August, nineteen hundred and three, being the tenth day of the month and the Monday succeeding the election, the Commissioners of Gaston County shall meet as a canvassing board and shall receive the returns of said election, canvass and judicially pass upon the same, and declare the result of the election. If a majority of the voters of Gaston County qualified to vote at said election shall have voted "For Road Improvements," then the bonds provided for in this act shall be issued and sold. But if a majority of the qualified voters of said county shall fail to vote "For Road Improvement" at said election, then and in that event, on the first Thursday in August, nineteen hundred and four, the question may again be submitted to the voters of Gaston County under the same rules and regulations as the election herein provided to be held during the year nineteen hundred and three, unless one of the days named for the doing of some act shall during the said year nineteen hundred and four fall upon Sunday, in which case the said act shall be done on the day preceding said day. If at said second election a majority of the qualified voters of said county shall vote "For Road Improvement," the Commissioners of said county shall issue and sell the bonds as is hereinbefore provided. But if a majority of said voters shall fail to vote "For Road Improvement" at said election, then and in that event this entire act shall become null and of no effect. At any election held under this act any person who shall not have been entitled to registration while the said registration books are open for registration, but shall have become entitled to registration after said registration closed and before or on the day of election, shall be entitled to register on the day of election and vote.

Returns.

Executed in triplicate.

Canvass of returns.

Results declared.

New election may be ordered; when.

If second election unfavorable, act void.

Construction of this act.

SEC. 12. This act shall not be construed as repealing any part of chapter 581 of the Public Laws of 1889, except in so far as the said chapter or any part thereof may be repugnant to any part of this act.

SEC. 13. There shall not be at any time levied in the county of Gaston for the purposes of road improvement and including all

Limit of special tax rate.

expenditures made necessary by this act a tax greater than twenty-five cents upon the hundred dollars of property and seventy-five cents upon the polls.

Secretary of State
to certify copy to
register of deeds.

SEC. 14. 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 Gaston County.

SEC. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this 2nd day of March, A. D. 1903.

CHAPTER 323.

AN ACT TO PROTECT THE FISH IN SWAIN AND CLAY COUNTIES.

The General Assembly of North Carolina do enact:

Unlawful to sell
and buy trout.

SECTION 1. That it shall be unlawful for any person to sell or offer for sale any mountain, brook or California trout.

SEC. 2. That it shall be unlawful for any person to buy or offer to buy any mountain, brook or California trout.

Fishing
prohibited.

SEC. 3. That it shall be unlawful for any person to fish for mountain, brook or California trout for wages or hire.

Unlawful to ship.

SEC. 4. That it shall be unlawful for any person to ship, carry or otherwise transport mountain, brook or California trout out of the counties of Swain and Clay.

Violation a
misdemeanor.
Penalty.
Proviso.

SEC. 5. That any person violating this act, shall be guilty of a misdemeanor and upon conviction thereof be fined or imprisoned at the discretion of the court: *Provided*, that nothing in this act shall be construed to prevent any person fishing for pleasure or from using the trout so caught: *Provided*, that this act shall only apply to the counties of Swain and Clay.

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

In the General Assembly read three times, and ratified this 2nd day of March, A. D. 1903.

CHAPTER 324.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN
OF WELDON.

The General Assembly of North Carolina do enact:

SECTION 1. That all territory lying within the corporate limits of the town of Weldon, and all of the portion of Halifax County not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to-wit: Commencing at a point where the western line of the land of G. W. Fulghum intersects the southern boundary of the canal of the Roanoke Navigation and Water Power Company; thence along the line of said land of G. W. Fulghum to the line of the land of the West Weldon Land and Improvement Company; thence along the western boundary of the Westray Place of said Land and Improvement Company to the public road leading from Tilghman's Cross-Roads, to the town of Weldon; thence along the said public road towards Weldon, to a point where said public road crosses the Seaboard Air Line Railway; thence along the track of said Seaboard Air Line Railway to Chockoyotte Creek; thence up Chockoyotte Creek to the southern line of the Glenview track of land, owned by the heirs of R. W. Daniel, deceased; thence along said line until the railroad of the Atlantic Coast Line Company is reached; thence a straight line to the public road leading from Weldon to Halifax; thence down said public road to a point where the Halifax Road forks and goes to the H. J. Pope place; thence along the road to the Pope place until the line of the Bell place, owned by M. W. Ransom, is reached; thence along said line to Long's Bayou; thence down said Bayou to Roanoke River; thence up said Roanoke River to a point thereon opposite the first station, Fulghum's line; thence a straight line from said point to the beginning, Fulghum's line.

Graded school district.

Boundaries.

SEC. 2. That for the purposes and benefits of this act the provisions of all laws governing the assessment of real estate and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Weldon shall be and are hereby extended to that portion of said school district lying without the corporate limits of said town, as fully as if the same lay within said corporate limits, and that in all elections held under this act, that portion of said school district lying without the said corporate limits shall be deemed a ward of said town.

How governed.

SEC. 3. That the Board of School Trustees hereinafter provided

Issue of bonds.

Amount.	for shall be and is hereby authorized and empowered to issue
Denominations.	bonds of said school district to an amount not exceeding ten
Rate of interest.	thousand dollars, of such denomination and of such proportion as
	said Board of Trustees may deem advisable, bearing interest
	from date thereof at a rate not exceeding six per centum per
	annum, with interest coupons attached payable semi-annually, at
	such time and such place or places as may be deemed advisable
Form.	by said Board of Trustees, said bonds to be of such form and
	tenor and transferable in such way, and the principal thereof
When redeemable.	payable or redeemable as follows: Five hundred (\$500) dollars
	on the 1st day of January, 1910, and five hundred annually there-
	after, till all are paid, at such place or places as said Board of
Proviso.	Trustees may determine: <i>Provided</i> , that said Board of Trustees
	shall issue said bonds at such time or times, and in such amount
	or amounts as may be required to meet the expenditure herein-
	after provided for in section four of this act.
Proceeds of bonds.	SEC. 4. That the proceeds arising from the sale of said bonds,
	or such part thereof as may be necessary, shall be expended by
Application of.	said Board of Trustees in providing, by purchase or otherwise,
	such graded school buildings as may be required, and in furnish-
	ing the same with school furniture and other necessary equip-
	ment.
Not to be sold at less than par.	SEC. 5. That none of said bonds shall be disposed of by sale,
	exchange, hypothecation or otherwise, for a less price than their
Application.	par value; nor shall said bonds or their proceeds be used for any
	other purpose than that declared in section four of this act.
Exempt from town tax.	SEC. 6. That said bonds and their coupons shall not be subject
	to taxation by the town of Weldon until they become due, and
	tender of payment shall have been made, and such coupons shall
Coupons receivable for town taxes.	be receivable in payment of all taxes and other dues of said
	town for any fiscal year in which said coupons become due, or
	thereafter; and if the holder of said coupons shall fail to present
When interest on same to cease.	the same for payment at the time or times, and at the place or
	places therein named, he shall not be entitled to interest thereon
	for the time they shall have been outstanding after maturity.
Special tax.	SEC. 7. That for the purpose of providing for the payment of
	said bonds and the interest thereon, and of defraying the ex-
	penses of the public graded schools provided for in this act, the
	Board of Commissioners of the town of Weldon shall annually
	and at the time of levying the municipal taxes, or as soon there-
	after as practicable, commencing with the fiscal year beginning
	the first day of May, nineteen hundred and three, levy and lay a
	particular tax on all persons and subjects of taxation within the
	limits of said school district, on which said Board of Commission-
	ers may now, or hereafter, be authorized to lay and levy taxes
Rate.	for any purpose whatsoever, said particular tax to be not more

than thirty-three and one-third cents on the one hundred dollars assessed valuation on property, and not more than one dollar on each taxable poll.

SEC. 8. That said taxes shall be collected by the Tax Collector of the town of Weldon at the time and in the manner that the municipal taxes are collected, and said Tax Collector shall pay the same over to the Treasurer of said town, who shall keep such moneys separate and apart from the municipal funds. And said Treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded schools, only upon the warrant of the Chairman and Secretary of the Board of Trustees: *Provided*, that said Tax Collector and said Treasurer shall enter into bond in such amounts as said Board of Trustees shall direct, the former conditioned for the faithful collection and paying over, and the latter for the safe keeping and proper distribution of said taxes and other funds that may come into the hands of either for the use and benefit of said graded school, the compensation to be fixed by the said Board of Trustees.

Collection and
payment to
treasurer.

To be kept
separate.
How disbursed.

Bonds required.

SEC. 9. That the provisions of sections 3 and 7 of this act shall be submitted to a vote of the qualified voters of said school district at an election on a day to be designated by the Board of Commissioners of the town of Weldon at any time after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections 3 and 7 of this act, or a synopsis of the same, shall be published in one or more weekly papers published in the town of Weldon, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section 3, and the levy and collection of the particular taxes provided for in section 7 of this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting to the aforesaid Board of School Trustees authority to issue such bonds, and to the Board of Commissioners of said town authority to levy such particular tax, and said Board of School Trustees and said Board of Commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Schools," then said Board of School Trustees and said Board of Commissioners shall not have such authority: *Provided*, that the result of such election duly ascertained, in accordance with law, shall be enrolled among the public records of the town of Weldon; and, after thirty days from

Election.

Publication of
notice.

How governed.

Ballots.

Returns.

Conclusive after 30 days.	the date of such enrollment, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: <i>Provided further</i> , that if a majority of said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular tax, the Board of Commissioners of said town of Weldon shall order another election, at any time after the expiration of six months from the date of the former election, and if at such election a majority of the qualified voters shall vote "For Schools," it shall have the same force and effect as if no election had been previously held.
Second election after six months.	
Trustees named.	SEC. 10. J. A. Musgrove, J. L. Shepherd, Paul Garrett, D. B. Zollicoffer, G. W. Fulghum, S. D. Hancock, E. Clark, I. E. Green and W. E. Daniel are hereby appointed and constituted a Board of Trustees for the graded public schools of said district, who shall serve without compensation. The three first named shall hold their offices for the term of two years, the second three named for the term of four years, and the last three named for the term of six years. Vacancies occurring by reason of the expiration of the terms of office of the Trustees aforesaid, by death or otherwise, shall be filled by the said Board of Trustees at a meeting called for that purpose, and shall be for the unexpired term of the trusteeships so filled except when the vacancy occurs by reason of the expiration of the terms of office, when the term shall be for six years. A majority of the Board shall constitute a quorum: <i>Provided</i> , that the acceptance of said office of School Trustees shall not disqualify any person so accepting from holding any other office of trust or profit whatsoever under the laws of the State of North Carolina.
To serve without compensation. Terms of office.	
Vacancies, how filled. Election of successors.	
Quorum.	
Trusteeship not to disqualify from holding other office.	
Body corporate.	SEC. 11. That 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 School Trustees of Weldon," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal estate, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and change at pleasure.
Corporate name.	
Corporate powers	
Common seal.	
Establishment of schools.	SEC. 12. That it shall be the duty of said Board of Trustees to establish graded public schools for the white and colored children of said district. And said Board of Trustees shall appropriate and use the funds derived from said particular taxes, and from other sources, in such manner as shall be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools: <i>Provided</i> , that all donations to said school shall be applied as directed by the donors.
Equal facilities for both races.	
Application of donations.	

SEC. 13. That said Board of School Trustees shall have exclusive control of all public schools in said school district, shall prescribe rules and regulations not inconsistent with this act for their own government and for the government of such schools; shall employ, prescribe the qualifications and fix the compensation of all officers and teachers of such schools; shall cause to be taken, from time to time, in accordance with the general school law of the State, an accurate census of the school population of the said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools: *Provided*, that nothing in this act shall be held to authorize the County Board of School Directors, nor the County Superintendent of Schools of Halifax County to exercise any authority or control whatever over the graded public schools of said school district, or the officers and teachers thereof: *Provided*, that the schools established under this act shall be subject in all respects to the public school law regulating other public schools of Halifax County and of the State.

Trustees to govern schools.

Rules and regulations.

Employment of teachers.

School census.

Subject to general school law, but not to county school authorities.

SEC. 14. That all public school funds derived from the State and from the county of Halifax for the use and benefit of the public schools in said school district shall be paid over to the Treasurer of the town of Weldon by the Treasurer of said county for the use and benefit of the graded public schools in said school district; and the property, both real and personal, of the various school districts embraced within the limits of said school district shall become the property of said graded schools, and the title thereto shall be vested in said Board of Trustees, in trust therefor, and said Board of Trustees may, in their discretion, sell the same, or any part thereof, and apply the proceeds to the use of the said graded schools.

Trustees to control State and county school funds.

Town treasurer to receive.

School property transferred to trustees.

May sell same.

SEC. 15. That said Board of Trustees may, if in their judgment necessary for the maintenance of said graded schools, require from each pupil entered therein an incidental fee of not more than two dollars per annum, payable as said Board of Trustees may direct: *Provided*, that such fee shall be applied exclusively to the maintenance of such grade in such schools as the pupil paying shall attend.

May charge limited tuition fee.

SEC. 16. That said Board of Trustees shall elect annually, at least thirty days before the opening of the fall term of said graded school, a Superintendent, who shall supervise the graded public schools of said school district, and exercise such other powers, and discharge such other duties as said Board of Trustees may prescribe.

Trustees to elect superintendent annually.

SEC. 17. That said Board of School Trustees, together with the Superintendent, are hereby authorized, in their discretion, to fix a curriculum of studies, and to adopt text-books for said graded

Curriculum.

Text-books.

schools, and to admit pupils residing without the limits of said school district upon such terms as the said Board of Trustees may deem just and reasonable.

Trustees to report annually.

SEC. 18. That it shall be the duty of said Board of Trustees to make to the Mayor and Board of Commissioners of the town of Weldon annually, after the close of each school year, a full report of the operations of the graded public schools of said school district, and duplicate copies of said report shall be furnished to the County Superintendent of Schools of Halifax County.

Per capita apportionment of school funds.

SEC. 19. That the County Board of School Directors of Halifax County shall apportion the school funds coming to said school district direct thereto upon a per capita basis, in accordance with the provisions of section 17, chapter 732, of the Public Laws of 1899.

Fines and penalties credited to school fund.

SEC. 20. That all fines and penalties imposed and collected in the Court of the Mayor of the town of Weldon shall be paid to the Treasurer of the said town of Weldon, and by him credited to the fund for defraying the expenses of the graded schools provided in this act.

Conflicting laws repealed.

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.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 325.

AN ACT TO REGULATE THE SALE OF CONCENTRATED COMMERCIAL FEEDING STUFFS.

The General Assembly of North Carolina do enact:

Commercial food stuffs to be labeled

Contents of label.

Net weight.

Name, brand or trade-mark.

Name and address of manufacturer.

Analysis.

SECTION 1. That every lot or parcel of concentrated commercial feeding stuff, as defined in section three of this act, used for feeding domestic animals or poultry, sold, offered or exposed for sale within this State, shall have affixed thereto, or printed on the bag or other package, in a conspicuous place on the outside thereof, a legible and plainly printed statement, clearly and truly certifying the number of net pounds of feeding stuff contained therein, the name, brand, or trade-mark under which the article is sold, the name and address of the manufacturer, importer or jobber, and a statement of the maximum percentage it contains of crude fiber, and the minimum percentage of crude fat and of crude protein, allowing one per cent of nitrogen to equal six and one-fourth per cent of protein. all three constituents to be de-

terminated by the methods in use at the time by the Association of Official Agricultural Chemists of the United States.

By what method determined.

SEC. 2. The term "concentrated commercial feeding stuff," as herein used, shall not include hays and straws, the whole seeds, nor the unmixed meals made directly from the entire seed of wheat, rye, barley, oats, Indian corn, buckwheat, broom corn, sorghum, cow peas or soja beans. Neither shall it include pure grains ground together, nor wheat bran or wheat middlings, not mixed with other substances, but sold separately as distinct articles of commerce, nor the by-product (not corn bran alone, but the bran portions of the germ and grain mixed) from the grinding of corn for meal, grits or hominy, when said by-product shall come up to the standard adopted by the Board of Agriculture; but should the whole grains, the unmixed meals, grains ground together, wheat bran, wheat middlings, or corn by-product be adulterated, they shall be subject to the provisions of this act.

"Concentrated commercial feeding stuff" not to include what.

SEC. 3. The term "concentrated commercial feeding stuff" as herein used shall include linseed meals, cocoanut meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewers' grains, malt sprouts, dried distillers' grains, dried beet refuse, hominy feeds, cereāline feeds, rice meals, peanut meals, oat feeds, corn bran, ground beef or fish scraps, mixed feeds, clover meal, and all materials of a similar nature not included in section two of this act.

"Concentrated commercial feeding stuff" defined.

SEC. 4. Each and every manufacturer, importer, jobber, agent or seller, before selling, offering or exposing for sale in this State any concentrated commercial feeding stuff, as defined in section three of this act, shall for each and every feeding stuff bearing a distinguishing name or trade-mark, file with the Commissioner of Agriculture a copy of the statement named in section one of this act, and accompany said statement, when so requested by the Commissioner of Agriculture, by a sealed glass jar or bottle containing at least one pound of the feeding stuff to be sold, exposed or offered for sale, which sample shall correspond, within reasonable limits, to the feeding stuff which it represents, in the percentages of protein, fat and fiber which it contains.

Manufacturer to file copy of statement or label with Commissioner of Agriculture, and also sample of article when requested.

SEC. 5. Each and every manufacturer, importer, jobber, agent or seller of any concentrated commercial feeding stuff as defined in section three of this act, shall pay to the Commissioner of Agriculture an inspection tax of twenty cents per ton for each ton of such concentrated feeding stuff sold, offered or exposed for sale in the State, and shall affix to each car shipped in bulk, and to each bag, barrel or other package of such concentrated feeding stuff, a tag, to be furnished by the said Commissioner of Agriculture, stating that all charges specified in this section have been paid. The Commissioner of Agriculture is hereby empowered to

Manufacturer, etc., to pay tax and affix tag.

Form of tag.

Board of Agriculture to adopt standards and make rules and regulations.

When principal complies with this act agent need not.

Non-compliance with this act and adulterating stuffs a misdemeanor.

Penalty.

Condemnation and sale.
Fines and proceeds of seizures for use of Department of Agriculture.

Samples for analysis.

Analysis of same.

Hindering enforcement of this act a misdemeanor.

prescribe the form for such tags, and the Board of Agriculture is empowered to adopt standards for concentrated feeding stuffs and such regulations as may be necessary for the enforcement of this law, the violation of any of which regulations shall be a misdemeanor. Whenever a manufacturer, importer, or jobber of a concentrated feeding stuff shall have filed the statement named in section one of the act, and paid the inspection tax, no agent or seller of said manufacturer, importer, or jobber shall be required to file such statement or pay such tax.

SEC. 6. Any manufacturer, importer, jobber, agent or seller who shall sell, offer or expose for sale, or for distribution in this State, any concentrated commercial feeding stuff as defined in section three of this act, without complying with the requirements of the preceding sections of this act, or who shall sell, or offer or expose for sale or distribution any concentrated commercial feeding stuff which contains substantially a smaller percentage of constituents than are certified to be contained, or who shall adulterate any feeding stuff with foreign mineral or other substance or substances, with substances injurious to the health of domestic animals, shall be guilty of a misdemeanor, and shall be fined not exceeding \$50.00 for each offence, and the lot of feeding stuff in question shall, in addition, be subject to seizure, condemnation and sale by the Commissioner of Agriculture, as prescribed for the seizure, condemnation and sale of commercial fertilizers in this State. Fines and the proceeds from sales under seizure shall be covered into the State treasury for the use of the Department of Agriculture in executing the provisions of this act.

SEC. 7. The Commissioner of Agriculture is hereby authorized to have collected a sample not exceeding two pounds in weight, for analysis, from any lot, parcel, or package of concentrated commercial feeding stuff as defined by section three of this act, or unmixed meals, ground grains, wheat bran, wheat middlings or corn by-product, named in section two of this act, which may be in the possession of any manufacturer, importer, agent or dealer, but said sample shall be taken from not less than ten per cent of the whole lot inspected. One or more samples of each feeding stuff collected as herein provided shall be analyzed annually by the State Chemist and his assistants, and the results published in the Bulletin, together with such additional information in relation to the character, composition and use thereof as may seem to be of importance.

SEC. 8. Any manufacturer, dealer, or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any inspector or other person in the performance of his duty in collecting samples, or otherwise in connection with this

act, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than ten dollars nor more than fifty dollars. Penalty.

SEC. 9. The Commissioner of Agriculture, upon ascertaining any violation of this act for the first time, shall forthwith notify the manufacturers, importers or sellers in writing, giving them not less than thirty days therefrom in which to comply with the requirements of this act. In case of the second or subsequent violations by the same party or parties, or in case after a lapse of thirty days, the requirements of this act remain still uncomplied with, it shall be the duty of the Commissioner of Agriculture to enforce the provisions of this act: *Provided, however,* that there shall be no prosecution in relation to the quality of any concentrated commercial feeding stuff, if the same shall be found to be substantially equivalent to the statement of analysis made by the manufacturers, importers or dealers. Persons violating this act to have 30 days to comply.

SEC. 10. Magistrates and Justices of the Peace throughout this State shall have jurisdiction to hear and determine actions arising from violation of the provisions of this act, and to hold for Court or impose the penalties prescribed therein, subject to appeal as the law may direct. Enforcement of act.
Proviso.
Justices of the Peace to have jurisdiction
Right of appeal.

SEC. 11. This act shall be in force from and after July 1, 1903. Act in force after July 1, 1903.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 326.

AN ACT TO PREVENT THE GATHERING AND SHIPPING OF WILD CELERY SEED FROM CURRITUCK SOUND.

The General Assembly of North Carolina do enact: •

SECTION 1. That it shall be unlawful for any person or persons to gather or ship out of the State any wild celery seed or grass seed of any kind from the waters of Currituck Sound. Unlawful to gather or ship wild celery seed or grass seed from Currituck Sound.

SEC. 2. That any person or persons violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor less than twenty dollars, or imprisoned not more than thirty days, at the discretion of the Court. Violation of this act a misdemeanor.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 327.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PITT COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Levy of special
tax.

Rate.

Years.

Application of

How levied and
collected

SECTION 1. That the Board of Commissioners of Pitt County be and are hereby authorized and empowered to levy a special tax not to exceed ten (10) cents on the one hundred dollars' valuation of real and personal property in said county, and thirty (30) cents on each poll in said county annually for two years, viz: For the years nineteen hundred and three (1903) and nineteen hundred and four (1904), to be expended and applied to the payment of the indebtedness and current expenses of said county.

SEC. 2. That the said tax 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.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 328.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE PUBLIC ROADS OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

General road law
amended

SECTION 1. That chapter 581 of the Public Laws, enacted by the General Assembly of North Carolina, at its session of 1899, be and the same is hereby amended, only so far as it may apply to Chatham County, as follows:

1903 instead of 1899.

SEC. 2. Insert in lieu of the words "eighteen hundred and ninety-nine," wherever they appear in said act, the words "nineteen hundred and three."

Section 2 of former
act repealed.

SEC. 3. In lieu of section 2 of said act, which is hereby repealed so far as it applies to the county of Chatham, insert the following: "William L. London, Thomas M. Bynum, A. H. Perry, J. C. Gregson and B. R. Hargrove are hereby appointed the Board of Road Commissioners of Chatham County and invested with full powers to carry out the provisions of this act, and of said chapter 581 of the Public Laws of 1899, as hereby amended, for the county of Chatham. They shall serve for a term of four years from the date of this act and until their successors are elected

Board of Road
Commissioners.

Powers.

Term of office.

and qualified as herein provided, and shall receive as compensation for their services a sum not to exceed one dollar and a half a day each while actually engaged in the necessary work of the Board for not more than three days in any one month, said amount to be paid out of the road fund of said county. Francis M. Farrell is hereby appointed Superintendent of Roads for said county of Chatham for a term of four years, beginning the first Monday in May, 1903, who shall be paid such compensation as may be fixed by the said Board of Road Commissioners and to be paid out of the county road fund: *Provided*, that the said Superintendent of Roads may at any time be removed by said Road Commissioners after having been given ten days' notice and a hearing, when, in the opinion of said Road Commissioners, 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 said Road Commissioners, to supervise, direct and have charge of the maintenance and building of all public roads in said county, and of the repairing of the bridges thereof, and he shall submit to the Board of Road Commissioners a monthly report concerning the work and progress and the moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges and plans for their improvements, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipments on hand. Said Road Superintendent, before entering upon the duties of his office, shall execute a good and lawful bond, to be approved by the said Road Commissioners, in the sum of two thousand (\$2,000) dollars as a guarantee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the Register of Deeds and filed with the Clerk of the Superior Court of the said county. In case of the death or resignation or removal of said Road Superintendent it shall be the duty of the said Road Commissioners to elect a Road Superintendent, who shall hold office at the discretion of said Road Commissioners and until his successor has been elected and qualified.

SEC. 4. That section 3 of said act be amended by inserting between the words "compensation" and "per day," in line 11 thereof, the words "not to exceed one dollar."

SEC. 5. That section 4 of said act be amended by striking out the words "County Commissioners," being the last two words in said section and inserting in lieu thereof the words "Road Commissioners of Chatham County."

SEC. 6. That section 8 of said act be and the same is hereby

Compensation.

Superintendent of roads.
Term of office.

Compensation.

Removal from office.

Duties.

To report quarterly to Road Commissioners.

Superintendent to give bond.

Bond, where registered and filed.

In case of vacancy.

Compensation of guards and supervisors limited.

Road Commissioners to fix boundaries of districts.

Working of convicts optional.	amended by striking out the word "shall" between the words "years" and "be," in line 7 thereof, and insert in lieu thereof the word "may."
Certain expenses payable out of road fund.	SEC. 7. That section 9 of said act be amended by adding thereto the words, "to be paid for out of the road fund of said county of Chatham."
Duties of Road Commissioners.	SEC. 8. That section 10 of said act be and the same is hereby amended by striking out the words "County Commissioners," in line ten thereof, and inserting in lieu thereof the words "Road Commissioners of Chatham County"; and that it be further
Certain road specifications repealed	amended by striking out all between the word "Commissioners," in said act, in line 10, and the word "all," in line eighteen thereof; and the said section 10 be further amended by striking out all of said section after the word "culverts," in line 21.
Duties of Road Commissioners.	SEC. 9. That section 12 of said act be amended by striking out the words "County Commissioners," in lines one and two thereof, and inserting in lieu thereof the words "Road Commissioners of Chatham County."
Approval of Road Commissioners.	SEC. 10. That section 15 of said act be and the same is hereby amended by striking out the words "County Commissioners," which are the last words of said section, and inserting in lieu thereof the words "Road Commissioners of Chatham County."
Certain property to be turned over to road superintendent	SEC. 11. That section 17 of said act be and the same is hereby amended by striking out the words "County Commissioners," in line 10 thereof, and inserting in lieu thereof the words "Superintendent of Roads."
Certain funds expended under direction of Road Commissioners.	SEC. 12. That section 21 of said act be and the same is hereby amended by striking out the words "County Commissioners," in lines 15 and 16 of said section, and inserting in lieu thereof the words "Road Commissioners of Chatham County"; and also by adding at the end of said section the following: "Upon the petition of one-third of the qualified voters of any township in Chatham County it shall be the duty of the Board of County Commissioners of said county to order an election to be held in such township upon the question of issuing bonds for road purposes therein. The order for such election shall state the amount of bonds proposed to be issued, which shall not exceed fifteen thousand (\$15,000) dollars, for any township, the character of such bonds, the rate of interest which they will bear, and the time they are to run. Such election shall be called and held under the same rules and regulations as elections for the members of the General Assembly. Those voters who favor the issuance of bonds shall vote a written or printed ticket containing the words 'For Bonds,' and those opposing such issue of bonds shall vote a similar ticket containing the words 'Against Bonds.' It shall be the duty of the Board of County Commissioners of said
Petition for bond election.	
Order for election, what to contain. Amount.	
Interest rate.	
Term. Election, how governed.	
Ballots.	

county to canvass the returns of said election and declare the result; and if a majority of the qualified voters in such township shall vote 'For Bonds,' then it shall be their duty to issue the said bonds, sell the same at not less than par, and apply the proceeds for road purposes in said township. It shall be the duty of said Commissioners to annually levy a special tax in such township to meet the interest on such bonds and to provide a sinking fund for the payment of the principal at maturity. When any township levies a special tax as herein provided such township may be permitted to use on its roads its part of the taxes paid by it for the county road fund."

Canvass of
returns.

Special tax.

Other taxes.

SEC. 13. That sections 22, 23, 24, 25, 26, 27 and 28, of said chapter 581, of the Public Laws of 1899, shall not apply to the county of Chatham.

Certain parts of
former act not
applicable to
Chatham County.

SEC. 14. The successors of the Board of Road Commissioners provided for in section 3 of this act shall be elected by the Board of County Commissioners of Chatham County, and any vacancy occurring in said Board of Road Commissioners shall be filled by the remaining members of said Board.

Election of Road
Commissioners.

Vacancies, how
filled.

SEC. 15. This act shall apply only to the county of Chatham.

Applicable only to
Chatham County.

SEC. 16. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws
repealed.

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

In the General Assembly read three times, and ratified this 2d day of March, 1903.

CHAPTER 329.

AN ACT TO PROVIDE FOR THE TREATMENT AND CARE OF CERTAIN INSANE PERSONS, IDIOTS AND INEBRIATES.

The General Assembly of North Carolina do enact:

SECTION 1. That all hospitals, homes or schools for the care and treatment of insane persons, idiots and feeble-minded persons and inebriates, formed in compliance with section sixty of chapter one, Public Laws of 1899, and duly licensed by the Board of Public Charities as herein provided, shall, during the continuance of such license, become and be a part of the system of public charities of the State of North Carolina.

Public Laws of
1899.

Public Charities.

SEC. 2. When it is deemed advisable that any person a citizen of the State of North Carolina, or a citizen of another State or country, temporarily sojourning in North Carolina, should be detained in any private hospital within the State, two persons, one of whom must be a physician, not connected with any private

Commitment to
private hospital.

Procedure.

hospital, shall make affidavit before a Justice of the Peace or a Clerk of the Superior Court of this State, that they have carefully examined the alleged insane person; that they believe him to be a fit subject for commitment to a hospital for the insane, and that his detention and treatment will be for his advantage and benefit. This certificate shall be filed with and approved by the Clerk of the Superior Court in the county in which the examination is held, or in the county in which the private hospital is located, and a certified copy of this certificate, and approval of the Clerk shall be deposited with the Superintendent of the private hospital, as his authority for holding the insane person. The Clerk of the Court may, if he sees fit, issue warrants and have the alleged insane person before him in manner prescribed in section fifteen, chapter one, Laws of 1899, and he may, if he sees fit, order any insane person brought before him to be taken to a private hospital within the State instead of one of the State hospitals, and his warrant shall be sufficient authority for holding such insane person in such private hospital. Idiots, feeble-minded persons and inebriates may be committed to and held in private hospitals or homes in this State in the manner hereinbefore prescribed for insane persons: *Provided*, that a period of detention in a private hospital or home of not less than one month and not more than six months shall be prescribed for inebriates, at the discretion of the Clerk of the Superior Court approving the commitment.

SEC. 3. When it is deemed desirable that any inmate of any State hospital be transferred to any licensed private hospital within the State, the Executive Committee may so order and a certified copy of the commitment on file at the State hospital, and the order of the Executive Committee shall be sufficient warrant for holding the insane person, idiot or inebriate by the officers of the private hospital.

SEC. 4. It shall be the duty of any person having legal custody of the estate of an insane person, idiot or inebriate legally held in a private hospital to supply funds for his support in the hospital during his stay therein and so long as there may be sufficient funds for that purpose over and beyond maintaining and supporting those persons who may be legally dependent on the estate as aforesaid.

SEC. 5. The fees and charges prescribed in chapter one, Laws of 1899, shall be the fees and charges for the examinations authorized by this act.

SEC. 6. All laws and clauses of laws conflicting with this act are hereby repealed.

SEC. 7. This act shall go into effect and be operative from and after its ratification.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

Sworn statement.

Approval of Clerk Superior Court.

Copies for Superintendent of hospital.

Clerk Superior Court may issue warrants.

Public Laws of 1899.

Commitment of idiots, inebriates, etc.

Period of detention.

Transfer from State to private hospital.

Support of inmates of private hospitals.

Fees and charges.

Conflicting laws repealed.

CHAPTER 330.

AN ACT TO AMEND CHAPTER 421, PUBLIC LAWS 1901, ENTITLED "AN ACT TO ESTABLISH HIGH SCHOOLS IN WESLEY CHAPEL SCHOOL DISTRICT OF UNION COUNTY, AND FOR OTHER PURPOSES."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 421, Public Acts 1901, be amended by striking out section one (1) thereof, and inserting in lieu thereof: "That all the territory embraced within the following boundaries, to-wit, beginning at a point where J. A. Secrest and F. W. Howie's land corners on W. C. Wolfe's line in a branch on the New Town Road, in Sandy Ridge Township, in Union County, and running thence the said J. A. Secrest and W. C. Wolfe's line a point where said Secrest's land adjoins the G. D. Broom or Houston place; thence following the southern boundary of this place to Minor Plyler's home place; thence his line and including his said place to Amzi Biggers, and including his home place to and including the R. B. Weddington place, on which M. P. Craige lived and died, and up Little Twelve-Mile Creek to where J. A. Biggers' line crosses said creek; thence his line, excluding his land, to J. M. Price's line, and including his land to the Davis Gold Mine; thence to and including the "Hudson School-House" lot on the Davis Mine Road; thence with J. R. Dees' northern and eastern line to and including W. D. Hawfield's place; thence to and including B. F. Keziah's place; thence to and including J. H. Rogers, bought of A. J. Price; thence to and including Mrs. Matilda Rogers' place; thence to and including the J. W. Byrum place, now owned by F. M. Sutton; thence to and including F. M. Sutton's home place; thence to and including Matthew Gordon's place; thence to and including J. F. Gordon's place; thence to and including the "Bill Underwood" place, now owned by Robert Fowler, and the nearest point on the line of this place, direct to Zion Church (col.), and thence the New Town Road to the beginning, constitutes a public school district for the whites and colored, to be known as Wesley Chapel Graded School District, Union County: *Provided*, that if the foregoing territory shall vote "Against Schools," then the old boundary described in section one of said act shall remain a school district as it now is.

SEC. 2. By striking out the word "next" after the word "May" and before the word "and," in line four of section two, and inserting in lieu thereof "1903."

SEC. 3. By striking out all words after "election." in line eight (8) of section 3, and inserting in lieu thereof the following: "The Board of County Commissioners for Union County shall appoint

Former act amended.

Boundaries of school districts.

Name of district.
Proviso, vote.

Time of election.

How held.

Returns.

Canvass.

Result.

Proviso.

Place of voting.

Condemnation of
land.

Sale of school
property.

Application of
proceeds.

some competent elector as registrar and two competent electors as judges of election, which electors so appointed registrar and judges of election shall hold said election as provided in the general election law, and shall certify the result of the election so held to said Board of Commissioners, who shall canvass the same, declare the result thereof, and spread the same on their minutes: *Provided*, that the election so held, if the result is 'Against Schools,' shall not affect the Wesley Chapel School District as it now exists. That said election shall be held at the Wesley Chapel School-House in said district."

SEC. 4. By adding to section four (4) of said act, "and if necessary to condemn land, the same shall be done as provided for condemning land under the general school law."

SEC. 5. By adding to section fourteen, "that said Trustees shall have full power and authority to sell any and all school property, not including the school property erected under said act, being or situated within the territory hereinbefore defined, and apply the proceeds to the school fund of said district."

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 331.

AN ACT TO ALLOW ENFIELD GRADED SCHOOL DISTRICT
TO ISSUE BONDS TO PAY CERTAIN INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Issue of school
bonds.

Amount.

Denominations.

Rate of interest.

Redemption.

SECTION 1. That the Board of School Trustees of Enfield Graded School District be and they are hereby authorized and empowered to issue bonds of said school district to an amount of twenty-five hundred dollars, of such denomination and of such proportion as said Board of Trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per cent per annum, with interest coupons attached payable semi-annually, at such time and such place or places as may be deemed advisable by said Board of Trustees, said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable as follows: Five hundred dollars thereof on the first day of July, 1918, and five hundred annually thereafter till all are paid, at such place or places as said Board of Trustees may determine; said bonds to be issued for the purpose of re-funding or raising money enough to redeem five of the bonds heretofore issued by said Board of Trustees, maturing on the first days of January, 1903, 1904, 1905, 1906 and 1907, under and

Purposes.

Former issue of
bonds.

by virtue of chapter 85 of Private Laws of North Carolina, of session 1901.

SEC. 2. That the interest on said bonds and the bonds themselves shall be paid from the funds and taxes levied for said school district under chapter 85 of the Private Laws of North Carolina, of session 1901. Tax levy.

SEC. 3. That the provisions of this act shall be submitted to a vote of the qualified voters of said school district at an election on a day to be designated by the Board of Commissioners of the town of Enfield, at any time after the ratification of this act. Bond election.

That thirty days' notice of such election, containing a copy of the provisions of sections one and two of this act, or a synopsis of the same, shall be published in one or more weekly papers published in the town of Enfield, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those Publication of notice.

qualified voters approving the issue of bonds provided for in this act, and the levy and collection of the taxes to pay the same shall deposit a ballot containing the written or printed words "For Bonds," and those disapproving the same shall deposit a Election, how governed

ballot containing the written or printed words "Against Bonds." If a majority of such voters shall vote "For Bonds," it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting to the aforesaid Board of School Trustees authority to issue such bonds, and to the Board of Commissioners of said town authority to levy such particular Ballots.

tax, and said Board of School Trustees and said Board of Commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Bonds," then said Board of School Trustees and said Board of Commissioners shall not have such authority: *Provided*, that the result of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Enfield, and, after thirty days from the date of such enrollment, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular tax, the Board of Commissioners of said town of Enfield shall order another Special tax.

election, at any time after the expiration of six months from the date of the former election, and if at such election a majority of the qualified voters shall vote "For Bonds," it shall have the same force and effect as if no election had been previously held. Result of election.

Provided, that the result of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Enfield, and, after thirty days from the date of such enrollment, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular tax, the Board of Commissioners of said town of Enfield shall order another Enrollment of same.

election, at any time after the expiration of six months from the date of the former election, and if at such election a majority of the qualified voters shall vote "For Bonds," it shall have the same force and effect as if no election had been previously held. Conclusive in 30 days.

Provided, that the result of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Enfield, and, after thirty days from the date of such enrollment, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular tax, the Board of Commissioners of said town of Enfield shall order another New election after six months.

election, at any time after the expiration of six months from the date of the former election, and if at such election a majority of the qualified voters shall vote "For Bonds," it shall have the same force and effect as if no election had been previously held. Sale of bonds.

SEC. 4. That said Board of Trustees shall have power to sell said bonds for cash or to exchange them for the bonds heretofore

issued by said Trustees under the Private Acts of 1901, chapter 85, bearing date July 1, 1901, and maturing January 1, 1903, 1904, 1905, 1906 and 1907.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 332.

AN ACT TO AUTHORIZE THE ISSUE OF BONDS BY RALEIGH TOWNSHIP FOR THE PURCHASE OF THE CENTENNIAL SCHOOL-HOUSE AND LOT FROM THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Petition for bond election.

Purpose.

Time of election.

How governed.

County Board of Elections.

Registrars and judges of election, etc.

New registration

Time of election.

Registrars and judges of election

SECTION 1. That the Board of Commissioners of Wake County are hereby required, upon the presentation to such Board of a petition by the School Committee of Raleigh Township, to provide for the holding of an election in the township of Raleigh, in the county of Wake, upon the question of the issuance of bonds by Raleigh Township, the proceeds of which are to be devoted to the payment for the Centennial School property, situated in the city of Raleigh, contracted to be bought from the city of Raleigh for school purposes, at the price of twenty-five thousand dollars. The election shall be held at such time during the year nineteen hundred and three as the School Committee shall request and under such rules and regulations as are or may be prescribed by law for the election of members of the General Assembly. The powers and duties now conferred by law upon the County Board of Elections in election of members of the General Assembly, shall be exercised by the Board of Commissioners of Wake County for the purposes of this election. The County Commissioners are required to appoint, upon the recommendation of the Clerk of the city of Raleigh, all necessary registrars and judges of elections, and to provide special ballot boxes for such election. The Commissioners shall order a new registration of the voters of Raleigh Township for such election, and said election may be held at the same time as the election of municipal officers in the city of Raleigh; and if so recommended by the Clerk of the city of Raleigh, the County Commissioners may appoint as registrars and judges of election, for precincts within the limits of the city of Raleigh, the persons or some of them who are appointed registrars and judges of election in the municipal election; but the

registration shall be kept as a township registration, on separate books and separate and apart from the city election, and the returns of said election shall be made to the Board of County Commissioners, who shall exercise the powers and duties of the Board of Canvassers for this election. At this election those who are in favor of issuing the bonds as provided in this act shall vote a written or printed ballot with the words "For School Bonds," and those who are opposed shall vote a written or printed ballot, with the words "Against School Bonds." The expense of this election shall be paid by the city of Raleigh. The order for this election may be made at any regular meeting or at a special meeting called for the purpose. ,

SEC. 2. That if at the election provided for in this act a majority of the qualified voters of Raleigh Township shall vote "For School Bonds," the Board of Commissioners of Wake County shall be authorized to issue in the name and on account of Raleigh Township coupon bonds of the township to the amount of twenty-five thousand dollars. Such bonds shall bear interest at the rate of five per centum per annum. The bonds issued under authority of this act shall be payable not less than thirty years after date, and shall have interest coupons attached, payable semi-annually. The form and denomination of the bonds shall be determined by the School Committee; and the bonds shall be signed by the Chairman of the Board of Commissioners of Wake County and by the Chairman of the School Committee of Raleigh Township, and attested by the Secretary of the committee. The bonds so issued shall be delivered by the Chairman of the School Committee of Raleigh Township to the Treasurer of the city of Raleigh upon the delivery by the proper officer of the city of Raleigh to the Chairman of the School Committee of Raleigh Township, a good and lawful deed, executed by said city, conveying the Centennial School property, situate in said city, to the School Committee of Raleigh Township. The delivery of said bonds to the Treasurer of the city of Raleigh to be full payment of the consideration for the conveyance of said school property to the School Committee of Raleigh Township; and the Treasurer of the city of Raleigh shall dispose of said bonds as the proper authorities of said city shall direct.

SEC. 3. If a majority of the qualified voters of Raleigh Township shall vote for the issuance of the school bonds, the Board of Commissioners of Wake County shall annually levy in Raleigh Township an additional tax of such amount as may be necessary to pay the annual interest accruing on the bonds and to create a sinking fund, not exceeding three cents on every hundred dollars worth of property and nine cents on every poll, and the amount realized by said tax shall be applied to the payment of the cou-

Election returns.

Canvass.

Ballots.

Expense of election, how paid.

Order for election.

Issue of bonds.

Amount.
Rate of interest.

Term.

Form and denomination.

Execution.

Delivery.

Conveyance of the school property.

Disposal of bonds.

Special tax.

Sinking fund.

Rate.

Application of proceeds of tax.

pons on said bonds, and any sum realized in addition to the amount of the coupons as they mature, shall be devoted to the creation of a sinking fund. Such tax shall be collected at the same time and in the same manner as the other school taxes of Raleigh Township, and paid to the Treasurer of Wake County and be paid out by him as required by this act.

County Treasurer
to receive and
disburse.

"Commissioner of
Bonds."

Term of office.

Election o .

Bond required.

When County
Treasurer to be
such commis-
sioner.

Compensation.

Bond Commis-
sioner to receive
and disburse
special taxes.

Investment of
surplus

To report annually
to school com-
mittee.

SEC. 4. If the bonds shall be issued, the Board of Commissioners of Wake County shall elect a suitable person to act as Commissioner of Bonds, to be known as the "Commissioner of Bonds" of Raleigh Township. He shall hold his office for six years and until his successor is elected and qualified. The election of such Commissioner shall be held immediately after the election provided for in this act, and before entering upon the discharge of his duties such Commissioner shall give a bond with sufficient sureties in such sum as the Board of County Commissioners may designate, payable to the State of North Carolina, conditioned for the faithful discharge of his duties and for the faithful accounting of all moneys and securities coming into his hands under the provisions of this act. The Treasurer of Wake County shall, by virtue of his office, be the Bond Commissioner, unless some other person shall be elected by the Board, and the official bond given by such Treasurer shall cover the faithful performance of the duties of such Bond Commissioner. The compensation of the Commissioner of Bonds shall be one per centum upon receipts and disbursements.

SEC. 5. The Sheriff of Wake County shall turn over to the Bond Commissioner all moneys received from the taxation provided for in this act, and out of such moneys he shall pay the coupons of the bonds as they may mature and are presented to him, and all amounts received in excess of the amount required to pay said coupons shall be invested in such securities as the Board of Commissioners of Wake County may from time to time direct, and the same shall be held as a sinking fund for the benefit of the holders of the bonds issued under this act. The Commissioner shall annually forward to the School Committee a full statement of all receipts and disbursements and a list of the securities held by him, and shall at the expiration of his term of office turn over to his successor all moneys and securities held by him.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1903.

CHAPTER 333.

AN ACT TO ESTABLISH A GRADED SCHOOL AT OXFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That the territory embraced within the corporate limits of the town of Oxford, Granville County, shall be and is hereby constituted the Oxford Graded School District for the children of both races.

Graded school district established.
Boundaries.

SEC. 2. That the Board of Commissioners of the town of Oxford are hereby required to submit to the qualified voters of said town, on the first Monday in May, next ensuing, the question whether an annual tax shall be levied for the support of graded schools in said town, and said election shall be governed by the regulations for electing municipal officers in said town.

Election.

Rules and regulations.

SEC. 3. That at the election held under the provisions of this act those favoring the levying of such tax shall vote a written or printed ballot with the words "For Schools" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot with the words "Against Schools" upon it.

Ballots.

SEC. 4. That if a majority of the qualified voters voting shall vote at said election in favor of levying such tax it shall be the duty of the Board of Commissioners of the town of Oxford and its successors to levy annually a special tax to support the schools, such as the Board of Graded School Trustees and its successors shall require, not exceeding thirty cents on the one hundred dollars' valuation of all the property in said district, and upon the poll not exceeding ninety cents. The said taxes shall be due and collected annually by the Tax Collector of the town of Oxford, as and at the same time as other taxes are due and collected. Said school taxes shall be kept separate from all other taxes, and shall be paid over by the Tax Collector to the Treasurer of the Board of Graded School Trustees as soon as received. It shall be the duty of said Treasurer to pay out the moneys to said school upon warrants signed by the Chairman and Secretary of said Board of Graded School Trustees.

Special tax.

Tax rate.

Collection.

To be kept separate.

Disbursement.

SEC. 5. That all public school funds derived from the State and county for the use and benefit of said Oxford Graded Schools District shall be paid to the Treasurer of said Board of Graded School Trustees as soon as it shall be received. And all property, both real and personal of said public school district, shall become the property of said graded schools, and the title to the same shall be vested in the said Board of Graded School Trustees and its successors in trust for said graded schools.

All school funds payable to Treasurer of School Trustees.

Transfer of school property.

SEC. 6. That the said Board of Graded School Trustees shall have entire and exclusive possession of said graded schools, shall

Government of schools.

Officers and teachers.

employ as hereinafter provided and fix compensation of officers and teachers, shall make an accurate census of the school population of said district as required by the general school law, and do all other acts as may be necessary, just and lawful for the successful management of the said graded schools: *Provided*, all children resident in the town of Oxford between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges, and all children between said ages residing within one mile of the corporate limits of said town shall be admitted to said schools upon such terms as the Board of Graded School Trustees shall determine. The said Board of Graded School Trustees hereby created shall be a body politic and corporate, by the name and style of the Board of Graded School Trustees of the town of Oxford, and by that name shall be capable of receiving gifts and grants, purchasing and holding real estate and personal property, selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said Board shall be to it and its successors in office and all deeds, mortgages and other agreements affecting real estate and personal property shall be deemed sufficiently executed when signed by the Chairman of said Board of Graded School Trustees and attested by the Secretary.

School age.

Children within district admitted free.

Children outside of district.

Trustees, a body politic.

Corporate name.

Powers.

Execution of conveyances.

Creation of Board of Trustees.

Number of members.
Term of office.

Members of board.

Town commissioners of Oxford to elect successors.
Proviso.

Vacancies, how filled.

Election of superintendent.

SEC. 7. That for the purposes of this act there is created a Board of Graded School Trustees of the town of Oxford, which Board shall consist of seven members divided into three classes. The term of office of the first class shall expire at the end of one year; the term of office of the second class shall expire at the end of two years; the term of office of the third class shall expire at the end of three years; the term of office of each class to date from the second Monday in May, 1903. It is further enacted that John P. Steadman and Solomon W. Cooper be and are hereby named and appointed in the first class; William T. Lyon and T. L. Booth are hereby named and appointed in the second class, and that Edward T. White, John H. Bullock and C. D. Ray are hereby named and appointed in the third class. And it is further enacted that upon the expiration of the term above named and fixed that the Board of Town Commissioners of the town of Oxford shall elect annually thereafter successors in each class for the term of three years: *Provided*, that the term of office of no member of said Board shall expire until his successor is duly elected: *Provided further*, that when any vacancy shall occur in said Board except by expiration of term of office, such vacancy or vacancies shall be filled by said Board of Graded School Trustees.

SEC. 8. That the Board of Graded School Trustees created by this act shall elect annually at their regular meeting in May, or

as soon thereafter as practicable, a Superintendent of Schools established by this act. It shall be the duty of said Superintendent to examine all applicants for the position of teachers in said school, to make an annual report of the operation of said schools to the Board of Graded School Trustees, and to do and perform such other duties as shall be prescribed by the said Board. It shall be the duty of the said Board of Graded School Trustees to report annually to the Mayor and Board of Commissioners of the town of Oxford the operations of said schools, together with their recommendations for the ensuing year.

Duties of superintendent.

Board of trustees to report annually.

SEC. 9. That the said Board of Graded School Trustees and Superintendent are hereby given the power to fix curriculum, and to adopt text-books for periods not exceeding five years nor less than three years.

Curriculum and text-books.

SEC. 10. That it shall be the duty of said Board of Graded School Trustees to maintain a graded school for the white children and a graded school for the colored children of said town, and the said Board shall use and appropriate the funds derived from the said special taxes and from all other sources as shall be just to both races, due regard, however, being paid to the cost of maintaining the graded school for each race.

Schools for white and colored races.

Apportionment of funds.

SEC. 11. That the said Board of Graded School Trustees shall elect annually at their meeting in May a Treasurer, who, before entering upon the duties prescribed by this act, shall enter into bond with good and sufficient security in such sum as may be fixed and approved by the Board of Graded School Trustees, and the Mayor of the town of Oxford, and his compensation shall be fixed by the Board of Graded School Trustees, and it shall be the duty of said Treasurer to make report to said Board at the expiration of his term of office of all moneys received and disbursed during his term of office.

Treasurer of board of trustees.

To give bond.

Approval of bond.
Compensation.

Duties of treasurer.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1903.

CHAPTER 334.

AN ACT TO ESTABLISH STOCK LAW IN A CERTAIN PORTION OF WASHINGTON TOWNSHIP, BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first day of March, 1903, it shall be unlawful for any owner of any horse, mule, sheep, swine, goat, or cattle of any kind or description, to permit the same to run at large in or upon the lands of any other within the district

Unlawful for stock to run at large, when.

hereinafter described in section 2, of this act, except from the fifteenth day of December to the fifteenth day of February of each and every year: *Provided*, that if unanimous consent of all the freeholders of said territory be first had and obtained in writing, it shall be lawful to permit stock to run at large in said territory as early as December first, and as late as March first of each and every year.

Stock law territory.

Boundaries.

SEC. 2. That this act shall apply only to that part of Beaufort County embraced within the following-described district, to-wit: Beginning at the bridge on Tranter's Creek, on the Greenville and Washington County road and running with said road towards the town of Washington to the bridge on Cherry's Run on the Williamston Road, and thence with said road towards the town of Washington to the line between the lands of Charlotte E. Grimes and Dr. D. T. Tayloe, and thence with the east line of the said Charlotte E. Grimes to Tar River, and thence with Tar River to the mouth of Tranter's Creek, thence up Tranter's Creek to the bridge, the point of the beginning; and the said watercourses are hereby declared to be lawful fences for the purposes of this act.

Fence commissioners.

Duties.

SEC. 3. That J. Sam. Hodges, Col. R. W. Wharton and I. E. Leggett be and the same are hereby elected Fence Commissioners, with power to contract with any person or persons to erect and maintain a good and lawful fence, enclosing the district of territory described in section 2 of this act, and to keep or cause the same to be kept in good repair, and to have gates placed across public roads, when and where it may be necessary. That the said Commissioners shall hold their office for two years from the day this act goes into operation, and every two years thereafter the said three Commissioners shall be elected by the County Commissioners at their February meeting, and the said County Commissioners are hereby empowered to fill any and all vacancies that may occur on said Board of Fence Commissioners from any and all causes.

Term of office.

Elected by county commissioners.

Vacancies, how filled.

Fence commissioners to report annually.

SEC. 4. That it shall be the duty of the said Fence Commissioners to report annually, at the April meeting of the Board of County Commissioners, the condition of the said fence and gates, the cost of building, maintaining, or repairing the same from the preceding year, and estimate and report what sum of expenditures is necessary to keep said fence and gates in repair for the succeeding year. And it shall be the duty of the said Board of County Commissioners to levy a tax sufficient to meet such expenditures, upon the lands lying within the boundaries of said district or territory; each acre of land valued alike, and the taxes so levied shall be equal and collected by the Sheriff of Beaufort County, at the same time and in the same manner and under the same regulations as are now provided for the collec-

Special tax.

Valuation of land.

Collection of tax.

tion of State taxes, and he shall pay over the same to the Chairman of the Fence Commissioners.

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 other duties as may be prescribed by the said Fence Commissioners. That the said Chairman shall execute a justified bond in the sum of two hundred dollars, payable to the State, on behalf of said Fence Commissioners, conditioned upon the faithful performance of the duties of the said office. That upon good cause shown, the Commissioners of Beaufort County may, at any time, remove the Chairman of the said Fence Commissioners.

Chairman of fence commissioners.

To receive and disburse tax funds.

Bond required.

Removal.

SEC. 6. That if any live stock shall be found running at large, except as is provided in section 1 of this act, in this territory, and not on the lands possessed by the owner of said live stock, 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 shall pay the surplus, if any, to the owner of said live stock, and if the owner of said live stock can not be found, pay said surplus to the Chairman of the Fence Commissioners, to be applied to expenses of keeping up fences and gates: *Provided*, that if the owner of such live stock so impounded shall pay to the party so impounding the same the sum of fifty cents per day for each head of such live stock, then the same shall be released and delivered to the owner.

Impounding of stock.

Sale after five days notice.

Proceeds of sale.

Proviso.

SEC. 7. That it shall be unlawful for any person or persons to injure or destroy said fence and gates, or for any person or persons to leave said gates open. And any person violating this section shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the Court.

Injury, etc., to fence and gates.

Misdemeanor. Penalty.

SEC. 8. That any person or persons violating any of the provisions of this act shall be fined or imprisoned, in the discretion of the Court.

Violation of this act a misdemeanor, penalty.

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

Conflicting laws repealed.

SEC. 10. That this act shall be in force from and after the majority of the freeholders in this territory have filed with the Clerk of the Court of Beaufort County a written consent to the same.

When act to take effect.

In the General Assembly read three times, and ratified this ... day of March, A. D. 1903.

CHAPTER 335.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF RICHMOND COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF IMPROVING THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Bond election.	SECTION 1. That the Board of Commissioners of Richmond County be and it is hereby authorized and empowered and directed to submit to the vote of the qualified voters of Richmond County, on the first Tuesday in June, nineteen hundred and three, the question as to whether or not the county of Richmond
Amount of bonds.	shall issue bonds in the sum of seventy-five thousand dollars, with interest coupons attached, the proceeds of which to be used
Road improvements.	for the purpose of working, repairing, making, improving and grading the public roads of said county. The said Board of
Publication of notice.	County Commissioners shall, for at least thirty days preceding the election, give public notice of said election, together with the
Subsequent elections.	purpose thereof by publication in one or more newspapers published in said county: <i>Provided</i> , that if the majority of the
	qualified voters of said county shall not vote to issue bonds at the election so held, the said Board of County Commissioners may
	submit the said question to the qualified voters of said county at any other time or times under the provisions and regulations
	hereinafter enacted.
Elections, how governed	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
Proviso, appointment of registrars and election officers.	may hereafter be prescribed by law for holding elections for members of the General Assembly: <i>Provided, however</i> , that the
	said Board of County Commissioners shall appoint the registrars of election and the judges and inspectors of election and
	any other election officers, and registration and challenge of voters shall be conducted in the same manner as is now pro-
New registration optional.	vided or may hereafter be provided for the election of members of the General Assembly; and the said County Commissioners
Election returns.	may or may not order a new registration for any or all of the said elections. The votes shall be counted at the close of the
Result, how recorded and declared.	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 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.
Ballots.	SEC. 3. That at the said election or elections the ballots ten-

dered and cast by the qualified voters shall have written or printed upon them, "For Good Roads, Bonds and Taxes," or "Against Good Roads, Bonds and Taxes," and all qualified electors who favor the issue of said bonds and levy of taxes shall vote "For Good Roads, Bonds and Taxes," and all qualified electors opposed to the issue of said bonds and levy of said taxes, shall vote "Against Good Roads, Bonds and Taxes."

SEC. 4. In the event that the requisite majority of qualified electors of said county shall vote "For Good Roads, Bonds and Taxes" at said election, the result shall be recorded and declared as aforesaid, and W. I. Everett, T. M. Rose, J. A. Harrington, J. T. Hiatt and D. A. Parsons be and they are hereby constituted a board to be known as Public Road Commissioners of Richmond County the said Commissioners to hold their office until the first Tuesday in April nineteen hundred and seven. The Board of County Commissioners of said County shall on their regular meeting in February nineteen hundred and seven, and every four years thereafter, elect five Public Road Commissioners for said county, who shall hold their offices for a period of four years, beginning the first Tuesday in April following. The said Board of County Commissioners shall fill any vacancies in said Board of Public Road Commissioners caused by death, resignation or otherwise. That as soon as practicable after the said election has been carried "For Good Roads, Bonds and Taxes," the members of the said Board of Public Road Commissioners shall meet and organize by electing one of their members Chairman of the said Board, and another of their members Secretary, and shall pass such rules and regulations for their government as they shall deem best: *Provided*, that the Public Road Commissioners shall take an oath, before some person authorized to administer oaths, to perform the duties of said office to the best of their skill and ability.

SEC. 5. The public roads to be worked, made, opened, built and improved by the Public Road Commissioners under the provisions of this act shall from time to time be determined upon and designated by the said Public Road Commissioners, or the Public Road Superintendent acting under their advice. In determining upon said public roads, said Commissioners or Superintendent shall take into consideration the needs of the entire county and every part thereof, working, opening or improving those public roads which, in their opinion, will be of benefit to the people of the county, and treating every section of the county with justice.

SEC. 6. In the event that the requisite majority of the qualified voters of said county shall vote "For Good Roads, Bonds and Taxes" at said election, the result shall be declared and recorded

Public Road
Commissioners.

Term of office.

Election of
successors.
Term of office.

Vacancies, how
filled.

Meeting, chair-
man and secretary.

Rules and regula-
tions.
Proviso.

Working of public
roads.

What to be con-
sidered.

Issue of bonds.

Denominations.	as aforesaid, and the Board of County Commissioners of Richmond County shall have prepared bonds in the denomination of not less than five hundred nor more than one thousand dollars, the total amount to be that provided for in the first section of this act, and the said bonds shall bear a rate of interest of five per centum per annum, with interest coupons attached, payable semi-annually during the time the said bonds shall run, and the principle thereof shall be payable thirty years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the Treasurer of Richmond County, North Carolina, and both the 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 of County Commissioners, and the said bonds shall have impressed upon them the seal of said county. The said bonds shall be styled "Richmond County Public Road Bonds."
Rate of interest.	
Term.	
Form and execution.	
Style of bonds.	

Custody and sale of bonds.	SEC. 7. Immediately upon the preparation and signing of said bonds the said Board of Commissioners of Richmond County shall turn over to the Chairman of the Public Road Commissioners all of said bonds, without the county seal having been affixed, and said Board of Public Road Commissioners shall have the 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 repair, make and improve the public roads of said county; and the expenses of said advertising and selling and other necessary expenses in regard thereto shall be paid out of the funds derived from the sale of said bonds: <i>Provided</i> , that before delivering any of said bonds sold by the provisions of this act, the Chairman of the Board of Public Road Commissioners shall apply the custodian of the seal of Richmond County, whose duty it shall be to affix the said county seal to the bonds sold, and no bonds shall be of any value until said seal is so affixed.
Proviso.	

Not to be sold at less than par.	SEC. 8. That none of the bonds authorized by this act shall be disposed of by the said Board of Public Road Commissioners 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 bond 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
Proviso, purchaser not required to see to application of proceeds.	

what authority they are issued. The said Board of Public Road Commissioners shall record all their proceedings in respect to said bonds in the minutes of their meetings; and whenever the same are sold the number of bonds and their denomination, to whom sold and the number of coupons attached must be recorded in said minutes: *Provided*, the minute book and all other books kept by the Board of Public Road Commissioners, shall at all times be open to the inspection of the Commissioners of Richmond County; and that the said Board of Public Road Commissioners shall make an annual statement of the work done, money expended, tools, etc., on hand, to the said Board of County Commissioners.

Record to be kept.

Proviso.

Road Commissioners to make annual report.

SEC. 9. When any of said bonds are sold, the proceeds of sale shall be turned over to the Treasurer of said county, who shall keep said fund and all other road funds, which may come into his hands, separate from all other funds, and he shall keep separate accounts of the same; and said Treasurer shall annually, before any fund provided for in this act be paid over to him, execute an official bond, payable to the county of Richmond, 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 rendering a due account in respect thereto, and in all things, holding and dispensing and accounting for the same as is required by law, which bond shall be passed upon, accepted and received by said Board of Public Road Commissioners, and all orders directed to said Treasurer for the payment of money under this act, shall state on their face that they are public road orders and to what amount they are chargeable, and shall be signed by the Chairman and Secretary of said Board of Public Road Commissioners, and that said Treasurer shall be allowed such compensation for the disbursement of said fund as is allowed by law for the disbursement of other county funds.

Proceeds of bonds.

Separate account.
County Treasurer to give additional bondApproval of bond.
County Treasurer to disburse funds.

Compensation.

SEC. 10. That in case the said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Richmond County shall levy annually on the first Monday in June a separate road tax for said county, of not exceeding twenty-five cents on the one hundred dollars worth of property, nor exceeding seventy-five cents on each poll. The subjects of taxation and levying of taxes to be the same on which the said Board of County Commissioners now or may hereafter be authorized to levy taxes for general county purposes. The taxes so levied shall be collected as other taxes and the same shall be a separate fund applied first to the payment of the interest on such bonds, and second, to the creation of a sinking fund for the redemption of said bonds. Said sinking fund shall be held

Special tax.

Tax rate.

Subjects of taxation.

Collection.

A separate fund, application of.

Sinking fund.

by the Board of County Commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof, nor the interest thereon shall be used for any other purpose. The said Board of County Commissioners shall invest the said fund in the purchase of North Carolina bonds bearing interest, or they may deposit said fund at interest in any bank in North Carolina that they may deem safe, and in the event they cannot invest said fund in bonds to the advantage of said county, or in the event they cannot deposit said fund in a safe bank at interest, then they are authorized to deposit the same in some safe bank, without interest, until paid out for the payment and redemption of bonds in the manner specified in this act: *Provided, however,* that the said Board of County Commissioners may in their discretion from time to time use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act.

Sinking fund, how invested.

Proviso.

Proceeds of bonds, how applied.

SEC. 11. That the said Board of Public Road Commissioners shall use the funds derived from the sale of said bonds for the purpose of working, constructing and improving the public roads in the said county, and shall purchase and hold such tools, implements, machinery and stock, and shall employ such foremen, overseers, guards and laborers as they may deem necessary for the said purpose; and may establish and maintain a chain-gang and work persons convicted of crime and sentenced by a court or courts to term of penal servitude on said public roads, and may purchase such things deemed by them necessary for the purpose of working convicts or hired free labor on the public roads of said county.

Working of convicts.

Public Road Superintendent, election of.

Compensation.

To take oath and give bond.

SEC. 12. That as soon as the Board of Public Road Commissioners shall deem it necessary, they shall elect by ballot a Public Road Superintendent for said Richmond County, and fix his compensation, which shall not exceed twelve hundred dollars per annum. The result of said election shall be declared and the result shall be recorded in the proceedings of the said Board of Public Road Commissioners. Said person so elected shall take and subscribe to an oath for the faithful performance of his duties as Public Road Superintendent, and shall execute an official bond in the sum of one thousand dollars for the faithful performance of his duties and for accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by said Board of Public Road Commissioners. Said Public Road Superintendent shall hold his office for two years, and until his successor be elected and qualified, except the said Public Road Commissioners may, for any good cause, remove said Public Road Superintendent from his office and elect a successor for the unexpired term. Said Public

Approval of bond.

Term of office.

Removal.

Road Superintendent shall enter upon his duties and work when and where directed by said Board of Public Road Commissioners, and shall have such authority and perform such duties as may be from time to time determined by said Board of Public Road Commissioners.

Duties.

SEC. 13. That the said Board of Public Road Commissioners shall require the Treasurer of said county to account to them twice annually for said public roads fund, and may require as often as they may deem best, reports from officers and employees concerning their progress and their duties, and to what extent and in what manner they have performed same.

County Treasurer to account semi-annually.

Other reports.

SEC. 14. That in opening new public roads, widening and straightening and working old roads and repairing the same, the said Board of Public Road Commissioners, through its agents, are hereby authorized to enter upon any land and locate and build such public roads, and if the Board of Public Road Commissioners, and the owner or owners of said land cannot agree as to damages, if any, the Board of Public Road Commissioners shall within sixty days after said public road 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 Board of Public Road Commissioners to serve notice upon the owners of said land, notifying said owner or owners that the public roads are to be located upon said lands under the authority of this act.

Condemnation of land.

Assessment of damages.

Duty of Road Commissioners.

SEC. 15. Nothing herein contained shall be construed to modify or change in any respect the general law which provides for working the public roads of the State, but the same is in full force and effect in Richmond County, and this act is in addition thereto: *Provided*, that no person who is required to work under the road law now in force shall be required to work in direct contact with persons who have been convicted of crime and sentenced to the said public road.

General road law not repealed.

Proviso.

SEC. 16. That the said Board of Public Road Commissioners shall have the authority to employ a physician to attend the convicts on the public roads, provided for their care, safe-keeping and discipline, and shall have power and authority to perform and do all things necessary to carry into effect the objects and provisions of this act.

Care and treatment of convicts.

Powers of Road Commissioners.

SEC. 17. That all Justices of the Peace and Mayors of towns in said county who may convict persons of crime within said county, in cases and for offenses of which said Justices and Mayors have jurisdiction to inflict punishment, may, when they impose punishment by sentence of imprisonment on any such of-

Sentence of convicts to public roads.

fender against the law, sentence said convicted person to work on said public roads in Richmond County for such term of imprisonment as they may judge; and said convicted person shall work on said roads as hereinbefore provided until he be discharged according to law, and any Judge holding Court in the county of Richmond may sentence all persons convicted of any violation of law, and whose punishment is not by fine alone for which said persons may be sentenced to work under the laws of the State, to work on the public roads in said county; and any Superior Court Judge or Judges of a Criminal Court holding Court in any other county in the State, in which county there are not provisions of law for working convicts on the public roads, may sentence convicted persons who are subject thereto to work on said public roads in Richmond County: *Provided, however,* that the Board of Public Road Commissioners of Richmond County shall first make application to said Courts, Judges of said Courts or Justices of the Peace to sentence such convicted persons to work on said roads.

Proviso.

Compensation of
Road Commis-
sioners.

SEC. 18. The said Board of Public Road Commissioners shall be entitled to the same per diem and mileage as the Board of Commissioners of Richmond County, and shall meet as often as their duties may require not to exceed thirty days in one year.

Accounts of sheriff,
how audited.

SEC. 19. The Board of Commissioners of Richmond County shall audit the accounts of the Sheriff for all taxes levied and collected under this act, and for all funds derived from sale of bonds herein provided for, and make settlement of the same between said Sheriff and said Board of County Commissioners, as is provided by law for the settling of other county funds, and may institute and prosecute any necessary action for the recovery of any such road taxes or other funds in case any officer fails to account for same.

Fraudulent orders.

SEC. 20. That any Public Road Commissioners or Superintendent making, or causing to be made, any fraudulent order whereby money is to be paid out of said public road fund herein provided for, shall be guilty of misdemeanor, and upon conviction be fined or imprisoned at the discretion of the Court, or both, and shall be removed from office. And any Public Road Commissioner or Superintendent failing or refusing to perform the duties imposed by this act, shall be guilty of a misdemeanor and fined not less than twenty nor more than one hundred dollars: *Provided further,* that the Board of County Commissioners may, for good and sufficient cause, remove any one or more of the said Public Road Commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Misdemeanor,
penalty.

Failure to perform
duties a misde-
meanor.

Proviso, removal
from office.

SEC. 21. That all expenses incurred by the said Board of Pub-

lic Road Commissioners on account of meetings held by reason of duties imposed by this act, shall be paid upon their order out of funds provided for by this act. Expenses of Road Commissioners, how paid.

SEC. 22. The said Board of Public Road Commissioners shall not use more than the proceeds from the sale of twenty thousand dollars worth of bonds in any one year over and above the amount paid for machinery, implements and stock, except by a vote of four-fifths of said Board of Public Road Commissioners, and in no event shall the amount exceed thirty thousand dollars in any one year. Amount of funds to be used yearly.

SEC. 23. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 336.

AN ACT TO REGULATE THE ELECTION OF THE BOARD OF EDUCATION FOR THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

SECTION 1. That hereafter the members of the Board of Education for the county of Buncombe shall be elected by the qualified voters of said county. Election of Board of Education.

SEC. 2. That said Board shall consist of three members, and they shall be chosen at the next general election for the members of the General Assembly, and at each succeeding election of said members, under the same rules, regulations and provisions as are or may be applicable and in operation in respect to the election of members of the General Assembly. Three members.

SEC. 3. That the members of the County Board of Education shall be voted for on the same ticket with other county officers; and a separate abstract and return thereof shall be made by the election officers and returned made in the same manner, as now, or hereafter may be provided for the returns of elections of other county officers. Election, how governed.

SEC. 4. That the persons elected to said office of County Board of Education shall qualify by taking the usual oath of office; and shall enter upon the duties of their offices on the first Monday in July after their election and hold their offices until their successors shall be duly elected. Ballots.

SEC. 5. That any vacancies in the said Board shall be filled by the remaining members of the Board, and the persons so chosen Vacancies, how filled.

to fill the vacancy shall hold the office until his successor shall be chosen at the next succeeding election for members of the General Assembly.

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

In the General Assembly read three times, and ratified this 3d day of March, 1903.

CHAPTER 337.

AN ACT TO PREVENT THE MANUFACTURE AND SALE OF SPIRITUOUS, VINOUS AND MALT LIQUORS, OR OTHER LIQUORS THAT WILL PRODUCE INTOXICATION, IN FAIRFIELD AND SWAN QUARTER TOWNSHIPS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Manufacture and sale of intoxicants prohibited, exception.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to manufacture, except for domestic use, or to sell or otherwise dispose of with a view to remuneration, any spirituous, vinous or malt liquors, or other liquid or compound that will or may produce intoxication, anywhere in Fairfield or Swan Quarter Townships in Hyde County.

In what territory.

Violation of this act a misdemeanor, penalty.

SEC. 2. That any person or persons, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars and not less than ten dollars, or imprisoned not more than thirty days or less than ten days.

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

In the General Assembly read three times, and ratified this 3d day of March, 1903.

CHAPTER 338.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIX, LAWS OF 1885.

The General Assembly of North Carolina do enact:

Former act amended.

Fence Commissioners, number reduced.

SECTION 1. That section ten of chapter one hundred and six of the laws of 1885 be amended by striking out all of said section after the word "appoint" in line three in said section and inserting the following: "Three Fence Commissioners who shall be

freeholders, who shall be charged with the duty of constructing and keeping in repair the fences and gates provided for in this act.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 339.

AN ACT TO REGULATE THE SALE, INSPECTION AND BRANDING OF COTTON-SEED MEAL.

The General Assembly of North Carolina do enact:

SECTION 1. That all cotton-seed meal sold for use as fertilizer or feed shall be subject to an inspection tax of twenty cents per ton, and be subject to inspection, as other fertilizers or fertilizing materials, unless sold to manufacturers for use in manufacturing fertilizers.

Cotton-seed meal
subject to inspection
and tax.

Rate of tax.

SEC. 2. That all cotton-seed meal offered for sale, unless sold to manufacturers for use in manufacturing fertilizers, shall have plainly branded on the bag containing it, or on the tag attached thereto, the following data:

To be labeled.

Contents of label.

1—Cotton-seed meal.

2—Weight of package.

3—Ammonia or nitrogen.

4—Name and address of manufacturer.

SEC. 3. That no person or persons, firm nor corporation, shall offer for sale any cotton-seed meal, except as provided in section two of this act, with a minimum per cent of ammonia of less than $7\frac{1}{2}$ per cent.

Minimum percentage
of ammonia.

SEC. 4. That the State Board of Agriculture is empowered and directed to make such rules and regulations as are necessary to a proper carrying into effect the provisions of this act, and to provide for all such tags as manufacturers may demand, upon paying the tax therefor. Any person wilfully violating any of the regulations made by the Board of Agriculture in connection with this act shall be guilty of a misdemeanor.

Board of Agriculture
to make
necessary rules
and regulations.

Violation of
regulations a
misdemeanor.

SEC. 5. That any person or persons, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the Court.

Violation of this
act a misde-
meanor, penalty.

SEC. 6. That this act shall be in force from and after July 1, 1903.

In effect July 1,
1903.

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 340.

AN ACT TO ESTABLISH GRADED SCHOOLS IN PLYMOUTH.

The General Assembly of North Carolina do enact:

Boundaries of
school district.

SECTION 1. That all that territory embraced within the following limits, viz: Beginning at the mouth of Connaby Creek where it empties in the Roanoke River, thence with the various courses of said creek and Peacock swamp to the dividing line of the lands of A. T. Tetterton and the Windley heirs, thence with said line to the line between the Newberry farm and the land of W. F. Lucas, and with said line to the western line of the right-of-way of The Washington and Plymouth Railroad Company, thence with said western line of the said right-of-way to the western line of the right-of-way of the railroad used by the Roanoke Railroad and Lumber Company for conveying logs to the mill of said lumber company, thence with said last named western line of said railroad to Welches' Creek, thence with said creek to the Roanoke River, thence with the said river to the beginning, shall be and is hereby constituted a graded school district for the white and colored races.

Constituted graded
school district.

Election.

SEC. 2. That it is hereby made the duty of the Board of Aldermen of the town of Plymouth, N. C., to order and provide for an election to be held at the court-house in Plymouth on the 26th day of May, 1903, under the same rules, laws and regulations as elections in said town are held as to the hours of voting and the registration of voters and the officers to preside over and control said election as is provided by the charter of said town, first making publication thereof thirty days in a newspaper in said town, or if none, at five public places in the said district, and shall provide ballots without device for all voters in said territory, on which shall be written or printed the words "For School," and the words "Against School," and if a majority of the qualified voters in said territory, all of whom living in said territory and otherwise qualified under the Constitution of this State, shall be entitled to vote at said election, shall vote for schools, then it shall be the duty of the said Board of Aldermen as soon as practicable and annually thereafter to levy a special tax for the support of the graded schools hereinafter provided for on all the property, real and personal, within said limits and all the persons, firms and corporations and all the solvent credits of such persons residing therein. Said tax shall not exceed fifty cents on the one hundred dollars valuation of such property and one dollar and fifty cents on the poll, and the said tax shall be

How governed.

Publication of
notice.

Ballots.

Special tax.

Tax rate.

due and payable when and in like manner as all other taxes are due and payable in this State, and the tax list in the hands of the Sheriff of the county shall be and constitute a lien on all property within said limits, and he shall have the same rights and powers in collecting the same as in collecting the taxes of the State and county: *Provided*, that if the officers of said election shall ascertain that a majority of said qualified voters have voted "For Schools," and shall enter the same on the books or records of same, such entry shall be *prima facie* evidence that a majority of said voters did so vote, and shall authorize the said levy: *Provided further*, that if a majority of said voters shall not so vote, and it shall be so declared by the said officers of the said election, the said Board of Aldermen shall, on a written petition of one-fifth of the qualified voters within the said limits, call another election at such time as may be designated in said petition, not later than the first day of June, 1904, which shall be under the same regulations as herein prescribed for the election above provided for; and if at the said last named election a majority of the qualified voters shall vote "For Schools" the said levy before provided for shall be made as herein provided for the said first mentioned levy.

SEC. 3. That it shall be the duty of the Sheriff of the county of Washington to ascertain as soon as the books of taxes are in his hands the exact mileage of any and all railroads lying within the said limits and to notify the agents of such roads thereof and the valuation thereof for the purposes of the levy provided by this act shall be as prescribed by the Corporation Commission of the State in their general valuation of the railroads of this State.

SEC. 4. That the Sheriff shall pay over to the Treasurer of the town of Plymouth all moneys collected under said act, who shall keep a separate book and account of same and shall pay the same out for the purposes of the said schools on the order of the Chairman of Board of Trustees, who shall be appointed by the Board, and the said Treasurer shall enter into bond before receiving the said money, and at the end of each term shall render a full report to said Board. That the Chairman of said Board shall preside at the meeting of the Board and shall have a casting vote in case of a tie. The said Board shall elect a principal for said schools and as many teachers as shall be necessary and fix the salaries of the same, and the principal of the white school shall be required to examine also the condition of the colored school from time to time and report the same to the Board and make such recommendations as he may think needful. He shall be required to report on the condition of his said school to the Board of Trustees, a copy of which shall be annually certified to

Collection.

Election returns.

Second election may be ordered.

Duty of sheriff.

Valuation of railroad property.

Sheriff to pay over taxes to town treasurer.

Separate account to be kept.

Funds, how disbursed. Treasurer to give bond and make reports. Chairman of Board of Trustees

Election of principal and teachers.

Duty of principal.

Removal of principal or teachers.
Board created a body politic.
Corporate name.
Powers.

Consent of town aldermen, when necessary.

Procedure in case of suit.

Board of Trustees, number.
Board of aldermen to elect.
Term of office.
Meetings.

May require sheriff to collect taxes.

Corporate powers and duties.

Separate schools for white and colored.

School age.

Children in district admitted free.
Other children.

Curriculum and text-books.

the Board of Education of the State as the Board may deem just and necessary. Any teacher or principal may, for inefficiency of service, be removed by the Board. The said Board shall be a body corporate under the name of The Board of Trustees of Plymouth Graded School, and entitled to sue and be sued in law or in equity, and shall, by the consent of the Board of Aldermen of the town of Plymouth and by assignment from them, succeed to any and all rights in law or equity that said Board of Aldermen may possess for the purpose of obtaining and having possession of any building for the purpose of said school, and any action that may be commenced by them for this purpose shall be brought in any county in the First Judicial District of this State as the said Board may elect and shall stand for trial on the docket of said Court at the return term of the summons, provided the same has been served thirty days before the call of said case for trial, and shall take precedence of all civil causes at said term. The said Board of Trustees shall consist of seven, who shall be in favor of public education, to be elected by the said Board of Aldermen on 1st Monday in June, 1903, two for six years, two for four years and three for one year. They shall be called together by the Chairman as often as the necessities of the said schools shall demand, and shall serve without compensation. They may require the Sheriff to collect and pay over as much as one-fourth of the said taxes within thirty days from the time the books shall come to his hands. They and their successors may have and use a corporate seal, and shall have power to own and hold real and personal property, sell and convey the same and receive grants and donations and to prosecute and defend actions and pay the expenses of the same from the fund accruing to said schools in the hands of the Treasurer. It shall be their duty to establish schools for each race separately and apart (provided the levy herein authorized shall be sustained by a majority vote at the election aforesaid) on or before the first Monday in October, 1903, or as soon after any election herein authorized as practicable, and shall apply the said funds to the support of the said schools relatively in such manner as may be just to each race, due regard being had to the cost of supporting each in a practical and efficient manner.

SEC. 5. All children resident in said territory between the ages of six and twenty-one shall be admitted in said schools free of tuition, and the Board of Trustees may admit any others that they may deem proper upon the payment to the Treasurer to the use of the Board such tuition as they may agree upon. Said Board of Trustees shall have power to prescribe a curriculum of studies to be taught in said schools, and may also, if the funds accruing under the levy herein authorized shall be sufficient, pur-

chase and keep for use of the children taught in said schools a full set of books which are to be studied therein, and shall prescribe such rules and regulations as they deem proper for the use and protection of the same. Said Board of Trustees shall succeed to all and singular the rights of management and control over the property of the two public school districts now embraced wholly within the said territory, and may sell or rent the same, placing the funds from such sale or renting to the use of the said graded schools.

Board of Trustees
to succeed to
school property,
etc

SEC. 6. It shall be the duty of the Board of Education of Washington County as often as they shall apportion the public school funds of the said county to set off and apportion that part of the public school fund of the county that under the general law of the State would accrue to the districts now embraced wholly within the said graded school territory, and to make an order upon the Treasurer of said county for the payment thereof to the Treasurer of the town of Plymouth, who shall hold the same to the use of the Board of Trustees of said school to be by them used for the said graded schools. No commissions on same shall be charged by either Treasurer for the receipt thereof.

State and county
school funds for
said district to go
to town treasurer.

SEC. 7. The Register of Deeds of Washington County shall make and prepare as soon as the tax lists of Plymouth Township are in his hands, a book of receipts for the Sheriff embracing all the poll and property taxable under this act, and he shall be paid therefor by the County Commissioners. Such fund, when so collected by the Sheriff, shall be kept separate from all other funds in his hands, and the Board of Trustees may require him before collecting the same to enter into such bond beyond his other bonds, as they may deem proper, but nothing herein shall be held or construed to release any of his other bonds executed under the general law, from liability for any misconduct or default in collecting and safely keeping and accounting for such funds.

Register of deeds
to prepare receipts
for sheriff.

Payment therefor.
Funds to be kept
separate.

Additional bond.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 341.

AN ACT TO FIX THE PAY OF JURORS IN LENOIR COUNTY
AT ONE DOLLAR AND FIFTY CENTS PER DAY.*The General Assembly of North Carolina do enact:*Fees of jurors
regulated.

SECTION 1. That the fees of jurors in the Superior Courts of Lenoir County be fixed at one dollar and fifty cents per day. The regular jurors shall also be paid mileage at the rate now fixed by law.

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

In the General Assembly read three times, and ratified this the 3d day of March, A. D. 1903.

CHAPTER 342.

AN ACT TO AMEND CHAPTER 164, LAWS OF 1899, BEING
"AN ACT ENTITLED AN ACT TO ESTABLISH THE NORTH
CAROLINA CORPORATION COMMISSION."*The General Assembly of North Carolina do enact:*Former act
amended.

SECTION 1. That chapter 164 of the Laws of 1899 be and the same is hereby amended by adding after subsection 24 of section 2 and before section 3, the following:

Demurrage and
storage charges.

(25) To make rules, regulations and rates governing demurrage and storage charges by railroad companies and other transportation companies.

Delivery of freight,
placing cars, etc.

(26) To make rules governing railroad companies in the placing of cars for loading and unloading and in fixing time limit for delivery of freights after the same have been received by the transportation companies for shipment.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 343.

AN ACT TO AMEND SECTION 9 OF CHAPTER 2, PUBLIC
LAWS OF 1901.*The General Assembly of North Carolina do enact:*General corpora-
tion act amended

SECTION 1. That section 9, chapter 2, Public Laws of 1901, be amended by inserting in line six after the word "State" the words, "and there remain of record"; and by inserting in line eleven

after the word "Seal" the words "a copy of"; and by striking out in line twelve the words "certificate of incorporation" and inserting in lieu thereof the words "certified copy."

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

In the General Assembly read three times, and ratified this the 3d day of March A. D. 1903.

CHAPTER 344.

AN ACT TO AMEND CHAPTER 439, LAWS OF 1901, RELATING TO THE TAX LEVY IN STOCK LAW TERRITORY IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section 2 of chapter 439, Laws of 1901, be stricken out and the following inserted in lieu thereof: "That the same rate of tax shall be levied upon that portion of the territory lying in Craven County; and the land in said county shall be assessed for valuation at the same rate as other lands in said territory, and such land shall contribute and pay its share of such tax; and the proportion of the tax paid by the land-owners in Craven County shall be that proportion thereof which the land of such territory in Craven County bears to the entire land within the boundaries inclosed in the whole territory named in section 1 of this act."

Tax rate.

Assessment of
lands in Craven
County.

Apportionment of
taxes.

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

In the General Assembly read three times, and ratified this 3rd day of March, A. D. 1903.

CHAPTER 345.

AN ACT TO AMEND CHAPTER 361 OF THE PUBLIC LAWS OF 1901, RELATIVE TO PROTECTION OF CERTAIN GAME BIRDS.

SECTION 1. That chapter three hundred and sixty-one of the Public Laws of nineteen hundred and one be and the same is hereby amended by striking out the word "first" in line three of section one and substituting therefor the word "twentieth."

Former act
amended.

Close season
extended.

SEC. 2. That this act shall apply only to Pasquotank and Perquimans counties.

Applicable only to
Pasquotank and
Perquimans coun-
ties.

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

In the General Assembly read three times, and ratified this 3d day of March, 1903.

CHAPTER 346.

AN ACT TO REGULATE THE SHOOTING OF WILD FOWLS
IN CARTERET COUNTY.*The General Assembly of North Carolina do enact:*Shooting of wild
fowl regulated.Proviso, certain
territory excepted.

Close season.

Former acts
repealed.Violation of this
act a misde
meanor.Penalty, one-half
to informer.Applicable only to
Carteret County.

SECTION 1. That it shall be unlawful for any person or persons to hunt or shoot wild fowl by fire light after the hour of sunset and before the hour of sunrise, or to use any gun other than can be fired from the shoulder: *Provided*, it shall be lawful to shoot wild fowl by fire light in all that certain part of Bogue Sound in Carteret County west of Sally Bell's Shoal in said sound, but it shall be unlawful for any person to shoot wild fowl west of Sally Bell's Shoals in Bogue Sound with battery or sneak boat.

SEC. 2. That it shall be unlawful for any person or persons to hunt or shoot wild fowl with batteries or sneak boats from April 1st to December 1st.

SEC. 3. That chapter 439, Public Laws of 1899, and chapter 605, Public Laws of 1901, are hereby repealed.

SEC. 4. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor and punished by a fine of not more than fifty dollars and not less than ten dollars, one-half of the fine to go to any person or persons furnishing sufficient evidence to convict.

SEC. 5. That the provisions of this act shall only apply to Carteret County.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 347.

AN ACT TO REPEAL CHAPTER 142, PUBLIC LAWS OF
NORTH CAROLINA, SESSION 1901, BEING AN ACT TO
PREVENT PUTTING SAW DUST IN CERTAIN STREAMS
OF BUNCOMBE COUNTY.*The General Assembly of North Carolina do enact:*Former act
repealed.

SECTION 1. That chapter 142, Public Laws of North Carolina, session 1901, be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this the 3d day of March, 1903.

CHAPTER 348.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GASTON COUNTY TO ISSUE BONDS FOR THE PURCHASE OF A SITE FOR COURT HOUSE AND JAIL, AND TO DEFRAY THE EXPENSE OF ERECTING THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose hereinafter expressed, the	Issue of bonds.
Board of Commissioners of Gaston County is here authorized and	
empowered to issue negotiable coupon bonds in an amount not	Amount.
exceeding thirty thousand (\$30,000) dollars, and said bonds shall	
be made payable thirty (30) years from the date thereof, and	Term.
shall be in such form and of such denomination and payable at	Form, denomina-
such place as the Board of Commissioners may determine. The	tions, etc.
said bonds and coupons shall be numbered, and the Chairman	Execution.
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 the 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	Rate of interest.
four per cent per annum.	
SEC. 2. That said Board of Commissioners of the county of	Special tax.
Gaston is hereby required and directed to levy and collect in	
addition to all other taxes in said county a tax not exceeding	Rate of tax.
three cents on every hundred dollars upon all the taxable prop-	
erty and not exceeding nine cents upon each taxable poll of the	
said county of Gaston, sufficient to pay the interest on said	
bonds as the same become due, and to pay the principal when	
said bonds mature. The said tax so levied upon the property	Constitutional
shall be an <i>ad valorem</i> tax, and the tax upon the polls and the	equation.
property to be in the proportion required by the Constitution of	
North Carolina. Said special tax shall be levied and collected at	Levied and col-
the same time as other tax upon the property and polls of said	lected as other
county.	taxes.
SEC. 3. That the said bonds, or such portion thereof as the	Sale of bonds.
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	Not to be sold at
proceeds of said bonds shall be paid over to the Treasurer of	less than par.
said county and the same shall be expended by the Board of	Proceeds payable
County Commissioners of said county in the purchase of site or	to County Treas-
sites, and for the erection thereon of a court-house and jail.	urer.
SEC. 4. That the power herein granted to the Board of County	Disbursed for
Commissioners to issue bonds and coupons shall not be exer-	court-house and
cised by said Board unless and until said Board shall be author-	jail.
ized to remove the court-house and jail from Dallas to Gastonia,	Powers herein
	granted not to be
	exercised unless
	county seat moved.

in accordance with the provisions of an act passed at the present session of the General Assembly.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 349.

AN ACT TO PROHIBIT THE MANUFACTURE, SALE AND IMPORTATION OF LIQUORS IN CLEVELAND, CABARRUS, MITCHELL AND GASTON COUNTIES.

The General Assembly of North Carolina do enact:

Manufacture and
sale prohibited.

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture, or barter, or sell any spirituous, vinous, malt, fermented, or other intoxicating liquors in the counties of Cleveland, Cabarrus, Mitchell and Gaston.

Territory.
Place of delivery
deemed place of
sale.

SEC. 2. That the place where delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors is made in the State of North Carolina shall be construed and held to be the place of sale thereof, and any station or other place within said State to which any person, firm, company or corporation shall ship or convey any spirituous, malt, vinous, fermented or other intoxicating liquors for the purpose of delivery or carrying the same to a purchaser, shall be construed to be the place of sale:

Proviso: druggists.

Provided, this section shall not be construed to prevent the delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors to druggists in sufficient quantities for medical purposes only.

Intoxicating
liquors defined

SEC. 3. That all liquors or mixtures thereof, by whatever name called, that will produce intoxication, shall be considered and held to be intoxicating liquors within the meaning of this act.

Conflicting laws
repealed.

SEC. 4. That all charter rights giving power to authorize the manufacture or sale of intoxicating liquors in conflict with this act, be and the same are hereby abrogated and the laws granting the same are hereby repealed.

Sale by druggists.

SEC. 5. That this act shall not be construed to forbid the sale of spirituous, vinous, or malt liquors by a druggist for sickness, upon a written prescription of a regularly practicing physician, duly licensed by the Medical Society of North Carolina, or one who has duly registered under the act permitting physicians who were practicing prior to 1885 to register without examination, and having the sick person under his charge and treatment.

SEC. 6. That any druggist who shall more than once fill the prescription mentioned in the preceding section of this act with-

out each time receiving a new written direction of the physician who gave the same, shall be guilty of a misdemeanor, and it shall be the duty of said druggist to keep all liquor prescriptions on a separate file, and to submit them to the inspection of the Mayor or Chief of Police, of the town wherein his store is located, and if in no incorporated town, then to the Sheriff of the county: *Provided further*, that any Mayor or Magistrate in the town where any drugstore sells whiskey upon prescription may, upon information and belief, summon said druggist before his court and cause him to bring his prescriptions and give evidence concerning same, and he may further subpoena any number of witnesses and cause them to attend and give evidence regarding any prescription filled by said druggist, or any liquors purchased without prescription.

Druggist re-filling prescription guilty of misdemeanor.
Prescriptions kept for inspection.

Proviso, securing evidence.

SEC. 7. That it shall be unlawful for any physician to make prescription for the purpose of obtaining any intoxicating liquors without writing in full in said prescription the name of the person for whom the prescription is written, and it shall be unlawful for any druggist to fill prescription unless it contains the full name as above provided.

Prescription to contain full name of patient.

SEC. 8. That any physician who shall make any prescription or written direction to a druggist for the purpose of aiding or abetting any person or persons who are not *bona fide* sick and under his care, to purchase any intoxicating liquor contrary to the provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine or imprisonment for each and every offense, in the discretion of the court: *Provided*, that any Mayor or Magistrate in the town or township wherein any physician resides may require him to appear before him and give evidence concerning any prescription he has given, and it shall be competent for said Mayor or Magistrate to inquire as to what size dose was prescribed and what particular disease the prescription was intended to cure or benefit.

Misdemeanor for physician to aid well persons to get liquors

Penalty.

Proviso, securing evidence.

SEC. 9. That this act shall not be so construed as to prohibit any person from manufacturing wine or cider manufactured from grapes, berries or fruits, and shall not prohibit the sale of cider.

Wine and cider.

SEC. 10. That any person, company, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court.

Violation of this act a misdemeanor.

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

Conflicting laws repealed.

SEC. 12. That this act shall be in force from and after thirty days after its ratification, with the exception of section one of this act, which shall go into effect and be operative on and after July 1, 1903.

This act in effect, when.

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 350.

AN ACT TO AMEND CHAPTER 6, PUBLIC LAWS OF 1901,
ENTITLED AN ACT TO AUTHORIZE THE INCORPORATION
OF STREET RAILWAY COMPANIES UNDER THE
GENERAL LAW.

The General Assembly of North Carolina do enact:

General law
amended.

SECTION 1. That section 1 of chapter 6 of the Public Laws of 1901 be amended by adding at the end of said section the following:

Street railway
companies defined.

"The term 'Street Railway Companies,' wherever used in this act shall be held to include railways operated either by steam or electricity, or by whatever motive power which are used and operated as means of communication between different points 'n the same municipality, or between points in municipalities lying adjacent or near to each other, or between the territory lying contiguous to the municipality in which is the home office of said company, and such railways may carry and deliver freights: *Provided*, that no such railway shall operate a line extending in any direction more than fifty miles from the municipality in which is located its home office.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 351.

AN ACT IN RESPECT TO PUBLIC ROADS AND DRAINAGE
IN THE COUNTY OF ROBESON.

The General Assembly of North Carolina do enact:

County commis-
sioners invested
with certain
powers.

SECTION 1. That full power and authority is hereby conferred on the Board of Commissioners of Robeson County to open out the main and natural channels of the swamps or of streams in their county so as to hasten the flow of water therein and relieve lands and farms damaged by failure of said swamps or streams to discharge water or surplus water; and also to make, construct and keep in repair such necessary canals between swamps or streams or elsewhere as their location and necessity may appear as will remove and cause to flow off surplus water and to effectually drain such lands and farms as may be water-sobbed or are likely injured by want of proper drainage.

Drainage, etc.

To make surveys,
locate canals, etc.

SEC. 2. That the Board of Commissioners are hereby directed to make careful surveys and levels of the channels of the main streams, swamps and natural drain-ways in their county by a

competent engineer or engineers, together with location or lines of location of necessary canals from one stream or swamp to another, or from one locality or point to another, having reference to the area of water-sodded or injured lands to be relieved, and in addition also having reference to the number of farms to be relieved; the main object here being to open or construct proper main canals or lead drains into which the citizens may open lateral or farm ditches and in this way aid the ditching and draining of the farms and farm lands of the county.

SEC. 3. That the surveys, levellings herein provided for shall be begun and carried on by townships unless the survey and examination of one township should necessarily involve the territory of another or other townships in which event they may all be examined and surveyed together. Procedure.

SEC. 4. The engineer or engineers herein provided for shall furnish the Board of County Commissioners with reports and estimates of the cost of opening such main channels and natural drain-ways, together with estimates of the cost of opening and locating the canals or leading drains herein provided for, and shall also file with the said Board as a part of their report herein, plans or make in detail showing the termini, length, width and depth, and cost, or estimate of cost, of constructing, opening and locating said canals, lead drains and water-ways which shall be recorded as herein provided. Plans and estimates of cost.

SEC. 5. That upon the filing of said report and maps and plans with the Board of Commissioners they shall record the same in a book, to be called "The Book of Canal Reports," and the same shall be carefully examined by the Board, and if deemed reasonable and proper they shall be approved in the order of their filing and completion. Records to be kept by county commissioners.

SEC. 6. That for the purpose of making the survey, levellings and examination herein provided for, the said Commissioners are authorized to pay therefor such reasonable sum as in their judgment may be just and proper for the said work. Payment of expense.

SEC. 7. The said Board of Commissioners, for the purpose of carrying into effect the provisions of this act, are authorized and directed to employ the convicts sentenced in the Superior and Justices' Courts of Robeson County, or in other court or county from which they may be able to obtain convicts so sentenced; and in the carrying out of the work may use such number of convicts as they may be able to obtain, and they are further authorized to employ free labor to carry out the purpose of this act, and may contract with such persons or corporations as upon safe terms may be able to do the work herein provided for on canals or drain-ways. Employment of convicts.

SEC. 8. Full power is also given said Board of Commissioners to work the convicts on the public road of the county, but such convicts shall only be used on the public roads or drain-ways or Other labor.
May work convicts on public roads.

Not to compete
with free labor.

Sentence of con-
victs to public
roads and canals.

Purchase of tools,
etc.

canals herein directed to be made or constructed, and in no event shall they be employed in competition with free or non-convict labor. Judges of the Superior Courts are hereby authorized to sentence convicts to work on public roads, drains or canals, constructed or to be built, or authorized under this act.

SEC. 9. Full power is hereby given the said Board of Commissioners to purchase all necessary tools, implements, dredges and necessary machinery to carry into effect the provisions of this act.

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

In the General Assembly read three times, and ratified this 3d day of March, 1903.

CHAPTER 352.

AN ACT FOR THE PROTECTION OF STOCK IN THE RANGE BETWEEN BROAD CREEK AND ALLIGATOR LAKE CA- NAL, IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to hunt
stock in certain
territory.

SECTION 1. That it shall be unlawful for any person to hunt or pursue any stock with dogs in the range between Broad Creek and Alligator Lake Canal in Currituck Township, Hyde County.

Unlawful to kill
unmarked stock,
when.

SEC. 2. That it shall be unlawful for any person, whether the owner or not, to kill any unmarked or unbranded stock in said range unless he shall immediately after such killing exhibit the head and hide of the stock so killed to the nearest Justice of the Peace in Hyde County, and to two disinterested freeholders.

Violation of this
act a misde-
meanor.
Penalty.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be fined not more than twenty-five and not less than ten dollars, or be imprisoned not more than ten days.

Killing stock of
another a misde-
meanor.

SEC. 4. That any person, not being the owner of the same, who shall kill any stock in said range, whether he complies with the provisions of section 2 of this act or not, shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the Court.

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

In the General Assembly read three times, and ratified this 3d day of March, 1903.

CHAPTER 353.

AN ACT TO PROTECT GAME AND FISH IN CHEROKEE
COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to kill or trap any partridge, pheasant, quail, dove, robin, snipe, woodcock or wild turkey in the county of Cherokee between the first day of March and the fifteenth day of November of any year.

Close season.

SEC. 2. It shall be unlawful for any person to kill at any time any other wild bird than those mentioned in section one of this act, except hawks, owls, crows, black-birds, jay-birds, or blue jays and English sparrows.

Unlawful to kill certain birds.

SEC. 3. It shall be unlawful for any person to rob any bird nest of its young or eggs, except the nest of the birds specifically mentioned in section two of this act.

Unlawful to rob nests

SEC. 4. Any person found with any bird mentioned in section one of this act between the first day of March and the fifteen day of November of any year, shall be *prima facie* guilty of a violation of section one, and the fact of such possession shall be evidence to establish the *prima facie* guilt of such person.

Prima facie evidence of guilt.

SEC. 5. The possession of any other bird than those mentioned in sections one and two of this act at any time shall be evidence of the *prima facie* guilt of such person, and may be used as evidence to establish the *prima facie* guilt of such person.

Prima facie evidence of guilt.

SEC. 6. It shall be unlawful for any person to fish in any of the waters of Cherokee County with net, seine, trap, basket, drag nets or drags.

Unlawful to fish with net, etc.

SEC. 7. It shall be unlawful for any person to sell, barter or trade any bird or birds mentioned in section one of this act, except turkey or turkeys; and it shall be unlawful for any person to ship, send out or carry out of Cherokee County any bird or birds mentioned in section one of this act.

Unlawful to sell or carry out of county certain game.

SEC. 8. Any person violating any of the foregoing sections of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the Court.

Violation of this act a misdemeanor.

SEC. 9. It shall be unlawful for any person to throw dynamite or other explosive in any of the waters of Cherokee County for the purpose of killing fish, and the throwing or putting of dynamite or other explosive into any of the waters of Cherokee County shall be evidence of the *prima facie* guilt of such person, and such evidence shall be used to establish the guilt of such person.

Killing fish with dynamite, etc.

SEC. 10. It shall be unlawful for any person or persons to hunt or kill any deer or fawn with gun or guns, or in any manner, in any year, between the first day of January and the first

Close season for deer.

day of November, and it shall be unlawful at all times to hunt or kill deer or fawn with dog or dogs.

Violation a misdemeanor.

Penalty.

SEC. 11. That any person or persons who violates either section nine or section ten of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars and not more than one hundred dollars, or imprisoned in the common jail for a period of not less than four months and not more than one year.

Applicable only to Cherokee county.

SEC. 12. This act shall apply only to Cherokee County.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 354.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AND CONSTABLES AT COOLEEMEE, DAVIE COUNTY, AND TO PROHIBIT PUBLIC DRUNKENNESS THERE.

The General Assembly of North Carolina do enact.

Preservation of good order.

Certain officers may arrest offenders

SECTION 1. That it shall be the duty of the Deputy Sheriff or Deputy Sheriffs in Davie County, living and resident at Cooleemee, in said county, or those appointed by the Sheriff of Davie County for that section of said county in which Cooleemee is situated, and the Constable of Jerusalem Township, in said county, and he or they shall have power and authority to suppress all disturbances of the quiet and good order of and in the village of Cooleemee, and on the premises of Cooleemee Cotton Mills, in said county, and to arrest all offenders against the same, and to prevent as far as possible all injury to property in said village and on the above mentioned premises. Said Deputy Sheriff or Deputy Sheriffs and Constable shall have authority and power, if resisted in the execution of his or their official duties, to summon a sufficient number of men to aid him or them in enforcing the law; and if any person so summoned shall refuse to assist, the said Deputy Sheriff, or Deputy Sheriffs, or Constable, are hereby required to report the name of such person to the proper authorities, to the end that he may be dealt with as the law directs. Said Deputy Sheriff, or Deputy Sheriffs, and Constable shall have power to enter the enclosure and house of any person in the aforesaid village and in the aforesaid premises without warrant, when he or they have good reason to believe that a felony or infamous crime has been or is about to be com-

Officers may enter houses and premises without warrant.

mitted, 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 persons arrested by said Deputy Sheriff, or Deputy Sheriffs, or Constable for any offense shall, as soon as practicable, be taken before some Justice of the Peace of Davie 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 guard-house or calaboose provided for that purpose by any of said officers, unless bail is given, as provided for by law.

SEC. 2. Such Deputy Sheriff, or Deputy Sheriffs, and Constable shall have the same power and authority in said village of Cooleemee, and on said premises, as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

Authority of
officers in village
of Cooleemee.

SEC. 3. Such Deputy Sheriff, or Deputy Sheriffs, and Constable, when on duty, shall severally wear a metallic shield with the word "Policeman" inscribed thereon, and the said shield shall always be worn in plain view, except when employed as detectives.

Officers to wear
badges.

SEC. 4. That every person found drunk on the streets, or roads, or in any public place in said village of Cooleemee, or in any public place on said premises within one-half ($\frac{1}{2}$) of a mile of Cooleemee M. E. Church, South, or staggering along said streets or roads, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than two nor more than ten dollars, or imprisoned not more than ten days.

Public drunken-
ness a misde-
meanor.

Penalty.

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

In the General Assembly read three times, and ratified this 3d day of March, 1903.

CHAPTER 355.

AN ACT TO PERMIT THE SALE OF LIQUOR AT THE SUMMER AND WINTER RESORTS NEAR WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That upon the payment of the State and county taxes required by law, resort hotels at Carolina Beach, Wrightsville, and Wrightsville Beach, in the County of New Hanover, shall have the privilege of retailing spirituous, vinous, and malt liquor on their premises to their *bona fide* guests.

Sale of liquors
permitted.

County commis-
sioners.

SEC. 2. That the County Commissioners shall decide upon and determine who are entitled to license under this act.

Conflicting laws
repealed.

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.

In the General Assembly read three times, and ratified this 3d day of March, 1903.

CHAPTER 356.

AN ACT RELATIVE TO DAMAGING PUBLIC ROADS BY TIMBER AND LOG HAULERS IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Damaging bridges
and roads a
misdemeanor.

SECTION 1. That any person, company, or corporation who shall damage any of the public or private bridges on the public roads in Beaufort County by hauling logs or saw mill timber thereon and shall not repair the damage done thereto within five days after being notified of said damage by the overseer of the said road or by any member of the board of supervisors of the township in which said damaged bridge is situated shall be guilty of a misdemeanor, and on conviction shall pay a fine of not less than ten nor more than fifty dollars or be imprisoned not exceeding thirty days.

Penalty.

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

In the General Assembly read three times, and ratified this the 3d day of March, 1903.

CHAPTER 357.

AN ACT FOR THE RELIEF OF GEORGE T. LIVERMAN, CLERK OF THE SUPERIOR COURT OF TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Leave of absence
granted.

SECTION 1. That George T. Liverman, Clerk of the Superior Court of Tyrrell County be allowed to absent himself from his office of Clerk of the Superior Court of Tyrrell County on any three days in any week, except Mondays and Saturdays. *Provided*, that the said George T. Liverman, Clerk of the Superior

Proviso.

Court of Tyrrell County, shall have a competent deputy to perform all duties authorized to be performed by said deputy.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 358.

AN ACT TO ESTABLISH A DISPENSARY IN THE PLACE OF A BAR ROOM IN THE TOWN OF MARSHALL.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation, to sell, barter, or exchange, any spirituous, vinous, malt, or intoxicating liquors of any kind in the town of Marshall, or in the town of Hot Springs in the county of Madison, except as hereinafter provided; and any one violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than fifty dollars or imprisoned not less than six months or both in the discretion of the Court.

Sale of liquors prohibited except as herein provided.

Territory.

Penalty for violation.

SEC. 2. That T. J. Murray is hereby appointed a Dispensary Commissioner of Madison County for a term of two years, and J. J. Redmon for a term of four years, and F. Shelton for a term of six years, their terms of office to begin on the first day of July, 1903, and their successors shall be elected by the qualified voters of the town of Marshall at the first election for town officers preceding the expiration of their terms of office.

Dispensary commissioners for Madison County.

Election of successors.

That if the town of Hot Springs shall adopt a dispensary under the provisions of this act, then Ervin Lance and C. T. Garrett are hereby appointed as additional members to the above named Dispensary Board, and shall hold said office of Dispensary Commissioners until the next general election for town officers in said town of Hot Springs, when their successors shall be elected in the same manner and same time as the election of mayor and aldermen. Any vacancy occurring by death, resignation or removal shall be filled by the said Dispensary Board for the remainder of the unexpired term. The said Dispensary Commissioners before entering upon the duties of their office shall make oath that they will well and truly carry out, to the best of their ability, all the provisions of this act and the resident judge of the district may remove any of the said Commis-

Hot Springs.

Additional commissioners.

Vacancies, how filled.

Oath of office.

Removal for malfeasance.

	sioners when it shall be made to appear that he has violated his oath or been guilty of a malfeasance; and the said Dispensary Commissioners shall be paid fifty dollars each per annum for their services: <i>Provided</i> , the said Board shall select one of its members as Chairman and one as Treasurer, and may allow the said Chairman and Treasurer such additional compensation as they may see fit; and said Treasurer shall give bond payable to the town of Marshall conditioned upon the proper accounting for the monies that may come into his hands as such Treasurer in a sum not less than five thousand dollars to be fixed by said Dispensary Board: <i>Provided</i> , said bond shall never be less than the amount of money in the hands of the Treasurer: <i>Provided further</i> , that the said Treasurer may give bond with some safe bonding or trust company as surety and charge the expense of giving such bond as an expense of said dispensary.
Salaries.	
Chairman and treasurer. Compensation.	
Treasurer's bond.	
Proviso,	
Dispensary for Marshall.	SEC. 3. That said Dispensary Board on the first day of July, 1903, or as soon thereafter as possible, shall establish one dispensary in the town of Marshall to be located on its principal street, for the sale of spirituous, vinous, and malt liquors, and there shall be no prosecution under this act for the sale of liquor in a regular bar room in the said town of Marshall before the first day of July, 1903. The said Dispensary Board shall elect a manager for said dispensary who shall be a man of good character and sobriety, who shall have charge of the same under the supervision of said Board, and who shall hold said position of manager at the pleasure of the said Dispensary Board, subject to be discharged without notice. The said Dispensary Board may appoint such assistants or clerks as they may deem necessary and may discharge them at pleasure without notice.
Manager.	
Assistants and clerks.	
Manager's bond.	The said manager shall be required to give bond payable to the town of Marshall in such sum as the Dispensary Board may determine, not less than one thousand dollars, conditioned upon the proper accounting for all the monies that may come into his hands as such manager and for the faithful performance of the duties of his office of manager as prescribed in this act, and the rules and regulations of said Dispensary Board; and the
Salary of manager.	said manager shall receive such salary or compensation as may be fixed by said Dispensary Board which shall not exceed fifty dollars per month and shall never depend upon the amount of sale. The said Board may likewise require bonds payable as aforesaid and in such amounts as they may deem proper from such clerks or assistants as they may employ.
Bonds.	
Powers of Dispensary Board.	SEC. 4. The said Dispensary Board shall have power to employ attorneys or agents to assist in the detection and pros-

ecution of persons, firms, or corporations violating this act and for other purposes may employ chemist or other competent person to test liquors; may offer reward for the apprehension, prosecution and conviction of any corporation, firm or person who shall manufacture or sell liquor contrary to law in the said county of Madison: *Provided*, such reward shall not be more than twenty-five dollars for the apprehension and conviction of persons for manufacturing liquor contrary to law and not more than ten dollars for the conviction of persons of selling liquor contrary to law in the county of Madison; the said Board may borrow money and shall have power to do all other proper things not contrary to law and to carry out the true intent of this act.

Proviso.

SEC. 5. The manager of said dispensary shall on Monday of each week pay to the Treasurer of the Dispensary Board all monies which he may hold as such manager and shall keep a strict account of all liquors received by him, the amount sold and the amount on hand, and the said Treasurer shall hold and disburse all the funds belonging to said dispensary, and after paying its expenses, and after reserving such a sum as the Dispensary Board may deem necessary to carry on the dispensary, shall on the first day of January and on the first of July of each and every year pay over one-third of the profits of said dispensary to the treasurer of the town of Marshall and one-third to the treasurer of the County Board of Education, and one-third on the interest of the county debt until it shall extinguish the same for that year, if there be sufficient amount, and if there be more than enough to pay the interest on the county debt, the remainder is to be paid out on the general county debt as existed prior to the passage of this act: *Provided*, that if any of the claim-holders against the said county shall be willing to accept the amount that such claim or claims cost them, together with legal interest on such amount, or is willing to discount his claim twenty-five per cent, then the amount of said dispensary fund, which is provided above to go to the payment of county indebtedness or the interest on the county indebtedness, may first be used for the payment of such discounted claims. But if no claim-holder will discount his claim, as above indicated, then the said funds which may go to the payment of the county's indebtedness after paying all interest due for such year shall be paid pro rata on all county indebtedness which existed prior to the passage of this act and which may be due at the time: *Provided further*, that the Treasurer of the said Dispensary Board shall on the first Monday in December of each and every year, render an itemized and veri-

Manager to account weekly.

Treasurer to disburse funds.

Distribution of profits.

Proviso.

Payment of county claims.

Treasurer to make annual report.

fied account of all funds that may have come into his hands during the year just ended, which report, if approved by the said Board of Commissioners, shall be recorded in the book of annual settlements by the Register of Deeds of Madison County, as is required of the reports of county officers by sections 728 and 729 of The Code.

Purchase of
liquors.

SEC. 6. The manager of said dispensary shall under the direction of the chairman of the said Dispensary Board purchase all liquors necessary and proper for said dispensary and may purchase such pure liquors as may be in the hands of the liquor dealers in the town of Marshall: *Provided*, said dispensary Board shall refuse to pay for all liquor found not to be pure.

Proviso.

Opening and
closing.

SEC. 7. No liquor of any kind shall be sold in said dispensary on Sunday or election day; shall never be open or liquor sold therein before sunrise or after sunset on any day. The prices at which such liquor shall be sold shall be fixed by said Dispensary Board. No liquor shall be sold in said dispensary except in unbroken packages or bottles which shall contain not less than one-half pint and not more than one quart, and it shall be unlawful for said manager or any other person to open any such package or bottle on the premises, and the said manager shall not allow loafing, loitering, or drinking on the premises, and any person drinking liquor on the premises, and any person refusing or failing to leave said premises after being ordered to do so by the said manager shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the Court.

Unbroken pack-
ages.

Amount to be
sold, etc.
Loitering, etc.,
prohibited.

Penalty.

Manager to keep
register of sales.

SEC. 8. It shall be the duty of the manager to keep a register on which shall be kept a record of the names of persons to whom any liquors are sold, the quantity sold, price paid and date of sale: *Provided*, that said register shall be open only to the inspection of the Dispensary Board and its employees and the contents thereof shall not be published. No intoxicating liquors shall be sold to any minors and the Dispensary Board shall make such rules and regulations not inconsistent with this act as may be proper for the management of the dispensary.

Proviso.

Minors.

Rules and regula-
tions.

Unlawful pur-
chasing.

Adulteration.

SEC. 9. If the manager or clerk shall procure any intoxicating liquors from any person other than those that the Dispensary Board shall direct and offer the same for sale, or shall adulterate or cause to be adulterated any intoxicating, spirituous, vinous or malt liquors by mixing with coloring matter or any drug or ingredient whatever, or shall mix the same with water or with other liquor of different kind or quality, or shall make a false entry in any book of returns required in this act, he shall be guilty of a misdemeanor.

False entries.

Penalty.

SEC. 10. Every person who shall directly or indirectly keep

or maintain by himself or by associating or combining with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any club room or other place in which intoxicating liquors are received or kept for barter or sale for distribution or for division among the members of any club or association by any means whatever, shall be guilty of a misdemeanor and upon conviction may be fined or imprisoned in the discretion of the Court.

Club rooms, etc.

Penalty.

SEC. 11. All books required to be kept by the manager, except the one provided for in section 8 shall be open to the inspection of the public, and any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined a sum not less than one hundred dollars or imprisoned not less than three months, or both, except where the penalty is otherwise provided.

Certain books open to public.

Violation a misdemeanor.
Penalty

SEC. 12. That the town of Hot Springs, in the said county of Madison may by a vote of a majority of its Board of Aldermen, adopt this act for the said town of Hot Springs, and in case this act shall be adopted for the said town of Hot Springs, then the Dispensary Board herein named shall open a dispensary in the said town of Hot Springs, which dispensary shall be governed by the same laws, rules and regulations as herein prescribed for the government of the dispensary at Marshall, and the proceeds of the said dispensary at Hot Springs shall be disbursed in the same manner and for the same purposes as is prescribed for the disposition of the proceeds of the funds arising from the profits from the dispensary at Marshall.

Hot Springs may vote on dispensary.

Same rules and regulations.

SEC. 13. That wherever there is a sale of liquor contrary to law in the county of Madison the agent of the purchaser, if the said purchase is made by the aid of an agent, shall be guilty to the same extent and liable to the same fines, penalties and imprisonment as if he had acted in such case as the agent of the seller, and the place of delivery in the said county shall be construed to be the place of sale.

Agent of purchaser, when liable.

Place of delivery deemed place of sale.

SEC. 14. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed: *Provided*, that this act shall not be construed so as to repeal any prohibitory laws already in force.

Conflicting laws repealed.
Proviso.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 359.

AN ACT TO PROVIDE FOR THE REGISTRATION OF
TRAINED NURSES.*The General Assembly of North Carolina do enact:*Registration of
nurses.

SECTION 1. That any nurse who may present to the Clerk of the Superior Court of any county in the State, on or before December 31, 1903, a diploma from a reputable training school for nurses conducted in connection with a general hospital, public or private, in which medical, surgical, and obstetrical cases are treated, or in connection with one of the three State Hospitals for the insane, or who shall exhibit a certificate of attendance upon such training school for a period of not less than two years, or who shall present a certificate signed by three registered physician stating that she or he has pursued as a business the vocation of a trained nurse for a period of not less than two years, and is in their judgment competent to practice the same, shall be entitled to registration without examination, and shall be registered by the Clerk of the Court in the manner hereinafter provided.

Requirements.

Registration after
January 1, 1904.

SEC. 2. That on and after January 1, 1904, registration as a trained nurse shall be made by the Clerk of the Court solely upon the presentation to him of a license from the State Board of Examiners of nurses as created and provided by this act.

Board of Exam-
iners.Election by State
Medical Society.

SEC. 3. That there shall be established a Board of Examiners of nurses composed of five members, two physicians and three registered nurses, to be elected by the Medical Society of the State of North Carolina and the North Carolina State Nurses Association respectively, to be known by the title of "The Board of Examiners of Trained Nurses of North Carolina." Their term of office shall be three years. Three members, one of whom shall be a physician, shall constitute a quorum, and a majority of those present shall have a deciding vote. They shall each receive as compensation for his or her services when engaged in the work of the Board four dollars a day and actual travelling and hotel expenses, the same to be paid out of money received for license issued, and in no case to be charged upon the Treasury of the State.

Term of office.

Compensation.

By-laws

SEC. 4. That the said Board of Examiners is authorized to elect such officers and frame such by-laws as may be necessary, and upon the occurrence of a vacancy is empowered to fill such vacancy for the unexpired term.

Meetings of board.

SEC. 5. That after January 1, 1904, it shall be the duty of said Board of Examiners to meet not less frequently than once in

every year, notice of which meeting shall be given in the public press. At such meetings it shall be their duty to examine all applicants for license as registered nurse, of good moral character, in the elements of anatomy and physiology, in medical, surgical, obstetrical and practical nursing, invalid cookery and household hygiene, and if on such examination they be found competent to grant each applicant a license authorizing her or him to register, as hereinafter provided, and to use the title "Registered Nurse," signified by the letters R. N. The said Board of Examiners may, in its discretion, issue license without examination to such applicants as shall furnish evidence of competency entirely satisfactory to them. Each applicant, before receiving license, shall pay a fee of five dollars, which shall be used for defraying the expenses of the Board.

Examination of applicants. Subjects of examination.

License.

"Registered nurse," "R. N."

License fee.

SEC. 6. That the Clerk of the Superior Court of any county, upon presentation to him of a license from the said Board of Examiners, shall register the date of registration with the name and residence of the holder thereof in a book to be kept in his office for this purpose, and marked "Register of Trained Nurses," and shall issue to the applicant a certificate of such registration under the seal of the Superior Court of the county, upon the form furnished him as hereinafter provided, for which registration he shall be paid fifty cents by the applicant.

Clerk Superior Court to register and keep record.

Certificate of registration.

SEC. 7. That it shall be the duty of the North Carolina State Nurses Association to prescribe a proper form of the certificate required by this act, and to furnish the same in sufficient quantity, suitably bound in a book and labeled "Register of Trained Nurses," to the Clerk of the Court of each county in the State.

Nurses Association to provide certificates and books.

SEC. 8. The said Board of Examiners shall have power after twenty days' notice of the charges preferred and the time and place of meeting, and after a full and fair hearing on the same, by a majority vote of the whole Board, to revoke any license issued by them for gross incompetency, dishonesty, habitual intemperance, or any other act in the judgment of the Board derogatory to the morals or standing of the profession of nursing. Upon the revocation of a license or certificate the name of the holder thereof shall be stricken from the roll of registered nurses in the hands of the Secretary of the Board, and upon notification of such action by said Secretary by the Clerk of the Court from his register.

Revocation of license.

SEC. 9. That any person procuring license under this act by false representation, or who shall refuse to surrender a license which has been revoked in the manner prescribed in section 8, or who shall use the title "Registered Nurse" or "R. N." without first having obtained license to do so, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.

False representation, etc., a misdemeanor.

Penalty.

General privilege
not abridged.

SEC. 10. That nothing in this act shall in any manner what-ever curtail or abridge the right and privilege of any person to pursue the vocation of a nurse, whether trained or untrained, registered or not registered.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 360.

AN ACT TO AMEND SECTION 11, CHAPTER 231, LAWS OF 1897, SO AS TO REQUIRE THE TOWNSHIP ROAD SUPERVISORS TO MEET IN REGULAR SESSIONS ON SECOND MONDAY IN JANUARY AND AUGUST OF EACH YEAR, ONLY, ETC.

The General Assembly of North Carolina do enact:

Former act
amended.

SECTION 1. That section 11, chapter two hundred and thirty-one (231), Laws of 1897, be amended by striking out the words "March" and "November" whenever they occur in said section.

Vacancies in office
of overseer, how
filled.

SEC. 2. That the various Boards of Supervisors of Public Roads in Union County be and they are hereby empowered to appoint Overseer in their respective townships, at any regular or special meeting to fill out the unexpired term of any overseer who has died, moved away from his section, or for any cause become incapacitated to perform his duties as overseer.

Conflicting laws
repealed.

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 be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 3d day of March, A. D. 1903.

CHAPTER 361.

AN ACT TO AMEND CHAPTER 488 OF PUBLIC LAWS OF 1901, ENTITLED "AN ACT TO AUTHORIZE THE LEVY OF A FENCE TAX IN A STOCK-LAW TERRITORY IN BEAUFORT COUNTY."

The General Assembly of North Carolina do enact:

Former act
amended.

SECTION 1. That section 2 of chapter 488 of Public Laws of 1901 be amended by striking out in line 5 of said section the words "the \$100.00 worth" and inserting in lieu thereof the words "each acre," and by inserting in said line five of said

section between the word "taxable" and the word "property" the word "real," and by striking out of said section 2 all after the word "property" in line five down to the word "said" in line six, and by striking out the word "a" in line seven of said section and inserting in lieu thereof the words "the sheriff or," and by striking out of said section all after the word "collector" in line seven of said section down to the word "and" in line nine of said section and insert in lieu thereof the words "of Beaufort County," and by inserting in said line nine between the word "said" and the word "tax" the words "sheriff or," and by inserting in line thirteen of said section between the word "said" and the word "tax" in said line the words "sheriff or."

SEC. 2. Insert in said act between section three and section four a new section, to be known as section 3a, which shall read as follows: "Sec. 3a. The said Fence Commissioners for said stock-law territory are hereby authorized to borrow a sum of money, not exceeding \$500.00, with which to repair the fence around said stock-law territory; said sum so borrowed to be repaid out of the taxes collected by virtue of this act for the year 1903."

Fence commis-
sioners may
borrow money.

Repayment of
same.

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

In the General Assembly read three times, and ratified this 3d day of March, 1903.

CHAPTER 362.

AN ACT TO PREVENT THE ABDUCTION OF AND ELOPEMENT WITH MARRIED WOMEN.

The General Assembly of North Carolina do enact:

SECTION 1. That any male person who shall abduct or elope with the wife of another male person of this State shall be guilty of a felony, and upon conviction shall be imprisoned not less than one year nor more than ten years: *Provided*, that the woman, since her marriage, has been an innocent and virtuous woman: *Provided*, that no conviction shall be had upon the unsupported testimony of any such married woman.

Abduction, etc., of
married women a
felony.

Penalty.

Proviso.

Proviso.

Proviso.

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

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 363.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC
ROADS OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Special tax.

Tax rate.

Collected as other
taxes.
To be kept sepa-
rate.

Application of
proceeds.

Purposes.

Board of Road
Trustees.

Term of office.

Vacancies, how
filled.

Road Trustees
incorporated.
Corporate name.
Meetings.

SECTION 1. That the Board of Commissioners of Haywood County shall, in order to provide for the proper working and construction of the public roads of said county of Haywood, at their annual regular meeting in June, 1903, 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 thirty-three and one-third cents nor greater than fifty cents on the one hundred dollars worth of property, and not less than one dollar nor greater than one dollar and fifty 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, and to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads, culverts and bridges of the county of Haywood and the purchase of such implements, teams, wagons, camp outfit, quarters or stockades for the use and safe-keeping of the convict force as may be found necessary in the proper carrying on of this work.

SEC. 2. That the Board of County Commissioners shall, at their regular meeting in April, 1903, elect a Board of Road Trustees for each and every voting precinct in said county which shall be composed of three citizens, resident therein, and known to be in favor of road improvement. The term of the first Road Trustee elected shall be for three years, the second for two, and the third for one year. One successor of one Road Trustee shall be elected by the said Board of Commissioners at each annual April meeting for a term of three years. If any vacancy shall occur on the said Board of Road Trustees by death, resignation or other cause, the Board of County Commissioners shall at its next meeting held after the said vacancy occurs, elect some suitable person who shall be a resident of the voting precinct in which the vacancy occurs, to fill such vacancy, who shall hold during the unexpired term caused by such vacancy. The Board of Road Trustees is hereby incorporated and the corporate name shall be "The Board of Road Trustees, Voting Precinct"

SEC. 3. The Board of Road Trustees shall meet in some place in their respective voting precincts to be agreed 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 meeting, 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 that office. They shall have the right to sue and be sued, plead and be impleaded, in any of the courts of the State. The said Board of Road Trustees shall annually, at the May meeting, divide the roads of their voting precincts into sections and appoint overseers for said sections at said meeting. 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 written notice of his appointment with a list of the hands assigned to his section. It shall be the duty of the Road Trustees to examine into the condition of the public roads of their respective voting precincts at least twice in each and every year, and make a report of the condition of the said public roads to the chief engineer of roads hereinafter provided for. And the said Board of Trustees of each and every voting precinct shall within ten days after their appointment furnish the chief engineer of roads with a list of all overseers appointed by them, together with a list of the hands allotted to each road section.

SEC. 4. That all able-bodied male persons of the county between the ages of eighteen and forty-five, except residents of incorporated cities and towns, shall work on the public roads of said county for six days of nine hours each and two additional days, in case of construction or washouts, of nine hours each, anywhere in said voting precinct that the Board of Trustees may direct in each and every year at such time and place and in such manner as may be designated by the said Trustees, except that in cases of construction the work shall be performed under the direction of the chief engineer of roads: *Provided*, that the overseer of each section shall give to each person, subject to road duty on his section, at least two days' notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: *Provided further*, that in case of washouts or other unexpected obstructions to travel, the two days' notice shall not be necessary, and any person liable to road duty

Record of proceedings.

Chairman and secretary-treasurer.
Treasurer's bond.

Corporate powers.

Division of roads into sections.

Appointment of overseers.

Duties of Road Trustees.

Who to work on roads.

Number of days.

Proviso.

Notice.

Proviso.

In case of emergency.

Proviso.	on his section in which such obstruction to travel may occur, shall, upon being properly summoned by said overseer, respond to such summons with reasonable promptness: <i>Provided further</i> , that any person may, in lieu of working six days on the public
Money payment in lieu of work.	roads, pay, on or before the first day of June, 1903, and each year thereafter, to the secretary-treasurer of his voting precinct, the sum of three dollars and sixty cents, and it shall be the duty of the said secretary-treasurer, upon receipt of said money, or any part thereof, to issue to such person a receipt for the same, stating in such receipt the amount and year for which the same is paid. All moneys paid to the said secretary-treasurer, 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 General Road Fund of the county. If the secretary-treasurer fails to turn over to the County Treasurer the money so collected within fifteen days, he shall be guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned in the discretion of the court: <i>Provided</i> , that no person liable for road duty shall be required to work on the public roads outside of the voting precinct in which he resides.
Moneys collected to be turned over to County Treasurer.	
Proviso.	SEC. 5. That any person who shall, after being duly notified, as provided in section 4 of this act, fail to appear and work as required to do, after having failed to pay the sum of three dollars and sixty cents, or any person who shall appear, as notified, and fail or refuse to perform good and reasonable labor, as required by the said overseer, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two nor more than five dollars and the cost, or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.
Failure to work roads or pay, a misdemeanor.	
Penalty.	
Tools, etc.	SEC. 6. That proper implements and tools for use in working the public roads of the county, as provided in section 4 of this act, shall be supplied by the County Commissioners, and shall be paid for out of the General Road Fund of the county: <i>Provided</i> , that until the County Commissioners shall be able to supply the necessary implements and tools, they may, and they are hereby empowered, to compel any and all persons working on the public roads of the county to provide themselves with such implements as are commonly used while working on said roads, as the overseer may designate in his notice or summons, as being necessary.
Who to furnish.	
How paid for Proviso.	
Duties of chief engineer and overseer.	SEC. 7. That on the first day of July, 1903, and of each succeeding year, or oftener if required to do so by the chief engineer of roads, the overseer shall furnish to the Treasurer of the county a complete list of names of all persons liable for road duty on his section. Said Treasurer of the county, after receiving the
To furnish list.	

above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of three dollars and sixty cents, as provided in section 4 of this act, and shall, within fifteen days, or as often thereafter as may be necessary, furnish to the overseer, a correct, revised list of all persons liable to road duty on his section who have, during the year, failed to work on the public roads after having been duly notified, or to pay as provided for in section 4 of this act, which list shall be immediately submitted by the overseer to a Justice of the Peace in the township in which such person resides; and it shall be the duty of the said Justice of the Peace to immediately issue his warrant for such persons and proceed against them according to law: *Provided, however,* that the defaulting party may be prosecuted at any time and by any citizen of the county.

Revision of list.

Persons failing.

Justices of Peace
to issue warrant.

Proviso.

SEC. 8. As soon as the overseers have been appointed, it shall be their duty to examine the public roads assigned to them, and take immediate steps to put the same in good condition, and shall keep them in good condition by making all needed repairs so far as the same can be done by the road hands liable to work on their sections, working the said sections with not less than ten hands to each section for not more than two days until the entire list of hands has been worked; then all hands who have worked two days on said roads shall not be required under ordinary conditions of the roads to work on said roads again until after fifteen days have intervened.

Duties of overseer.

Working of roads.

SEC. 9. For the purposes of this act the roads or ways of the county are hereby classified as follows:

Roads classified.

(a) The main thoroughfares, including the more important public roads, which usually lead through two or more townships, and are extensively used by the travelling public. As these roads become properly graded and drained and have their surfaces improved by being covered with broken stone, gravel, or a suitable admixture of sand and clay in such manner that the same will, with reasonable repairs thereto, at all seasons be firm and smooth, shall become the highways of the county.

(a) Main thorough-
fares.

(b) The neighborhood or branch roads, which are confined usually to the limits of one township, and generally lead from neighborhoods or settlements to the main thoroughfares.

(b) Branch roads.

(c) Cartways, which have no public use, are private ways opened up to allow one or more persons to pass through lands belonging to other parties in order to reach the public roads.

(c) Cartways.

SEC. 10. That the thoroughfares for the principal public roads as defined above, to be improved and constructed in accordance with the provisions of this act, shall be first carefully surveyed and located by the chief engineer of roads, aided by such assistance as may be necessary for him to employ, the same to be paid

Main thorough-
fares, how con-
structed and
improved.

Grade.	out of the General Road Fund of the county, by the County Treasurer upon the order of the chief engineer of roads, after the same shall have been approved by the Board of County Commissioners. All public roads shall be given a grade nowhere greater than one foot in sixteen, and a width not less than sixteen feet, clear of ditches, trees, logs and other obstructions. All such roads shall be thoroughly graded, and whenever it may be necessary to turn water across the road, this shall be done by
Culverts.	putting sewer pipes or other forms of covered drains, culverts or bridges: <i>Provided</i> , that where, in the opinion of the chief engineer of roads, obstructions make the grade of one foot in sixteen impracticable, the grade may be increased as may be determined by the said chief engineer of roads: <i>And provided further</i> , that in places where the roadway must be blasted out in hard rock, the width of said roadway shall not be less than twelve feet.
Proviso.	
Branch roads, how constructed and improved.	SEC. 11. The neighborhood or branch road as defined in section 9 of this act, shall have a right-of-way of sixteen 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 Board of Road Trustees, subject to the approval of the chief engineer of roads; and the said roads may be re-located or otherwise changed in the manner provided in section fourteen of this act.
Cartways, how opened and kept in repair.	SEC. 12. Cartways defined in section nine of this act are to be kept in repair by parties using the same. Any person desiring a cartway opened up over lands of other persons shall 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 lands, leading to some public road; and upon his making it appear to the Board that the adverse party has had ten days' notice of his intention, the Board shall hear the allegations of the petitioner and the objections of the adverse party or parties, and if sufficient reason be shown, shall order the Constable to summon
Petition to county commissioners.	a jury of five freeholders, to view the premises and lay off a cartway not less than fourteen feet wide, and assess the damages the owner of such land may sustain thereby, which, with the expense of making the way, shall be paid by the petitioner, and the 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 proceedings as they may be first laid off, 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
Jury.	
Expense, how paid.	
Change or discontinuance.	
Erection of gates or bars.	

leave open, break down, or otherwise injure such gates or bars, he shall forfeit and pay, for every such offence, ten dollars to the person erecting the same, or his assigns of the land; and if the offence shall be maliciously done, he shall be guilty of a misdemeanor.

Misdemeanor to leave gates or bars open.

SEC. 13. That for the purpose of carrying out the provisions of this act the chief engineer of roads and the overseer or overseers are hereby authorized to enter upon any lands near to or adjoining such roads, to cut and carry timber, except trees or groves on improved lands planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drain or ditches through the same as he or they may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, water-course or waste ground, shall be kept open by the said overseer, and shall not be obstructed by the owner or occupant of said land, or any other person or persons, under penalty of forfeiting a sum not exceeding ten dollars or imprisonment for not exceeding twenty days for each and every offence, said penalty to be collected by the Board of Trustees and paid over to the County Treasurer and applied to the General Road Fund. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone or gravel were taken as aforesaid shall claim any damage for injury done to growing crops or standing upon the land entered upon by the chief engineer of roads or any overseer or overseers for the purpose of carrying out the provisions of this act, shall present an account of the same at any regular meeting of the County Commissioners within thirty days after the taking and carrying away of such timber, stone or gravel, or injury to crops; it shall be the duty of said Commissioners to pay for the same such sum as may be agreed upon by them or by an impartial jury of three freeholders, one of them to be selected by the chief engineer of roads or overseer, one by the party claiming damages, and the third to be selected by these two, with the right of either party to appeal, as provided in the fifteenth section of this act.

Authority of chief engineer and overseers.

Damages.

Presentation of claim to county commissioners.

Procedure.

SEC. 14. That the chief engineer of roads or overseer or overseers, subject to the approval of the chief engineer, are empowered to locate and re-locate, widen or otherwise change any part of any public road where in his or their judgment such location, re-location or change will prove advantageous to public travel.

Powers of chief engineer and overseers.

Location of roads, etc.

That when any person or persons on whose lands a new road or part of road is to be located, claims damages therefor, and within thirty days petitions the Board of County Commissioners for a jury to assess the damages, the said Commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order a jury of freeholders of the township of not less than three persons, nor more than five, not related to the person claiming damages, to be summoned by the Sheriff of the county or the Constable of the township, to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after first being duly sworn, to impartially assess damages, shall forthwith proceed to assess the same, and to make their report to the next regular or special session of the Board of Commissioners of said county. That said jury, in considering the question of damages, shall take into consideration the benefits to public travel and to the owner of the land, and if the said benefits be considered equal to the damages sustained, the jury shall so declare; and if the jury shall adjudge that the benefits are in excess of the damages, the said jury shall determine the amount, and unless the same is paid to the secretary-treasurer of the Board of Trustees of the voting precinct in which the land is located, by the owner or owners of the land within thirty days after such determination, the Board of Trustees are authorized and empowered to institute in any court having jurisdiction an action for the purpose of recovering the said sum, which, when recovered, shall be applied to the General Road Fund. The Sheriff or Constable serving the process shall be allowed the sum of twenty-five cents for each person summoned for a jury, and the jurors who make claim shall be paid the sum of fifty cents each, to be paid out of the General Road Fund. A copy of the summons shall be served on each freeholder summoned on the jury: *Provided, however*, that such service shall not be necessary if the parties accept service of said summons. The damages, if any awarded, shall be paid out of the General Road Fund.

Damages.
Procedure.

Assessment of
damages.

What jury may
consider.

Board of Trustees
may recover
amount of benefits
in excess of
damages.
Procedure.

Proviso.

Right of appeal.

Proviso.

Appeal bonds.
Proviso.

SEC. 15. That in case either of the parties interested shall be dissatisfied with the finding of the juries provided for in sections thirteen and fourteen of this act, such dissatisfied party may appeal from the decision of said jury to the County Commissioners, and if dissatisfied with their decision, may in turn appeal to the Superior Court of the county of Haywood: *Provided, however*, that an appeal may be taken from the judgment of the Board of County Commissioners by either party without bond, and the same shall be heard *de novo*; but the Judge may, in his discretion, require either party to give bond, when the case is taken by appeal to the Superior Court: *Provided further*, that the

party to whom the damages are awarded shall recover no more cost than a sum equal to the amount of damages so awarded.

SEC. 16. That the County Treasurer shall be and is hereby appointed Treasurer of the Road Fund of the county; and for the faithful keeping and disbursing of said money, the bond of such Treasurer shall be liable, and for his services for receiving and disbursing such fund he shall receive as commission three per centum on all moneys disbursed hereunder. He shall pay the accounts against the Road Fund of the county, when itemized statements of the same have been certified to by the Board of County Commissioners.

County Treasurer appointed treasurer of road fund.

Official bond liable.
Compensation.
Disbursements.

SEC. 17. The County Treasurer shall keep a separate account of the Road Fund 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 said Board of Commissioners a written report, giving a statement of the disbursements from the General Road Fund, 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 at least one insertion.

Separate account for road funds.

Report to county commissioners.

Publication of reports.

SEC. 18. That the Board of Commissioners of the county, for the purpose of prosecuting the road work of the county, 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 and applicable to the county road fund: *Provided, however,* that said Board shall not borrow a sum to exceed two-thirds of the amount of the taxes to be levied and collected for the county road fund.

County commissioners may borrow money.

Repayment of same.
Proviso.

SEC. 19. When one-fourth of the registered electors in any township in Haywood County shall file a petition requesting an increase of the road tax provided in this act, to be levied and collected in such township, to be expended in such township in building and improving the roads in such township, which increased road tax shall not exceed twenty-five cents on one hundred dollars worth of property, and seventy-five cents on the poll, subject to taxation in said township, the Board of County Commissioners shall order an election to be held in such township, after giving thirty days' notice of the time and place of holding said election, which shall be at the usual voting places, and all persons entitled to vote for members of the General Assembly shall be entitled to vote, and those voting for the increased tax shall vote a ticket written or printed thereon the

Petition for increase of road tax.

Tax rate.

Election ordered.

Notice.

Ballots.	words "Increased Road Tax," and those opposed "No Increased Road Tax." Should a majority of the registered voters of such township vote for increased road tax, the judges of the election shall so declare and certify the result to the Board of Commissioners of the county, who shall levy said increased road tax on the property and poll in such township, subject to taxation, as the other taxes are levied, which increased road tax shall be collected as provided for collecting the road tax authorized in section one of this act, and when collected shall be paid to the Treasurer of the county and set apart to the township or townships voting the same as the increased road fund of such township, and shall be expended in said township for the construction and improvement of the roads in said township, under the direction of the chief engineer of roads in like manner as the special township road fund is expended. That said election may be held at any time after giving due notice aforesaid, and said election shall be held by the same judges of election and other officers who held the preceding election for State and county officers, and in case of a vacancy in these by death or otherwise, the Board of County Commissioners shall fill the vacancy.
Result.	
Tax levy.	
Collection.	
Proceeds payable to county treasurer.	
Disbursements.	
Election officers.	
Chief engineer, election of.	SEC. 20. That the Board of County Commissioners of the county of Haywood shall, at their regular meeting on the first Monday in April, 1905, and every two years thereafter, elect a Chief Engineer of Roads, who shall hold office until his successor shall have been duly elected and qualified. That I. M. Hyatt, of the county of Haywood, is hereby elected Chief Engineer of Roads of said county, his term of office to begin on the first day of April, 1903, and who shall hold office until his successor shall have been duly elected and qualified. That said Chief Engineer of Roads shall receive a salary of three dollars per day, to be paid out of the General Road Fund of the county, payable monthly, and it shall be the duty of the said Board of County Commissioners to issue their warrant on the County Treasurer for the compensation which the said Chief Engineer of Roads is authorized to receive. It shall be the duty of the said Chief Engineer of Roads to supervise, direct and have charge of the maintenance and building of all public roads, culverts, and bridges in said county of Haywood, and he shall submit to the Board of County Commissioners of Haywood County a monthly report concerning the work in progress and the moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges, and plans for their improvement, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipment on hand belonging to the said county of Haywood. Said Chief Engineer of Roads shall deposit with the Board of County Commissioners a good and lawful bond for the sum of \$2,000 as a guarantee of the
Term of office.	
Chief engineer named.	
Salary.	
Duties.	
Bond.	

faithful discharge of the duties of his office, which bond shall be duly registered in the office of the Register of Deeds and filed with the Clerk of the Superior Court of Haywood County. In case of the death or resignation or removal of said Chief Engineer of Roads it shall be the duty of the County Commissioners to appoint a Chief Engineer of Roads, who shall hold office until his successor shall have been elected and qualified.

Vacancies, how filled.

SEC. 21. That all prisoners authorized to be worked on the public road, as provided in sections 8 and 9 of chapter one hundred and forty-nine, Public Laws of North Carolina, session eighteen hundred and ninety-seven, shall be committed to the Chief Engineer of Roads, who shall have custody of the whole or any part of the convict force, and is authorized and empowered to employ such guards or other employees as he may deem necessary, whose compensation shall be paid out of the General Road Fund, and the Chief Engineer of Roads and said guards, subject to the approval of the Chief Engineer, are authorized and empowered to use such discipline only as may be necessary to carry out the rules and regulations that the Chief Engineer may prescribe for the working of the public roads to the same extent as allowed by law to the authorities of the penitentiary in the custody and control of convicts committed to the State's Prison.

Convict labor.

Chief engineer to control.

Rules and regulations.

SEC. 22. That all road trustees, secretary-treasurers and overseers shall be exempt from road duty while serving as such, and all trustees, secretary-treasurers and overseers who shall serve for over six months shall be exempt from road duty for a period of time next ensuing, equal in duration to that during which they may have served. And all road trustees, secretary-treasurers and overseers who are not subject to road duty shall receive as compensation for their services \$6.00 per annum.

Road trustees, overseers, etc., exempt from road duty.

Compensation of road trustees, etc.

SEC. 23. That any County Commissioner, Chief Engineer of Roads, Road Trustee, Secretary-Treasurer or Overseer who shall wilfully neglect, fail or refuse to perform any of the duties imposed upon him by this act, he or they shall be guilty of a misdemeanor, and upon conviction shall be fined, or imprisoned, or both, in the discretion of the Court.

Malice, etc., a misdemeanor.

Penalty.

SEC. 24. That if the Chief Engineer of Roads or any member of the Board of Trustees provided for in section two of this act shall fail, neglect or refuse to discharge the duties imposed upon them, either from incompetency, neglect, or from any other cause, the said Board of County Commissioners shall have power to remove the said Chief Engineer of Roads or any Trustee from office, if upon the hearing, after ten days' notice shall have been given, it appears that good cause exists for the said removal: *Provided*, that in the event of removal, the party removed may appeal to the next term of the Superior Court of Haywood County.

Chief engineer and road trustees failing, etc., to perform duties, to be removed from office.

Proviso.

Right of appeal.

Conflicting laws repealed.

SEC. 25. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 26. This act be in force from and after its ratification.

In the General Assembly read three times, and ratified this 3d day of March, A. D. 1903.

CHAPTER 364.

AN ACT TO ENABLE THE COMMISSIONERS OF GRANVILLE COUNTY TO INAUGURATE A BETTER SYSTEM OF WORKING THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Issue of bonds for road improvements.

SECTION 1. That for the purpose of purchasing improved road-working machinery, maintaining a force of convicts, macadamizing and otherwise working the public roads of Granville County, the Board of County Commissioners of said county is hereby authorized, empowered and directed to issue coupon bonds of said county to an amount not exceeding twenty thousand dollars (\$20,000) of denominations not to exceed one thousand dollars (\$1,000), bearing interest from the date thereof at a rate not to exceed five per cent per annum, payable semi-annually; such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable at such time or times not exceeding twenty years from the date thereof, and at such place or places as the said Board of County Commissioners may determine: *Provided*, that none of said bonds authorized by this act shall be disposed of either by sale, exchange, hypothecation or otherwise for a less price than their face value.

Amount, denominations, rate of interest.

Term.

Not to be sold at less than par. Execution.

SEC. 2. The bonds shall be numbered and shall be signed by the Chairman of said Board of County Commissioners and countersigned and attested by the Treasurer of said county, with the corporate seal of said county of Granville, and the coupons shall bear the engraved or lithographed seal of the Chairman of said Board of County Commissioners.

Record of sales.

SEC. 3. The Board of County Commissioners shall keep a record of all bonds so issued, on the minutes of said Board, showing to whom sold, the amount and date of sale and the number and date of maturity of each bond.

Special tax.

SEC. 4. In order to pay interest upon said bonds said Board of County Commissioners, or other authority vested with the power of levying taxes in Granville County, shall compute and levy annually, at the time of levying other taxes, a special tax upon all polls and real and personal property and all other subjects of.

taxation in said county, always preserving the equation between taxes upon the poll and upon property. And 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 collected.

Constitutional equation. When collected to be kept separate.

SEC. 5. That after the expiration of ten years the Board of County Commissioners, or other authorities vested with the power of levying taxes in Granville County, in order to take up said bonds at maturity shall, by a special tax of not exceeding ten cents on the one hundred dollars worth of all real and personal property and thirty cents (\$.30) on each poll in addition to the special tax to pay the interest on said bonds.

Additional special tax.

Tax rate

SEC. 6. That it shall be the duty of said Board of County Commissioners to annually invest any and all moneys arising from the special tax for said sinking fund in the purchase of any of said bonds at a price deemed advantageous to said County Commissioners. But in the event said county bonds cannot be purchased, the Commissioners shall invest said sinking fund in North Carolina four per cent State bonds or may loan the same upon notes or bonds secured by the deposit of such North Carolina State bonds as collateral security for said loan. That said Commissioners shall charge the legal rate of interest upon any money belonging to the sinking fund so loaned by them and shall collect the interest annually and reinvest the same.

Sinking fund.

Purchase of bonds.

Investment of sinking fund.

SEC. 7. That the money arising from the sale of said bonds shall be used to purchase improved road-working machinery, maintaining and guarding such convict force as may be from time to time assigned to work on the roads of said county, and in purchasing material for the construction of said roads and in working said roads under the provisions of this act.

Proceeds of bonds, how applied.

SEC. 8. That the Board of County Commissioners may, in order to provide an additional fund for the proper construction, improvement and maintenance of the public roads of the county, at their regular meeting in June, 1904, of each and every year, 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 cents on the \$100 worth of property, and not less than fifteen cents nor greater than sixty cents on the poll; the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads of the county, the purchase of such material, implements, teams, wagons, camp outfit, quarters or stockades for the use of and safe-keeping of the convict force as may be found necessary in the proper carrying out of this work,

Additional special tax.

Tax rate.

Application of proceeds.

Proviso, permanent improvements.	and for the employment of such additional labor as may be deemed necessary: <i>Provided, however,</i> that the moneys raised under this section, as far as possible, be used for permanent improvements.
Superintendent of roads.	SEC. 9. That there shall hereafter be elected by the Board of County Commissioners, at their regular meeting in April, 1903, and at or before their regular meeting in January of each and every year thereafter, a Superintendent of Roads, who shall be
Compensation.	paid such compensation as may be fixed by the Board of County Commissioners, and to be paid out of the County Road Fund,
Term of office.	and who, after January, 1904, shall hold office for one year, or until his successor has been elected or qualified, as provided for
Proviso.	in this act: <i>Provided,</i> that the said Superintendent of Roads may be at any time removed by the Board of County Commissioners
Removal from office.	after having 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 neces-
Duties of superintendent.	sary 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 Commis-
Bond required.	sioners a monthly report concerning the work in progress and the moneys expended; and he shall submit quarterly a report on the condition of the public roads and bridges, and plans for their improvements, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equip-
Vacancies, how filled.	ments 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 \$2,000, as a guaran-
Proviso.	tee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the Register of Deeds and filed with the Clerk of the Superior Court of the county. In case of the death or resignation or removal of said Road Superintendent, it shall be the duty of the County Commis-
May appoint supervisors in lieu of superintendent.	sioners 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 qual-
	ified: <i>Provided,</i> that when in the opinion of the Board of Commissioners the appointment of a Road Superintendent is inconsistent with the best interest of such county, the said Board shall not be required to comply with the requirements of section two of this act, but may, in lieu thereof, appoint directly one or more 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 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.

Duties.

Bond.

Compensation.

SEC. 10. 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, 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 or Township Supervisors shall be paid for such time as they may be required to give to this work such compensation, per day, during such time as they are actually employed in working on the public roads, as may be agreed upon by said Road Superintendent and approved by the Board of County Commissioners, 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.

Appointment of guards, supervisors, etc.

Duties.

SEC. 11. That all able-bodied male persons of the county, between the ages of eighteen and forty-five years, except residents of incorporated cities and towns, shall work on the public roads of said county for four days (of nine hours each) in each and every year, at such time and place, and in such manner as may be designated by the Road Superintendent or Township Supervisor: *Provided*, that the said Superintendent or the Supervisors in each township shall give to each person of his township, who is subject to road duty, at least three days notice by personal warning, or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement, 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 Supervisor of Roads, respond to such summons with

Who liable to road duty.

Number of days required.

Proviso.

Notice.

Proviso.

In case of emergency.

Proviso. Money payment in lieu of work.	reasonable promptness: <i>Provided further</i> , that any person may, in lieu of working four days on the public roads, pay on or before the first day of May, 1903, and on or before the first day of April of each year thereafter, to the County Treasurer, Road Superintendent or Supervisor, as the Board of County Commissioners may order, the sum of three dollars; and it shall be the duty of said Treasurer, Road Superintendent or Supervisor, upon receipt of said money, or any part thereof, to issue to such person a receipt for the same, stating in such receipt the amount and the year for which the same is paid. All moneys paid to the said Road Superintendent or Supervisor, as provided for in this act, shall, within 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.
To whom paid.	If the Road Superintendent or Supervisor fail to turn over to the County Treasurer money so collected within fifteen days he shall be guilty of a misdemeanor: <i>Provided further</i> , that no 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 district within each township to be fixed by the County Commissioners:
All such payments to be turned over to county treasurer.	<i>Provided further</i> , 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 in this act for that year, or to pay the proportionate part of the money requirement in lieu thereof.
Failure to turn over such moneys a misdemeanor.	
Proviso.	
Proviso.	
Persons failing to work, etc., guilty of a misdemeanor.	SEC. 12. 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 said Superintendent or Supervisor, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than two nor more than five dollars, or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.
Penalty.	
Tools, etc.	SEC. 13. That proper implements and tools for use in working the public roads of the county, as provided in section four of this act, may be supplied by the County Road Superintendent, and shall be paid for out of the road fund of the township in which the said implements or tools are to be used: <i>Provided</i> , 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
Proviso.	

commonly used, while working on said road, as the Superintendent or Supervisor may designate in his notice or summons as being necessary.

SEC. 14. That on or before the fifteenth day of April 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 . . . 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, as 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 list 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 submitted by the County Superintendent or Supervisor to a Justice of the Peace in the township in which such persons reside, and it shall be the duty of said Justice of the Peace to immediately issue his warrant for such persons and proceed against them according to law: *Provided, however*, that the defaulting party may be prosecuted at any time and by any citizen of the county.

List of persons making payments in lieu of work.

Supervisors to list all persons of road age.

Persons failing to work, how proceeded against.

Proviso.

SEC. 15. That all prisoners confined in the county jail, under a final sentence of the court for crime, or imprisoned for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment 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 persons in any county, at any time, be less than ten 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 co-operating county to thereby increase the number of prisoners at work on the public roads at any given time. And upon application of the said Road Superintendent of the county, or that of the Chairman of the Board of County Commissioners, the Judge of the Superior Court, or the Judge of the

Convicts to work on roads.

Proviso.

Exchange of prisoners with other counties.

Duty of judges to sentence to roads, when.

Care and expense
of convicts.

Proviso.

Application for
prisoners from
other counties.

Expense of trans-
porting, etc., how
paid.

Proviso.

Roads classified.

(a) Thorough-
fares.

(b) Branch roads.

(c) Cartways.

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 in any township making provision for the same, for work on the public roads of said county or township; 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 a serious physical disability, certified by the county physician, persons convicted in said Superior, Criminal or inferior court may be sentenced to the penitentiary or the county jail.

SEC. 16. That when the Commissioners of the county shall have made provision for the expense of supervising 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 that county, upon application of the Commissioners of said county to the Judge 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 upon their own public roads, shall sentence such able-bodied male prisoners 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, in the order of their application; and the cost of transporting, guarding and maintaining such prisoners as may be sent to any such county or township applying for the same shall be paid by the county or township applying for and receiving them out of the road fund of each such county or township: *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 or township having received and used them.

SEC. 17. For the purposes of this act the roads or ways of the county are hereby classified as follows:

(a) The thoroughfares include the more important public roads which usually lead through two or more townships and are extensively used by the traveling public. These become the highways of the county as they are properly graded and drained, and have their surfaces improved by being covered with broken stones, gravel, shells, or suitable admixture of sand and clay.

(b) The neighborhood or branch roads are public roads which are usually to the limits of one or two townships and generally lead from neighborhoods or settlements to main thoroughfares.

(c) Cartways, which have no general public junction, are

private ways opened up to allow one or more persons on foot, on horseback, or with any vehicle, to pass to and from his or her property through lands belonging to other parties in order to reach the public road.

SEC. 18. 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 specifications under which these roads shall be kept in repair, 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; and said roads may be re-located 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 or change of any one of these roads or parts thereof, shall be at the discretion of the Superintendent or Supervisor in charge of said roads.

Branch roads,
specifications, etc.

SEC. 19. Cartways, defined in section ten of this act, are to be kept in repair by parties using 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 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 persons' land, leading to some 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 petitioner and the objections, if any, of the owner or owners or their representatives, and if sufficient reason be shown shall order the Constable or other officer to summon a jury of five freeholders to view the premises and lay off a cartway not less than fourteen feet wide, and assess the damages, if any, the owner of such land may sustain thereby, which, with the expense of making the way, shall be paid by the petitioner; and the way shall be kept open for the free passage of all persons, on foot or horseback, carts and wagons. Cartways, laid off according to the provisions of this section, may be changed or discontinued upon application by any person concerned, under the same rules of proceedings 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; if any person shall wilfully 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

Cartways, how
opened, etc.

Procedure.

Change and dis-
continuance.

Erection of gates
and bars.

Penalty for leaving
gates open, etc.

Proviso.

same or the owner of the land and if the offense shall be maliciously done he shall be guilty of a misdemeanor: *Provided*, that in case a cartway has been granted by mutual consent of the interested parties, and without official sanction, the same shall not be closed by any party until opportunity has been given for the establishment of such cartway as herein provided for; and any person so closing a cartway in violation of this provision shall be guilty of a misdemeanor.

Superintendent and supervisors may enter lands, etc.

SEC. 20. That for the purpose of carrying out the provision of this act the said Superintendent 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; to dig or cause to be dug any gravel, sand, clay, or stone which may be necessary to construct, improve, or repair said road, and to enter on any lands adjoining or lying near the road, in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit, and the drains and the ditches so made shall be conducted to the nearest ditch, drain, water-course or waste ground, and shall be kept open by the said Superintendent or Supervisors, and shall not be obstructed by the owner or occupant of such lands, or any other person or persons, under the penalty of forfeiting a sum 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 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 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, through the County Road 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 County 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 their decision for revision or confirmation: *Provided*, that said landowner or his agent shall have the right of appeal as provided for in section thirteen of this act.

Penalty for obstructing drains, etc.

Claim for damages.

Assessment of damages.

Proviso, right of appeal.

SEC. 21. That, subject to the approval of the Board of County

Commissioners, the County Superintendent or Supervisor of Roads is hereby given discretionary power, with the aid of a competent engineer, to locate, re-locate, widen, or otherwise change any part of any public road where, in his judgment, such location, re-location or change will prove advantageous to public travel. That when any person or persons on whose lands the new road, or part of the road, is located claims damages 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 County Commissioners, within not less than fifteen nor more than sixty days after 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 non-resident 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 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 court house door of said county: *Provided further*, that the damages awarded, if any, shall be paid out of the road fund of the county or of the township in which the property concerned is located, at the discretion of the Board of Commissioners.

SEC. 22. That in case the landowner or his local representative shall be dissatisfied with the finding of the juries provided for in sections eleven and twelve of this act, and with the decision of the County Commissioners, such dissatisfied party may appeal from the decision of the County Commissioners to the Superior Court of the county, all such appeals being governed by the law regulating appeals from the courts of justices of the peace, and the same shall be heard *de novo*; but the Judge may, in his discretion, require said landowner to give bond when the case is taken by appeal to the Superior Court.

SEC. 23. The County Commissioners 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

Discretionary power of superintendent.

Location of roads, etc.

Claim for damages.

Procedure.

Assessment of damages.

Verdict.

Proviso. Non-residents.

Proviso. Payment of damages.

Right of appeal.

Appeal bond.

Erection of mile-posts

Guide-boards.

the county seat; and at important road crossings and forks the Commissioners shall cause to be erected guide-boards 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 wilfully alter, deface, or otherwise injure any such post or guide-boards, 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.

Injury to posts or
guide-boards
punished.

Obstruction, etc.,
of public roads a
misdemeanor.

SEC. 24. That any person or persons who shall wilfully 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 wilfully 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 employe 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 road fund of the county or township interested, at the discretion of the Board of County Commissioners.

Violation of this
act a misde-
meanor.

All fines collected
under this act
payable to county
road fund.

County treasurer
appointed treas-
urer of road fund

SEC. 25. That the county Treasurer shall be and he is hereby appointed treasurer of the road fund of the county, and of the several townships in the same, and for the faithful keeping and disbursing of said money the bond of such treasurer shall be liable; and for his services in receiving and disbursing such funds he shall receive such a commission as the Board of County Commissioners may agree upon, not to exceed two per cent on all moneys disbursed hereunder. He shall pay the accounts against the road fund of the county and of the several townships when itemized statements of the same have been certified to by the County Road Superintendent or Township Supervisor and ap-

Liability on
official bond.
Compensation.

Disbursement of
road funds

proved 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 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 the said Commissioners in at least one newspaper published at the county seat for at least one insertion: *Provided*, 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 for any township for which said money is borrowed: *Provided further*, that the said Board shall not borrow a sum to exceed two-thirds of the amount of the taxes to be levied and collected for the said county or township road fund.

Separate account to be kept.

Reports to county commissioners.

Semi-annual statements.

Publication of same.

Proviso.

County commissioners may borrow money.

Repayment of same.

Proviso.

SEC. 26. When in any township in the county a petition is presented to the Board of County Commissioners, signed by a majority of the qualified voters of said township, asking that in that township an additional special tax be levied for road purposes, or when in any such township, an election being held in accordance with the laws of this State, and the majority of the votes cast at said election being in favor of such special tax, the County Commissioners in such county shall, at their next regular June meeting, levy in such township such additional special road tax as they have been requested to levy by said petition or vote, said tax to be levied and collected as provided for other road taxes in section one of this act; and such taxes shall be added to the township road fund of the township in which it is paid, and shall be used only on the roads in that township, under the direction of the Board of County Commissioners, and under the direction of the three township Road Commissioners named in said petition or vote, if such be named.

Petition for additional tax levy, etc.

County commissioners to levy such additional tax.

Collection and application.

SEC. 27. That said Board of County Commissioners, if the road affairs of the county require it, may hold meetings on days other than those required for transaction of the business of the county and receive the same compensation: *Provided*, they shall not charge for more than two days in any one month when engaged on matters pertaining to road matters.

Meetings of the county commissioners.

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

In the General Assembly read three times, and ratified this the 3d of March, 1903.

CHAPTER 365.

AN ACT TO AMEND CHAPTER 682, PUBLIC LAWS 1901, SO AS TO INCLUDE THE COUNTY OF WAYNE IN SAID CHAPTER.

The General Assembly of North Carolina do enact:

Act regulating
employment of
labor made
applicable to
Wayne county

SECTION 1. That chapter 682, Public Laws of 1901, be amended by inserting at the end of section 2 the words "and Wayne."

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

In the General Assembly read three times, and ratified this the 4th day of March, 1903.

CHAPTER 366.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF IREDELL COUNTY TO ISSUE BONDS FOR THE PURPOSE OF MACADAMIZING THE PUBLIC ROADS OF SAID COUNTY AND PROVIDING FOR AN ELECTION.

The General Assembly of North Carolina do enact:

Bond election for
road improve-
ments.

SECTION 1. That for the purpose of macadamizing and otherwise improving the public roads of Iredell County the Board of Commissioners of said county are hereby authorized, empowered and directed to submit to a vote of the qualified voters of Iredell County, on such day of the current year as may be fixed by them, after thirty days notice, the question of issuing two hundred and fifty thousand dollars in bonds.

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 Iredell County, and the election shall be held under the rules and regulations provided for election of State and county officers.

SEC. 3. Those who are in favor of issuing bonds shall vote a written or printed ticket with the words "For Bonds" thereon,

Publication of
notice.

Election, how
governed.

Ballots.

and those who are opposed shall vote a written or printed ticket with the words "Against Bonds" thereon.

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 Commissioners. Then the Commissioners for said county shall issue, as needed for the purposes herein expressed, bonds not exceeding in total amount two hundred and fifty thousand dollars, in denominations of not less than five hundred dollars and not more than one thousand bearing interest from the date of their issue at a rate not exceeding 5 per cent per annum, payable semi-annually at such place as said Commissioners shall name, on the first day of January and July of each year.

Amount of bonds.

Denominations,
rate of interest.

SEC. 5. That the said bonds shall be made payable thirty years from the date thereof and shall bear on their face the purpose for which and the authority by which they were issued. The bonds and coupons shall be numbered consecutively and shall be signed by the Chairman of Board of Commissioners and countersigned by the Register of Deeds of the county, and bear the corporate seal of said county of Iredell.

Term

Execution.

SEC. 6. A record shall be kept by said Board in a separate book for that purpose, of all bonds sold, to whom sold, the amount and date of sale, and maturity of each bond, and its number. Also in same book a like record of bonds redeemed. And bonds shall be destroyed when redeemed.

Record to be kept.

SEC. 7. In order to pay the interest on the bonds, the Board of Commissioners shall annually compute and levy, at the time of levying other taxes, a sufficient special tax upon all polls, and real and personal property, subject to taxation for State and county purposes, observing constitutional equation between the tax on property and the tax on polls.

Special tax.

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 person 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 the said bonds.

Constitutional
equation.

Taxes when collected to be kept separate.

Misdemeanor to misappropriate.
Proviso.

SEC. 9. For the purpose of creating a sinking fund with which to pay the principal of said bonds, when due, said Board of Commissioners shall, at and after the expiration of ten years from the date of said election, annually levy and collect a special tax, in addition to the 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.

Sinking fund.

Additional special
tax for.

Investment of
sinking fund.

SEC. 10. That it shall be the duty of said Board of Commissioners to annually invest any and all moneys arising from the special tax for sinking funds in the purchase of any of said bonds, at not more than par; but in case none of said bonds can be purchased, the said Commissioners may deposit such fund in any safe bank or banks at such rate of interest as they may be able to secure, and no bond shall be signed until actually needed for issue. The bonds provided for in this section shall be deposited in some safe designated by said Board of Commissioners, and only drawn out on the order of 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.

Depository of
bonds.

Not to be sold at
less than par.
Election of trustee.

SEC. 11. That said bonds shall not be sold for less than par.

SEC. 12. That for the purpose of receiving and paying out the money received for said bonds, the Board of Commissioners for said county shall elect a suitable person as 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 duties, and shall receive as total compensation for his services one per cent of the money coming into his care.

Disbursement of
funds.
Bond.

Compensation.

Road improve-
ments.

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

Employment of
engineers, etc.

Claim for
damages.

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 can not agree, they are to choose a third person. Either party may appeal to the Superior Court.

Procedure.

Appeal.

If election favor-
able, conflicting
laws repealed.

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 laws in conflict with this act are repealed.

Second election
not later than
Dec. 10, 1904.

SEC. 16. That if at the election herein above provided for the majority of the qualified votes be not cast in favor of issuing bonds, the said Board of County Commissioners are hereby authorized, empowered and directed to re-submit 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 herein above provided for: *Provided*, said second election shall not be called later than December 10, 1904.

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

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 367.

AN ACT TO BUILD A STEEL OR IRON BRIDGE ACROSS THE YADKIN RIVER, AT OR NEAR THE MOUTH OF ROARING RIVER, IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Wilkes County, on a petition of one-third of the qualified voters, shall, after giving thirty days' notice, order an election to be held at all the voting precincts in said county, which shall not be later than the 15th of May, 1904, and under the same laws and regulations as provided for the election of members of the General Assembly, and for the purpose of ascertaining the will of the people as to the building of said bridge. All persons who favor the said new bridge shall vote a ticket on which are printed or written the words "For Bridge," and those opposed shall vote a ticket on which are printed or written the words "Against Bridge."

The returns of said election shall be made to the Board of County Commissioners, on the second day after the election, who, at 12 m. of said day, shall open and canvass the votes cast in said election, in the presence of any citizens desiring to be present, and shall publicly declare the result at the court house door. If a majority of the votes cast are for the bridge, then the Commissioners shall proceed to contract for the construction and building of said bridge with all the economy possible, as the servants of the people, and shall levy a special tax, to be specified as bridge tax, on all taxables, not to exceed ten cents on the one hundred dollars and thirty cents on the poll; the first levy to be made on the first Monday in June, 1904, and the next three succeeding years, which tax shall be collected in the same manner and under the same penalties as other taxes, but shall be applied solely to the payment of said bridge debt, until the same is paid in full: *Provided, however*, that if a majority of the votes cast

Election.

Purpose.

Ballots.

Returns.

Canvass.

Result.

Special tax.

In what years collected.

Collection and application.

Proviso.

are against the bridge, then this act shall be null and void and of no force or effect.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 368.

AN ACT TO AMEND THE ROAD LAW OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Former act amended.

SECTION 1. That chapter fifty (50), Public Laws of nineteen hundred and one, be and the same is hereby amended as follows,

Road age reduced.

to-wit: That in section forty-three (43), line three, the word "twenty-one" be stricken out and the word "eighteen" be inserted in lieu thereof; and in line five the word "four" be stricken out and the word "ten" be inserted in lieu thereof; and strike out all of said section (43) after the first occurrence of the word "provided," in line thirteen.

Length of working day.

SEC. 2. That section (46) of said act be amended by adding after the last word in said section the words "and ten hours shall constitute a day's work."

Pay of supervisor.

SEC. 3. That section (68) be amended by striking out in line (2) the words "and fifty cents."

Special road supervisor.

SEC. 4. That the Board of County Commissioners may, in their discretion, appoint some discreet, suitable person, who shall be styled Special Road Supervisor, whose duty it shall be to go over and inspect all the public roads in the county twice each year, and advise with the several overseers as to how best to work the road to the best advantage, and report the condition of the same to the Board of County Commissioners at their next regular meeting after each inspection, with the time worked by the hands on each road division, and also report any negligence of any overseer or overseers, which report shall be laid before the Solicitor of the district by the Chairman of the Board of Commissioners at the ensuing term of the Superior Court, whose duty it shall be to prosecute any delinquent overseer for failure to perform his several duties: *Provided further*, that said Special Supervisor shall be paid not exceeding the sum of one dollar per day for the time actually put in by him as aforesaid inspecting the roads out of the public road funds of the county.

Proviso.

Pay of special road supervisor.

Applicable to Ashe County only.

SEC. 5. That said chapter (50) of the Public Laws 1901, as amended by this act, shall apply to Ashe County only.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 369.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO ISSUE BONDS TO BUILD A JAIL AND HOME FOR THE AGED AND INFIRM, AND PROPERLY INDEX THE COUNTY RECORDS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building a jail, a home for the aged and infirm, and for properly indexing the records of the county of Brunswick, the Commissioners of the said county of Brunswick are authorized and empowered to issue bonds, bearing interest at the rate of six per cent per annum or less, to the amount of twelve thousand dollars (\$12,000), of the denomination of not less than one hundred nor more than five hundred dollars, at the discretion of said Commissioners, said bonds to run for twenty years, and said bonds to have coupons attached representing the interest thereon to fall due in annual installments, and to be prepared under the supervision of said County Commissioners, and the coupons thereon to be receivable in payment of county taxes.

Bond issue.
Purpose of.

Amount, interest
rate, etc.

Term.

Coupons receivable for county tax.

Execution of bonds.

SEC. 2. That the said bonds when issued shall be signed by the Chairman of the Board of County Commissioners and countersigned by the Clerk of the Board of Commissioners of Brunswick County, and attested by his official seal, and the said Board of Commissioners of said county shall sell said bonds and apply the proceeds to the erection of a new county jail, a new "Home for the Aged and Infirm," and to properly index the records of the said Brunswick County; and if any surplus remains after such payment, they may apply the same to any county purpose deemed necessary by them.

Application of proceeds.
Jail; home for aged and infirm; indexing records.

SEC. 3. That to meet the interest on said bonds, the Board of Commissioners shall levy and cause to be collected annually as other taxes are levied and collected, a tax upon real and personal property, rights and credits, now subject to taxation for general purposes, and upon all polls a sufficient tax to pay interest on the amount of outstanding bonds.

Special tax.

SEC. 4. To provide a sinking fund to meet the principal of said bonds at maturity, the Board of Commissioners, in addition to

Sinking fund.

the authority to levy a tax to pay interest on said bonds, after the expiration of ten years, are authorized to levy a tax annually, for ten years, sufficient to raise a sum equal to one-tenth of the amount of bonds sold, to create a sinking fund to meet the principal on said bonds when due, said sinking fund as created shall be deposited in a bank paying interest on deposits.

Selection of site
for jail, etc.

SEC. 5. That if the said Commissioners shall prefer other sites than are now occupied by the old jail and the old County Home for the Aged and Infirm, they are authorized to select and purchase such sites for these purposes, and to sell the old sites, and execute titles therefor to the purchaser, and to apply the proceeds thereof either to the new jail or Home for the Aged and Infirm, or any necessary county purpose, in their discretion.

Sale of old site,
etc.

Record of bonds to
be kept.

SEC. 6. That the Commissioners of said county shall keep a record, in which shall be entered the name of every purchaser of a bond, and the number and amount of the bond purchased; and also the number and amount of every bond redeemed, and all bonds, when so recorded and redeemed, shall be burned in the presence of the Board of Commissioners by their Clerk.

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

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 370.

AN ACT TO PROHIBIT HUNTING IN MOORE COUNTY WITHOUT THE WRITTEN CONSENT OF THE LAND- OWNER.

The General Assembly of North Carolina do enact:

Unlawful to hunt
without consent of
owner.

SECTION 1. That it shall be unlawful for any person to hunt upon the lands of another in Moore County with or without gun or dogs, except by consent of the owner.

Penalty.

SEC. 2. That any person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than ten dollars for each and every offense.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 371.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CLAY COUNTY TO ISSUE BONDS TO BUILD AND REPAIR THE PUBLIC ROADS IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Clay County, or their successors in office, may issue bonds to an amount not exceeding twenty thousand dollars (\$20,000), for the purpose of resurveying and building public roads, relocating, repairing and rebuilding public roads in Clay County.

Issue of bonds.
Amount.
Purposes.

SEC. 2. That the bonds issued under this act shall be in the denominations of fifty, one hundred and five hundred dollars, bearing interest at a rate not to exceed five (5) per cent per annum, and not to exceed twenty thousand dollars in the aggregate, with interest payable annually, and not to run for a longer time than twenty (20) years from the date of issuing the same.

Denominations.
Rate of interest.

SEC. 3. That the bonds issued in pursuance of this act shall express on their face the purpose for which they are issued, and shall not be issued for any other purposes than those specified in this act. Said bonds shall be signed by the Chairman of the Board of County Commissioners and attested by the Clerk of said Board, with his official seal, and countersigned by the Treasurer of said county of Clay, and shall not be sold for a less sum of money than their face valuation.

Term.
Form of bonds.

SEC. 4. That the question of issuing said bonds shall be submitted to the qualified voters of said county for ratification or rejection, on the same date which is provided for the holding of an election in Clay County upon the question of issuing bonds to be subscribed as stock to the Hiawassee Valley Railroad Company, and said election to be conducted in the same manner as provided in said act authorizing that issue of bonds. However, the County Commissioners shall provide a separate box, in which the ballots upon this question shall be deposited.

Execution.

Submission to
qualified voters.

SEC. 5. That upon the ratification of this act by the people, the said County Commissioners shall issue said bonds as aforesaid provided for a sum not to exceed twenty thousand dollars (\$20,000).

Election, how
conducted, etc.

If ratified, com-
missioners to issue
bonds.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 372.

AN ACT TO CHANGE THE LINE BETWEEN THOMPSON'S
AND WHITE HOUSE TOWNSHIPS, IN ROBESON COUNTY.*The General Assembly of North Carolina do enact:*Changed of town-
ship line.

SECTION 1. That a new line be established between Thompson's and White House Townships, and that the new line shall begin at the Back Swamp Township line in old field swamp, near Pleasant Hope Baptist church, and run nearly southwest with an old stage road, by or through J. B. Pitman's plantation, and between Mrs. Catherine Mitchell's and A. G. Mitchell's; thence on by the Easterling place to the ford of Hoon Camp Branch; thence down said branch to Ashpole Swamp; thence down said swamp to the line between Thompson's and White House Township.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 373.

AN ACT TO CHANGE A PART OF THE LINE BETWEEN
DOBSON AND STEWART'S CREEK TOWNSHIPS, IN
SURRY COUNTY.*The General Assembly of North Carolina do enact:*Township line
changed.

SECTION 1. That that portion of the line between the Stuart Creek and Dobson Townships, in Surry County, as it now exists, beginning at the fork of the Cadle ford and Dobson roads and running to the Haystack road, be and the same is hereby abolished, and that hereafter the line shall be as follows: Beginning at the fork of the Cadle ford and Dobson road, near the residence of F. T. Follenstein, and runs a westerly course in a straight line to Haystack road, where the old Fish River road enters the said Haystack road, south of Columbus Aaron's.

Effect of change.

SEC. 2. That that portion of Dobson Township lying north of the said line as it now exists shall be and become a part of Stewart's Creek Township.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 374.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF EDGE-COMBE COUNTY TO LEVY A SPECIAL TAX TO MEET SPECIAL INDEBTEDNESS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Edgecombe County are hereby authorized and empowered, at their regular meetings in June, 1903, and in June, 1904, to levy a special tax upon property and polls in said county, for the purpose of discharging and paying the special indebtedness of said county contracted for improvements in the county court house, placing vaults in the office of Register of Deeds and the Clerk of the Superior Court, and for stamping out small-pox in said county.

SEC. 2. That the amount of tax levied as aforesaid under this act shall be determined by said Board of Commissioners, but shall not in either year exceed five (5) cents on the one hundred dollars worth of property, and fifteen cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making such levies.

SEC. 3. That the said tax shall be collected and accounted for by the Sheriff or Tax Collector of said county, in the same manner and under the same penalties prescribed by law for the collection of other taxes in said county.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 375.

AN ACT TO AUTHORIZE WAYNESVILLE TOWNSHIP TO ISSUE BONDS FOR PUBLIC ROAD IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Haywood County are hereby authorized and directed to issue fifty thousand dollars in bonds for Waynesville Township, Haywood County, for the purpose of macadamizing, grading, and improving the public roads of said township: *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 five per cent per an-

Special tax.

Years of levy.

Purpose.

Rate of tax.

Collection.

Issue of bonds.
Amount.
For road
improvements.

Proviso. Election.

Rate of interest.

Term. Not to be sold under par.	num, payable thirty years after the date thereof, the same not to be sold at less than par, and to be of the denomination of five hundred dollars each, interest to be due and payable annually, and to be so expressed in the face of said bonds. Each of the said bonds shall be numbered and have attached thereto thirty coupons, each coupon to represent the interest that shall become due annually on each of said bonds. Said bonds and coupons to be payable at the First National Bank of Waynesville, Waynesville, N. C. The said bonds and coupons shall be signed by the Chairman of the said Board of Commissioners and countersigned by the Register of Deeds of said county, and shall have the official seal of the said Register of Deeds attached thereto. The said bonds and coupons shall express upon their face that they are payable out of the taxable property and polls of said Waynesville Township, only observing the constitutional equation, and it shall be lawful for and the duty of the Board of Commissioners of said county, to levy annually on the taxable property and polls of said township, a sufficient tax to pay the interest of said bonds as it shall accrue, and to create a sinking fund for the purpose of paying off and discharging the principal thereof when it shall become due.
When payable.	
Execution of bonds.	
Form.	
Special tax.	
Sinking fund.	
Petition for election.	SEC. 2. That upon the written petition of as many as one hundred of the qualified voters of said township, asking and requesting that an election be called for the said township to vote on the question of issuing bonds for the purpose of improving the public roads of said township as herein provided, it shall be the duty of the said Board of Commissioners of Haywood County, to call an election according to the prayer of the petition, at a time not later than ninety days after the ratification of this act, and submit to the qualified voters of said Waynesville Township the question of issuing bonds or of not issuing bonds.
Election ordered, when.	
Petition, etc., to be recorded.	SEC. 3. That the petition, if any, together with the names of the signers thereof, shall be recorded in the minutes of said Board and filed in the office of the Register of Deeds of Haywood County.
Notice of election.	SEC. 4. That it shall be the duty of the said Board of Commissioners of said county to have published for four weeks before said election, in some newspaper published or circulated in said township, a notice giving the day on which said election shall be held, the amount of said bonds to be issued and the purpose for which the same shall be used.
Board of commissioners to appoint election officers, canvass the returns, etc.	SEC. 5. That said Board of Commissioners are hereby authorized and empowered to appoint the Registrars and Judges to hold said election, and said Board is further authorized and empowered to canvass the returns and declare the result of said elec-

tion, and the result thereof shall be spread upon the minutes of the said Board.

SEC. 6. That it shall be the duty of the Registrar and Judges of each voting precinct, or a majority of them, to count the votes cast in their respective precincts and certify to said Board of County Commissioners the number of votes cast "For Public Road Improvements," and the number of votes cast "Against Public Road Improvements."

Duty of election officers to certify returns.

SEC. 7. That said election shall be held according to the laws and regulations provided for the election of members of the General Assembly, except as herein otherwise provided.

Election. how governed.

SEC. 8. That at said election each qualified voter of Waynesville Township who shall be in favor of said township issuing bonds as in this act provided, shall be permitted to cast one ballot upon which shall be written or printed the words "For Public Road Improvements," and each qualified voter of said township opposed to issuing said bonds shall be permitted to cast one ballot upon which shall be written or printed the words "Against Public Road Improvements," and no ballot so cast shall fail to be counted by reason of the fact that the paper upon which the vote is written or printed is not of any specified color, size, or quality.

Ballots.

SEC. 9. That if at said election a majority of the qualified voters of Waynesville Township shall cast their votes "For Public Road Improvements," then the Board of Commissioners of Haywood County are hereby authorized, empowered and directed to issue the said bonds for said township as hereinbefore provided, and sell the same.

If election favorable, bonds to issue.

SEC. 10. That S. C. Satterthwait, J. C. Welch and T. L. Francis are hereby appointed and created a Board to be known as "Road Commissioners of Waynesville Township," and any vacancy, for any cause, in said Board of Road Commissioners shall be filled by the County Commissioners of Haywood County.

Creation of board of road commissioners of Waynesville Township.

SEC. 11. That upon the said Road Commissioners of Waynesville Township filing bonds in the sum of fifteen thousand dollars each with some reliable surety company, as surety, the said Board of County Commissioners of Haywood County shall deliver to said Road Commissioners of Waynesville Township the proceeds of the sale of said bonds, after deducting from said proceeds of sale the actual expenses of preparing, printing or lithographing the same, and of negotiating the said bonds.

Road commissioners to give undertaking and receive proceeds of bonds.

SEC. 12. That said Road Commissioners of Waynesville Township shall have absolute control and management of the public roads of said township, and of such as shall be macadamized, graded and improved under the provisions of this act, and shall expend the said funds for the purpose of macadamizing, grading and improving the said public roads of Waynesville Township.

To have control of public roads and expend funds.

Authority and duties.	SEC. 13. That the said Road Commissioners are hereby authorized and directed:
To pay expense of undertaking.	(1) To appropriate out of the funds coming into their hands under the provisions of this act, so much as shall be necessary for making said bonds, with some reliable trust or surety company, as surety, as hereinbefore provided.
To employ engineer.	(2) To employ a competent civil engineer, who shall be paid out of said funds, a sum not exceeding one hundred and fifty dollars per month, to perform all services that shall be required of him by said Board of Road Commissioners.
To let contracts for improving roads.	(3) To advertise for twenty days, and to let contracts to the lowest, most competent bidder, or bidders, the roads, or any section thereof, to be macadamized, graded or improved under the provisions of this act, the said Road Commissioners reserving the right to reject any or all bids.
To require undertaking from contractor.	(4) To require of any contractor, or contractors, to file a good and solvent bond, the same to be approved by said Road Commissioners, for the faithful performance of their contract or contracts.
Payment of contractors.	(5) To pay on the first day of each month to any contractor or contractors, for the improvement of said roads in said township, ninety per cent of all moneys due said contractor or contractors by reason of any contract entered into by said Board of Road Commissioners, the same to be ascertained by an estimate of the amount of work done on said contract or contracts, by the engineer hereinbefore provided to be appointed by said Road Commissioners. The remaining ten per cent to be paid when said contractor or contractors shall have fully completed their contract or contracts, and after the work done shall have been received by the Road Commissioners.
Compensation of road commissioners.	SEC. 14. That said Road Commissioners shall receive as compensation for their services two dollars per diem each, for the time they have actually spent in performing their said duties. The same to be paid out of said funds.
Where improvements to begin.	SEC. 15. That it shall be the duty of said Road Commissioners to begin improvements at the court-house on the four main roads in said township, to-wit: Pigeon Road, Jonathan's Creek Road, Clyde Road, and Balsam Tap Road.
May enter land, etc.	SEC. 16. That for the purpose of carrying out the provisions of this act the said Road Commissioners are hereby authorized to enter upon any lands near to or adjoining any roads which said Board desires to improve or macadamize, to cut and carry away any timber, except trees planted or left for ornament or shade, and to dig, or cause to be dug, and carried away any gravel, sand or stone which may be necessary to construct, repair or macadamize said road or roads, and to enter upon any lands ad-

joining or lying near the road, to secure any rock with which to macadamize said road or roads; and to make such drains or ditches through the same as they may deem necessary for the proper repair of said road, doing as little injury to said land as the nature of the case and the public good will permit, and the drains or ditches so made shall not be obstructed by the owner or occupant of said land, or by any other person, under penalty of forfeiting a sum not exceeding twenty dollars, or imprisonment for a term not exceeding thirty days for each and every offence. The said penalty to be collected by said Road Commissioners, and accounted for by said Road Commissioners, and applied to the improvement of the public roads of Waynesville Township. If the owner of any lands, or agent, or agents of said owner, having in charge the lands from which timber, stone or gravel were taken as aforesaid, shall present an account of the same to said Road Commissioners of Waynesville Township within thirty days after the taking and carrying away of said timber, stone or gravel, it shall be the duty of the said Road Commissioners to pay for the same as may be agreed upon, or as ascertained by an impartial jury of three freeholders, one to be selected by said Road Commissioners, one by the party claiming damages, and the third to be selected by these two, with the right of either party to appeal to the Superior Court of Haywood County.

Unlawful to obstruct drains, etc.

Penalty.

Claim for damages.

Assessment of damages by three freeholders.

Right of appeal.

SEC. 17. That the Board of Commissioners of Haywood County are hereby directed and required to cause to be applied upon the public roads of Waynesville Township all moneys which may be collected by reason of any levy hereafter made for road purposes against the taxable property and polls of said township to the payment of interest on said bonds and to the improvement of public roads in said township.

Road taxes from Waynesville township to be expended in said township.

SEC. 18. That land may be condemned and used by said Road Commissioners as provided by the general road law of Haywood County.

Condemnation of land.

SEC. 19. All laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed

SEC. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 376.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE VILLAGE AND TOWNSHIP OF SWAN QUARTER, NORTH CAROLINA, IN THE COUNTY OF HYDE," RATIFIED THE THIRTEENTH DAY OF FEBRUARY, 1903.

The General Assembly of North Carolina do enact:

Former act supplemented in event of unfavorable election.

Graded school trustees to provide a fund for school building, etc.

Proviso.

May borrow money.

Notes, how executed.

Non-compliance with this act a misdemeanor.

SECTION 1. That in the event the election provided for in section eight of an act entitled "An act to establish graded schools in the village and township of Swan Quarter, in the county of Hyde," ratified the thirteenth day of February, 1903, should result in a failure to provide for the issue of bonds and authorize the levy of the special tax provided for in section six of said act for the payment of such bonds, then the Board of Graded School Trustees, provided for in said act, are hereby authorized and directed to set aside and appropriate, out of the special or particular taxes collected, or hereafter to be collected, under and by virtue of an election held in said graded school district under section seventy-two of the public school law of 1901, the sum of one hundred dollars a year, to be used by said Board of Graded School Trustees in the payment of any indebtedness incurred in buying, building, or furnishing suitable buildings and grounds for use of the public graded schools in said district: *Provided*, that such indebtedness shall not amount to a greater sum than fifteen hundred dollars.

SEC. 2. That for the purpose of providing suitable grounds, buildings and furniture for the schools in said graded school district the said Board of Graded School Trustees are hereby authorized and empowered to execute a note or notes, not exceeding in the aggregate the sum of fifteen hundred dollars, and drawing interest at a rate not exceeding six per cent per annum, payable at such place or places and at such time or times and to such person or persons as the necessities of the case may require to enable them to borrow the money for the purpose above set out. Such note or notes shall be signed by said Board of Graded School Trustees as "The Board of Graded School Trustees for the Public Graded Schools of Swan Quarter," and none of said Board of Graded School Trustees shall be individually liable for the payment of such note or notes or any one of them.

SEC. 3. That after borrowing the sum or sums authorized under this act, if said Board of Graded School Trustees, or their successors, should fail to set aside, appropriate and pay over in settlement of said note or notes the said sum of one hundred dollars a year, as provided in section one of this act, the members

of said Board shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the Court.

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

In the General Assembly read three times, and ratified this the 4th day of March, 1903.

CHAPTER 377.

AN ACT TO PREVENT THE INJURING OF A TURNPIKE ROAD IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to drag any log, rock or other heavy substance along or on the Turnpike Road from Valle Cruses in Watauga County to Elk Park in Mitchell County, whether said log, rock or other heavy substance is entirely on the ground, or one end mounted and the other on the ground, without first obtaining permission of the president, superintendent, or, at least, two of the directors of said Turnpike Company.

Unlawful to drag logs, etc. on turnpike without permission.

SEC. 2. That any person violating the provisions of the foregoing section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars or more than five dollars for each and every offense, and upon failure to pay said fine and costs shall be imprisoned not exceeding five days nor less than two days.

Penalty.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 378.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF LIQUORS, CIDER, OR MEDICATED BITTERS NEAR CERTAIN CHURCHES IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of July, 1903, it shall be unlawful for any person, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors, cider of

Manufacture and sale of liquors prohibited.

Territory.	any kind, or medicated bitters, or any intoxicants whatsoever, within three miles of the following churches and Odd Fellows Hall in Currituck County: Asbury Methodist, Ebenezer Methodist, Mount Zion Methodist, Powell's Point Missionary Baptist, Powell's Point Christian churches, and Odd Fellows Hall located at Poplar Branch, N. C.
Wine and cider excepted.	SEC. 2. That nothing herein contained shall prohibit the manufacture of wine or cider by any person from fruit, berries or grapes raised on their own premises, and the sale of the same in quantities of not less than ten gallons.
Penalty for violation of this act.	SEC. 3. That any person violating any of the provisions of this act, shall be guilty of a misdemeanor and fined not less than ten dollars, nor more than fifty dollars for each and every offense, or imprisoned not more than thirty days.
Conflicting laws repealed.	SEC. 4. That all laws or clauses of laws in conflict with this act are hereby repealed.
In force after July 1st, 1903.	SEC. 5. That this act shall be in force from and after the first day of July, 1903.
	In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 379.

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF ROWAN COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Special tax authorized.	SECTION 1. That the Board of Commissioners of Rowan County be and are hereby authorized and empowered to levy an additional special tax not to exceed fifteen cents (\$0.15) on the one hundred dollars valuation of the property in said county, and forty-five (\$0.45) cents on each poll, annually for five years, viz: For the year nineteen hundred and three (1903), nineteen hundred and four (1904), nineteen hundred and five (1905), nineteen hundred and six (1906), nineteen hundred and seven (1907), to be expended for building and repairing the public roads in said county.
Rate of tax.	
Years 1903 to 1907 inclusive.	
For road improvements.	
Collection of tax.	SEC. 2. That said special tax shall be collected as are other taxes in said county.
	SEC. 3. That this act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 380.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND FIFTEEN (615) OF THE PUBLIC LAWS OF 1901, ENTITLED "AN ACT RELATING TO THE ROAD LAW FOR CHARLOTTE TOWNSHIP."

The General Assembly of North Carolina do enact:

SECTION 1. That section 2 of chapter six hundred and fifteen of the Public Laws of 1901, be amended by inserting after the figures "38" in line one of said section, and before the word "shall" in line two of said section, the following: "Of chapter fifty, Public Laws of 1901."

Former act amended in various particulars.

SEC. 2. That section 3 of said act be amended by inserting after the word "tax" in line three thereof, and before the word "as" in said line, the following: "not to exceed six thousand dollars."

SEC. 3. That section 7 of said act be amended by striking out after the figures "71" in line one of said section the words "of the road law" and inserting in lieu thereof the following: "of chapter fifty, Public Laws of 1901."

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 381.

AN ACT TO APPOINT DAVID P. DELLINGER A JUSTICE OF THE PEACE AND ALLOW HIM TO PRACTICE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That David P. Dellinger be and is hereby appointed a Justice of the Peace in No. 4 Township, Cleveland County, for the term of six years to begin upon the ratification of this act.

D. P. Dellinger appointed justice of the peace.

SEC. 2. That section 27 of The Code of North Carolina shall not apply to the said David P. Dellinger: *Provided*, the said Dellinger shall be subject to the lawyers' tax as provided by law, and provided the said Dellinger shall not appear as attorney in any case which may be appealed from him, wherein he presided or took part as a Justice of the Peace.

Section 27, Code. May practice law, etc.

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

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 382.

AN ACT TO ESTABLISH GRADED SCHOOLS IN CROSS CREEK TOWNSHIP, CUMBERLAND COUNTY, AND TO ISSUE BONDS AND TO LEVY A SPECIAL TAX FOR THE ESTABLISHING AND SUPPORT OF SAME.

The General Assembly of North Carolina do enact:

Public school district. Name.

SECTION 1. That Cross Creek Township, in the county of Cumberland, shall be and in hereby constituted a public school district for both white and colored schools, to be known as "Cross Creek Graded School District."

Election. When.

SEC. 2. That the Commissioners of Cumberland County are hereby required to submit to the qualified voters of the said township on the third Monday in May, A. D. nineteen hundred and three, the question whether an annual tax shall be levied for the support of the graded schools in said township, and said election to be governed by such rules and regulations as the said Commissioners of Cumberland County may prescribe.

How governed.

Ballots

SEC. 3. That at said election, those favoring the levying of such tax shall vote a written or printed ballot, without device, with the words "For School Tax" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot, without device, with the words "Against School Tax" upon it.

New registration.

SEC. 4. That for the purposes of this act, a new registration shall be had, and no voter shall be deemed a "qualified voter" within the meaning of this act except those whose names are duly registered under the provisions of this act. Said registration shall be provided for by the Board of County Commissioners subject to the general laws of the State governing the registration of voters.

Special tax.

SEC. 5. That if a majority of the qualified voters voting shall vote at said election in favor of levying such tax, it shall be the duty of the Board of Commissioners of Cumberland County, and they are hereby required to levy annually a special tax not exceeding 25 cents on the \$100.00 valuation of real and personal property, and other property taxed by the laws of North Carolina, and not exceeding 75 cents upon the poll to support the schools, and said tax shall be due and collected annually by the Sheriff of Cumberland County, as and at the time other county taxes are due and collected, and the said Sheriff shall be subject to the same laws governing the collection and settlement of State and county taxes, and shall be subject to the same penalties prescribed by said laws, and shall give a good and sufficient bond to secure all taxes collected under this act, said bond to be approved by the County Commissioners, and shall receive as com-

Tax rate.

Collection.

Bond required of sheriff.

pensation for his services the same fees as are allowed by law for the collection of State and county taxes: *Provided*, that if the tax is not voted, the Board of County Commissioners upon petition of one-third of the qualified voters of said township shall order a new election to be held, said election to take place at any time not within one year of the previous election.

Proviso. New election.

SEC. 6. That said tax shall be promptly paid over as collected by the Sheriff of said county to the Treasurer of the Board of Trustees for the graded schools of said township.

Sheriff to pay taxes to treasurer of school trustees.

SEC. 7. That W. L. Hawley, A. H. Slocumb, N. J. Bell, J. A. King, B. G. Hollingsworth, B. R. Huske, J. A. Oates, J. M. Lamb, N. A. Sinclair, M. F. Crawford, H. L. Cook and C. J. Ahearn be and they are hereby constituted a Board of Trustees for the graded schools of said township. Immediately after the ratification of this act, the said Board shall meet, and by lot divide themselves into three classes, four (4) of whom shall hold office one year, four (4) for two years, and four (4) for three years, until their successors are duly elected as provided in section eight (8) of this act.

Board of trustees. How constituted.

Term of office.

SEC. 8. Whenever the term of office of any class shall expire as above provided, their successors shall be elected for a term of three years, by the qualified voters of Cross Creek Township, at an election to be held in conjunction with and on the same date of any under the same rules and regulations governing the election for mayor and aldermen of the city of Fayetteville, in said township. If no election is held in said city, then a special election shall be held annually on the first Monday in May for the election of trustees, under the aforesaid rules and regulations: *Provided*, that said Board of Trustees shall consist of twelve (12) members, at least seven of whom shall reside within the corporate limits of Fayetteville (one to be selected from each ward of said city); at least two from outside the corporate limits of said city but within the limits of said township (one of whom shall reside on the south side of the plank road running west from Fayetteville over Haymount, and one shall reside on the north side thereof); and three to be selected from the township at large. Nominations for succeeding trustees shall be made by the qualified voters of the ward or district entitled to name said trustee, under such rules and regulations as the said Board of Trustees may prescribe. Whenever any vacancy occurs in said Board, except by expiration of the term of office, the vacancy shall be filled by the said Board of Trustees, subject to the foregoing provisions of this act.

Election of successors.

Proviso.

Vacancies, how filled

SEC. 9. That said Board of Trustees of Cross Creek graded schools shall be and remain a body corporate under that name, and may adopt and use a common seal, and shall be capable of

Board of trustees created a body politic.

Powers.	receiving gifts and grants, or purchasing and holding property, real, personal, and mixed, or selling, mortgaging, and transferring, the same for school purposes, and of prosecuting and defending suits for or against the said corporation. Conveyance to said Board shall be to them and their successors in office; and all deeds and mortgages and other agreements affecting real estate, and all bonds and other obligations, shall be deemed sufficiently executed when signed by the Chairman and Secretary of said Board, and attested by the seal of said corporation.
Deeds, etc., of board, how executed.	
Board of trustees may issue bonds. Amount.	SEC. 10. That said Board of Trustees is hereby authorized to issue coupon bonds not to exceed in amount the sum of ten thousand dollars (\$10,000) and in denominations of \$100 or multiples thereof, bearing interest from date of bonds at a rate not to exceed five per cent per annum, payable semi-annually on the first day of January and the first day of July of each year, at such place as said trustees may designate until the said bonds are paid; that said bonds are to be made payable at a time and place to be fixed by said trustees and named therein, not to be less than five or more than twenty years from the date of issuing. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the Chairman of said Board, and countersigned by its Secretary, and have the corporate seal of said Board affixed thereto, and the coupons attached thereto shall be signed by the Chairman of said Board. A record shall be kept of said bonds showing the numbers and denominations thereof, and to whom sold, and the dates of issuing thereof, the amount received from the sale of the same, and the date of the payment of the proceeds into the treasury, and such other data in relation to the same as the Board may direct to be kept.
Rate of interest.	
Term.	
Record of bonds to be kept.	
Not to be sold under par.	SEC. 11. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said Board of Trustees shall not deliver said bonds, or any of them, to the purchaser thereof, until the purchase money shall be paid to the treasurer of said Board of Trustees, and his receipt to the purchaser produced as evidence of such payment, and the Treasurer of said Board shall receive all such moneys paid in the purchase of the bonds in his official capacity as Treasurer of said Board, and he and the sureties on his official bond shall be liable to account for any pay over the same, and it shall be the duty of the said Board of Trustees to see that the bond of said Treasurer shall at all times be sufficient to amount and with satisfactory sureties to provide against any loss of money arising from the sale of such bonds, and to that end may at any time require said Treasurer to renew his official bond in such sum and with satisfactory surety as they may require, and in default thereof to remove him from his office as treasurer.
Treasurer of board to receive and pay over proceeds.	
Bond required of treasurer.	

- SEC. 12. That the Treasurer of the said Board of Trustees shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said Board in the purchase from the City of Fayetteville of the building and grounds on Hay street now used for school purposes, known as the "Seminary property," in repairing, enlarging, remodeling, furnishing and equipping the same, and in furnishing, equipping, enlarging and repairing other public school buildings in said township, and for such other school purposes as the trustees may order the same to be disbursed.
- SEC. 13. That it shall be the duty of the Board of Trustees to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year from the taxes collected in, or moneys apportioned to Cross Creek township for public schools, a sum equal to at least five per cent of the principal of said bonds, which shall be kept securely invested or loaned out on first mortgage on real estate situated in Cumberland County, worth not less than double the amount of the loan.
- SEC. 14. That said trustees may for the better security of the bondholders if they, the said trustees, shall deem advisable, appoint three honest citizens who are freeholders in said township, as trustees for the bondholders, to whom the property acquired by the proceeds from the sale of said bonds shall be deeded in trust for said bondholders, to be held by said trustees until all of said bonds have been fully paid, and no longer. Said property to be adequately insured for the benefit of said bondholders.
- SEC. 15. It shall be the duty of said Board of Trustees to provide each year for the payment semi-annually of the interest on said bonds, and for that purpose to set apart each year from the taxes in or moneys apportioned to Cross Creek township for public schools a sum sufficient to pay the same.
- SEC. 16. The question of issuing said bonds shall be submitted to the qualified voters of Cross Creek township at the same election to be held under the provision of this act for the purpose of voting on the question of a special school tax for said township, and on the same date, to-wit, the third Monday in May, 1903. The said election shall be advertised by the Board of Commissioners for thirty days prior to the day of election in one or more newspapers published in said township, and the said election shall be held under such rules, regulations, and directions as the said Commissioners may prescribe not inconsistent with the provisions of this act. At said election those who are in favor of issuing said bonds shall vote a written or printed ballot, without device with
- Proceeds of bonds to be kept separate.
- Application of same.
- Purchase of school property, etc.
- Sinking fund.
- Investment of.
- Conveyance of school property to trustees for bondholders.
- Payment of interest.
- Bond election.
- Time.
- Notice.
- How governed.

Ballots.

the words "Approved" upon it, and those opposed to issuing said bonds shall vote a written or printed ballot without device with the words "Not Approved" upon it. The number of ballots cast for and against said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Cumberland County, who shall furnish to the Chairman of said Board of Trustees a certified copy of said return under seal, and also send a like copy of said return to the Secretary of State, which said Secretary shall file in his office. If at the election a majority of the qualified voters voting shall vote "Approved," then the said Board of Trustees shall proceed at once to issue and sell said bonds, or so many thereof as may be necessary in the judgment and discretion of said Board of Trustees for the purposes aforesaid.

Returns.

All school funds for said district to go to treasurer of school trustees.

SEC. 17. That all public school funds derived from the State and said county of Cumberland for the use and benefit of the public school districts of said township, shall be paid to the Treasurer of the said Board of Trustees for the use and benefit of said graded schools, and the property, both real, personal, and mixed, of said public school district shall be vested in the said graded school board and their successors in office, in trust for said graded school, and all existing obligations, debts and liabilities of the old Board of Trustees shall continue in force and devolve upon the new Board herein appointed.

Board to establish graded schools for white and colored.

SEC. 18. It shall be the duty of the said Board of Trustees to establish and keep up a public graded school in said township for the white children and one for the colored children of said township, and the said Board shall use and appropriate the funds derived from the said special taxes and from all other sources, as shall be just and equitable to both white and colored races, giving each equal school facilities, due regard however being had to the relative cost of keeping up and maintaining the graded schools for both races.

Apportionment of funds.

Board to have exclusive control

SEC. 19. The Board of Trustees provided by this act shall have entire and exclusive control and management of the public school interest and property in Cross Creek township; shall prescribe rules and regulations for their own government and for the government of the schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the graded schools, shall make an accurate census of the school population of the township, as required by the general school law of the State, and shall do all other acts that may be just and lawful to conduct and manage the public school affairs in said township, and a committee from said Board of Trustees shall visit each school in said township at least once every two months while said schools are in session, *Provided,*

Rules and regulations.

Employment of teachers.

that all children resident in Cross Creek township between the ages of six and twenty-one years shall be admitted into said school free of tuition charges, and those desiring admission into said school as pay students, may be admitted upon such terms as the Board of Trustees may determine.

Proviso. School age, etc.

SEC. 20. That said Board of Trustees, at their first regular meeting in nineteen hundred and three, and annually thereafter on the first Tuesday in June of each year, shall elect a Treasurer and custodian of all public school funds, from whatever source derived. The said Treasurer shall keep a strict account of all moneys received and disbursed, and shall report monthly to said Board, his receipts and disbursements, with vouchers for the same. The Treasurer shall make no disbursements except upon the order of the Board, signed by its Chairman and countersigned by its Secretary. The said Treasurer shall furnish annually at the end of each school year to the Board of Commissioners of Cumberland County a statement in writing of his receipts and disbursements of the school funds, properly endorsed and approved by the Chairman and Secretary of the said Board of Trustees. Said Treasurer shall receive for his services such compensation as the said Board of Trustees may allow, and shall give bond to the Board of Trustees in such sum as said Trustees may require, in an amount sufficient to secure all school funds which may at any time come into his hands.

Election of treasurer of board.

Duties.

Compensation.
Bond.

SEC. 21. That the Board of Trustees created under the provisions of this act, shall elect annually on the first Tuesday in June of each year, a Superintendent of schools established under this act, and the said Superintendent shall examine all applicants for teachers' positions in said schools, issue certificates to such as are competent, and no person shall be elected a teacher in said schools who does not have a certificate from the Superintendent of said schools: *Provided*, that this shall exempt no teacher from examination by the County Superintendent of said county. Said Superintendent shall also act as Secretary of said Board of Trustees, and do and perform such other duties as may be prescribed by the Board of Trustees.

Election of superintendent.

Duties.

Qualifications of teachers.

Proviso.

Secretary of board.

SEC. 22. That said Trustees may elect a principal for the graded school for white children (who may be Superintendent) and shall elect a principal for the graded school for colored children annually on the first Tuesday of June in each year, or subsequently as may be deemed for the best interests of the schools. Teachers for both white and colored schools may also be elected on the first Tuesday in June of each year, or subsequently as the best interests of the schools may require. In the election of teachers, preference shall be given to those applicants who attend some school or method in teaching.

Election of principals.

Teachers.

Per capita apportionment to this district from public school funds.

SEC. 23. That all public school funds, from whatever source received, shall be apportioned by the Board of Education of Cumberland County to said Cross Creek graded school district upon a per capita basis.

Board to make annual reports to county superintendent and county board of education.

SEC. 24. That it shall be the duty of said Board of Trustees to make annually a full and complete report of the operations of said graded schools and such other reports to the State Superintendent of Public Instruction, the County Superintendent of Schools, and the Board of Education of said county of Cumberland as the general school law of the State may require.

Position of trustee not an "office."

SEC. 25. That the position of Trustee of said schools shall not constitute an office within the meaning of article 14, section 14 of the Constitution of this State.

Conflicting laws repealed.

SEC. 26. That all of chapter one hundred and fifty-seven (157) of the Public Laws of 1883, and all acts amendatory thereof, and all other laws or parts of laws in conflict with the provisions of this act, are hereby repealed.

SEC. 27. That said act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 383.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WAKE COUNTY TO ISSUE BONDS TO PAY AND FUND ITS FLOATING DEBT.

The General Assembly of North Carolina do enact:

Bond issue to pay off floating debt.

SECTION 1. That for the purpose of paying off and funding the present floating debt of Wake County the Board of Commissioners of Wake County are hereby authorized and empowered to issue twenty thousand dollars in bonds of denominations not less than one hundred dollars nor greater than one thousand dollars, with coupons attached calling for interest at the rate of five per cent per annum on the principal of each bond, said coupons to be due and payable July first and January first in each year.

Amount.
Denominations.
Rate of interest,
etc.

Term.

SEC. 2. Said bonds shall be dated as of the first day of July, nineteen hundred and three, and shall be due twenty years after date, that is to say, on the first day of July, nineteen hundred and twenty-three. Said bonds shall be signed by the Chairman of the Board of Commissioners and countersigned by the Clerk of the said Board. The said Clerk of the Board shall keep a book suitable for the purpose in which he shall keep an accurate

Execution of bonds.

Record to be kept.

account of the number of bonds issued, the amount of each bond and the name of the person to whom sold; he shall also keep an accurate account of the coupons and bonds which shall be paid, taken, or otherwise cancelled, so by inspection of said books the true state of the bonded debt herein provided for may be seen and easily ascertained. Said book shall at all times be open to the inspection of any tax-payer in the county, and any Clerk of the Board, county officer, or other person having custody of said book who shall refuse or wilfully neglect to afford such inspection shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned in the discretion of the Court.

Penalty for refusal to allow inspection of bond record.

SEC. 3. That none of the bonds authorized in this act shall be issued or disposed of either by sale, exchange, hypothecation, or otherwise for any purpose whatever other than the payment of the present floating debt of the county.

Bonds to be used for payment of floating debt only.

SEC. 4. The bonds or coupons provided for by this act shall be receivable in payment of all county taxes, which shall so be expressed on their face.

Bonds and coupons receivable in payment of county taxes.

SEC. 5. That none of the bonds issued under authority granted by this act shall be sold or otherwise disposed of for less than their par value.

Not to be sold under par.

SEC. 6. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 384.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF EDENTON.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory in Chowan County and in the town of Edenton embraced within the following boundaries is hereby constituted a Public School District for white and colored children to be known as the Edenton Graded School District: Beginning on the Albemarle Sound at the run of a swamp (the line between Cherry's Point tract of land and the Belvedere farm belonging to Mrs. Annie W. Pruden) thence running north-easterly with the swamp and branch, its various courses to the sound side road, thence northwardly with that road to the Yeopim road, thence with that road towards the town of Edenton to the nearest gate of the Perkins' farm owned by Mrs. Minnie S. Speight, thence northwardly with the path through the Perkins farm (embracing both the old Perkins residence and the present

Graded school district. Boundaries.

Boundaries.

residence of said Speight) to the field gate on Hertford road, thence southwardly with that road to Church street, the eastern limits of the town of Edenton, thence westwardly with Church street to Okum street, thence northwardly with Okum street 200 feet, thence westwardly parallel with Church street to a point 150 feet east of Main street, thence northwardly parallel with Main street to Carteret street, thence eastwardly with Carteret street to a point 500 feet from Main street, thence northwardly parallel with Main street 200 feet, thence westwardly parallel with Carteret street to a point 100 feet east of Main street, thence northwardly parallel with Main street to Freemason street, thence westwardly with Freemason street to a point 150 feet west of Main street, thence southwardly parallel with Main to a point 200 feet north of Church street, thence westwardly parallel with Church street to Mosely street, thence northwardly with Mosely to the right of way of Norfolk and Southern Railroad, thence with the southern side of the right of way of said railroad to the northern limits of the town of Edenton, thence eastwardly with the northern line of the said town to Okum street, thence eastwardly with the northern line of the said town to Okum street, thence northwardly with that street extended, to M. Makely's line, thence eastwardly with M. Makely's line to the spur of Norfolk and Southern Railroad leading to the Edenton Cotton Mills, thence northwardly with that spur to J. S. Privott's line, thence eastwardly with said Privott's line to the Hertford road, thence with Hertford road to the southern line of Allen and Henry Powell's, Wynn-Coke farm, thence eastwardly with line of that farm of its back line, thence northwardly following back lines of said Powell, Wynn-Coke farm, Dr. Hoskin's farm, Elihu Lane's farm and the Turner Elmwood tract to the first branch, thence westwardly with branch to Hertford road, thence southwardly with that road to lane leading to J. S. Privott's residence, thence with that lane around said Privott's residence to western line of his barn lot, thence following lane through his field out through the brick yard to the main road, thence with that road across the Norfolk and Southern Railroad to the back line of J. W. Spruill's Dillard track, thence westwardly with back lines of said lines of said Spruill's Dillard track, I. L. Moore farm and Griffin and Twine's Dillard farm to the Skinner quarter path, thence southwardly with that path to Virginia road, thence westwardly with that road to the western line of Mrs. Fannie R. Warren, thence following western line of her farm to western limit of the town, thence eastwardly in straight line to Granville street, extended, thence southwardly with Granville street to the northern side of the right-of-way of the Norfolk and Southern Railroad, thence with that railroad to

a point opposite Church street, thence eastwardly across the said railroad and with Church street to Mosely street, thence southwardly with that street to Queen street, thence westwardly with that street to N. and T. R. R. track, thence southwardly with that R. R. to Magnolia street, thence westwardly with that street extended across the Albania track to Machamacomic Creek, thence westwardly with that creek to its mouth, thence eastwardly a straight course to the nearest line of Cherry's Point track, thence the Sound shore to beginning.

SEC. 2. That for the purposes and benefits of this act, and for no other purpose, the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes and the holding of municipal election in the town of Edenton, shall be and are hereby extended to that portion of said Public School District lying without the corporate limits of said town, as fully as if the same lay within said corporate limits; and that in all elections which shall be held under this act, that portion of said School District lying without said corporate limits shall be deemed a ward of said town. The place of voting in said district to be designated by the Board of Councilmen.

Certain laws in force in Edenton to govern whole district.

SEC. 3. That the Board of Councilmen of the town of Edenton are hereby required to submit to the qualified voters of the said Public School District for the white and colored races on the first Monday in May, 1903, at an election to be held for said School District in the town of Edenton, N. C., the question whether an annual tax shall be levied for the support of the Graded School in said School District.

Submission to qualified voters.

Election. When.

SEC. 4. That at the election held under the provisions of this act, those favoring the levying of such tax shall vote on a written or printed ballot, without device, with the words "For Graded School" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot, without device, with the words "Against Graded School" upon it. The penalty for illegal or fraudulent voting shall be the same as in the election for members of the General Assembly. The Board of Councilmen of the town of Edenton shall give thirty days' notice of the time of holding said election in a newspaper published in the said school district, or by posting said notice in three public places in said district.

Ballots.

Penalty for fraudulent voting.

Notice of election.

SEC. 5. That in case a majority of the qualified voters of said school district shall be in favor of such tax, the Board of Councilmen of the town of Edenton shall, in addition to other taxes levied upon said district, annually compute and levy at the time of levying other taxes, a sufficient special tax upon the property and polls of the white and colored persons of said school district to raise such a sum of money as the trustees hereinafter

Special tax.

Tax rate.	named for the said school district shall deem necessary to support and maintain said graded school, which sum shall not exceed thirty cents on the one hundred dollars valuation of property and ninety on each poll. Said trustees hereinafter named
School trustees to report sum needed.	shall immediately after the election herein provided for report to the Board of Councilmen of the town of Edenton what sum said trustees deem necessary to support and maintain said graded school during the first year, and annually thereafter the said trustees, thirty days prior to the time for levying town taxes, shall report to the Board of Councilmen of the town of Edenton what sum is necessary to support and maintain said graded school during the next year. The taxes levied for the support of said schools as herein provided shall be annually collected as other taxes are collected and paid over by the Tax Collector of the said town to the Treasurer of the town of Edenton for the safe-keeping and proper distribution of the same, and the said taxes levied and collected for said graded schools shall be kept sacred, separate, and distinct from other taxes by the said officers for the purposes for which they were levied and collected: <i>Provided</i> , that said Tax Collector and Treasurer shall enter into bond in such amounts as said Board of Trustees may direct, conditioned for the faithful collection and paying over by the Tax Collector of said taxes, and for the safe-keeping and proper disbursement by the Treasurer of the same.
Taxes collected and paid to town treasurer.	
To be kept separate.	
Proviso. Bonds required.	
Board of trustees created a body corporate.	SEC. 6. That the Board of Trustees herein created and their successors shall be a body corporate by the name and style of
Corporate name.	"The Board of Trustees of Edenton Graded Schools," and by that name shall be capable of receiving gifts, grants and apportionments, purchasing and holding real estate and personal property, selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to the said Trustees shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate and personal property, shall be deemed sufficiently executed when signed by the Chairman of the said Board of Trustees, and attested by the Secretary of the said Board.
Powers.	
Execution of bonds, deeds, etc.	
To establish graded schools.	SEC. 7. That it shall be the duty of said Board of Trustees to establish graded public schools for the white and colored children of said Edenton Graded School District, and the said Board of Trustees shall use and appropriate the funds derived from the said special tax herein provided for in such manner as shall be just to both races, without prejudice, and giving to each equal school facilities, due regard being had, however, to the cost of establishing and maintaining the graded schools for each race.
	SEC. 8. That the Board of Trustees provided for by this act

shall have entire charge and exclusive control of the public schools and property in said district; shall prescribe rules and regulations for their own government, and the government of the schools, not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers of the public schools in said district; shall make an accurate census of the school population of the district as required by the general school law of the State, and do all other acts that may be just and lawful in the management of the public school interest in said district: *Provided*, that all children resident in said district between the age of six (6) and twenty-one (21) years old shall be admitted into said schools free of tuition charges, and the Board of Trustees may permit attendance, upon the said schools, of children residing without the territory embraced in said graded school district upon such terms as the Board of Trustees may prescribe.

To have exclusive control.

Rules and regulations.

Employment of teachers.

Proviso School age, etc.

SEC. 9. That all public school funds derived from the State and county of Chowan, and which may from time to time be collected and apportioned under the general school law, for school purposes for the children in said district, and all monies to which said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be paid to the Treasurer of the town of Edenton and shall be applied to the keeping up of said graded schools under the order and direction of the said Board of Trustees. The said Treasurer of the town of Edenton and his sureties of his official bond shall be responsible for the proper disbursement by said Treasurer of all monies collected under this act and received by him.

All school funds for said district to go to town treasurer, to be applied under direction of board of trustees.

SEC. 10. That W. M. Bond, H. G. Wood, H. C. Privott, J. N. Pruden, M. H. Dixon, and J. H. McMullen shall be and are hereby appointed and constituted a Board of Trustees of and for said graded schools, and they and their successors in office shall have the control and management of said schools. Two of said Trustees shall hold their office for two years, two for four years and two for six years, as may be determined by lots among themselves at their first meeting, and duly entered on the minutes of their Board. Their term of office to begin on the first Monday in June, 1903, and their successors chosen by the remaining members of the Board and the Councilmen of Edenton, acting conjointly, for the term of six years from date of election.

Board of trustees, how constituted.

Term of office.

SEC. 11. That the said Board of Trustees shall have power to employ and fix the compensation of a Superintendent for said graded schools, and such teachers as are necessary, and to do all such other acts as may be necessary to carry on the said schools; they shall have power, at any time, to remove the said Superintendent or any teacher, and to employ others in his or her stead.

Superintendent.

Teachers

School term	SEC. 12. That the beginning and ending of the school term shall be fixed by the said Board of Trustees; that the property, both real and personal, of the public schools of the said district shall become the property of the said graded schools, and shall be vested in the said Board of Trustees, and their successors, in trust for the said graded schools: <i>Provided</i> , that in case of the discontinuance of the said graded schools all of the property thereto belonging shall revert to and become the property of the public schools of the said districts.
Present school property vested in the board of trustees. Proviso.	
Duties of superintendent.	SEC. 13. Under the direction of the said Board of Trustees the Superintendent elected by them shall examine all applicants for the positions as teachers in said schools, and certify the result to the said Board, before their election as such teachers by the Board. No other certificates of qualification shall be necessary for such teachers before their election as teachers in said graded schools. The Superintendent shall also act as Secretary to the said Board of Trustees, should the said Board elect or require him to serve.
Teachers	
Secretary of board of trustees.	
Warrant for school funds, how signed, etc.	SEC. 14. That the monies received as herein provided for shall be held by the Treasurer of the town of Edenton, to be disposed of under the direction of the Board of Trustees, whose warrant, signed by the Chairman of said Board of Trustees, and countersigned by the Secretary of said Board, shall be the only valid voucher in the hands of the said Treasurer for the disbursement of the said money in any settlement required of him by law, or by the said Board of Trustees.
Board of trustees to make annual reports, etc	SEC. 15. That it shall be the duty of the said Board of Trustees to make annually after the close of each school year a full and complete report of the operations of said graded schools, together with a financial report, which shall show receipts and disbursements, and shall also make such recommendations and estimates and plans for the future as may in their judgment be advisable to the Board of Education of Chowan County. Said Trustees shall also include in their report such data and other information as may be required under the general school law.
Trustees may hold other office of profit or trust.	SEC. 16. That nothing in this act shall prevent persons acting as Trustees from holding any other office of profit or trust while acting as Trustee.
Election above provided for; how governed, etc.	SEC. 17. That the election provided under this act shall be held and conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election law of this State: <i>Provided</i> , that the said election shall be held within three months after the ratification of this act, and the costs of holding said election shall be paid out of the funds raised by this act by the Treasurer of the town of Edenton.
Cost of, how paid.	

SEC. 18. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 385.

AN ACT FOR THE RELIEF OF W. T. CROSS, CLERK OF THE SUPERIOR COURT OF GATES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. T. Cross, Clerk of the Superior Court of Gates County, be and he is hereby authorized to absent himself from his office one Monday during January, nineteen hundred and four (1904), and two Mondays in July or August of the same year: *Provided*, that during his absence he shall leave his said office in charge of a competent deputy, to perform all the ministerial duties of his office. Leave of absence granted.

SEC. 2. That this act shall be in force from and after its ratification. Proviso. Competent deputy to be provided.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 386.

AN ACT TO FACILITATE PERMANENT ROAD IMPROVEMENT IN THE COUNTY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 317 of the Public Laws of nineteen hundred and one be and the same is hereby repealed. Former act repealed.

SEC. 2. 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. Expenditure of road fund.

SEC. 3. That said Board is authorized and empowered to use and expend and cause to be transferred from the said road fund of Durham Township, such sum or sums, from time to time, as Transfer of road fund from Durham to other townships.

it may, in its judgment, deem necessary for permanent road improvement in any township or townships in said county.

Former transfers
ratified.

SEC. 4. That all such expenditures and transfers which have been heretofore made by the said Board are hereby in all respects ratified, confirmed and approved.

Conflicting laws
repealed.

SEC. 5. That all laws in conflict with the provisions of this act are hereby repealed: *Provided*, this act shall apply only to Durham County.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 387.

AN ACT TO CONSTRUCT PERMANENT HIGHWAYS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Submission of
bond issue to vote
of people.

SECTION 1. That the Board of Commissioners of Forsyth County be and it is hereby authorized and empowered to submit to the vote of the qualified voters of Forsyth County at such time or times as in its discretion it may deem best the question as to whether or not the county of Forsyth shall issue bonds in a sum not to exceed the sum of three hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of repairing, making, improving, grading, and macadamizing the public roads of said county. The said Board of County Commissioners shall, for at least thirty days preceding the election, give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in said county: *Provided*, that if the majority of the qualified voters of said county shall not vote to issue bonds at the election so held, the said Board of County Commissioners may submit the question to the qualified voters of said county at any other time or times, under the provisions and regulations hereinafter enacted.

Amount of bonds.

For road
improvements.

Notice of election.

Proviso. Subse-
quent elections.

Election, how
governed.

Proviso. Election
officers.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said Board of County Commissioners shall appoint the Registrars of Elections and 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 of said elections. The vote shall be counted at the close of the polls and returned to the said Board of County Commissioners on the Thursday next following the election, and said Board of County Commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the Board of County Commissioners, and no other recording and declaration of the result of said election shall be necessary.

Returns.

Canvass.

Result.

SEC. 3. 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 Bond Issue" or "Against Good Roads Bond Issue," and all qualified electors who favor the issuing of said bonds shall vote for good roads bond issue, and all qualified voters opposed to the issuing of the said bonds shall vote against good roads bond issue.

Ballots.

SEC. 4. In the event that the requisite majority of qualified voters of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be recorded and declared as aforesaid, and the Board of Commissioners of Forsyth County shall elect six electors, residents of said county, not more than one of whom shall be a member of the Board of County Commissioners, to be known as the Highway Commissioners of Forsyth County: *Provided*, that the Commissioners and their terms of office shall be selected or elected by the Board of Commissioners, and their names made public prior to any election herein provided for. At the first election of said Highway Commission by said Commissioners of Forsyth County three members of said Commission shall be elected for two years, and three members for four years: *Provided*, that the said Board of County Commissioners shall have power to fill all vacancies by death, resignation or otherwise, for any unexpired term: *Provided further*, that at least two members of said Highway Commission shall at all times be from members of a different party from that of a majority of said Board of County Commissioners, said two members to be selected from a political party casting the next highest vote to that political party electing the majority of said Board of County Commissioners at the last election held for the election of county officers; that as soon as practicable after the election of said members of the Highway Commission they shall meet and organize by electing one of their members Chairman of said Commission another of their members Secretary, and another, or some other suitable person, Treasurer thereof, and shall pass such rules and regulations for their government as they shall

Highway commissioners.

Term of office.

Proviso.
Vacancies.

Two political parties to be represented on highway commission.

Officers of commission.

Oath of office.	deem best: <i>Provided</i> , that the Highway Commissioners shall take an oath before some person authorized to administer oaths to perform their duties of said office to the best of their skill and ability: <i>And provided further</i> , that as the terms of office of the said Highway Commissioners shall expire, the Board of Commissioners of Forsyth County shall elect their successors to same for a period of four years.
Election of successors.	
Joint sessions of county commissioners and 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 the Board of County Commissioners in joint session. In determining upon said highways said joint board shall take into consideration the needs of the entire county and every part thereof, opening or improving those highways which in their opinion will be of benefit to the greatest possible number of people of the county, and treating every section of the county with equal justice.
Locating highways, etc.	
Bond issue.	SEC. 6. In the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be declared and recorded as aforesaid, and the Board of County Commissioners of Forsyth County shall have prepared bonds in the denomination of one thousand dollars, five hundred dollars, or one hundred dollars, the total amount 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 before the issue thereof by the said Board of County Commissioners, not exceeding five per centum per annum, with the interest coupons attached, payable semi-annually during the time the said bonds shall run, and the principal thereof shall be payable thirty (30) years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at a bank in Winston, North Carolina, which shall be designated by the Board of Commissioners, and both bonds and coupons shall be numbered consecutively, beginning with 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 seal of said county. The said bonds shall be styled "Forsyth County Highway Improvement Bonds."
Denominations.	
Rate of interest.	
Term.	
Execution of bonds.	
Bonds, how styled.	
Bonds to be turned over to chairman of highway commission.	SEC. 7. Immediately upon the preparation and signing of said bonds the said Board of Commissioners of Forsyth County shall turn over to the Chairman of the Highway Commission all of said bonds, without the county seal having been affixed, and said Highway Commission shall have the power to advertise and sell any or all of said bonds, at such time or times as they shall
Sale of bonds.	

deem best for the purpose of raising a fund with which to repair, make and improve the public highways of said county as aforesaid; the expenses of said advertising and selling, or any other necessary expenses in regard thereto shall be paid out of the taxes levied for road purposes for the previous year by the Board of Commissioners and collected by the Sheriff of said county: *Provided*, that before delivering any of said bonds sold by the provisions of this section and under this act the Chairman of the Highway Commission shall apply to the custodian of the seal of Forsyth County, whose duty it shall be to affix the said county seal to the bonds so sold, and no bonds shall be of any value until said seal is so affixed.

Affixing seal to bonds.

SEC. 8. That none of the bonds authorized by this act shall be disposed of by said Highway Commission by sale, exchange or otherwise for less than their face value, nor shall said bonds 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 the application of said fund. When said bonds are issued they shall be numbered consecutively and the coupons attached and issued with them shall bear the number of the bond to which they are attached. The bonds and coupons shall state on their face when they are due and where payable and said bonds shall show by what authority they are issued. The said Highway Commission shall record all their proceedings in respect to said bonds in the minutes of their meetings and whenever the same are sold, the number of bonds and their denomination, to whom sold, and the number of coupons attached must be recorded in said minutes: *Provided*, that the minute book, and all other books kept by the Highway Commission, shall at all times be open to the inspection of the Commissioners of Forsyth County.

Bonds not to be sold under par.

Purchaser need not see to application of proceeds.

Complete record of bonds to be kept.

SEC. 9. When any of said bonds are sold the proceeds of sale shall be turned over to the Treasurer of the Highway Commission, who shall keep said fund, and all other funds which may come into his hands, separate from all other funds, and he shall keep separate accounts of same; and said Treasurer shall annually, before any fund provided for in this act be paid over to him, execute an official bond, payable to the County of Forsyth, 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 safe-keeping of same, and rendering a due account in respect thereto, and in all things holding and disposing and accounting for the same as is required by law, which bonds shall be passed upon, accepted and received by said Highway Commission, and all orders directed to said Treasurer for the payment of money under this act shall state

Duties, etc., of treasurer of commission.

Treasurer's bond.

Disbursements.

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.

Special tax.	SEC. 10. That in case the said election shall be in favor of issuing bonds as aforesaid the said Board of Commissioners of Forsyth County shall levy annually the first Monday in June a
Tax rate.	separate road tax for said county, of not exceeding twenty cents on the one hundred dollars worth of property, nor exceeding
Levy and collection.	sixty cents on each poll; the subjects of taxation and levying of taxes to be the same on which the said Board of County Commissioners now or may hereafter be authorized to levy taxes for
Application.	general county purposes. The taxes so levied shall be collected as other taxes and the same shall be a separate fund applied first
Sinking fund.	to the payment of interest on said bonds, and second to the opening and improvement of public roads under the provisions of the present road law of Forsyth County, and third to the creation of
	a sinking fund for the redemption of said bonds. Said sinking fund shall be held by the Board of County Commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof, nor the
Proviso.	interest thereon, shall be used for any other purpose. The said Board of County Commissioners shall manage and invest the said fund in their discretion until paid out for the payment and redemption of bonds in the manner specified in this act: <i>Provided,</i>
Proviso. Compensation of sheriff.	<i>however,</i> that said Board of County Commissioners may in their discretion from time to time use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act: <i>Provided,</i> that the commission to the Sheriff for the collection of said taxes shall not exceed three per cent on receipts and nothing on disbursements.
Proceeds of bonds, application of.	SEC. 11. That the said Highway Commission shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public highways in the said county,
Machinery, tools, etc.	and shall purchase and hold such tools, machinery, implements and stock and employ such overseers, foremen, and laborers as they may deem necessary for the said purpose. The Board of
Power of county commissioners.	County Commissioners may from time to time put in the custody and control of the Highway Commission such part of the road-making machinery and convict road force of the county as may not be needed for the work of constructing and repairing of public roads under the county road law, and may at any time withdraw from the custody of the Highway Commission all or any part of said machinery and convict force. Said convicts, while
Working of convicts.	in the custody and control of said Highway Commission, shall be employed in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guard-

ing said convicts while so employed shall be paid out of the funds derived from said bonds.

SEC. 12. That the highways in said county constructed or improved under this act shall not be less than twenty nor more than forty feet wide, at least nine feet of which shall be macadamized, as soon as is expedient, and the whole of which shall be as straight as practicable, and graded.

Specifications for highways.

SEC. 13. That as soon as the Highway Commission shall deem it necessary they shall elect, by ballot, a highway Superintendent for said county, and fix his compensation. The result of said election shall be declared and the result shall be recorded in the proceedings of said Highway Commission. Said persons so elected shall 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 two thousand five hundred dollars (\$2,500.00) for the faithful performance of his duties and for accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by said Highway Commission. Said Highway Superintendent shall hold his office for two years and until his successor be elected and qualified, except that the said Highway Commissioners may for any good cause remove said Highway Superintendent from his office and elect a successor for the unexpired term. Said Highway Superintendent shall enter upon his duties and work when and where directed by said Highway Commission, and shall have such authority and perform such duties as may be from time to time determined by said Highway Commission.

Election of highway superintendent.

Oath of office.

Official bond.

Term of office.

Duties and authority.

SEC. 14. That said Highway Commission shall require the Treasurer of said Commission to account to them quarterly for the said highway fund, and may require as often as deemed best reports from officers and employees concerning their progress in their duties and to what extent and in what manner they have performed the same.

Reports from treasurer and other officers of commission.

SEC. 15. That in opening new highways, widening and straightening old roads and repairing the same the Highway Commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways, and if the Highway Commission, and the owner or owners of said land can not agree as to the damages, if any, the Highway Commission shall, within sixty days after said highway is completed, cause to have summoned three freeholders who shall go upon the land and assess damages and benefits under the general road law as it now exists, with the rights of appeal as provided in special proceedings: *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,

Authority to enter land, etc.

Location of highways.

Assessment of damages.

Procedure.

Proviso.

notifying the said owner or owners that the highways are to be located upon such land under the authority of this act.

What laws not repealed.

SEC. 16. That the passage of this act shall not repeal the road law in force, applicable to the general working of public roads in said county: *Provided*, that all persons who are required to work under the road law now in force shall not be required to work in direct contact with persons who have been convicted of crime and sentenced to the road.

Employment of physician.

SEC. 17. 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.

Auditing sheriff's accounts, etc.

SEC. 18. The Board of Commissioners of Forsyth County shall audit the accounts of the Sheriff for all taxes levied and collected under this act, and make settlement of the same between said Sheriff and 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.

Highway commissioner or superintendent making fraudulent order, etc, how punished.

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 fined or imprisoned at the discretion of the Court, or both, and shall be removed from office, and any Highway Commissioner or Superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and fined not less than twenty nor more than one hundred dollars: *Provided further*, that the Board of County Commissioners may for good and sufficient cause remove any one or more of the Highway Commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Salaries of highway commissioners.

SEC. 20. That said Highway Commissioners shall not receive any salary, but all actual expenses incurred by them or any one of them in performing the duties required by this act shall be paid upon the order of the Highway Commission out of the funds provided for by this act.

Definition of "highway."

SEC. 21. The term "Highway" in this act shall be understood to mean all public roads designated as such under the provision of section 5 of this act, as distinguished from public roads in the county.

Maximum amount to be used in one year.

SEC. 22. The Highway Commission shall not use more than the proceeds from the sales of sixty thousand dollars worth of bonds in any one year, over and above the amount paid for machinery, implements and stock, except by a two-thirds vote in a joint

meeting of the Highway Commission and the County Commissioners.

SEC. 23. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 388.

AN ACT TO ALLOW ROCKINGHAM COUNTY TO VOTE ON THE QUESTION OF ISSUING BONDS FOR IMPROVEMENT OF PUBLIC ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Rockingham County be and it is hereby authorized and empowered to submit to vote of the qualified voters of Rockingham County within the next fifty days after the ratification of this act the question as to whether or not the county of Rockingham shall issue bonds in the sum of three hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of making, improving, grading, macadamizing the public roads of said county. The said Board of Commissioners shall for at least thirty (30) days preceding the election give public notice of such election, together with the purpose thereof by publication in one or more newspapers published in said county.

Submission of bond issue to vote.

Amount of bonds.

Road improvements.

Notice of election.

SEC. 2. That any election held under the provisions of this act shall be held and conducted and the result declared in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly.

Election, how governed.

SEC. 3. 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 "For Good Roads Bond Issue," and all qualified voters opposed to the issuing of said bonds shall vote "Against Good Roads Bond Issue."

Ballots.

SEC. 4. In the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be recorded and declared as aforesaid, and the Board of Commissioners of Rockingham County shall elect five electors, residents of said county, to be known as the "Highway Commissioners of Rockingham County." One member thereof shall reside in the northern section of said

Result, how declared and recorded.

Election of highway commission.

Qualification of members.

county, and one in the southern section, one in the western section, one in the eastern section, and one in the central section. At the first election of "Highway Commissioners" by said Commissioners of Rockingham County one member of said Commission shall be elected for two years, two members for four years, and two members for six years: *Provided*, that the said Board of County Commissioners shall have power to fill all vacancies by death, resignation or otherwise, for any unexpired term: *Provided further*, that at least two members of said Highway Commission shall at all times be from members of a different party from that of the majority of the said Board of County Commissioners, said two members to be selected from the political party casting the next highest vote to that political party electing the majority of the said Board of County Commissioners at the last election held for the election of county officers. That as soon as practical after the election of the said members of the Highway Commission they shall meet and organize by electing one of their members Chairman of said Commission and another of their members Secretary, and shall pass such rules and regulations for their government as they shall deem best: *Provided*, that the Highway Commissioners shall take an oath, before some person authorized to administer oaths, to perform the duties of their office to the best of their skill and ability: *And provided further*, that as the term of the members of said Highway Commission shall expire, the Board of Commissioners of Rockingham County shall elect their successors for a period of six years: *Provided, however*, that the office of Highway Commissioner shall terminate whenever the said roads herein designated are completed according to this act.

Term of office.

Two political parties to be represented on the commission.

Organization of commission.

Officers.

Oath of office.

Election of successors.

Issue of bonds.

SEC. 5. In the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be recorded and declared as aforesaid, and the Board of County Commissioners of Rockingham County shall have bonds prepared in the denomination of one thousand dollars, five hundred dollars, and one hundred dollars, the total amount to be that provided for in the first section of this act, and the said bonds shall bear a rate of interest to be determined before the issue thereof by the said Board of County Commissioners not exceeding five per centum per annum, with interest coupons attached, payable semi-annually during the time the said bonds shall run. The principal of said bonds shall be payable as follows, to-wit, one-third in thirty years, one third in forty years, one-third in fifty years. Said bonds and coupons shall be payable in standard currency of the United States at the office of the Treasurer of Rockingham County, North Carolina, and both the bonds and the coupons shall be numbered consecu-

Denominations, etc.

Rate of interest.

Term of bonds.

Execution of bonds.

tively beginning with the number one, and both the bonds and coupons shall be signed by the Chairman of the said Board of County Commissioners and countersigned by the Clerk of said Board, and the said bonds shall have impressed upon them the seal of said county. The said bonds shall be styled "Rockingham County Improvement Bonds."

Bonds, how styled.

SEC. 6. That the said Highway Commissioners 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 macadamize and improve the public highways of said county as aforesaid; the expense of such advertising and selling, or any other necessary expense in regard thereto shall be paid out of the taxes levied for road purposes for the previous year by the Board of Commissioners of said county and collected by the Sheriff of said county.

Sale of bonds.

SEC. 7. That none of the bonds authorized by this act shall be disposed of by the said Highway Commission by sale, exchange or otherwise for less than their face value, nor shall said bonds or proceeds be used for any other purpose or purposes than those declared by this act: *Provided, however*, that the purchaser or purchasers of said bonds shall not be required to see the application of said fund.

Not to be sold under par.

SEC. 8. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bond to which they are attached. The bonds and coupons shall state on their face when they are due, and where payable, and said bonds shall show by what authority they are issued; the said Highway Commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold, the number of bonds and their denomination, to whom sold, and the number of coupons attached must be recorded in said minutes: *Provided*, that the minute book and all other books kept by the Highway Commission shall at all times be open to the inspection of the Commissioners of Rockingham County.

Form of bonds.

Record of bonds to be kept.

Proviso.

SEC. 9. When any of said bonds are sold the proceeds of such sale shall be paid by the purchaser or purchasers of said bonds to the Treasurer of Rockingham County, who shall keep said funds and all other funds which may come into his hands under the provisions of this act separate and apart from all other funds which may be in his hands, and he shall keep separate accounts of the same; and said Treasurer shall annually before any fund provided for in this act be paid over to him, execute an official bond payable to the county of 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, con-

Proceeds of bonds.

County treasurer to keep separate account.

Treasurer's bond.

ditioned for his faithful safe-keeping of the same and rendering a due account in respect thereto, and in all things holding and dispensing and accounting for the same as is required under the provisions of this act. Which said bond shall be passed upon by the Board of County Commissioners under the same rules and regulations now governing the bonds of county officials. All orders directed to the Treasurer for the payment of money under the provisions of 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.

Disbursement of proceeds.

Compensation of treasurer.

Proviso.

Depository for funds.

Premium on official bond of treasurer.

Special tax.

Collection and application.

Misappropriation a misdemeanor.

Tax rate.

Sinking fund.

Special tax to create same.

Investment of sinking fund.

SEC. 10. The said Treasurer shall not be allowed any commissions on receipts on the amount received from the sale of said bonds; but for the paying out said amount he shall be allowed a commission of one-half of one per cent: *Provided, however,* he shall be allowed the usual commissions allowed County Treasurers for receiving and disbursing the amount annually collected from taxes to pay the interest on said bonds. It shall be the duty of the said Treasurer to keep the money or so much thereof as is deemed practical by the said Highway Commission deposited in such bank or banks as may be designated from time to time by said Highway Commission, and only such bank or banks as will pay interest on time deposits shall be designated. The said Highway Commission shall pay the premiums on the official bonds given by the said Treasurer for the safe-keeping of the \$300,000, or any part thereof.

SEC. 11. In order to pay the interest on said bonds, said Board of Commissioners shall annually compute and levy at the time of levying other taxes, a sufficient specific tax upon all polls and real and personal property and other subjects of taxation, observing the constitutional equation between the tax on polls and the tax on property. That said tax shall be kept when collected separate and apart from all other taxes, and used only for the purpose for which it was levied, and any officer appropriating said taxes for any other purpose shall be guilty of a misdemeanor: *Provided,* that said taxes shall not in any one year exceed twenty cents on the one hundred dollars worth of property and sixty cents on the poll.

SEC. 12. For the purpose of creating a sinking fund with which to pay the principal of said bonds when they become due, the Board of Commissioners shall, after the expiration of twenty years, from the date of said bonds, annually levy and collect, in addition to the interest a specific tax equal in amount to one-thirtieth of the total amount of the bonds issued under this act, and shall continue annually to levy and collect said tax until said bonds are paid. That all moneys arising from the sinking fund

shall be used if the County Commissioners deem it advisable in the purchase of any of the outstanding bonds of the county, and if said bonds cannot be purchased to advantage, then the Commissioners shall lend out said fund or any part they think proper for a period not exceeding six months prior to the date of maturity of said bonds, taking as security for the payment of said loan, deeds of trust on real estate or bonds issued under this act.

SEC. 13. That said roads shall be thirty-four feet wide, and no grade in said road shall have an incline of over three per cent: *Provided, however,* these provisions may be departed from in extraordinary cases; said roads shall have at least nine feet of macadam, and which macadam shall be in the center of said road, except in extraordinary cases and conditions.

Specifications for roads.

SEC. 14. That the said Highway Commissioners shall use the funds derived from the sale of said bonds for the purpose of constructing, macadamizing and improving the following roads, to-wit: Beginning at May fields on through Ruffin Reidsville Iron Works to Monroeton. Beginning at Mack Walters on through Thompsonville, Reidsville, Harrison's Cross-roads, Berry, Leaks-ville, Spray to Cascade Creek. Beginning at Lawsonville on through Reidsville, Wentworth, Baker's Cross-roads, Pleasant-ville, Intelligence, Madison by K. Fork Roads to Stokes County line. Beginning at North's on through Smith's Cross-roads to New Bethel. Beginning at Thackett's Branch at Leaksville Woolen Mills and running one mile on the Morgan Ford Road via the Methodist church. Beginning at the Presbyterian church in Spray, running one mile up Tackett's Branch via the Baptist church. Beginning at Tackett's Branch at Leaksville Woolen Mills to Leaksville via the Christian church and W. D. Well's store. Beginning at R. P. Price's store via Liberty Mills on through Leaks-ville by way of the Junction of Munroe and Washington streets, Shiloh church, Stoneville, Avalon, Mayodan, intersecting said road leading from Lawsonville to Stokes line at the junction of Murphy and Market streets in the town of Madison. Beginning at the Mary Cook place via Ellisboro to Rocky Springs. Beginning at A. F. Meal's via Sardis church on through Gentry to T. B. Bailey's. Beginning at the Shoemaker Johnson place to Shiloh church. Beginning at County Home to Berry. Beginning at Harrison's Cross-roads along the road to Nance via Oregon the distance of five miles, all of said to be built continuously from their termini above named: *Provided, however,* that if any of said fund should be left over after contracting for said roads, the said Highway Commission shall in line manner work other roads in the same manner to be selected by them.

Application of proceeds of bonds.

What roads to be improved.

SEC. 15. The said Highway Commission shall have power to employ such persons and purchase such supplies and machinery

Purchase of machinery, tools, etc.

Powers of county commissioners.
Convict force.

as in their judgment they deem necessary to carry this act into effect. The Board of County Commissioners may, from time to time, put into the custody and control of the Highway Commission such part of the road-working machinery and convict force of the county as may not be needed for the work of constructing and repairing the public roads of the county under the county road law, and may at any time withdraw from the custody of the Highway Commission, or part of such machinery or convict force, said convicts while in the custody of the said Highway Commission shall be employed in the construction or repair of highways under the provisions of this act.

County treasurer to account to highway commission.

SEC. 16. That said Highway Commission shall require the Treasurer of said county to account to them twice annually for the said highway fund, and may require as often as deemed best reports from officers and employees concerning their progress in their duties, and to what extent and in what manner they have performed the same.

Reports from employees.

May enter land to locate highways, etc.

SEC. 17. That in opening new highways, widening, straightening old roads and macadamizing the same the Highway Commission, through its agents, are hereby authorized to enter upon any lands and locate and build such highways and to take charge of and use any and all necessary material necessary for construction of said roads, and if the Highway Commissioners and the owner or owners of said lands and material 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 the said owner or owners that the highways are to be located upon such land under the authority of this act.

Assessment of damages.

General road law not affected.

SEC. 18. That nothing contained in this act shall interfere with the general road law, and the Board of County Commissioners shall continue to work roads where needed under the provisions under said general law. That the roads provided to be graded and macadamized under the provisions of this act shall be accepted and received by the said Highway Commission, they shall be turned over to the county authorities, to be kept up and worked as now provided by the general law.

Salaries of highway commissioners.

Work to be let out to lowest bidder.

SEC. 19. That the salary of the members of the said Highway Commission shall be two hundred dollars each per year. It shall be their duty to let out the grading and macadamizing of said roads to the lowest bidder, reserving the right to reject any and all bids; taking approved security from the contractor or con-

tractors to build said roads properly and in accordance with the terms of the said contract or contracts with them. Said roads to be completed in five years from the date of said contract or contracts. They shall have the power to hire engine or engines and such other assistants as they may need to carry this act into effect: *Provided, however,* that it shall be lawful for the said Highway Commission to construct said roads or any part of them themselves if they are unable after diligent effort to secure the building of said roads by contract at a fair price, for which purpose they may purchase all necessary machinery and stock and employ necessary adequate labor and stock.

In what time to be completed.

Highway commission may carry on work.

SEC. 20. 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 be fined not less than twenty nor more than one hundred dollars: *Provided further,* that the Board of County Commissioners may, for good and sufficient cause, remove any one or more Highway Commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Fraudulent orders for money, how punished.

Failure to perform duties, how punished.

Proviso.

SEC. 21. That all expenses incurred by the Highway Commission on account of stationery, clerk hire, attorney's fees, postage, etc., shall be paid upon their order out of the funds provided for by this act.

Expenses of commission, how paid.

SEC. 22. That all bridges needed to be built under the provisions of this act shall be paid for out of the general fund of the county.

Bridges, how paid for.

SEC. 23. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 389.

AN ACT TO CHANGE THE LINE BETWEEN WILKES AND ALLEGHANY COUNTIES SO AS TO INCLUDE J. A. STAMPER.

The General Assembly of North Carolina do enact:

SECTION 1. That the line between the counties of Alleghany and Wilkes be and the same is hereby changed so as to include J. A. Stamper and his farm in the county of Alleghany.

County line changed.

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

In the General Assembly read three times and ratified this the 4th day of March, A. D. 1903.

CHAPTER 390.

AN ACT TO ESTABLISH A DISPENSARY IN THE TOWN OF EDWARDS IN BEAUFORT COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Unlawful to sell
intoxicating
liquors.

Misdemeanor.
Penalty.

Dispensary board
appointed.

Election of suc-
cessors.

Vacancy, how
filled.

Oath of commis-
sioners.

Removal.

Treasurer.

Bond.

Manager.

Establishment of
dispensary.

Location.

SECTION 1. That it shall be unlawful for any person, firm or corporation, to sell, barter, or exchange any spirituous, vinous, malt, or intoxicating liquors of any kind in the town of Edwards, Beaufort County, except as hereinafter provided; and any one violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than one hundred dollars or imprisoned not less than six months, or both.

SEC. 2. That T. R. Boydd, L. H. Redditt, and A. O. Warren be and they are hereby appointed a Dispensary Board of Commissioners for the said town of Edwards, Beaufort County, whose term of office shall begin March first, 1903, and continue until their successors are elected at the next election for members of the General Assembly, and qualify. That at the general election for members of the General Assembly of North Carolina, next preceding the end of their term of office, their successors shall be elected by the qualified voters of said town, and every two years thereafter.

Any vacancy occurring by death, resignation, or removal, shall be filled by the said Dispensary Board for the remainder of the unexpired term. The said Commissioners, before entering upon the duties of their office, shall make oath that they will well and truly carry out to the best of their ability all of the provisions of this act, and the resident Judge of the District may remove any of the said Commissioners when it shall be made to appear that he has violated his oath or been guilty of malfeasance. That the said Board shall elect one of its members as Chairman and one as Treasurer. That the Treasurer shall be required to give bond in the sum of two hundred dollars, payable to the town of Edwards. That said Dispensary Board is hereby authorized to appoint a manager of said dispensary.

SEC. 3. That the said Dispensary Board shall, on May first, 1903, or as soon thereafter as possible, establish one dispensary in the town of Edwards, to be located on one of the principal

streets for the sale of spirituous, vinous, or malt liquors. The said manager shall receive such compensation as may be fixed by the Dispensary Board, who shall require bond of said manager or any assistant by them appointed, in the sum they may think necessary.

Compensation of
manager. Bond.

SEC. 4. That said manager shall purchase all liquor necessary and proper for said dispensary.

Purchase of stock.

SEC. 5. That no liquors of any kind shall be sold in said dispensary on Sundays or election days, and said dispensary shall not be open or no liquor sold before sunrise or after sunset on any day.

When sale of
liquors prohibited.

SEC. 6. That no liquor shall be sold in said dispensary except in unbroken packages or bottles which shall contain not less than one-half pint and not more than one quart, and it shall be unlawful for said manager or any other person to open any such bottle or packages on the premises, and 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.

To be sold in
unbroken
packages.
Maximum and
minimum amount.

Misdemeanor to
open on premises.
Penalty.

SEC. 7. That the manager shall keep a register on which shall be kept a record of the names of the persons to whom any liquors are sold, the quantity sold, price paid, and the date of sale. The said register shall be open only to the inspection of the Dispensary Board and the dispensary employees. No intoxicating liquors shall be sold to minors, and the Dispensary Board shall make such rules and regulations governing said dispensary as they think proper, not inconsistent with this act.

Record of sales to
be kept.
Contents.

SEC. 8. That said manager shall sell only for cash and shall turn over all moneys received by him to the Treasurer of the town on the first day of each month, less the expenses, and the said Treasurer shall turn the same over to the Public School Committee for said town.

Sale to minors
forbidden.
Board to make
rules and regula-
tions.
Sales for cash
only.

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

Proceeds, how
disposed of.

Conflicting laws
repealed.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 391.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF SPIRITUOUS LIQUORS IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Sale of liquors in Polk County forbidden.

Not to apply to druggist on prescription.

Not to apply to wine or cider made from home-grown fruit or berries.

Place of delivery, place of sale.

Not applicable to druggists for medicinal purposes.

Maximum amount druggist may sell.

Solicitor to be furnished list of prescriptions, etc.

Restrictions on filling prescriptions.

Physician's record of prescriptions.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to manufacture, sell or otherwise dispose of for gain any spirituous, vinous, or malt liquors or intoxicating bitters within the county of Polk: *Provided*, this act shall not be construed to forbid the sale of such spirituous, vinous, or malt liquors by a druggist for sickness upon the written prescription of a regular practicing physician having such sick person under his charge: *Provided further*, that this act shall not apply to the manufacture of cider or wine out of fruit or berries raised on the land of the person so manufacturing, and it shall not prohibit the sale of wine in packages containing not less than one gallon when said wine is made from fruit grown on the land of the manufacturer.

SEC. 2. That the place of delivery of any spirituous, vinous, or malt liquors or intoxicating bitters within the county of Polk shall be so construed as to mean the place of sale and that any station or other place within the aforesaid county of Polk to which any person, firm or corporation shall ship or convey any spirituous, vinous, or malt liquors, or other intoxicating bitters, for the purpose of delivering or carrying the same to the purchaser shall be construed to be the place of sale: *Provided*, this section shall not be construed to prevent the delivery of any spirituous, vinous, or malt liquors to a druggist in a sufficient quantity for medical purposes only.

SEC. 3. That no druggist shall sell more than one pint of spirituous liquor to any one person at any one time, and then only upon the written prescription of a regular practicing physician, and it shall be the duty of any druggist filling a prescription to file the same and furnish to the prosecuting solicitor a list showing the number of the prescriptions filled, the date thereof, with the amount and the name of the person to whom it was sold and the name of the physician giving said prescription, and under no circumstances shall the prescription be filled the second time. No druggist or clerk thereof shall fill a prescription unless he is satisfied that the same has been given in good faith and that the liquor is to be used for medical purposes.

SEC. 4. Every physician giving prescriptions under this act shall keep a true record of the same and file a list of the same with the prosecuting solicitor of said county, giving the name of the party to whom given, together with the amount and to what drug store directed, if any; and any physician who shall make

any prescription for the purpose of aiding or abetting any person or persons who are not *bona fide* under his charge to purchase any intoxicating liquors contrary to the provisions of this act shall be deemed guilty of a misdemeanor and fined or imprisoned or both in the discretion of the Court.

Physicians giving prescriptions in certain cases, misdemeanor

Penalty.

SEC. 5. That any person, firm, or corporation violating the provisions of this act shall be guilty of a misdemeanor and shall be imprisoned in the county jail or penitentiary not exceeding two years, or fined not exceeding five hundred dollars, or both in the discretion of the Court.

Violation of provisions of act misdemeanor.

Penalty.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this act shall be in force from and after July first, A. D. 1903.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 392.

AN ACT TO REPEAL CHAPTER 466 OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 466, Public Laws of 1901 be and the same are hereby repealed.

Relative to obstructing the passage of fish in Moccasin River.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 393.

AN ACT FOR THE RELIEF OF J. W. JOHNSON, SCHOOL TEACHER, OF RUTHERFORD COUNTY.

WHEREAS, J. W. Johnson taught a public school in District No. 9-3, White Golden Valley township, Rutherford County, N. C., from the 29th day of July, 1901, until September 2d, 1901, at a salary of twenty-five dollars per month, and

WHEREAS, Said term was taught prior to the time fixed by the County Board of Education for the opening of the schools for said county, and payment being withheld for this reason.

The General Assembly of North Carolina do enact:

To be paid \$32.50
out of public
school funds of
Rutherford
County.

SECTION 1. That it shall be lawful for the School Committee of said district (No. 9-3, white race, in Golden Valley township, Rutherford County) to draw an order on the Treasurer of said county in favor of J. W. Johnson, for the sum of thirty-two dollars and fifty cents, which order, when properly countersigned by the County Superintendent of Public Instruction, shall be a valid voucher in his hands for said claim.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

 CHAPTER 394.

AN ACT ALLOWING PLATO COLLINS, CLERK OF THE
SUPERIOR COURT OF LENOIR COUNTY TO ABSENT HIM-
SELF FROM HIS OFFICE ON CERTAIN DAYS.

The General Assembly of North Carolina do enact:

May be absent 1st,
2nd, 3rd and 4th
Mondays in July,
1903 and 1904

SECTION 1. That Plato Collins, Clerk of the Superior Court of Lenoir County, be allowed to absent himself from his office of clerk on the first, second, third, and fourth Mondays in July in the year one thousand, nine hundred and three, and in the year one thousand, nine hundred and four, and to be exempt from the provisions, penalties, and liabilities mentioned in section one hundred and fourteen and one hundred and fifteen of The Code: *Provided*, that said Clerk shall have a competent deputy to perform all the duties authorized by law to be performed by said deputy.

Exempt from
penalties.

Must provide
competent deputy.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

 CHAPTER 395.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN
OF FOREST CITY, RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Forest City con-
stituted public
school district.

SECTION 1. That the town of Forest City shall be and is hereby constituted a public school district to be called the Forest City Graded School District.

SEC. 2. That the Graded School Committee of the town of Forest City, as set forth in section one of this act, shall consist of five members instead of three as now required by the general school law; that J. C. Green, J. F. Alexander, R. E. Biggerstaff, A. B. Flack, and F. E. Young shall constitute said Committee; and that the term of office of J. C. Green and J. F. Alexander shall expire on the first Monday of May, 1905; that the term of office of R. E. Biggerstaff and A. B. Flack shall expire on the first Monday in May, 1907; that the term of office of G. E. Young shall expire on the first Monday in May, 1909; as the terms of the members of the said committee as above provided for shall expire, their successors shall be elected for a term of five years by the Board of Aldermen of the town of Forest City at their first meeting after their election and qualification. Whenever any vacancy shall occur in said committee, otherwise than by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

Graded school committee.

Terms of office.

Election of successors.

Vacancy, how filled.

SEC. 3. That the school committee provided for by this act shall have exclusive control of the public school interests, funds, and property in the graded school district, as hereinbefore provided; shall prescribe rules and regulations for their own government, not inconsistent with law, shall fix the compensation of the officers and teachers of the public or graded school annually, and they shall be subject to removal by said committee. Said committee shall make as accurate census of the school population of said district as required by the general school law of the State and all other acts that may be lawful and proper to conduct and manage the general school interests within said district: *Provided*, all children resident in said district between the ages of six and twenty-one years shall be admitted into the school free of tuition charges.

Powers of committee.

School census to be taken.

Children between 6 and 21 admitted free.

SEC. 4. That the School Committee created by that act may elect annually a Superintendent of the school. The said Superintendent shall examine all applicants for positions of teachers in said school, and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said School Committee.

Superintendent, election of and duties.

SEC. 5. That it shall be the duty of the Board of Aldermen of the town of Forest City to levy annually a tax of not more than thirty cents on the one hundred dollars valuation of property in said school district, and not more than ninety cents on each poll in said district, for the support and maintenance of the public graded school in said district, the amount to be levied each year by said Board of Aldermen is to be determined by the Graded School Committee, and the amount so determined and certified by said committee shall be levied by the said Board of Aldermen,

Tax levy for support of school.

Maximum amount.

Collection.

and the taxes so levied shall be collected by the town tax collector, and accounted for by him as other taxes are, and paid to the Treasurer as collected, and the said Board of Aldermen are hereby given full power and authority to levy said tax upon the property and polls in said district: *Provided*, that the right to levy and collect this said tax shall first be submitted to the qualified voters of said district at the municipal election to be held in May, 1903. The vote on said proposition shall be by ballots which shall have printed or written upon them the words "For Levy," and upon others "Against Levy."

Question of tax
levy to be
submitted to
voters Time of
election.

Form of ballots.

Graded school to
have general
school fund.

SEC. 6. That the moneys which shall from time to time be apportioned under the general school laws of the State to the above described school district, shall be turned over by the Treasurer of Rutherford County to the Treasurer of said School Committee for the benefit of said school: *Provided*, that the Mayor of the town shall make a full return of all fines, penalties, or forfeitures collected, on the first days of April and October of each year, all such moneys to be turned over to the Treasurer of said Committee to become as other school funds.

All fines and
penalties from
mayor to be turned
over to said school.

Treasurer,
election, etc.

SEC. 7. That said School Committee shall elect one of their number as Treasurer, whose receipts for such moneys shall constitute a sufficient voucher in the hands of any person paying the same, and the said Treasurer shall report monthly to the said School Committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid, and all other moneys coming into his hands, shall be held by the Treasurer of said Committee, said fund to be disposed of under the direction of the aforesaid School Committee, whose warrants, when signed by the Chairman and countersigned by the Secretary of said Committee, shall only be valid vouchers in the hands of said Treasurer for disbursement of said money in any settlement required of him by law. The said Treasurer shall furnish annually, on the first Monday in July to the Board of Aldermen, a statement in writing of his receipts and disbursements of the school money properly and duly audited and approved by the Chairman and Secretary of the said School Committee: *Provided*, the account books and vouchers of the said Treasurer shall be open for the inspection of the said School Committee at any time.

Duties.

To furnish alder-
men statement of
receipts and
disbursements.

Books open for
inspection.

Annual report of
school committee.

SEC. 8. That the said School Committee shall make annually to the Board of Aldermen, at such time as required under the school law of the State, a report containing an accurate census of the school population of the said district, showing the work done and money expended under their direction in the said district on account of public schools therein, a copy of which report shall be forwarded to the Superintendent of Public Instruction of the State and a copy to the Superintendent in the county of

Rutherford. The beginning and ending of the school year shall be fixed by the committee.

Beginning and ending of school year.

SEC. 9. The School Committee provided for this act shall have the right to control site, lands, buildings, and other property belonging to the trustees of the Forest City Academy or High School, and the title thereto is hereby invested in said committee and their successors; and said School Committee shall succeed to all the rights given and belonging to the trustees of the Forest City or High School under and by virtue of the act incorporating the same.

Forest City Academy. Title and control vested in committee.

SEC. 10. The School Committee hereby created shall be a body corporate by the name and style of the Forest City Graded School, and by that name it shall be capable of receiving gifts and grants, of making purchases and holding real estate and personal property, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. All conveyances to said School Committee, shall be made to them and their successors in office, and all deeds and other agreements affecting real estate shall be deemed sufficiently executed when signed by the Chairman and Secretary of said Committee.

School committee incorporated. Corporate name.

Corporate powers.

Conveyances and deeds to and from said committee

SEC. 11. That in apportioning the school fund of said county said school district shall be allowed the proportion of said fund due per capita to the white children of school age.

What proportion of county school fund allowed.

SEC. 12. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 13. This act shall be in force from and after its ratification, subject to the provisions contained herein.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 396.

AN ACT TO PROVIDE FOR WORKING THE PUBLIC ROADS AND HIGHWAYS OF CASWELL AND CATAWBA COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. The Boards of County Commissioners of Caswell and Catawba Counties, in order to provide for the proper construction, improvement and maintenance of the public roads of said counties, at their regular meeting on the first Monday in June, 1903, and annually thereafter, shall levy a special tax on all property of said counties subject to tax under the State law, of not less than ten cents nor more than twenty-five cents on the one hundred

Commissioners of Caswell and Catawba counties to annually levy tax

Maximum and minimum amount.

How collected and kept.	dollars valuation of property, and not less than thirty nor more than seventy-five cents on each taxable poll, the Constitutional
To be used for maintenance and improvement of roads.	equation to be at all times observed; said taxes to be levied and collected as all other taxes are, to be kept separate in the tax books of the said counties, to be set aside as a special road fund to be used in the construction, maintenance and improvement of the public roads of said counties, 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 found necessary: <i>Provided</i> , that the provisions of this section shall not be effective until the question of levying said special tax shall first have been submitted to the qualified voters of said counties. And for that purpose the said Boards of Commissioners shall order an election to be held at the several voting precincts and voting places in said counties on Thursday after the third Monday in April, 1903, at which shall be submitted to the qualified voters of said counties the question whether or not the said special tax shall be levied for the purpose of improving the public roads and highways of said counties.
Question of tax levy to be submitted to qualified voters	
Election, when held	
Call for election, contents.	That in calling said election the County Commissioners shall specify the rate of tax which is purposed to be levied, and at said election all persons favoring the levy of said special tax shall vote a written or printed ballot containing the words "For Road Tax," and those opposing the levying of such special tax shall vote a written or printed ballot containing the words "Against Road Tax". The result of said election shall be certified to the said Boards of County Commissioners, who shall if a majority of the qualified voters of said counties vote in favor of said special tax, proceed to levy and collect the same in such county as favors same, to be used and expended in the manner hereinafter set out.
Form of ballots	
Result to be certified.	
If favorable, commissioners to levy tax.	
Election, how called.	SEC. 2. That the election provided for in the first section of this act shall be called by the said Boards of Commissioners by advertisement in the newspapers of said counties and by notice posted at the various polling places of said counties for at least thirty days before the date herein set for such election, and the judges and registrars shall be appointed, and the returns made in the same manner as is provided for election of members of the General Assembly. Such original returns shall be deposited and recorded in the office of the Register of Deeds for each county.
Judges and registrars.	
Returns.	
Moneys, how and where expended.	SEC. 3. That the money expended for the purchase of tools, machinery, and general equipment shall be taken from the amount collected as a whole pro rata from all the townships of

the county, but all other moneys shall be expended for improvement of the roads of the township in which the same was collected.

SEC. 4. That the County Commissioners shall, at their discretion, elect a County Superintendent of Roads who shall serve for such length of time and for such compensation as may be determined by said Boards. Said Superintendent may be discharged or replaced whenever the Board of Commissioners shall determine. The duties of such Road Superintendent shall be such as shall be prescribed by the several Boards of Commissioners and he shall make a monthly statement to them setting forth the condition of the tools, teams, appliances and materials on hand, and shall offer such suggestions as to him may seem proper for the best interests of the roads of the county. Said Superintendent shall enter into good and sufficient bond, payable to the State of North Carolina, to be approved by the Board of Commissioners of his county, in an amount double the value of the property to be submitted to his care and custody, but in no case shall said bond be less than one thousand dollars.

County superintendent of roads.

Duties of superintendent.

Bond.

Amount of bond.

SEC. 5. Said Board of Commissioners of each county shall appoint in each township a Road Supervisor who shall have charge of the roads of such township and who shall appoint the overseers of the several road districts in his township, subject to the approval of the Board of Commissioners, and such supervisor shall have general supervision of the roads of the township and shall on the first Monday of April and October of each year make a report to the Board of Commissioners setting forth the condition of the roads in his township, the amount of work done during the preceding six months, the number of days such roads have been worked, and such other general information as the said Board may require of him. Such Supervisor shall be paid such salary, serve for such terms, and perform such duties as the Board of Commissioners may determine, and shall give bond as provided for in case of the Road Superintendent.

Township road supervisor.

Duties, etc.

Report.

Salary. Bond

SEC. 6. That all able-bodied male persons of the county except residents of incorporated towns, between the ages of eighteen and forty-five years, except such persons as are now exempt by law, shall work on the public roads of said county for four days in each and every year at such time and place, and in such manner as may be designated by the road overseer of the road district: *Provided*, that the said overseer shall give to each person subject to road duty two days notice, specifying the time and place, and where such work is to be performed and the tool or implement which such person is required to bring, if any: *Provided further*, that in lieu of said four days work any person so electing may pay to the road overseer or road supervisor for the township fifty cents for each day which such person subject

Working roads by persons of road age.

Notice from overseer.

Cash payment in lieu of work.

Disposition of cash payments.	to road duty shall fail to work on said roads, and said overseer or road supervisor shall give such person a receipt for the amount paid, stating the time for which the same was paid, and such amount so received shall within thirty days be turned over to the County Treasurer and be credited to the road fund of the township in which the same was collected; <i>Provided further</i> , that no person shall be required to work on any road outside of the township wherein he resides.
Where required to work.	
Road tax moneys, how expended.	SEC. 7. The money arising from the special tax herein provided for shall be expended by the Board of Commissioners as shall seem best to them for the general improvement of the roads of their county, and they may, in their discretion, let out contracts to persons of any or all of said roads. But in case of employment of Road Superintendent and other persons for working on said roads it is especially provided that such persons shall receive compensation only for the actual time they shall be employed.
Restrictions on compensation of superintendent and other employees.	
List of those failing to work furnished justice of the peace.	SEC. 8. A list of the persons in each township liable to road duty who have at any time during the year failed to work on the public roads after having been duly notified, or to pay as provided for in section six of this act, shall within thirty days after the first day of October in each year be submitted by the road overseer to a justice of the peace in the township in which such persons reside, and it shall be the duty of such justice of the peace immediately to issue his warrants for such persons and proceed against them according to law; <i>Provided</i> , that in cases of extreme or severe illness such person so failing to work as required by this act shall not be deemed to come within the meaning of this section.
Warrant to issue.	
Proviso.	
Prisoners to work on public roads.	SEC. 9. That all male prisoners confined in the county jail under a final sentence of the Court for crime, or imprisoned for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any Court in said county for non-payment of costs, and all persons who would otherwise be sentenced to the State prison from such county for a term of less than ten years, shall be worked on the public roads of the county: <i>Provided</i> , that if the number of such persons in the county at any time shall be below ten in number 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 co-operating county to thereby increase the number of prisoners at work on the public roads at any given time: <i>Provided</i> , that in case of serious physical disability, certified by the county physician, persons convicted in the Superior or any inferior Court may be sentenced to the penitentiary or county jail.
May exchange with neighboring counties.	
Proviso.	SEC. 10. That the road Superintendent, or such other person as

the Board of County Commissioners shall authorize to work upon the roads of the county and to have charge of the hands and teams employed or owned by the county, shall have the right to grade, macadamize, ditch, straighten or change any road as in his or their judgment seems best, and shall have the right to remove any dirt, sand, stone, timber, or other matter necessary in the construction of said roadway, but the owner of such dirt, sand, stone, timber, or other matter may present an account of the same to the Board of Commissioners within thirty days, who shall pay the same, if to them it seems just and reasonable, but in case of disagreement a committee of three shall be appointed, one person by the party owning such property, one by the Board of Commissioners, and these two shall choose a third, who shall decide the matter: *Provided*, that either side may appeal to the Superior Court.

Powers of road officials over the lands and property of citizens.

Compensation for material used. Arbitration in case of disagreement.

Appeal.

SEC. 11. Any person who shall wilfully obstruct any ditch or culvert, or fell any tree across a public highway, or deface or in any manner destroy any signboard, embankment, bridge, or other thing related to or connected with the public road system, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both in the discretion of the Court.

Obstruction or injury to highway, etc., misdemeanor.

Penalty.

SEC. 12. That nothing done or omitted under the provisions of this act by either county named herein, shall be deemed to affect, in any manner, the other county named.

Acts or omissions in one county not to affect the other.

SEC. 13. It shall be the duty of the Secretary of State within five days after the ratification of this act to certify a copy of the same to the Chairman of the Board of Commissioners of Caswell County and to the Chairman of the Board of Commissioners of Catawba County.

SEC. 14. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 397.

AN ACT FOR THE BETTER WORKING OF "THE POINT OF MARSH" SECTION OF PUBLIC ROAD, IN SCUPPERNONG TOWNSHIP, TYRRELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be annually levied and collected in Scuppernong township, Tyrrell County, North Carolina, a tax of five cents on each hundred dollars of property, and fifteen cents on each poll, to be applied exclusively to the improvement of the section of public road in said township known as the

Tax levy for road, improvement. Amount, etc., where applied.

How levied and collected.

Board of road supervisors.

Chairman and secretary.

Taxes, how disposed of.

Treasurer to keep separate account.

Moneys levied and collected under this act, how applied.

Conflicting laws repealed.

Point of Marsh Road. Said tax shall be in addition to the taxes already levied in said township, and the same 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 are now levied and collected.

SEC. 2. 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 said Scuppernong Township, and the Chairman and Secretary of said Board of Road Supervisors, and their successors in office, shall be the Chairman and Secretary of said Board of Road Commissioners.

SEC. 3. That said taxes when collected shall be paid to the Treasurer of Tyrrell County, and shall be paid out by him on the order of the Chairman of the said Board of Road Commissioners, countersigned by the Secretary of said Board, and the said Treasurer shall accurately keep a separate account of all amounts received and disbursed by virtue of this act.

SEC. 4. That the said Board of Road Commissioners of Scuppernong township shall apply all monies levied and collected under this act to the purchase of material for, and for the improvement of, said section of road as in their judgment seems best.

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

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 398.

AN ACT TO AMEND CHAPTER 538, LAWS OF 1901.

The General Assembly of North Carolina do enact:

Relative to buying, selling and hunting quail in Halifax and Warren counties.

SECTION 1. That chapter 538, Laws of 1901, section 1, be amended by adding at the end of said section: "One half to the informer, and the other to the public school fund."

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

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 399.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CABARRUS COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING, IMPROVING, ETC., THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners for the county of Cabarrus be, and it is hereby authorized and empowered to submit to the vote of the qualified voters of Cabarrus county at such time or times as in its discretion it may deem best, the question as to whether or not the county of Cabarrus shall issue bonds in the sum of two hundred and fifty thousand dollars, with interest coupons attached, the proceeds of which to be used for the purposes hereinafter specified in this act. The said Board of County Commissioners shall for at least thirty (30) days preceding the election give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the qualified voters of said county shall not vote to issue bonds at the election so held the said Board of County Commissioners may submit the said question to the qualified voters of said county at any other time or times, under the provisions and regulations hereinafter enacted.

Cabarrus County commissioners may submit question of bond issue for road improvement to voters.

Amount of bonds.

Notice of election.

Subsequent elections.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said Board of County Commissioners shall appoint the registrars and the judges of election and any other election officers, and the registration and challenge of voters shall be conducted in the same manner as is now provided, or may hereafter be provided, for the election of members of the General Assembly, and said Board of 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 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 said election shall be necessary.

Elections, how held.

Registrars and judges.

New registration.

Counting and return of vote. Declaration of result. Record thereof.

SEC. 3. 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 Bond Issue" or "Against Good Roads Bond Issue", and all qualified electors who favor the issu-

Form of ballots.

Application of proceeds from sale of bonds.	ing of said bonds shall vote for good roads bond issue, and all qualified electors opposed to the issuing said bonds shall vote against good roads bond issue.
Denomination of bonds.	SEC. 4. That the proceeds arising from the sale of said bonds shall be applied to the following purposes, viz: First, to the payment of all the present debt of said county; second, to the purchase of such tools, machinery, and implements and stock as the Board of Commissioners may deem necessary for constructing and improving the public roads; third, to the repairing, making, improving, grading and macadamizing the public roads under the provisions of the road law of Cabarrus County.
Rate of interest.	SEC. 5. In the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at any election provided for in this act, the result shall be declared and recorded as aforesaid, and the Board of Commissioners for the county of Cabarrus shall have prepared bonds in the denomination of one thousand dollars, five hundred dollars, or one hundred dollars, the total amount to be that provided for in the first section of this act, and the said bonds shall bear a rate of interest to be determined before the issue thereof by the said Board of County Commissioners, not exceeding four per centum per annum, with the interest coupons attached payable semi-annually during the time the said bonds shall run, and the principal thereof shall be payable forty (40) years from the date of their issue. Said bonds and coupons shall be payable in the standard currency of the United States at the Concord National Bank or the Cabarrus Savings Bank in the city of Concord, North Carolina, the Chase National Bank or the Hanover National Bank, of New York City, at the option of the holder of the bond, and the bonds 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 seal of said county. The said bonds shall be styled "Cabarrus County Highway Improvement Bonds."
Payable semi-annually. Principal, when payable.	
In what and where payable.	
Bonds, how executed.	
Name and style of bonds.	
Not to be disposed of for less than par.	
Restriction as to use of proceeds.	SEC. 6. That none of the bonds authorized by this act shall be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said bonds or the 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. That said Board of Commissioners shall keep a record of all its proceedings in respect to said bonds in the minutes of its 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 the minutes.
Bonds and coupons to be numbered.	
Commissioner's record of proceedings. Record of coupons	

- SEC. 7. When any of said bonds are sold the proceeds of sale shall be turned over to the Treasurer of Cabarrus County, who shall keep said fund, and all other funds which may come into his hands, separate from all other funds, and he shall keep separate accounts of same; and said Treasurer shall annually, before any fund provided for in this act be paid over to him, execute an official bond payable to the county of Cabarrus 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 safe keeping of the same, and rendering a due account in respect thereto, and in all things holding and dispensing and accounting for the same as is required by law, which bond shall be passed upon, accepted, and received by the Board of Commissioners of the county, and all orders directed to said Treasurer for the payment of money under this act shall be made in accordance with the provisions of the road law enacted at the present General Assembly, and shall state on their face that they are Highway orders, and to what account they are chargeable, and shall be signed by the Chairman of the Board of County Commissioners, and the Clerk of said Board of Commissioners: *Provided*, that the Treasurer shall be allowed not exceeding one per cent of the disbursements of said fund.
- 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 for the county of Cabarrus shall annually compute and levy the first Monday in June a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation on which the said Board of County Commissioners now or may hereafter be authorized to levy taxes for general county purposes, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and promptly pay the interest on said bonds; said taxes shall be collected in the same manner and at the same time as other taxes, and shall be paid over by the Sheriff to the Treasurer of Cabarrus County, which officers shall give justified bonds in amount amply sufficient to cover said taxes, the former officer for collecting and paying over, and the latter for safe keeping and proper disbursement of said funds.
- SEC. 9. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of the Board of Commissioners, at and after the expiration of thirty years from the date of said bonds, to annually levy and collect a special tax, in addition to that mentioned in section eight of this act, and the tax provided for in this section shall equal in amount one-tenth 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 eleven of this

Proceeds to be turned over to county treasurer.

Must be kept separate.

Treasurer's bond.

Conditions of bond.

Orders on treasurer. Requirements, form, etc.

How signed.

Treasurer's fees.

Tax levy.

How collected and disposed of.

Bonds of sheriff and treasurer.

Sinking fund provided for.

When to begin.

Amount of tax for sinking fund.

When tax for sinking fund to cease	act, shall be sufficient to pay off the principal of all outstanding bonds, then said Board of Commissioners shall cease to levy taxes for said sinking fund.
Road taxes to be kept separate from all others	SEC. 10. That the taxes levied and collected for the purposes specified in sections eight and nine of this act shall be kept separate and distinct from each other and from any and all other taxes, and shall be used for the purposes for which they were levied and collected, and any member or members of the Board of Commissioners for the county of Cabarrus who shall appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: <i>Provided</i> , that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and said Board of Commissioners, at the time of levying taxes for the payment of interest for said next succeeding year shall take into consideration said excess and to compute and levy said taxes accordingly.
Exclusive use.	
Appropriation by commissioners for other purposes a misdemeanor.	
Excess of interest money one year applied to next	
Excess to be taken into consideration in succeeding levy.	
Investment of sinking fund.	SEC. 11. That it shall be the duty of the Board of Commissioners for the county of Cabarrus to annually invest any and all money arising for the special tax collected under section nine of this act, in the purchase of any of said bonds at a price deemed advantageous to said county by the Board of Commissioners, but in case said bonds cannot be purchased the Board of 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 Board of Commissioners for the county of Cabarrus; and in case said Board of Commissioners 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 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 due.
Evidences of debt for sinking fund. To whom executed.	
If unable to invest money to be deposited for interest in bank.	
Interest to be reinvested.	
Audit and settlement of accounts.	SEC. 12. That the Board of Commissioners for the county of Cabarrus shall audit the accounts of the Sheriff for all taxes levied and collected under this act, and make settlement of the same between said Sheriff and County Treasurer and said Board of Commissioners, and may institute and prosecute any necessary action for the recovery of any such special taxes in case any officer fails to account for the same.
Officer failing to account, commissioners to sue and prosecute.	SEC. 13. The Board of Commissioners for the county of Cabar-

rus shall not use more than the proceeds from the sale of fifty thousand dollars worth of bonds in any one year, over and above the amount paid for machinery, implements and stock, except upon the unanimous vote of said Board of Commissioners.

How much may be used in any one year.

SEC. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 400.

AN ACT TO CORRECT THE CALLS IN THE FOLLOWING STATE GRANTS FOR LANDS IN WHAT WAS FORMERLY CHEROKEE COUNTY, NOW GRAHAM COUNTY, TO-WIT: GRANTS NUMBERS 2575, 2582, 3750, 2553, 2572, 2539, 2554, 2555, 78, 3751, 2571, 2546, 2544, 2540, 2549, 2542, 7267, 2561, 2568, 7266, and 15200.

WHEREAS, The State of North Carolina has heretofore granted certain lands situated in what was formerly Cherokee County, now Graham County, in said State, by various grants hereinafter identified, to sundry persons hereinafter named, the title to which lands as conveyed by said grants has now, by mesne conveyances, become vested in Frank T. Rumbarger, of the city of Philadelphia, and State of Pennsylvania; and,

WHEREAS, in locating and surveying said lands so covered by said grants, numerous mistakes and inaccuracies have been discovered in the calls thereof, and it is desirable that such mistakes and inaccuracies shall be corrected, so far as is possible without prejudice to any vested rights of other persons.

Now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the calls in the State Grant No. 2575, dated November 28, 1862 (issued upon Entry No. 2106), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a beech, the northeast corner of Entry No. 1308, running thence north 27° 30' west, 225 poles to a beech on a rock, the southeast corner of Entry No. 2114; thence with the line of said entry No. 2114 south 30° west, 390 poles to a beech in the north line of Entry No. 1325; thence with the line of Entries Nos. 1325 and 1308, north 70° east, 360 poles to the beginning.

Boundaries of Grant No. 2775 to M. Fain and G. W. Swepson corrected.

Corrected boundaries.

SEC. 2. That the calls in State Grant No. 2582, dated November

Grant No. 2582 to
M. Fain and G. W.
Swepson
corrected.

Corrected
boundaries.

28, 1862 (issued upon Entry No. 2107), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a chestnut in the line of Entry No. 2021 and running thence with the line of that Entry south 50° east, crossing Santeatla Creek at 90 poles, whole distance 206 poles to a spruce pine, at the southeast corner of Entry No. 2021, and corner also of Entry No. 2114; thence with the line of said Entry No. 2114 north 50° east, 150 poles to a box elder, corner of said Entry No. 2114; thence north 50° west, crossing Santeatla Creek at 128 poles, whole distance 320 poles to a beech; thence south 50° west 150 poles to a spruce pine; thence south 50° east 116 poles to the beginning.

Grant No. 3750.

Corrected
boundaries.

SEC. 3. That the calls in State Grant No. 3750, dated November 26, 1875 (issued upon Entry No. 1325), to M. Fain for land in what was formerly Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a beech in the line of Entry No. 1351, 20 poles southeast of Laurel Top, and running thence north 70° east 346 poles to a beech and chitwood, crossing Snow Bird Creek at 124 poles; thence north 20° west 320 poles to a stake and birch on the east bank of Santeatla Creek; thence south 70° west 362 poles to a beech on the State line; thence with the State line and its meanders to a large birch, corner of Entry No. 1351; thence with the line of said Entry No. 1351 south 25° east 20 poles to the beginning.

Grant No. 2553.

Corrected
boundaries.

SEC. 4. That the calls in State Grant No. 2553, dated November 28, 1862 (issued upon Entry No. 6585), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a beech and chitwood, the southeast corner of Entry No. 1325, and the northeast corner of Entry No. 6594, and the southwest corner of Entry No. 1308, and running thence with the line of said Entry No. 1308 north 70° east 320 poles to a large birch near one of the head springs of West Buffalo Creek and the southeast corner of said Entry No. 1308; thence south 1° west 421 poles to a stake, the northwest corner of Entry No. 6590; thence with the line of said Entry No. 6590 south 20° east 100 poles to a spruce pine, the northeast corner of Entry No. 2110; thence with the line of said Entry No. 2110 south 60° west 260 poles to a small box elder, the northwest corner of said Entry No. 2110, and the northeast corner of Entry No. 1315, and the southeast corner of Entry No. 6594; thence with the line of said Entry No. 6594 north 10° west 580 poles to the beginning.

Grant No. 2572.

SEC. 5. That the calls in State Grant No. 2572, dated November 28, 1862 (issued upon Entry No. 2114), to M. Fain and G. W. Swep-

son, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a spruce pine the southeast corner of Entry No. 2021, and the southwest corner of Entry No. 2107, and running thence with the line of said Entry No. 2107 north 50° east 150 poles to a box elder, the southeast corner of said Entry No. 2107; thence south 20° east 180 poles to a beech on a rock, the northeast corner of Entry No. 2106; thence with the line of said Entry No. 2106 south 30° west 390 poles to a beech on the line of Entry No. 1325; thence with the line of said Entry south 70° west 228 poles to the line of Entry No. 2021; thence with the line of that Entry north 30° east 640 poles to the beginning.

Corrected
boundaries.

SEC. 6. That the calls in State Grant No. 15200, dated January 23, 1902 (issued upon Entry No. 2021), to M. Fain, assignee, for land in what was formerly Cherokee County, now Graham County, be and the same are hereby corrected so as to read as follows: Beginning on a spruce pine, the southwest corner of Entry No. 2107, and running thence with the line of said Entry No. 2107 north 50° west, crossing Santeatla Creek at 116 poles, passing a chestnut, the beginning corner of Entry No. 2107 at 206 poles, whole distance 322 poles to a spruce pine (dead) the northwest corner of Entry No. 2107; thence south 40° west 265 poles to a beech on the State line; thence with the State line and its meanders 736 poles to a beech on said State line, and the northwest corner of Entry No. 1325; thence with the line of said last named Entry north 70° east 15 poles to a beech in the line of said Entry No. 1325, the southwest corner of Entry No. 2114; thence with the line of said Entry No. 2114 north 30° east 640 poles (crossing Santeatla Creek at 376 poles) to the beginning.

Grant No. 15200.

Corrected
boundaries.

SEC. 7. That the calls in State Grant No. 2539, dated November 28, 1862 (issued upon Entry No. 6410), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a white oak on the north side of Little Snow Bird Creek, the southwest corner of Entry No. 6406, and the northeast, and beginning corner of Entry No. 6408, south 25° east, crossing Little Snow Bird Creek at 22 poles, whole distance 228 poles to a stake and pointers, the southeast corner of Entry No. 6408; thence east 306 poles to a small chestnut on a steep mountain side; thence north 25° west 316 poles to a beech near a small branch; thence north 75° west, crossing Little Snow Bird Creek at 150 poles, whole distance 304 poles to a locust on a high ridge; thence south 15° east 16 poles to a locust; thence south 4° east 83 poles to a black oak; thence south 20° east 52 poles to the beginning.

Grant No. 2539.

Corrected
boundaries.

SEC. 8. That the calls in State Grant No. 2554, dated November

Grant No. 2554.

orrected
boundaries.

28, 1862 (issued upon Entry No. 6590), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a stake and laurel, the northeast corner of Entry No. 2121, and the northwest corner of Entry No. 2100, and running thence north 20° west 360 poles to a post and birch; thence south 65° west 293 poles to a stake and pointers in the line of Entry No. 6585; thence south 20° east, passing the northeast corner of Entry No. 2110 at 100 poles, whole distance 345 poles to a rock in the line of Entry No. 2121, north 65° east 280 poles to the beginning.

Grant No. 2555.

Corrected
boundaries.

SEC. 9. That the calls in State Grant No. 2555, dated November 28, 1862 (issued upon Entry No. 6594), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a birch, the northeast corner of Entry No. 1330 on the bank of a branch and in the line of entry No. 1325 and running thence with that line north 70° east 222 poles to a beech and chitwood at the southeast corner of Entry No. 1325, and the southwest corner of Entry No. 1308, and the northwest corner of Entry No. 6585; thence with the line of said Entry No. 6585 south 10° east 580 poles to a small box elder in the line of Entry No. 1315, near the northeast corner of said entry; thence with the line of said Entry No. 1315 south 60° west 274 poles to a chestnut in said line; thence north 30°, 190 poles to a chestnut in the line of Entry No. 1322; thence with the line of said Entry north 65° east 64 poles to three chestnuts, the southeast corner of Entry No. 1322; thence with that line north 25° west, passing the northeast corner of said entry and the southeast corner of Entry No. 1328 (three lynns) at 116 poles, whole distance 308 poles to the northeast corner of Entry No. 1328 and the southwest corner of Entry No. 1330; thence with the line of said Entry No. 1330 north 70° east 124 poles to a birch, the southeast corner of said last named entry; thence with the line of said last named entry north 20° west 112 poles to the beginning.

Grant No. 78.

Corrected
boundaries.

SEC. 10. That the calls in State Grant No. 78, dated February 6, 1875 (issued upon Entry No. 1330), to M. Fain, for land in what was formerly Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a spruce pine, the northeast corner of Entry No. 1328, and the southeast corner of 1351 and running thence with the line of said Entry No. 1351 north 25° west 112 poles to a beech, the southwest and beginning corner of Entry No. 1325; thence with the line of said Entry No. 1325 north 70° east 124 poles to a stake in said line and corner of Entry No. 6594; thence south 20° east 112 poles to a stake and birch, corner of said Entry No. 6594; thence south 70° west 124 poles to the beginning.

SEC. 11. That the calls in State Grant No. 3751, dated November 26, 1875 (issued upon Entry No. 1328), to M. Fain, assignee, for land in what was formerly Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a chestnut, the southeast corner of Entry No. 639 and running thence north 65° east 90 poles to three lynns; thence north 25° west 192 poles to a spruce pine, the southeast corner of Entry No. 1351; thence with the line of said last named entry south 65° west 90 poles to a buckeye, the northwest corner of Entry No. 639; thence with the line of said last named Entry south 25° east 192 poles to the beginning.

Grant No. 3751.

Corrected
boundaries.

SEC. 12. That the calls in State Grant No. 2571, dated November 28, 1862 (issued upon Entry No. 2091), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a chestnut, the southwest corner of Entry No. 1315, and running thence with the line of said Entry No. 1315 north 60° east 278 poles to a birch in the line of Entry No. 1901; thence with the line of said Entry No. 1901 south 35° west 260 poles to its northwest corner; thence with the line of said Entry No. 1901 south 20° east 20 poles to a spruce pine, corner of Entry No. 105; thence with the line of said Entry No. 105 south 65° west 100 poles to a chestnut oak, the beginning corner of said Entry No. 105; thence with another line of said Entry No. 105 south 15° east 60 poles to a white oak; thence south 60° west 98 poles to cherry, corner of Entry No. 4024; thence north 30° west 330 poles to a chestnut; thence north 60° east 160 poles to a chestnut, corner of Entry No. 1315; thence with the line of said Entry No. 1315 south 30° east 160 poles to the beginning.

Grant No. 2571.

Corrected
boundaries.

SEC. 13. That the calls in State Grant No. 2546, dated November 28, 1862 (issued upon Entry No. 6645), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a spruce pine in the line of Entry No. 1901, and the northeast corner of Entry No. 105, and running thence with the line of said Entry No. 1901 north 35° east 58 poles to the southeast corner of said Entry No. 1901; thence with another line of said Entry No. 1901 north 20° west 50 poles to the southwest corner of Entry No. 2110; thence with the line of said last named Entry, and with the line of Entry No. 6590 north 65° east 172 poles to the northwest corner of No. 2121; thence with the line of said Entry No. 2121 south 25° east 270 poles to a beech, the northwest corner of Entry No. 2120, and the southwest corner of said Entry No. 2121, and the northeast corner of Entry No. 6409; thence with the line of said Entry No. 6409 south 65° west 256 poles to the corner of Entry No. 6642 in

Grant No. 2546.

Corrected
boundaries

the line of Entry No. 105; thence with the line of said Entry No. 105 north 15° west 190 poles to the beginning.

Grant No. 2544.

Corrected
boundaries.

SEC. 14. That the calls in State Grant No. 2544, dated November 28, 1862 (issued upon Entry No. 2090), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a spruce pine in the line of Entry No. 6641, near the head of Little Snow Bird Creek, and running thence east 133 poles to a chestnut in a hollow; thence north 25° west 176 poles to a spruce pine in the line of Entry No. 105; thence with that line south 65° west 98 poles to a Spanish oak, corner of Entry No. 6908; thence south 32 poles to a stake on top of the mountain; thence south 3° west 160 poles to a stake; thence south 10° east 200 poles to a stake; thence east 160 poles to a chestnut oak, the southwest corner of Entry No. 6641; thence with the line of said Entry No. 6641 north 25° west 300 poles to a Spanish oak, the northwest corner of said Entry No. 6641; thence with another line of said Entry east 28 poles to the beginning.

Grant No. 2540.

Corrected
boundaries.

SEC. 15. That the calls in State Grant No. 2540, dated November 28, 1862 (issued upon Entry No. 6409), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a chestnut, the southwest corner of Entry No. 2120, and running thence with the line of said entry north 18° west 410 poles to a beech on the north side of a mountain, the northwest corner of said Entry No. 2120 and the southwest corner of Entry No. 2121, and the southeast corner of Entry No. 6645; thence with the line of said Entry No. 6645 south 65° west 220 poles to a stone, the northeast corner of Entry No. 6642; thence with the line of said Entry No. 6642, and of Entry No. 6582, south 25° east 416 poles to a small Spanish oak, the southeast corner of said Entry No. 6592; thence north 65° east 180 poles to the beginning.

Grant No. 2549.

Corrected
boundaries.

SEC. 16. That the calls in State Grant No. 2549, dated November 28, 1862 (issued upon Entry No. 6642), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a chestnut, the southeast corner of Entry No. 2090 and the northeast corner of Entry No. 6641, and the northwest corner of No. 6592, and running thence north 25° west 176 poles to a spruce pine, corner of said Entry No. 2090, in the line of Entry No. 105; thence with the line of said Entry No. 105 north 60° east 230 poles to the southeast corner of said last named Entry; thence with another line of said Entry No. 105 north 15° west 40 poles to the southwest corner of Entry No. 6645; thence with the line of said last named Entry north 65°

east 48 poles to a stake, the northwest corner of Entry No. 6409; thence with the line of said last named Entry south 25° east 110 poles to a rock in the line of said Entry No. 6409 at the northeast corner of Entry No. 6592; thence with the line of said last named Entry south 40° west 320 poles to the beginning.

SEC. 17. That the calls in State Grant No. 2542, dated November 28, 1862 (issued upon Entry No. 6411), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a chestnut, the southeast corner of Entry No. 2120, and the northeast corner of Entry No. 6406, and the northwest corner of Entry No. 6407, and running thence north 65° east 220 poles to a stake and chestnut oak on the top of a ridge; thence north 17° west, crossing Big Snow Bird Creek at 282 poles, whole distance 380 poles to a chestnut; thence south 65° west 220 poles to a spruce pine, the northeast and beginning corner of Entry No. 2120; thence with the line of said Entry No. 2120 south 18° east, crossing Big Snow Bird Creek at 72 poles, whole distance 380 poles to the beginning.

Grant No. 2542.

Corrected
boundaries.

SEC. 18. That the calls in State Grant No. 7267, dated July 9th, 1885 (issued upon Entry No. 6407), to M. Fain and G. W. Swepson, assignees, for land in what was formerly Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a chestnut, the southeast corner of Entry No. 2120, and the southwest corner of Entry No. 6411, and the northeast corner of Entry No. 6406, and running thence with the line of said Entry No. 6406 south 55° east 80 poles to a hickory and locust in the line of Entry No. 1000; thence with the line of said Entry No. 1000 north 70° east 22 poles to a chestnut oak, the northeast corner of said Entry No. 1000; thence with another line of said Entry No. 1000 south 20° east 174 poles to a rock and pointers in the line of Entry No. 2393; thence north 40° east 350 poles to a Spanish oak, the northwest and beginning corner of Entry No. 1362; thence north 40° west 108 poles to a stake and small chestnut; thence south 65° west, passing the southeast corner of Entry No. 6411 at 90 poles, whole distance 310 poles to the beginning.

Grant No. 7267.

Corrected
boundaries.

SEC. 19. That the calls in State Grant No. 2561, dated November 28, 1862 (issued upon Entry No. 6406), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a chestnut, the southeast corner of Entry No. 2120 and the southwest corner of Entry No. 6411, and the beginning corner of Entry No. 6407, and running thence with the line of said Entry No. 6407 south 55° east 80 poles to a locust and hickory in the line of Entry No. 1000; thence with the line of said Entry No. 1000 south 70° west 44

Grant No. 2561.

Corrected
boundaries.

poles to a double chestnut, the northwest and beginning corner of said Entry No. 1000; thence with another line of said Entry No. 1000 south 20° east 138 poles to the line of Entry No. 4314; thence with line of said last named Entry south 80° west 109 poles to a chestnut, the northwest corner of said Entry No. 4314; thence with another line of said last named Entry south 10° east 90 poles to a locust, the southwest and beginning corner of said Entry No. 4314; thence south 15° west, passing a locust, corner of Entry No. 6410, at 16 poles, whole distance 40 poles to a locust; thence south 4° east 83 poles to a black oak; thence south 20° east 52 poles to a white oak, corner of Entries Nos. 6408 and 6410, and the beginning corner of Entry No. 4072; thence with the line of said Entry No. 4072 north 25° west 298 poles to a small white oak, corner of Entries Nos. 4072 and 4266; thence with the line of Entry No. 4266 north 40° west 90 poles to a stake; thence north 25° east 10 poles to a line of Entry No. 6409; thence with the line of Entries Nos. 6409 and 2120 north 58° east 216 poles to the beginning.

Grant No. 2568.

SEC. 20. That the calls in State Grant No. 2568, dated November 28, 1862 (issued upon Entry No. 2110), to M. Fain and G. W. Swepson, for land in what was then Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning at the northeast corner of Entry No. 1315, and the southeast corner of Entry No. 6594, and the southwest corner of Entry No. 6585, and running thence with the line of said Entry No. 6585 north 60° east 260 poles to a spruce pine, the southeast corner of said Entry No. 6585, in the line of Entry No. 6590; thence with the line of said Entry No. 6590 south 20° east 260 poles to the southwest corner of the said last named entry in line of Entry No. 6645; thence with the line of said first named Entry south 65° west 56 poles to a stake at the northwest corner of said last named Entry in the line of Entry No. 1901; thence with the line of said Entry No. 1901 north 20° west 172 poles to the northeast corner of said last named Entry; thence with another line of said Entry No. 1901 south 35° west, crossing Snow Bird Creek at 24 poles, whole distance 166 poles, to the southeast corner of Entry No. 1315; thence with the line of said Entry No. 1315 north 30° west 160 poles to the beginning.

Corrected
boundaries.

Grant No. 7266.

SEC. 21. That the calls in State Grant No. 7266, dated July 9, 1885 (issued upon Entry No. 2120), to M. Fain and G. W. Swepson, assignees, for land in what was formerly Cherokee County, now Graham County, be and the same are hereby corrected, so as to read as follows: Beginning on a spruce pine on the bank of Big Snow Bird Creek, 38 poles below the falls and running thence south 65° west, crossing Big Snow Bird Creek at 8 poles, whole distance 180 poles to a beech on the north side of a mountain;

Corrected
boundaries.

thence south 18° east 410 poles to a chestnut on the side of a mountain; thence north 50° east 180 poles to a chestnut, corner of Entries Nos. 6406, 6407 and 6411; thence with the line of said Entry No. 6411 north 55° west, crossing Snow Bird Creek at 308 poles, whole distance 380 poles, to the beginning.

SEC. 22. That nothing in this act contained shall be construed to interfere with or affect the rights of any person or persons that have vested since the issuance of said grants respectively, or to interfere with or affect any pending litigation.

Not to interfere with vested rights of others or pending litigation.

SEC. 23. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 401.

AN ACT FOR THE RELIEF OF R. B. WATTS, A SCHOOL TEACHER IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of Wilkes County be and he is authorized and directed to pay to R. B. Watts out of the school funds which now are or may come into his hands, the sum of twenty-three dollars and seventy-two cents, the same being the amount due him as teacher of a free public school or schools in District No. 2, colored race, in Wilkesboro Township, Wilkes County, as follows: For the year 1899, eleven dollars and twenty cents, and for the year 1901, twelve dollars and fifty-two cents. But said claim shall not be paid until approved by the school committee of the district, the County Superintendent and the County Board of Education.

Treasurer of Wilkes to pay R. B. Watts \$23.72 out of school funds.

Claim to be approved by district committee, county superintendent and board of education.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 402.

AN ACT TO MAKE APPROPRIATIONS FOR STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

Amounts appropriated for various State institutions.

North Carolina School for the Deaf and Dumb.

Institution for the Deaf and Dumb and Blind.

State Hospital at Raleigh.

State Hospital at Morganton.

State Hospital at Goldsboro.

SECTION 1. That for the North Carolina School for the Deaf and Dumb, the sum of forty-two thousand five hundred dollars is hereby annually appropriated for the support and maintenance of said institution. And the sum of five thousand dollars is further appropriated for the purpose of liquidating and discharging the deficit and debt of said institution existing at the date of the ratification of this act. And all other appropriations heretofore made are hereby revoked.

SEC. 2. That for the support and maintenance of the Institution for the Deaf and Dumb and Blind, the sum of sixty thousand dollars is hereby annually appropriated; and the sum of ten thousand dollars is further appropriated for the purpose of liquidating and discharging all debts of said institution existing at the date of the ratification of this act, and \$50.00 annually for books; and all other appropriations heretofore made are hereby revoked.

SEC. 3. That for the support and maintenance of the State Hospital at Raleigh, the sum of seventy-one thousand, five hundred dollars is annually appropriated; and for the special purpose of furnishing to said institution a pure and wholesome water-supply, and all connections and equipment necessary thereto, the sum of five thousand dollars is hereby appropriated; and in order to pay off and discharge the total indebtedness of the said institution existing at the date of the ratification of this act the sum of seven thousand dollars is hereby appropriated; all other appropriations heretofore made are hereby revoked.

SEC. 4. That for the purpose of the support and maintenance of the State Hospital at Morganton, an annual appropriation of one hundred and twenty-five thousand dollars is hereby made; and for the purpose of paying off and discharging the debt and deficit of said institution existing at the date of the ratification of this act, the sum of seven thousand dollars is hereby appropriated; and all other appropriations heretofore made are hereby revoked.

SEC. 5. That for the support and maintenance, and out of which to pay the accrued and accruing interest upon its debt, the sum of fifty-eight thousand dollars is annually appropriated to the State Hospital at Goldsboro; and for the purpose of liquidating and discharging the debt and liability of said institution existing at the date of the ratification of this act, the sum of four thousand, seven hundred and sixty-six dollars and ninety-five

cents, is hereby further appropriated; and all other appropriations heretofore made are hereby revoked.

SEC. 6. That to the Hospital for the Dangerous Insane, the sum of five thousand dollars is hereby annually appropriated; for the construction of heating apparatus, the sum of one thousand dollars; and all other appropriations heretofore made are hereby revoked.

Hospital for Dangerous Insane.

SEC. 7. To the Soldiers' Home, an annual appropriation of thirteen thousand dollars is hereby made, and the further sum of two thousand four hundred dollars is hereby appropriated for the necessary repairs to the buildings occupied and used for the purposes of this establishment; and all other appropriations heretofore made are hereby revoked.

Soldiers' Home.

SEC. 8. That the sum of thirty-seven thousand, five hundred dollars is annually appropriated for the support and maintenance of the University of North Carolina, and the further sum of two thousand and five hundred dollars is hereby appropriated for the purpose of supplying water to the institution and for the payment of damages to owners of water rights, and to pay interest paid upon such part of the former annual appropriation as was found necessary to borrow; and the further sum of five thousand dollars for the purpose of furnishing the Department of Physics. That all other appropriations heretofore made are hereby revoked.

University of North Carolina.

SEC. 9. That the regular annual appropriation of two thousand dollars for the support and maintenance of the Cullowhee High School is hereby made, and in addition the sum of two thousand dollars is hereby appropriated to complete the buildings on the grounds purchased by the State; and all other appropriations heretofore made are hereby revoked.

Cullowhee High School.

SEC. 10. That for the support and maintenance of the State Normal and Industrial College at Greensboro, an annual appropriation of forty thousand dollars is hereby made, and in addition thereto the sum of four thousand dollars is hereby appropriated as a specific appropriation for needed repairs and betterment of said College, including cold storage; and a further sum of three thousand dollars is hereby annually appropriated for the support and maintenance of said College: *Provided*, the sum of three thousand dollars shall not be available or payable until the appropriation now received from the Peabody Fund shall be withdrawn from said College: *And provided*, the sum of three thousand dollars for one year is hereby made as an additional appropriation for increasing dormitory room in said College.

State Normal and Industrial College.

SEC. 11. That for the support and maintenance of the North Carolina College of Agriculture and Mechanical Arts, the present annual appropriation of ten thousand dollars to be paid out of the Treasury of the State, is hereby continued, and an additional ap-

North Carolina College of Agriculture and Mechanic Arts.

propriation of ten thousand dollars for one year; after the expiration of the said term of one year, an additional sum of ten thousand dollars annually for the term of three years is appropriated, to be paid out of the fund collected from the tax levied by law upon fertilizers in this State, and commonly known as the fertilizer tax, and now under the control of the Board of Agriculture, and said Board shall provide out of said special tax fund a sum not to exceed twelve thousand dollars for the completion of the buildings of said College now in the course of erection and construction; and the further sum of sixty-eight thousand seven hundred and eighty-six dollars (\$68,786.00) is hereby appropriated out of the Treasury of the State to pay off and discharge the debts and liabilities of this institution existing at the date of the ratification of this act. That from and after the ratification of this act the free scholarships of this College is limited to one to each member of the House of Representatives, and no more. All other appropriations are revoked, except the Land Script Fund and the amount received from the United States Government under the supplemental "Morrell Act."

Agricultural and Mechanical College for the Colored Race.

SEC. 12. That the sum of seven thousand five hundred dollars is annually appropriated to the Agricultural and Mechanical College for the Colored Race at Greensboro; and all other appropriations heretofore made are hereby revoked.

All insane, deaf, dumb and blind persons not indigent to pay for care and treatment.

SEC. 13. That none except the indigent insane persons and indigent deaf and dumb and blind shall be received into or retained in any of the State Hospitals for the insane or institutions for the deaf, dumb and blind for care or treatment unless upon payment of such sum as the Board of Directors of such Hospital may determine to be sufficient to pay the expenses of the maintenance of such person or persons, or so much thereof as the said Board shall find to be the full amount that such person or his or her estate is able to pay; any person, employee or officer of said institutions violating the provisions of this section shall be guilty of a misdemeanor.

Penalty for violation.

No greater sum than that appropriated to be used. Appropriations to be used only for purposes specified

SEC. 14. That no greater sum than herein appropriated shall be expended by any institution or any officer thereof; nor shall any part or portion of any appropriation herein made may be used or expended except for the specific purpose named in this act, and no debt shall be created or contracted by the Directors or officers, or any of them, of any of the institutions named in this act; nor shall any greater sum or amount be used for the purposes of such institution than the sum and amount named herein for the use and benefit of such institution respectively; nor shall any officer or Director enter into any contract or engagement for the use of any institution named in this act, to any greater amount or for any other purposes than provided for herein, and

No debts to be created, etc.

any officer or Director of any such institution who shall either direct or assent to the diversion of any part of the sum herein appropriated from the purposes to which it is herein specifically appropriated shall be guilty of a misdemeanor, and any officer or Director who shall contract for or assent to the entering into any engagement or obligation for [or] on behalf of any institution to a greater sum than herein appropriated for the uses and purposes of such institution, or any officer or Director who shall expend or assent to the expending of any greater sum than is herein appropriated to the institutions herein named, respectively, shall in each event be individually liable to the extent of double the amount of such sum or sums so diverted or expended, to the State of North Carolina to the use of such institution, and it shall be the duty of the Attorney-General to forthwith institute an action in the Superior Court of Wake County in the name of the State to the use of such institution or institutions against any superintendent, executive head, manager, director or other officer who shall either divert such funds or create such debt or assent thereto. That so much of chapter 751, Laws of 1901, as is inconsistent with the provisions of this section is hereby repealed.

SEC. 15. That the appropriations herein made shall be drawn out by the Auditor upon his warrant and thereupon shall be charged by the State Treasurer to the account of the institution for which they are respectively made and drawn, and it shall be unlawful for the Treasurer to pay out upon the credit of any such institution any greater sum than by this act appropriated, and it shall be unlawful for the Treasurer to cash any order or voucher of any institution to any greater amount than is hereby appropriated to such institution respectively.

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

SEC. 17. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this 9th day of March, A. D. 1903.

CHAPTER 403.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF SPRING HOPE.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory lying within the corporate limits of the town of Spring Hope, and all that territory not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to-wit: Beginning in Bear Branch on

Director or officer directing or assenting to the diversion of an appropriation guilty of a misdemeanor.
Director or officer contracting or expending, etc., a greater sum than that appropriated liable.

Penalty.

Duty of Attorney-General.

Chapter 751, Public Laws 1901, when in conflict with this act repealed. Appropriations, how drawn.

Duties of Auditor and Treasurer.

Conflicting laws repealed.

Boundaries of Spring Hope Graded School district.

Nashville Road; thence down said branch to Sapony Creek; thence down said creek to N. E. corner of J. W. Floyd's home tract of land; thence southward with Floyd's line to old Spring Hope Road; thence southwesterly a straight line to a point in the road in front of W. H. Abernathy's residence; thence southward along said road to Abe Allen's line; thence westward along said Allen's and Abernathy's line to Tar River; thence up Tar River to Turkey Creek, above Webb's bridge; thence up said Turkey Creek to mouth of Christmans Still Branch; thence a straight line to a point in Louisburg Road at which Whitnell Hopkins' and Thomas Wood's line crosses said road; thence with said Hopkins' line to his N. E. corner; thence a straight line to beginning, shall be and are hereby constituted a public school district for white and colored children, to be known as "The Spring Hope Graded School District."

Board of trustees.

SEC. 2. That the Graded School in said District shall be, from and after the ratification of this act, under the control of a Board of School Trustees, composed of five (5) members; that J. J. Spivey, J. J. Saunders, N. B. Finch, George W. Bunn and S. M. Wheless be and they are hereby appointed as such Trustees; that

Terms of office.

the first named three of said Trustees shall hold office until the first Monday in May, 1908, and the other two until the first Monday in May, 1906, and the vacancies in said Board shall be filled by the qualified voters of Spring Hope Graded School District, at the regular municipal election for the town of Spring Hope on the first Monday in May, 1906, and every two years thereafter.

**Vacancies, how filled.
Election of trustees.**

Trustees created body politic.

SEC. 3. That the Board of School Trustees hereby created shall be a body politic and corporate by the name and style of "The Board of Trustees of the Spring Hope Graded School," and by that name shall be capable of receiving gifts and grants, purchasing and holding real and personal estate, selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school trustees shall be to them and their successors in office.

Corporate name.

Corporate powers.

Conveyances, to whom made.

Control of graded schools.

SEC. 4. That the said Board of Trustees shall have entire and exclusive control of the graded schools and all public school property in the said Spring Hope Graded School District, and shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers annually, subject to removal by said Board, shall make an accurate census of the school population of the district, as required by the general law of the State, and do all other lawful acts proper to the management of the schools' interests of said district: *Provided*, that all children resident in said district between the ages of six (6) and twenty-

Rules and regulations.

**Employment of teachers and compensation.
Census of school population.**

Resident children from 5 to 21 years admitted free.

one (21) years shall be admitted into said schools free of tuition charges, and those desiring to be admitted as pay students may be admitted upon such terms as the Board may direct.

SEC. 5. That said Board of School Trustees shall annually elect one of their number treasurer and custodian of all public school funds; and the public school money derived from the State for the benefit of said school district, and all money collected within the said district, from year to year, as county school tax, is hereby appropriated to and set apart for the use and benefit of said graded schools, and the same, together with the money arising from any special tax, gift, grant, apportionment or otherwise, shall be paid to and received by the Treasurer of said Board of School Trustees, and the said Treasurer shall report monthly to said Board his receipts and disbursements, with all vouchers for the same. The moneys so received shall be held by said Treasurer as a fund, to be disbursed only upon the orders of the Board, signed by its Chairman and countersigned by its Secretary. The said Treasurer shall furnish annually to the Board of School Trustees a statement, in writing, of his receipts and disbursements of the school money, properly endorsed and approved by the Chairman and Secretary of the said School Board. The bond required of said Treasurer shall be fixed by the Board of School Trustees in an amount sufficient to secure all school money which may at any time come into his hands.

SEC. 6. That in accordance with the election heretofore held in said district, a tax shall be levied and collected annually, in said district, by the authorities of the town of Spring Hope, under the same rules and regulations as are provided by law for levying and collecting all other town taxes in and for said town of Spring Hope: *Provided*, that the special tax so levied and collected shall not exceed thirty (30) cents on the hundred dollars valuation of all the taxable property of said district, and upon the poll not exceeding ninety (90) cents.

SEC. 7. That the town Tax Collector for the town of Spring Hope shall collect the above special tax and shall be subject to the same liabilities for the collection and disbursement of said special tax as he may for other town taxes, and his compensation and bond shall be fixed by the Board of Town Commissioners, and he is hereby authorized and empowered to collect the tax levied for graded school purposes in that part of said Graded School District lying outside of the corporate limits of said town under the same rules and regulations as are in force for the town.

SEC. 8. That the said Board of School Trustees shall apportion the money raised and received for educational purposes in the said school district in such manner as shall be just to the white and colored races, without discrimination to the prejudice of

Pay students.

Treasurer.

State and county school moneys for said district to go to graded school.

Other moneys to be paid to treasurer. Treasurer to make monthly report.

Disbursement of moneys.

Treasurer's annual report.

Treasurer's bond.

Levy and collection of special tax.

Maximum amount of tax.

Town tax collector to collect tax.

Liabilities.

Compensation.

To collect graded school tax outside of town limits.

Apportionment of funds between races.

Separate schools either race, due regard being paid to the cost of keeping up and maintaining the schools for both races, separate schools to be provided for each race. If the number of either race, and the fund therefor is insufficient to maintain a graded school, the fund may be applied to a public free school for said race under the control of said Board.

Proviso.

Maximum expenditure authorized to purchase sites and erect buildings, etc.

SEC. 9. That said Board shall have power to appropriate and expend of the special tax fund, whenever levied as heretofore provided, an amount not exceeding in any one year, ten cents on the hundred dollars valuation of all property, and twenty (20) cents on the poll, for the purpose of purchasing sites, erecting buildings and furnishing the same in a manner suitable to the needs of said graded schools.

Annual report of board of trustees.

SEC. 10. That said Board shall make to the Board of Town Commissioners annually, at such time as is required under the school law of the State a report containing an accurate census of the school population, showing the work done, and money expended, on account of the graded or other public schools in said district; a copy of which report shall be forwarded to the Superintendent of Public Instruction for the State, and a copy to the County Examiner for Nash County. The beginning and ending of the school year shall be fixed by the Board of Trustees.

Copies, to whom forwarded.

Beginning and ending of school.

Conflicting laws repealed.

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.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 404.

AN ACT TO AMEND THE PUBLIC SCHOOL LAW OF THE TOWN OF MOUNT AIRY, AND TO CONFER CERTAIN OTHER POWERS.

The General Assembly of North Carolina do enact:

Chapter 267, Public Laws 1899, amended.

SECTION 1. That chapter two hundred and sixty-seven (267) of the public acts of 1899, entitled, "An act in relation to the public schools in the town of Mount Airy, and providing for the levying of a tax to support the same," be amended as hereinafter provided.

Mt. Airy commissioners to order election second Tuesday in June on question of increased tax levy for schools.

SEC. 2. That the Board of Commissioners of the Town of Mount Airy shall and they are hereby authorized to submit to the qualified voters of said town, under such rules and regulations as the said Commissioners may prescribe, on the second Tuesday in

June, 1903, whether there shall be an increase in the taxes annually levied for the support and maintenance of the schools in said town as hereinafter provided. At the election held under the provisions of this act, those who favor the levying of such annually increased tax shall vote on written or printed ballots, without device, the words "For Schools"; and those who are opposed to the levying of such annual increased tax shall vote on written or printed ballots, without device, the words "Against Schools." The manner of holding such election and the penalties for illegal voting in this election shall be the same as in the annual election for Mayor and Commissioners of the town of Mount Airy. The Commissioners shall give thirty days' notice of the time of holding said election in a newspaper published in the town.

Form of ballots.

Election
machinery.

Notice.

SEC. 3. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for and against schools to the Commissioners of said town, and if a majority of the qualified voters shall vote in favor of such annual tax it shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected, and the Tax Collector shall be subjected to the same liabilities for the collection and disbursement of the said taxes as he is or may be for other town taxes: *Provided*, that the annual increased taxes so levied shall not be less than twenty-five cents, nor more than fifty cents on the one hundred dollars valuation of property, and not less than seventy-five cents nor more than one dollar and a half on the poll. The annual taxes levied and collected under the provisions of this act shall be applied exclusively to equipping, supporting and maintaining the public schools in the town of Mount Airy.

Certifying result.

If vote favorable,
tax to be levied.Liability of tax
collector.Maximum and
minimum amount
of tax.

Application of tax.

SEC. 4. Upon the question of voting an increased tax for the support and maintenance of the public schools in Mount Airy being submitted to the qualified voters as herein provided, if the result of the election shall be to increase the taxes provided for in this act, then so much of sections one and two of chapter two hundred and sixty-seven of the Public Laws of 1899 as is in conflict with this act shall be and the same is hereby repealed; if the result of said election shall be against increasing the taxes hereinbefore provided for, then the provisions of sections one and two of said act of 1899 shall continue in force, and the taxes provided for under said act shall be levied and collected in the same manner as provided for in said act.

If vote favorable,
conflicting parts of
sections 1 and 2,
chapter 267, laws
1899, repealed.If result against
increase, said
sections to remain
in force.Taxes, how levied
and collected.

SEC. 5. After the words "style of" in line two, section eleven, chapter two hundred and sixty-seven, Public Laws of 1899, strike out the words "The School Committee of the Town of Mount Airy," and insert in lieu thereof the following words: "The Board

Section 11, chapter
267, Public Laws
1899, amended.

Chapter 267
amended
generally.

Attachment of
contiguous terri-
tory.

Power to borrow
money and secure
the loan.

Subsequent
election provided
for.

Power to convey
the Male
Academy.

Conflicting laws
repealed

of School Commissioners of Mounty Airy." Wherever in said act of 1899, hereinbefore referred to, the words "The School Committee" appears insert in lieu thereof the words "The Board of School Commissioners of Mount Airy."

SEC. 6. It is further provided that the Board of School Commissioners of Mount Airy may, upon such conditions as they may deem just and equitable, attach to said school district as is provided in section three, chapter two hundred and sixty-seven of the Public Laws of 1899, such territory as lies contiguous to the corporate limits of said town.

SEC. 7. The Board of School Commissioners of Mount Airy shall have power to borrow money, and to execute the bond or bonds of the corporation therefor, and to encumber the property by mortgage or deed of trust to secure the payment therefor.

SEC. 8. That if at the election provided for in this act a majority of the qualified voters of said town shall not vote "For Schools," then the Commissioners are hereby empowered to submit the said question of an increased school tax provided for in this act to the qualified voters of the said town at any time and as often as they may so order, within two years from the ratification of this act, under the same rules and regulations as are herein prescribed for the election to be held on the second Tuesday in June, 1903.

SEC. 9. That the trustees of the Male Academy be empowered and directed to convey the title in fee simple to the Male Academy and the lot upon which same is situate, or to execute a lease upon the same for a period of ninety-nine years, to the Board of School Commissioners of Mount Airy and their successors in office; the question as to whether or not said trustees shall convey the title in fee simple, or execute a lease for a period of ninety-nine years being left to the discretion of the trustees of the Male Academy.

SEC. 10. That all laws and parts of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 405.

AN ACT TO ESTABLISH RAEFORD SCHOOL DISTRICT FOR
A WHITE RACE, INCLUDING PORTIONS OF CUMBER-
LAND AND ROBESON COUNTIES.

WHEREAS, the town of Raeford, in which Raeford Institute is located, includes portions of Cumberland and Robeson counties; and,

WHEREAS, the patrons of said Institute in both of said counties are desirous of receiving at Raeford Institute the benefit of the public school fund to which they are entitled;

THEREFORE,

The General Assembly of North Carolina do enact:

SECTION 1. That the territory lying and being in the following boundaries be and the same is hereby created and established a special school district, to-wit: Beginning at the point on Big Rockfish Creek where the line between Cumberland and Robeson counties, going westwardly, leave said creek and runs thence a direct line to the east corner of H. McC. Currie's land in Robeson County; thence with the line of his land in a southerly direction to the Nelson road; thence with the Nelson road westwardly to the line of John Chisholm's land; thence with his line in a southerly direction to line of John W. Chisholm's land; thence with J. W. Chisholm's line westwardly to the line of J. H. Tyson's land; thence with his line and including all of the land of said Chisholm and Tyson to the Nelson road; thence with Nelson road to Tony's Creek; thence up the various courses of Tony's Creek to the Cumberland County line; thence with said line due west to Beaver dam Creek; thence up the various courses of said Beaver Dam Creek to its source; thence a direct line to the head of McKenzie Mill Creek; thence down the various courses of said creek to Big Rockfish Creek; thence a direct line to the head of Beaver Creek near the western plank road; thence down the various courses of said creek to the east boundary of Gilbert McDuffie's land; thence a direct line to the east boundary of Jno. Black's land; thence a direct line to the east, Black's land, including the same to Big Rockfish Creek; thence up the various courses of said creek to the beginning.

Special school
district,
boundaries.

SEC. 2. That the Raeford School District herein created and established shall receive its pro rata share of the public school funds from each of the said counties of Cumberland and Robeson according to the number of children of school age entitled to the

Special district to
have proportional
share of school
money from
Cumberland and
Robeson Counties.

All moneys paid to
Treasurer of
Cumberland
County.

District school
committeemen.

Census to be
taken.

Employment of
teachers.

Management of
school and
property.

Provision for
election for
special tax.

Exception to
general school
law.

Manufacture or
sale of liquor
within three miles
of school
forbidden.

Misdemeanor.
Penalty.

same living within the bounds of the special district, and in making this apportionment due regard shall be had to the grade of work done and course of studies taught. The portion of said funds collected in Robeson County shall be paid over by the Treasurer of Robeson County to the Treasurer of Cumberland County and the entire amount so collected shall be paid out by the Treasurer of Cumberland County, upon the order of the committee for the Raeford School District.

SEC. 3. The Board of Trustees of Raeford Institute, to-wit, A. P. Dickson, J. M. McLauchlin, M. W. McLean, A. A. Williford, and C. P. McRae, their successors in office, shall constitute the committee for the said special school district.

SEC. 4. That it shall be the duty of the committee thus constituted to take a census of all the children of school age in Cumberland County, living in this district, and report the same to the Board of Education of Cumberland County, and likewise the children of school age in Robeson County, living in the district, to the Board of Education of Robeson County, also to employ teachers who have obtained certificates of proficiency from the Superintendent of Education in Cumberland County, to receive gifts or donations for the benefit of the school and to have general management of the school property and interests, with the privilege of making any provisions for the betterment of the same authorized by the general school law.

SEC. 5. Upon the petition of one-fourth of the freeholders within said district endorsed by the Board of Education of Cumberland County, the Board of County Commissioners of said county shall order an election according to the provisions of section 72 of the General School Law, Acts of 1901, on the plan and for the purposes therein set forth, and all of the provisions of said section shall be applicable to this special school district, except that the school committee herein provided for shall serve instead of a committee appointed by Board of Education, as provided for in said section.

SEC. 6. That it shall be unlawful for any firm, person or corporation to manufacture or sell spirituous, vinous or malt liquors, or brandy peaches, or brandy cherries, within three miles of Raeford Institute; and any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the Court.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 406.

AN ACT TO ESTABLISH A DISPENSARY IN THE TOWN OF OXFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange or dispose of for a remuneration, any spirituous, vinous, or malt liquors, or any liquid not enumerated above that will or may produce intoxication, in the county of Granville, except as hereinafter provided; and any person, firm or corporation violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than one hundred dollars, or imprisoned not less than six months, or both.

Unlawful to sell liquor in Granville County except as herein provided.

Misdemeanor.
Penalty.

SEC. 2. That the place of delivery of any spirituous, vinous or malt liquor, or intoxicating liquid, within the county of Granville, shall be so construed as to mean the place of sale, and that any station or other place within the aforesaid county of Granville to which any person, firm or corporation shall ship or carry any spirituous, vinous, malt or intoxicating liquor of any kind for the purpose of delivery or carrying the same to a purchaser, shall be construed to be the place of sale.

Place of delivery construed to mean place of sale.

SEC. 3. That J. D. Bullock, H. M. Shaw and I. N. Day be and they are hereby appointed a Board of Dispensary Commissioners for the County of Granville, whose term of office shall begin on the twentieth day of March, 1903, and continue until the first Monday in June, 1905, and until their successors are elected and qualified. That at their first meeting after their election in May, 1905, and every two years thereafter, the Board of Town Commissioners of Oxford shall elect two good and discreet men, citizens of said town; and the County Commissioners of said county of Granville shall at their regular meeting on the first Monday of May, 1905, and every two years thereafter elect one good and discreet man, a citizen of said town or county, and said three citizens shall constitute the said Board of Dispensary Commissioners for the county of Granville; and any vacancy occurring by death, resignation or removal shall be filled by the said Board of Dispensary Commissioners for the remainder of the unexpired term. The members of said Board of Dispensary Commissioners, before entering upon the duties of their office, shall make oath that they will well and truly carry out to the best of their ability all of the provisions of this act; and the Judge of the Superior Court, resident in the Ninth Judicial District, may remove any member of said Dispensary Board when it shall be made to appear that he has violated his oath or been guilty of a malfeasance; and the

Dispensary commissioners.

Terms of office.

How elected hereafter.

Vacancies, how filled

Oath of office.

Removal.

Compensation.	said Board of Dispensary Commissioners shall be paid fifty dollars each per annum for their services: <i>Provided</i> , the said Board shall elect one of its members as Chairman and one as Treasurer, and may allow the Treasurer such additional compensation as they see fit, not to exceed one hundred dollars per annum, and said Treasurer shall give bond, payable to the State of North Carolina, conditioned upon a proper accounting for all moneys that may come into his hands as such Treasurer, in a sum not less than three thousand dollars, to be fixed by said Dispensary Board: <i>Provided</i> , said bond shall never be less than the amount of money in the hands of the Treasurer: <i>Provided further</i> , that said Treasurer may give bond with some safe bonding company as surety, to be approved by said Board of Dispensary Commissioners, and charge the expense of giving such bond as an expense of said Dispensary.
Chairman and treasurer. Compensation.	
Bond.	
Minimum amount of bond.	
Security.	
Establishment of dispensary.	SEC. 4. That the said Board of Dispensary Commissioners, as soon after their election as possible, shall establish one dispensary in said town, to be located on one of the principal streets, for the sale of spirituous, vinous and malt liquors. The said Board of Dispensary Commissioners shall elect a manager for said dispensary, who shall be a man of good character and sobriety, who shall have charge of the same, under the supervision of the Board, and who shall hold said position of manager at the pleasure of the said Board of Commissioners, subject to be discharged without notice. The said Board of Dispensary Commissioners may appoint such assistants or clerks as they may deem necessary, and may discharge them at pleasure, without notice. The said manager shall be required to give bond, payable to the State of North Carolina, in such sum as the Board of Dispensary Commissioners may determine, not less than one thousand dollars, conditioned upon the proper accounting for all moneys that may come into his hands as such manager, and for the faithful performance of the duties of his office of manager, as prescribed in this act, and the rules and regulations of said Board of Dispensary Commissioners, and the said manager shall receive such compensation as may be fixed by said Board, which shall not exceed eighty dollars per month and shall not depend upon the amount of sales: <i>Provided</i> , that said manager may give bond with some safe bonding company as surety, to be approved by said Board of Dispensary Commissioners, and charge the expense of giving such bond as an expense of said Dispensary. And the said Board may likewise require bonds as aforesaid, and in such amounts, as they may deem proper, from such assistants or clerks as they may employ.
Manager.	
Term of office.	
Assistants or clerks.	
Manager's bond.	
Compensation.	
Surety on bond.	
Bonds of clerks.	
Powers of commissioners.	SEC. 5. The said Board of Dispensary Commissioners shall have power to employ attorneys, agents and detectives to assist in the detection and prosecution of persons, firms or corporations violat-

ing this act, and for other purposes; may employ chemists, or other competent persons to test liquors; may borrow money; and shall have power to do all other proper things not contrary to law to carry out the true intent of this act.

SEC. 6. The manager of said dispensary shall, on Monday of each week, pay to the Treasurer of the Board of Dispensary Commissioners all moneys which he may hold as said manager, and shall keep a strict account of all liquors received by him, the amount sold and the amount on hand; and the said Treasurer shall hold and disburse all the funds belonging to said dispensary, and after paying expenses and after reserving such a sum as the Board of Dispensary Commissioners may deem necessary to carry on the dispensary, shall on the first day of January and on first day of April and on the first day of July and on the first day of October of each and every year, pay over twenty-five per centum of the profits of said dispensary to the Treasurer of Granville County to be applied to the Public School Fund of said county, and seventy-five per centum of said profits to the Treasurer of the town of Oxford.

SEC. 7. The manager of said dispensary shall, under the supervision of said Board of Dispensary Commissioners, purchase all liquors necessary and proper for said dispensary and may purchase such pure liquors as may be in the hands of the liquor dealers in the town of Oxford: *Provided*, said Board of Dispensary Commissioners shall refuse to pay for all liquor found not to be pure.

SEC. 8. No liquor of any kind shall be sold in said dispensary on Sunday or election days, and said dispensary shall never be open or liquor sold therein before sunrise nor after sunset on any day. The prices at which said liquor shall be sold shall be fixed by said Board of Dispensary Commissioners, and all sales shall be for cash. No liquor shall be sold in said dispensary except in unbroken packages or bottles, which shall contain not less than one-half pint and not more than one quart; and it shall be unlawful for said manager or any other person to open any such package or bottle on the premises, or within one hundred feet of said dispensary; and the said manager shall not allow loafing or loitering or drinking in or about the dispensary or premises on which the same is situated, and any person drinking liquor on the premises, or any person refusing or failing to leave said premises after being ordered to do so by said manager, shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days. And if the said manager shall fail to comply with this section he shall be removed by said Board of Dispensary Commissioners.

SEC. 9. And it shall be the duty of the manager to keep a book in which shall be kept a record of the names of the persons to whom any liquors are sold, the quantity sold, the price paid and

Weekly payments to treasurer.

Account to be kept.

Disposition and disbursement of funds.

Purchase of stock of liquors

Time of sales.

Prices, how fixed.

Sales for cash.

Maximum and minimum amount which may be sold.

Not to open packages on or near premises.

No loafing or drinking allowed in or near premises.

Violation, misdemeanor. Penalty.

Removal of manager for violation

Manager to keep record.

Who may inspect record.

Restrictions as to whom sales may be made.
Rules and regulations.

False statements to obtain liquor a misdemeanor.

Penalty.

Purchase by employees from person other than by direction of commissioners, making false entry or return, etc., misdemeanor.

Druggists prohibited to sell liquors.

May purchase from dispensary compounding medicines, etc.

Druggist purchasing to sell or exchange not allowed to make further purchase and guilty of misdemeanor.

Sale of intoxicating preparations or compounds prohibited.

Restrictions on manager as to sales

Violation a misdemeanor.

date of sale: *Provided*, that said book shall be open only to the inspection of the Board of Dispensary Commissioners and its employes, and the contents thereof shall not be published. No liquor shall be sold to any minor or intoxicated person, or habitual drunkard, and the Dispensary Board shall make such rules and regulations not inconsistent with this act as may be proper for the management of the dispensary.

SEC. 10. If any person shall make any false or fictitious statement in order to obtain liquor at said dispensary for any minor or intoxicated person, or habitual drunkard, or for any other cause, the person so offending shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not less than three nor more than thirty days.

SEC. 11. If the manager or employees of said dispensary shall procure any intoxicating liquor from any person other than those that the Board of Dispensary Commissioners shall direct, and offer the same for sale, or shall adulterate or cause to be adulterated any spirituous, vinous, or malt liquors by mixing with coloring matter or any drug or ingredient whatever, or shall mix the same with water or with other liquors of different kind and quality, or shall make a false entry in any book or return required by this act, he shall be guilty of a misdemeanor.

SEC. 12. No druggist in said town shall sell any spirituous, vinous, or malt liquor even upon the prescription of a licensed physician. But said druggist may purchase from the said dispensary spirituous and vinous liquors, but not malt, for the purpose of compounding medicines, tinctures and extracts that can not be used as a beverage, and for no other purpose whatever: *Provided*, that whenever the dispensary Board shall be satisfied that any druggist is selling, bartering, exchanging, or in any manner disposing of said liquors for any purpose other than that authorized by this section, the said Board shall order the manager of the dispensary to refuse to sell said druggist any more liquors and such druggist shall upon conviction of selling, bartering, exchanging, or in any manner disposing of liquors shall be liable to all the penalties prescribed in section one of this act. Nothing herein shall be construed to authorize the sale of any preparation or compound under any name, form or device which may be used as a beverage that is intoxicating in its character.

SEC. 13. The manager of said dispensary shall not sell liquors to any person purchasing for the purpose of selling, bartering, or exchanging said liquors, and the manager of said dispensary knowingly violating the provisions of this section, and any person purchasing from him for the purpose of re-selling or exchanging the same, shall be guilty of a misdemeanor. And if the

Board of Dispensary Commissioners shall become satisfied that any person has purchased or is purchasing for the purpose of reselling the same, the said Board shall direct that no liquors be sold to such person except upon the certificate of a licensed physician that such liquors are needed for medical purposes.

Purchaser for purpose of reselling not allowed further purchases, except on prescription.

SEC. 14. The manager of said dispensary may sell liquors at other hours and times than those mentioned in section seven of this act upon the certificate of a licensed and practicing physician that the same is in good faith needed for medical purposes.

When manager may sell at other than regular hours.

SEC. 15. That every person who shall directly or indirectly keep or maintain by himself or by associating or combining with others or who shall in any manner aid, assist or abet in keeping or maintaining in a club room or other place where intoxicating liquors are received or kept for barter or sale, or for distribution or for division among the members or any club or association by any means whatever, shall be guilty of a misdemeanor.

Members of clubs keeping liquor for distribution guilty of misdemeanor.

SEC. 16. That all books required to be kept by the manager of said dispensary, except the one provided for in section eight, will be open to the inspection of the public.

Books open to inspection.

SEC. 17. The Bank of Granville and the First National Bank of Oxford shall be, and each is, hereby nominated and constituted depositaries for the funds belonging to said dispensary, and the treasurer and manager of said dispensary are each authorized and directed to deposit as near as practicable one-half of the moneys arising from said dispensary in each of said banks, subject to check at any time for the use of said dispensary.

Depositaries for dispensary funds.

Division of deposits.

SEC. 18. The manager and Board of Dispensary Commissioners shall make an itemized statement on the first day of January, April, July, and October of each year of all receipts and expenditures on behalf of said dispensary and post the same at the court house door in Oxford, and also publish a copy thereof in some newspaper published in Oxford.

Quarterly statements to be posted and published.

SEC. 19. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed: *Provided*, that this act shall not be construed to repeal any prohibitory laws already enforced; and section three thousand one hundred and eleven of The Code shall not apply to this act.

Conflicting laws repealed.

Section 3111 not applicable.

SEC. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 407.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A
GRADED SCHOOL IN CASWELL COUNTY, TO BE KNOWN
AS PELHAM GRADED SCHOOL.

The General Assembly of North Carolina do enact:

School district,
boundaries.

SECTION 1. That the following territory lying and being in Caswell County and in Pelham township, covering Pelham School Districts Nos. 1 and 3, bounded as follows: Beginning at a point in the line between Virginia and North Carolina where the line between School Districts Nos. 1 and 2 touch said Virginia and North Carolina line, running thence west with said Virginia and North Carolina line to a point where Caswell and Rockingham County lines touch said line, thence along a line with said line between Caswell and Rockingham County lines, south to a point on Hogan's Creek where said lines touches said creek; thence north-east with lines of said Hogan's creek to a point where line between present School Districts Nos. 1 and 2 touches said creek, and thence north along said line between School Districts Nos. 1 and 2 to the beginning, is hereby created one School District to be called District No. 1 of the Public School Districts of Pelham township in Caswell County.

School trustees
and terms of office

SEC. 2. That the following parties are hereby appointed School Trustees for the school in said district and shall hold for the following terms: R. A. Travis, for the term of one year; O. R. Hinton, for the term of two years; F. D. Swann, for the term of three years; J. A. Swann, for the term of four years; and J. O. Fitzgerald, for the term of five years; and the term of office of each of said Trustees shall commence with the date of the ratification of this act. All vacancies in said Board, whether arising from death, resignation, removal, expiration of the term of office, or otherwise, shall be filled by the remaining Trustees, and a majority shall have the power of selection and the person so selected shall hold for five years from the date of their election.

Vacancies, how
filled.
Term of office of
appointees.

Question of graded
school to be voted
on.

SEC. 3. That said Board of Trustees shall on the first Monday in May next ensuing submit to the qualified voters of said district above created the question of establishing a graded school in said district. The said Trustees shall give thirty days notice of said election in some newspaper published in Caswell County and by notices posted at four public places in said district. The said Board of Trustees shall select three of the qualified voters of said district, one of whom they shall appoint registrar and the other two poll holders to hold said election, and these three shall

Notice of election

Registrar and
pollholders.

hold said election and shall be governed in their acts in all particulars as to the registration of the voters, challenges, etc., by the same rules and regulations as prevail in the election of members of the General Assembly. The qualified voters of said district shall vote at said election on the first Monday in May next ensuing, tickets on which shall be written or printed the words "For Graded School" or "Against Graded School" and the result of the election shall be declared by the same rules that govern the election of members of the General Assembly. The said election shall be held at the school house which shall become the school building of Pelham Graded School, established by this act; or at some other convenient place in said district at the discretion of the said Trustees, which said place must be advertised in the notices of the said election.

SEC. 4. That if a majority of the qualified voters of said district shall vote at said election "For Graded School" it shall be the duty of the Board of County Commissioners of Caswell County to levy annually a special tax of not less than twenty cents, nor more than thirty-three and one-third cents on the one hundred dollars valuation of all the taxable property of said School District, and upon the poll not less than sixty cents and not more than one dollar; and the tax so levied shall be collected by the Sheriff of Caswell County and shall be by him turned over to the Treasurer of the said School Trustees, who shall pay out the same for the exclusive use and benefit of said graded school only upon the warrant or order signed by the Chairman and Secretary of said Board of School Trustees.

SEC. 5. That all public school funds derived from State and county, together with that coming from special tax above, shall be by the proper officers paid to the Board of Trustees by this act created, and shall be by them used for the benefit of the graded school above referred to.

SEC. 6. The said School Trustees above named and their successors shall have charge of the public school in said territory, and shall elect such officers and adopt such by-laws as they may deem proper; and they shall elect a Treasurer who shall have charge of all moneys to be used for school purposes and shall receive such compensation and give such bond as they may decide. The said Trustees above named shall spend all moneys coming to their hands from any and all sources for the benefit of said school.

SEC. 7. That said Trustees shall have the power to employ all teachers and select all officers necessary for said graded school and to fix their compensation. They shall have the right and power to buy, sell, or hold real and personal property that may be necessary for the use of said school; and they shall have the right and power to do all things necessary for the successful con-

Rules governing election.

Form of ballots.

Declaration of result.

Election, where held.

Place to be advertised.

If election favorable, special tax to be levied.

Amount of tax.

How collected and disposed of.

Disposition of State, county and special tax school funds for said district.

School trustees to elect school officers, etc.

Treasurer.

Compensation and bond. Trustees to spend all moneys for benefit of school.

Employment of teachers, etc.

Powers of trustees.

Admission of
children outside of
the territory.

duct of said school. The Trustees shall have the power upon such terms as they may deem just to allow children outside of said territory to attend said school.

SEC. 8. All property in said territory belonging to the public school shall vest in and be conveyed to the said Trustees by the proper parties for the purpose heretofore set out.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 408.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY TO ISSUE BONDS FOR THE PURPOSE OF SECURING A SUITABLE SITE AND ERECTINNG THEREON A SUITABLE BUILDING OR BUILDINGS FOR THE CARE OF THE POOR, AGED, AND INFIRM.

The General Assembly of North Carolina do enact:

Buncombe County
Commissioners
authorized to issue
bonds.

SECTION 1. That for the purpose of securing a suitable site and erecting thereon a suitable building or buildings for the care and protection of the poor, aged, and infirm of the county of Buncombe, the Board of Commissioners of said county is hereby authorized to issue the coupon bonds of said county to an amount not to exceed ten thousand dollars, and to be in denominations of not less than five hundred dollars nor more than one thousand dollars each; the said bonds shall be payable thirty years from date of issue, and shall bear interest from their date until maturity at a rate of interest not greater than five per cent per annum, payable semi-annually. The semi-annual payments of interest shall be represented by coupons attached to each one of said bonds, and shall be identified therewith by proper numbers, and such other means as the said Board of Commissioners may determine. The bonds shall be signed by the Chairman of the Board of Commissioners, and attested by its Clerk, and said coupons shall bear the lithographed signature of said Chairman and Clerk. Said bonds and coupons shall be payable at some bank in the city of New York to be designated by the said Board of Commissioners; said bonds shall be designated as "Buncombe County County Home Bonds."

Amount.

Denominations.

When payable.
Interest rate,

Coupons.

To be numbered.

Bonds, how
executed.

Where payable.

Bonds, how
designated.

Special tax
authorized.

SEC. 2. That in order to pay the interest on said bonds as it may accrue, and the principal thereof as it may mature, the Board of Commissioners of the said county is hereby authorized to

annually levy a special tax sufficient to meet these demands; said tax shall be levied and collected as other county taxes are levied and collected, and shall be imposed upon such property, polls and other subjects of taxation as are now or hereafter may be subject to taxation under the laws of this state, and it shall be collected by the officer or officers charged with the collection of other county taxes, and who shall in respect thereof be liable officially as well as personally to all of the law now prescribed or which may hereafter be prescribed, for the faithful collection and payment of other taxes.

By whom collected.

Tax collectors, liability.

SEC. 3. That said Board of Commissioners shall sell said bonds and pay over the proceeds to the county Treasurer, who shall keep the funds derived from the sale thereof separate and apart from other funds in his hands, and said funds shall be used for the purpose hereinbefore referred to; no bond shall be sold for less than par; the purchaser or purchasers of said bonds, or any of them shall not be required to see to the application of the purchase money thereof.

Sale of bonds.

Disposal of proceeds.

No bond to be sold for less than par.

SEC. 4. The proceeds of said bonds shall be used to pay the balance due by the county of Buncombe on the purchase price of the tract of land to be used as the site for a county home, and the remainder of said proceeds shall be used to erect the building or buildings hereinbefore referred to, and shall not be used for any other purpose, temporarily or otherwise.

Use of proceeds of bonds.

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

In the General Assembly read three times, and ratified this the 4th day of March, 1903.

CHAPTER 409.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ASHE COUNTY TO ISSUE BONDS FOR THE PURPOSE OF ERECTING A SUITABLE BUILDING FOR A COURT HOUSE AND BUILD NECESSARY BRIDGES.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to provide necessary funds to acquire a suitable site for a court house and erect thereupon such public buildings as are necessary for holding the Courts of Ashe County, the Board of Commissioners of said county is hereby authorized and directed to issue bonds of the county to the amount of twenty-five thousand dollars, to be dated on the first day of July, 1903, and to mature at the expiration of ten years thereafter; that twenty thousand dollars of said bonds shall be denominated

Commissioners of Ashe County directed to issue bonds to the amount of \$25,000.

Date.

Maturity.

Court house bonds.	"Court House Bonds," and five thousand dollars of said bonds
Bridge bonds, how executed.	shall be denominated "Bridge Bonds," and shall be signed by the Chairman of the Board of County Commissioners, and have affixed the county seal; the interest thereon shall not exceed
Interest.	(4) four per cent per annum, and shall be payable on the first day of January of each year until the maturity of said bonds, unless they have been sooner discharged. They shall be in denomination of not less than (\$100) one hundred, nor more than (\$1,000) one thousand dollars each, and shall have attached coupons representing the annual payments of interest due upon each respectively, said coupons to be identified by numbers corresponding to the bond to which they are attached and shall have such other evidences of identity as the Board of Commissioners may prescribe. The bonds issued under this section shall be exempt from all county and municipal taxation and this fact shall appear upon the face of the bonds: <i>Provided</i> , that the Commissioners hereinafter named shall have the power to reduce the number and amount of the bonds provided for in this, if in their opinion they can make the necessary improvements suitable to the needs of the county with a less amount.
Denominations.	
Coupons.	
Bonds and coupons to bear identical numbers.	
Bonds exempt from county and municipal taxation.	
When amount of bonds may be reduced.	
No bond sold less than par.	SEC. 2. No bond issued under the provision of this act shall be sold or otherwise disposed of for less than its par value, and all coupons of said bonds accruing prior to the date of the sale shall be detached before said bond is delivered.
Accrued coupons to be detached.	
Advertisement for bids for bonds.	SEC. 3. That before disposing of any of the said bonds provided for in section (4) four of this act the said Commissioners shall, by public notice to be printed in some newspaper published in said county for at least thirty days, invite bids therefor; said bids may be for the whole amount of said issue or any part, not less than (\$100) one hundred dollars, and shall be securely sealed and deposited with the Chairman of the Board of Commissioners and by him safely kept unopened until the date fixed in the publication for the consideration thereof, when same shall be opened in the presence of such citizens of the county as may desire to attend, and the said Commissioners shall proceed to award and allot to the said purchasers, or any one of them, as many of the bonds as they may then desire to dispose of: <i>Provided, however</i> , that said Commissioners may reject any or all of said bids in their discretion.
Bids to be sealed.	
Opening bids.	
Allotment of bonds to purchasers.	
Power to reject bids.	
Proceeds of sale, how kept and applied.	SEC. 4. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute separate and distinct funds to be applied and appropriated to the respective purposes for which they are issued as provided herein; and the said Board of Commissioners shall cause the Treasurer of the said county to open and keep separate accounts of said funds.

SEC. 5. That in order to pay the interest on said bonds as it may accrue, and the principal thereof as it may mature, the Board of Commissioners of said county shall annually levy a special tax sufficient to meet these demands; the said tax shall be levied and collected as other county taxes are levied and collected and shall be imposed upon such property, polls and other subjects of taxation as are now or may hereafter be subject to taxation under the laws of this State; and said tax shall be collected by the officers charged with the collection of other county taxes, and who shall in respect thereto be liable officially as well as personally to all of the requirements of the law now prescribed, or which may be hereafter prescribed, for the faithful collection and payment of other taxes.

Special tax to pay interest and principal, levy and collection.

Liability of officers collecting tax.

SEC. 6. That A. R. Vail, John Dent, Elihu Graybeal, and Bryon Sturgill and T. C. Bowie be and are hereby appointed Commissioners for the purpose of superintending the erection of said court house and bridges provided for in this act, and for the purpose of carrying out the provisions of this act, with full power to sell the old court house and the site, or either of them, or provide for the use of the material, or any part thereof, in the said building to the building of a new court house, and in case of sale to use the money for the same purpose; to use the old site or purchase a new one for the erection of a court house: But *provided, however*, if they purchase a new site it shall be within the corporate limits of the town of Jefferson in said county, and the deed shall be executed to the Board of County Commissioners; to have erected on said site, wherever located, by contract or otherwise as they may deem best, a new court house, and to have erected, under like terms, such bridges as they deem necessary, at such points in said county as they deem necessary, as provided for in this act, under such rules and regulations and upon such terms as in their judgment be most advantageous to Ashe County; and they shall have full power and authority to carry into effect the provisions of this section.

Names of commissioners to superintend erection of court house and bridges.

Powers.

Location of court house if new site purchased. Deed.

Powers of commissioners.

SEC. 7. That said Commissioners provided for in section (6) six of this act shall make such rules and regulations and provide for the payment of such agents and clerks as may be necessary to carry into effect the provisions of this act, and their meetings shall be at such times and places as they may deem necessary and proper for the performance of their duties as provided for by this act.

Rules and regulations.

Agents and clerks

Meetings.

SEC. 8. That during the period of tearing down the old court house and erecting a new one, the Board of County Commissioners of said county shall provide for a suitable place for holding of Courts of said county, and also suitable offices for

County commissioners to provide court room and county offices when old court house torn down.

Place of sales and advertisements.	officers of said county. All sales and advertisements, required by law to be made at the court house door, shall be made at the place designated for holding said Courts.
Duties and powers under this act mandatory.	SEC. 9. That the duties imposed and powers conferred by this act shall be construed to be mandatory, and not directory, and any officer provided for under this act, or any duty imposed or power conferred under this act upon any person, failing to discharge such duty or exercise such authority, shall be guilty of a misdemeanor and fined and imprisoned at the discretion of the Court.
Failure to discharge duty, etc., misdemeanor.	
Penalty.	
Act to be submitted to voters.	SEC. 10. <i>Provided</i> , that this act shall be submitted to the qualified voters of Ashe County at an election to be held on the fourth Tuesday in May, 1903, which election shall be ordered by the County Commissioners of Ashe County at their meeting on the first Monday in April, 1903, which election shall be held under the same rules, regulations and restrictions as is provided by law for the election of members of the General Assembly, and the returns made and the result declared in accordance with the rules provided in the general election. In voting on said question those favoring the issue shall vote a ticket on which is printed "For Bonds," and those opposing shall vote a ticket on which is printed "Against Bonds."
Time of election. Order of election.	
Election, how held.	
Returns.	
Form of ballots.	
	SEC. 11. That this act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this the 4th day of March, 1903.

CHAPTER 410.

AN ACT TO REGULATE THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS IN ALAMANCE COUNTY.

Sale of liquors in Alamance County prohibited, except as herein provided. Not to affect dispensaries.	SECTION 1. That no spirituous, vinous, malt or intoxicating liquors shall be manufactured or sold in Alamance County, save under the provisions of this act: <i>Provided</i> , that nothing in this act shall effect the sale of such liquors in legally-constituted dispensaries.
Application to manufacture or sell liquors, how and by whom made and what to contain.	SEC. 2. That any person desiring to engage in the manufacture of intoxicating liquors shall first apply in writing to the County Commissioners for a license permitting him so to do, and in said application he shall state where he proposes to carry on said business, and said applicant shall be a qualified voter in the township in which he proposes to carry on said business. Said

applicant shall accompany his said application with a petition signed by a majority of the duly qualified voters of said township in which it is proposed to carry on said business, asking that said license be granted and certifying to the good moral character of the applicant, and what is a majority of the qualified voters shall be determined by reference to the registration books of said township used in the last election for county officers, next preceding the filing of said application. Upon the filing of said application and petition the County Commissioners may grant the applicant a license, but they shall not grant such license to more than two (2) applicants in said county, and no person shall engage in the manufacture of intoxicating liquors without first procuring said license.

Petition and certificate accompanying application.

What determines majority of qualified votes.

Commissioners may grant license.

Cannot grant license to more than two.

Persons allowed to make brandy or wine from fruit, grapes or berries grown on their own premises.

SEC. 3. Nothing in the foregoing section shall be construed to prevent all persons making brandy from any fruit grown upon their own land or land in their possession as *bona fide* tenants, or from making wine from any grapes or berries grown upon their own land or land in their possession as *bona fide* tenants, and for this no license shall be necessary.

Minimum amount manufacturers may sell.

SEC. 4. That no person engaged in the manufacture of intoxicating liquors shall sell the same, except in sealed packages, containing not less than ten (10) gallons, and no person shall sell brandy of their own manufacture in quantities less than five (5) gallons, and no person shall sell wine of their own manufacture in packages containing less than one (1) gallon.

SEC. 5. That save as herein provided no intoxicating liquors shall be manufactured or sold in Alamance County.

Prohibition as to manufacture or sale.

Intoxicating liquors defined.

SEC. 6. That all drinks sold as beverages, by whatsoever name known, which shall intoxicate one not used to intoxicating liquors, if taken copiously, shall be deemed intoxicating liquors within the meaning of this act, and upon the application in writing of any citizen, the County Superintendent of Health, shall procure, and the person selling shall furnish the same—a sample of any drink sold as a beverage, and shall make, or have made, any analysis thereof, and if it shows such qualities as to come within the foregoing prohibition, then it shall be deemed intoxicating liquors within the meaning of this act.

Provisions for analyses of drinks sold as beverage.

SEC. 7. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon a verdict of guilty being legally had against him, or upon entering a plea of guilty, be fined not less than one nor more than five hundred dollars, and imprisoned not less than thirty days nor more than two years, and it shall be the duty of the Solicitor to pray the judgment of the Court and of the Judge to pronounce sentence in accordance herewith, at any term of which a plea of guilty is entered or a verdict of guilty found.

Violation of act a misdemeanor.

Penalty.

Duty of solicitor and judge.

Act not to interfere
with prohibition
territory.

SEC. 8. That nothing in this act shall be so construed as to permit the manufacture or sale of any intoxicating liquors in any territory in which the same is now or may hereafter be prohibited by law.

SEC. 9. That this act shall be in force from and after July 1, 1903.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 411.

AN ACT TO REVISE, CONSOLIDATE AND AMEND THE ROAD LAW OF BUNCOMBE COUNTY, AND TO AUTHORIZE THE LEVY OF A SPECIAL ROAD TAX IN SAID COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 139 of the Public Laws of the year 1895, and all amendments thereto, are hereby repealed.

Buncombe County
Commissioners to
levy special road
tax annually.

SEC. 2. That the Board of County Commissioners of Buncombe county, at their regular meeting in June, in the year one thousand nine hundred and three, and at each regular annual meeting thereafter, shall provide a fund for the construction and repairing of the public roads in said county by levying a special tax of not exceeding fifteen cents on the one hundred dollars worth of all property in said county subject to taxation.

Collection and
expenditure of
tax.

SEC. 3. That said special tax shall be included in a separate column of the tax-books, and shall be collected by the Tax Collector of said county, as other taxes are collected; which said special tax shall be collected, and shall constitute, when collected, a county road fund, to be expended on the construction and repairs of roads in said county.

Persons of road
age to work four
days on roads.

SEC. 4. That all resident male persons, between the ages of eighteen and forty-five, shall work on the public roads of said county for four days in each year, under such rules and regulations as the Board of Commissioners shall prescribe: *Provided*, this act shall not take the power from the said Commissioners to exempt any one from working on said roads on account of physical inability.

Commissioners
may exempt for
disability.

Cash instead of
labor.

SEC. 5. Every person who may be liable to work upon the public roads in said county, as in this act provided, may, when summoned to perform such labor, tender and pay to the Supervisor, or other person in charge, in lieu of such labor, a sum of money equal to not less than seventy-five cents for each day he

may be required to work, and it shall be the duty of the person in charge of the work to receive said sum, and give receipt therefor, and all moneys collected, as provided in this section of this act, shall be placed in the general road fund, as provided by this act, and shall become a part thereof.

How collected and disposed of.

SEC. 6. That all male persons confined in the county jail, either under a final sentence of the Court for crime or imprisonment, or non-payment of fines and costs, or under final judgment in cases of bastardy, or under the vagrant acts, and all persons sentenced to prison for a term less than five years, shall be available to said County Commissioners, for the purpose of working said persons upon said public roads, under the provisions of this act; and upon the application of said Commissioners to the Judge of the Superior, Inferior or Criminal Court of said county he shall assign such persons convicted in his Court to said Commissioners for said purposes.

Commissioners may work convicted prisoners on public roads.

Judges of court to assign them for said purpose.

SEC. 7. That in no case shall a person be compelled to wear stripes or convict clothing, unless said person was duly convicted of a felony, when such person shall be compelled to wear striped or convict clothing.

Prisoners to wear stripes only when convicted of felony.

SEC. 8. That no female person shall be made to work on said roads.

Working females forbidden.

SEC. 9. That when any convict on said roads becomes unruly so as it becomes unnecessary for the person in charge, or guards, to whip said convict, he shall call in three good citizens to witness the whipping, and the Superintendent shall keep a record of the offence for which the said convict was whipped, the number of blows inflicted, and the names of the witnesses present, and report the same to the Board of Commissioners of Buncombe County. And any overseer or guard or other person in charge who shall whip a convict in a cruel and unmerciful manner shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the Court.

Provisions for whipping unruly convicts.

Cruel and unmerciful whipping a misdemeanor. Penalty.

SEC. 10. That said Commissioners may adopt any method, plan or system for sustaining and keeping in repair said public roads of said county, not inconsistent with the provisions of this act, and may use said road fund and labor provided for in this act, under such rules and regulations as they may prescribe.

Plans and provisions for keeping in repair roads and using road fund.

SEC. 11. That the Board of Commissioners of said county may, in their discretion, purchase such improved road machines and other implements and tools as may be deemed necessary in constructing and keeping in repair said public roads.

Purchase of road machinery and tools.

SEC. 12. That the said Board of Commissioners shall have discretionary power to make an appropriation out of said road fund for putting in repair any place in any public road in said county requiring more than an ordinary expenditure of money or labor.

Power of commissioners relative to places in roads requiring extraordinary expenditure.

Location or change of public roads.	SEC. 13. That the said Board of County Commissioners shall have powers to locate, re-locate or change any part of any public road in said county, when in their judgment such re-location or change shall prove advantageous to travel, and such location, re-location or change shall be made in the manner now provided by law for laying out new roads or highways.
Fines and penalties for non-performance of road duty.	SEC. 14. That all persons who are subject to the road under this act shall be governed by the laws now in operation in relation to fines and penalties for non-performance of road duty.
Township supervisors.	SEC. 15. That the Board of County Commissioners may appoint a competent Supervisor for each township, or any part of a township, who shall receive such compensation as said Board may prescribe: <i>Provided</i> , that such compensation shall not exceed one dollar and twenty-five cents per diem for days actually engaged in service. It shall be the duty of said Township Supervisor to certify to the County Commissioners, each quarter after January first, one thousand nine hundred and three (1903), the amount of work done by such persons as may labor on said road, either as provided for in section five of this act, or otherwise, and the amount due said person, if any, in accordance with the rules and regulations made by said Board of County Commissioners, and when approved by said Commissioners and found to comply with rules and regulations as provided by law the same shall be paid by the County Commissioners out of said road fund. Or the said Board of Commissioners may, instead of appointing Supervisors, as herein provided, adopt and put into operation any other plan or mode, not inconsistent with the general laws of the State for the construction, repair and maintenance of the public highways and bridges of the county of Buncombe; and to this end they are hereby authorized and empowered to divide the public highways into sections or road districts, and to appoint overseers, or supervisors thereof, as to them may seem best, assigning to such road or roads or districts such persons as are now required by law to work upon roads; and whenever in their judgment it is best for the public interest they may enter into a contract or contracts with any person or persons, to construct, repair and maintain any of said bridges, roads, or any portion thereof, at such prices and upon such terms as may be agreed upon and to pay therefor out of the common or general road fund of the county. It shall be the duty of the said Board of Commissioners of said county, to employ and use the convict force of said county in the construction and macadamizing of the principal thoroughfares of said county until the same shall have been completed to its several boundary lines: <i>Provided, however</i> , that the said convict force may be employed and used for the repair of other roads and bridges, when because of the exigencies of the case the labor assigned to
Compensation.	
Supervisor's quarterly report.	
Audit and payment of accounts of laborers.	
Power of commissioners to adopt plans other than appointment of supervisors.	
Certain other plans which commissioners may adopt.	
Convict force to construct and macadamize principal thoroughfares.	
May repair other roads or bridges in case of emergency.	

them, or other means adopted for their maintenance, are inadequate.

SEC. 16. That upon the passage of this act, the Judge of the Fifteenth Judicial District may appoint an Inspector of Prisons of said county, and prescribe his compensation, not to exceed two dollars per day, and not more than two days in each month, whose duty it shall be to visit the common jail, city prison in the city of Asheville, and all the convict camps in the said county, at least once every month, and oftener, if directed by the Judge of said Court to do so, and inspect the sanitary condition of the several prisons in said county, the cells, cages and quarters used for the safe-keeping of prisoners, and it shall be the duty of said inspectors to examine the clothing, food, quality and sufficiency of the same, and diligently inquire as to the manner of working and treatment of the convicts, or any of the public works of said county, and the manner of treatment and management of all persons confined in the common jail or city prison of said county; and in the discharge of the duties herein imposed upon said Inspector, he shall, at all times, have free access to any and all prisons within said county, and may question any convict laborer confined on any of the public works of said county separate and apart from the overseer, or keeper of such convict or prisoner, as to the matters pertaining to his duties. It shall be the duty of said Inspector to make a monthly report, in writing, to said Judge, and the Judge shall, if he thinks proper, lay the same before the Solicitor of said Court with such orders as he may think just and proper.

Inspector of
prisons.

Compensation.

Duties.

Powers of
inspector.

Monthly report to
judge.

Prisoners from
other counties.

SEC. 17. That the said Board of Commissioners may receive from any other county, to be worked on the roads of Buncombe County, prisoners or convicts, who may be assigned by the several Judges of the Superior Court to work on its roads, but said Board shall have the right to refuse to receive or work any such prisoners or convicts on the roads of said Buncombe County, and when such prisoners or convicts are received and worked on said public roads the said Board of Commissioners shall not pay or allow any compensation to the county sending such prisoners or convicts for the service of such convicts, and shall only be required to provide them with proper food, clothing and medical attention.

SEC. 18. That in order to raise funds additional to the fund authorized by section two of this act for building, improving and maintaining the public roads of Buncombe County outside of the corporate limits of the city of Asheville, the Board of Commissioners of said county are hereby authorized and empowered to levy annually, at the time of levying other taxes, and in addition to the taxes authorized to be levied by section two of this act, the following described taxes or assessments,

Provisions for levy
and collection of
special tax on
persons and
property outside of
Asheville.

Special assessments and taxes to be kept separate from other taxes.

to-wit, an assessment by way of an *ad valorem* tax not exceeding ten cents on each one hundred dollars valuation, upon all property in that part of said county outside of the city of Asheville, made the subject of *ad valorem* taxes for State and county purposes and a poll tax or assessment, not exceeding thirty cents each upon all persons in said part of said county outside of said city of Asheville, subject to general State and poll taxes, all of which taxes and assessments shall be set forth in a separate column on the tax books of said county, and shall be collected by the Tax Collector of said county as other taxes are collected, and when collected shall constitute a part of the road fund of said county, to be expended for building, improving and maintaining the public roads and bridges in said part of said county outside of the city of Asheville, under the same rules and regulations as the other road funds of said county are expended according to the provisions of this act. For the purposes of carrying out the provisions of this section, all territory within said county, and outside of the city of Asheville, is hereby constituted and declared to be a road and taxing district.

Section 1164 of Code not applicable to Buncombe County.

Jailer of Buncombe County not to keep prisoners from other counties unless cost of keeping paid monthly in advance.

SEC. 19. That section eleven hundred and sixty-four of The Code in so far as it relates to the sending of prisoners from one county to another, to be confined in the jail of the latter county, shall not apply to said Buncombe County. The jailor or Sheriff of said Buncombe County shall not receive the prisoners of any other county into the common jail of said Buncombe County unless the cost of the keeping of such prisoners be paid each month in advance, and when at the expiration of any month, the cost of keeping such prisoners for the ensuing month is not paid in advance, the Sheriff or jailor shall immediately turn over and deliver said prisoner to the Sheriff of the county sending the same to said Buncombe County.

Conflicting laws repealed.

SEC. 20. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 412.

AN ACT FOR THE BETTERMENT OF THE PUBLIC ROADS OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

Road improvements.

SECTION 1. That the Board of Commissioners of Wilson 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, 1903, and at 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 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 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 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 road and such bridges in said county not costing to exceed fifty dollars, the purchase of such material, implements, teams, wagons, camp outfits, quarters of stockade for the use of and for the safe-keeping of the convict force as may be necessary in the proper carrying out of this work, and for the employment of such additional labor 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.

Special tax.

Tax rate.

Collection and custody.

Application.

Proviso.

SEC. 2. That the Board of County Commissioners, at their regular meeting in June of each year, shall appoint a County Road Superintendent, whose salary shall be fixed by said Board, to be paid out of the county road fund; that it shall be the duty of said Superintendent, subject to the approval of said Board, to supervise and have charge of the maintenance and building of all public roads and bridges of Wilson County, and he shall submit to said Board a monthly report concerning the work in progress and the expenses incurred, and he shall submit a quarterly report on the condition of the public roads and bridges, with plans for their improvement. He shall include in his quarterly report an inventory of the tools, implements and other equipments on hand. If in the opinion of said Board the employment of a County Road Superintendent is not consistent with the best interest of the county, then said Board shall not be required to employ one, but in lieu thereof they may appoint a Township Superintendent for one or more townships in the county, whose duties and responsibilities in such townships shall be the same as those provided in section one of this act for County Road Superintendent; and he shall be paid, and his salary fixed by said Board; that the said Board may discharge him upon ten days' notice.

Road superintendent.

Salary.

Duties.

Quarterly reports.

Township superintendents. Duties.

Salary.

SEC. 3. That the Superintendent of Roads, with the approval of said Commissioners, 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 known as Township Supervisors, who, acting

Powers of road superintendent.

under the supervision of the County Road Superintendent and County Commissioners, shall supervise the road work in the township for which he is appointed.

Working of
convicts.

SEC. 4. That all prisoners confined in the county jail under final judgment of any Court having jurisdiction for crime or imprisonment for the non-payment of costs or fines, or under final judgment in cases of bastardy, or under vagrant acts, and all involents who may be imprisoned by any Court of competent jurisdiction in Wilson County for the non-payment of costs and all persons who may be sentenced in said county to the State Prison for a term less than ten years, may be worked on the public roads: *Provided*, that said Commissioners 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 given time, and that upon application of the Chairmen of Boards of County Commissioners to the Judge of the Superior Court, the Justices of the Peace and the 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 officer 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 Board of County Commissioners.

Convicts from
other counties.

Expense of
guarding, etc.,
convicts.

SEC. 5. That when the Commissioners of Wilson County shall have made provision for the expense of supporting and guarding while at work on its public roads, a larger number of prisoners than can be supplied from the Courts of said county, then upon application of the Commissioners of said 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 own public roads, such Judges may sentence such able-bodied male prisoners as described in section four of this act, from such adjoining counties to work on the public roads of Wilson County, and the cost of transferring, guarding and maintaining such prisoners as may be sent to Wilson County shall be paid by said county: *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 Wilson County.

Proviso.

Specifications for
roads.

SEC. 6. That no road laid out and constructed under this act shall be less than twenty feet wide nor more than fifty feet wide, in the discretion of the Superintendent of Roads or the Board of County Commissioners, the same to be laid out or surveyed by or under the direction of the County Road Superintendent or Township Road Superintendent.

SEC. 7. 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, to cut and carry away timber, except trees or groves or improved land planted or left for ornament or shade, to dig or cause to be dug and 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 County Commissioners within sixty days from the taking and carrying away of such material, it shall be the duty of said Commissioners to pay for the same a fair price, to be determined by a jury of three freeholders, one to be selected by such land owner 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 Board of County Commissioners, when selected in the manner aforesaid, which jury shall report in writing their decision to the Board of County Commissioners for revision or confirmation: *Provided*, that said land owner or his agent shall have the right of appeal as provided by this act.

Superintendent may enter lands, cut timber, etc.

Drains and ditches.

Claim for damages.

Assessment of damages.

Right of appeal.

SEC. 8. That subject to the approval of said Board, the County Superintendent of Roads is hereby empowered, with the aid of a competent engineer or surveyor, to locate, re-locate or change any part of any public road in Wilson 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 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 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 land owner 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

Location and change of public roads.

Assessment of damages.

Procedure.

Proviso. sworn, in considering the question of damages, shall also take in consideration the benefits to the owner of said land, and if such benefits shall be considered equal to or greater than the damages sustained, then the jury shall so declare and report in writing its finding to the Board of County Commissioners for revision or confirmation: *Provided*, that if said land owner be a non-resident of the county and have no local representative, it shall be deemed a sufficient service of such notice for the Sheriff or Constable to forward, by mail, a written notice of the purpose, time and place of such meeting of said jury to the last known postoffice address of such land owner, seven days in advance of such meeting, and also to post a notice for seven days at the court house door in the town of Wilson.

Right of appeal. SEC. 9. That in case the land owner or his legal representative shall be dissatisfied with the finding 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—all such appeals being governed by the law regulating appeals from Justices of the Peace, and the same shall be heard *de novo*; but the Judge, in his discretion, may require the land owner to give bond when the case is taken by appeal to the Supreme Court.

Appeal bond. SEC. 10. That no land owner or tenant shall turn field water upon the county roads without the consent of the Superintendent of Roads, and any land owner 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 into public road prohibited. SEC. 11. That it shall be unlawful for any one to take and carry away sand, clay, soil or gravel from a public road in Wilson County, or from the ditches along the side of public roads in said county, without the written consent of the Superintendent in charge of such roads.

Unlawful to remove sand, etc., from public road. SEC. 12. That the moneys collected from the taxes levied or bonds sold under the provisions of this act shall, by the proper officer, be paid in to the hands of the County Treasurer, and paid out upon the warrant of the Board of County 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 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 Wilson.

Proceeds of taxes or bonds under this act payable to county treasurer. SEC. 13. That no land owner or tenant shall cut a ditch across

Disbursements.

Publication of statement.

a public road in Wilson County without the written consent of the Superintendent of Roads of said county or township; and any one cutting a ditch across the public road of said county shall, with the consent of the Superintendent or Supervisor of Roads, tile the same with pipes of the size designated by the said Superintendent or Supervisor.

Cutting of ditches
across road.

SEC. 14. That it shall be unlawful for any person to plow, to cut up or otherwise unlawfully injure any public road in said county.

Unlawful to
injure road.

SEC. 15. That said Commissioners are hereby empowered to call an election of the qualified voters of said county, after giving thirty days' notice in a newspaper published in said county, and submit to them the question of a bond issue, not to exceed six per cent of the assessed valuation of the real and personal property of said county for road improvement, and said elections shall be held pursuant to the provisions of chapter 514 of the Public Laws of 1899; and those favoring said bond issue shall vote a ticket on which is written or printed "For Road Improvements," those opposing shall vote a ticket on which is written or printed "Against Road Improvements." If a majority of said qualified voters shall vote "For Road Improvements," then the said Commissioners of said county shall issue bonds, otherwise they shall not. And if a majority of said voters shall vote "For Road Improvements," then the said Commissioners are hereby authorized to issue bonds, to run not to exceed thirty years, bearing five per cent interest per annum, payable semi-annually, to levy a tax to pay the interest on said bonds and to create a sinking fund to meet the principal at maturity.

Bond election.

Notice.

Amount.

Election, how
governed.
Chapter 514, Public
Laws 1899.
Ballots.

Issue of bonds.

Term.

Special tax.

SEC. 16. 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.

Penalty for
violation of this
act.

SEC. 17. That any officer appointed under this act shall be required by the said County Commissioners to execute a bond, with sufficient security, in such sum as the Commissioners may deem just and proper, conditioned for the faithful performance of his duties.

Official bonds
required.

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

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 413.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF LOUISBURG.

The General Assembly of North Carolina do enact:

Territory.

SECTION 1. That all the territory lying within the limits of the town of Louisburg, and all that portion of Franklin County lying contiguous thereto but not now included within said corporate limits, when so included, the same shall be and are hereby constituted a public school district for white and colored children, to be known as "The Louisburg Graded School District": *Provided*, that said school district may be extended beyond the corporate limits of said town and include portions of Franklin County not within said corporate limits but lying contiguous thereto upon a majority vote of the qualified electors within the proposed new district.

Graded school district.

Proviso, extension of limits.

Town laws extended to territory beyond corporate limits.

SEC. 2. That in order to carry out the purposes and provisions of this act, the provisions of laws governing the assessment of real and personal property, the levying and collecting of taxes for school purposes, and the holding of elections upon all matters connected with said graded schools as herein set out, shall be extended to the entire school district, including that portion which may hereafter be made to extend beyond said corporate limits as fully as if the same were now embodied within said corporate limits.

Board of trustees

SEC. 3. That W. H. Ruffin, F. N. Egerton, Geo. H. Cooper, W. T. Hughes, Wm. Bailey, and W. T. Bickett shall be and the same are hereby constituted a Board of Trustees for the public schools of said Graded School District. That W. H. Ruffin, Geo. H. Cooper, and F. N. Egerton shall continue in office for a term of eight years, W. T. Hughes and T. W. Bickett for a term of six years, and Wm. Bailey and J. M. Allen for a term of four years, and that at the expiration of their several terms their successors shall be elected for a term of six years by the Board of Commissioners of the town of Louisburg, and all vacancies occurring in said Board by death or resignation shall be filled by the other members of said Board of Trustees: *Provided*, that the position of Trustee shall not constitute an office within the meaning of article 14, section 7, of the Constitution of this State.

Term of office.

Election of successor.

Proviso, position of trustee not an office.

Board of trustees created a body politic.
Corporate name.

Powers.

SEC. 4. That the said Board of Trustees and their successors shall be, and they are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Louisburg", and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, pur-

chase or devise, real and personal property, hold, exchange, mortgage, or sell the same, and exercise such other rights and privileges as appertain to other corporations.

SEC. 5. That it shall be the duty of said Board of Trustees to establish graded public schools for the children of said Graded School District. And said Board of Graded School Trustees shall appropriate and use the funds derived from said particular taxes herein below referred to, and funds derived from other sources, for the establishment of graded schools within said district and for the maintenance of same, due regard being paid, however, to the difference of cost in maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donor.

Establishment of
graded schools.

Proviso.

SEC. 6. That said Board of Graded School Trustees shall have exclusive control of the graded public schools in said school district, free from the supervision of and control of the County Board of Education and County Superintendent of said county of Franklin, shall prescribe rules and regulations for their own government and for the government of said schools. They shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of said schools, and shall have power to dismiss same. Said Trustees shall cause to be taken from time to time in accordance with the general school law an accurate census of the school population of said school district, and shall exercise all other powers as may be lawful and necessary for the successful control and operation of said graded school.

Board to have
exclusive control.

Rules and
regulations.

Teachers.

School census.

SEC. 7. That the Board of Graded School Trustees created by this act may elect annually a Superintendent of Schools. The said Superintendent shall examine all applicants for teachers' positions in said graded school, and shall issue certificates to same if elected, and shall perform all other duties required of him by said Board of Trustees. That said Board of Trustees are hereby authorized, in their discretion, to fix a curriculum of studies, and to adopt text-books for graded schools, to provide for instruction other than that included in the prescribed course and to fix the rate of tuition to be charged therefor, and to admit pupils residing without the limits of the district upon such terms as they may deem fit.

Superintendent.

Duties.

Curriculum and
text-books.

Rate of tuition,
etc.

SEC. 8. That for the support and maintenance of said schools the said Board of Graded School Trustees are hereby authorized and empowered, and it shall be their duty to submit to the qualified electors of said school district the question of levying a tax, which shall not exceed thirty-three and one-third cents on the one hundred dollars worth of property, and one dollar on the poll. The said election shall be advertised for at least two weeks prior to the day of election in a newspaper published in said town and

Election on
question of
special tax.

Tax rate.

Publication of
notice

Election, how governed.	also at the court house door and at two other public places in said district. The Board of Trustees of said School District shall appoint three judges of election who shall hold and conduct said election according to the rules and regulations now prescribed by law for general elections. No registration for this election shall be required, but all qualified electors residing in said school district shall be entitled to vote in said election. The qualifications of voters shall be the same as are now provided by law, or may be provided at the time of holding said election. The voting on said question shall be by ballot. Those qualified electors approving of the levying of said tax shall deposit in the ballot box a written or printed ticket with the words "For Levy" thereon, and those disapproving of the same shall deposit a like ticket with the words "Against Levy" thereon. The result of said election shall be ascertained by the aforesaid judges, and returned by them over their signature to the said Board of Trustees of said School District, who shall cause the same to be publicly announced and reported in the minutes of the said Board of Trustees. If a majority of the qualified voters shall cast ballots having printed or written upon them the words "For Levy", then the said Board of Trustees shall levy and order the collection of said tax, which tax shall be collected annually thereafter by the town tax collector at the same time and in the same manner in which town taxes are collected: <i>Provided</i> , that the levy shall be upon such property upon which are now levied State and county taxes. But if a majority of the qualified voters shall cast ballots having printed or written upon them the words "Against Levy", then no tax shall be levied until the question of levy is again submitted to the qualified electors, for their approval and adoption as above provided for.
No registration required.	
Qualification of voters.	
Ballots.	
Returns.	
Result, how declared and recorded.	
Levy and collection of tax.	
Proviso.	
Subsequent election.	SEC. 9. That an election resulting favorably to the levying of said tax shall not exhaust the power of said Board of Trustees to submit the question of levying the said tax at another and subsequent election to be held as herein above provided for: <i>Provided</i> , that the provision for an election as to the levying of said tax shall in no wise affect the other provisions of this act, but the same shall remain in full force and effect.
Proviso.	
Taxes collected and turned over to treasurer of board of trustees. Compensation of tax collector.	SEC. 10. That the town tax collector shall pay over said school taxes so collected by him directly to the Treasurer of said Board of Trustees, and said tax collector shall receive as compensation for collecting said taxes a commission, the amount of which shall be fixed by the said Board of Trustees and the same shall not exceed two per centum. The taxes so collected shall be by him paid to the Treasurer of said Board of Trustees as fast as the same are collected. The said tax collector shall give bond in such an amount as may be fixed by said Board of Trustees, who shall approve the same.
Bond of tax collector.	

<p>SEC. 11. That for the purpose of improving and increasing the facilities of said graded schools and properly furnishing and equipping the same, the Board of Commissioners of the said town of Louisburg may, in their judgment, and the same are hereby authorized and empowered to submit to the qualified electors of said town a proposition to issue not more than ten thousand dollars in coupon bonds of said town. The notice of said election shall be published within the county and posted in at least five places in said town at least three weeks before said election. Said election shall be held in the same manner as other town elections are held. That the voting shall be by ballot, which shall be written or printed in black ink. Those voting for the issue of said bonds shall have written or printed upon their ballot the words "For Schools," and those voting against same shall have printed or written thereon the words "Against Schools." That if the proposition shall be adopted by a majority of the qualified electors of said town, the Board of Town Commissioners shall cause bonds to be issued in the name of the town of Louisburg in such denominations as they may deem best, bearing not more than six per centum interest, payable semi-annually. Such bonds shall be signed by the Mayor of the town and countersigned by the Treasurer of the Board of Trustees. That when said bonds are issued, the Board of Town Commissioners shall turn them over to the Board of Graded School Trustees for sale. It shall be the duty of the Board of Town Commissioners, when the said bonds are issued, to provide by taxation on all subjects of taxation within the town to meet the interest of said bonds, and the principal when the same may become due.</p>	<p>Bond election.</p> <p>Amount.</p> <p>Notice of election.</p> <p>Election, how governed.</p> <p>Ballots.</p> <p>Issue of bonds.</p> <p>Denominations and interest rate.</p> <p>Execution of bonds.</p> <p>Delivery to board of trustees.</p> <p>Town commissioners to levy tax to meet bonds and interest.</p>
<p>SEC. 12. That the said Board of Graded School Trustees may, if in their judgment it be necessary, require from each pupil attending said graded schools an incidental fee not to exceed two dollars and fifty cents per annum, for the purpose of defraying expenses of providing fuel and services of janitor.</p>	<p>Board may charge pupils incidental fee.</p>
<p>SEC. 13. That the said Board of Graded School Trustees shall elect a Treasurer from among their number, who shall have in charge the fund belonging to said graded schools, and whose receipts for moneys shall be a sufficient voucher in the hands of all persons paying same, and the said Treasurer shall, from time to time, report to said Graded School Trustees the receipts and disbursements and all vouchers for the same. All funds coming into his hands belonging to said graded schools shall be expended for said graded schools under the direction of the said Board of Trustees, and the warrants for same signed by the Chairman and the Clerk or Secretary of said Board shall be the only valid vouchers in the hands of the said Treasurer for the disbursement of any money in any settlement required of him. The said Treas-</p>	<p>Election of treasurer of board.</p> <p>Vouchers.</p> <p>Accounting by treasurer of board.</p> <p>Disbursements.</p> <p>Warrants.</p>

- Treasurer to report annually.** urer shall annually on the first Monday in July make a statement in writing to the Board of Trustees of the receipts and disbursements of the school money, properly audited, for their approval. The accounts, books and vouchers of the said Treasurer shall always be open to the inspection of the said Board of Trustees.
- Board to report annually.** SEC. 14. That it shall be the duty of the said Board of Trustees, at the end of each year, to make a full report of the operations of the graded schools in said district, and to furnish each the County Superintendent of Schools and the State Superintendent of Public Instruction with a copy of same, and to make such other reports as may be required of them by the State Superintendent of Public Instruction.
- Copies to be furnished county and State superintendents.**
- Apportionment of general school funds.** SEC. 15. That in the apportionment of funds under the general school law there shall be paid by the Treasurer of Franklin County directly to the Treasurer of said Board of Graded School Trustees hereinbefore provided for in this act, such sum of money as will be due said school district, which may be found by dividing the whole fund to be apportioned to Franklin County by the total number of children of school age in said county and then multiplying such per capita amount by the number of children of school age within said graded school district.
- Transfer of present school property to board of trustees.** SEC. 16. That the property, both real and personal, now held by the Trustees of the Louisburg Male Academy, and the title to the same, shall be vested in said Board of Graded School Trustees: *Provided*, that a majority of the Trustees of the Louisburg Male Academy shall, in writing, assent thereto, and the said Board of Graded School Trustees shall exercise in reference to said property the powers enumerated in section 4 of this act: *Provided*, that said powers are not inconsistent with the conditions and stipulations under which the property is now held. That there shall be nothing in the general school law of the State that shall prevent the Treasurer of the common school fund from paying to said Board of Graded School Trustees any sum of money that may be set apart by the County Board of Education for the purpose of assisting in the construction of suitable buildings for school purposes upon said property now under control of the Trustees of the Louisburg Male Academy.
- Proviso.**
- Transfer of building fund.**
- This act to take effect, when.** SEC. 17. That all the provisions of this act which provide for the calling and holding an election, or successive elections, upon the question of levying a tax shall be in force from and after the ratification of this act, but that the other powers granted and provisions herein shall be in force only upon an election held hereunder, resulting favorably to such tax levy.
- In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 414.

AN ACT TO PROMOTE AND PROTECT THE SHELL FISH INDUSTRIES IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

- SECTION 1. That the Governor, immediately after the passage of this act, shall appoint one of the qualified voters of Brunswick County, who shall be styled the Shell Fish Commissioner of Brunswick County, and who shall qualify within sixty days after his appointment.
- SEC. 2. The duties of the aforesaid Shell Fish Commissioner shall be to protect and promote the shell fish interests of Brunswick County, and he shall have have the power to appoint two or more Sub Shell Fish Commissioners out of the qualified voters of Brunswick County, to assist him in the enforcement of all laws regulating the catching and shipping clams and oysters out of said county, who shall be paid a salary of twenty-five dollars per month during the time they are actually employed as Sub Shell Fish Commissioners.
- SEC. 3. That the term of office of the Shell Fish Commissioner shall be two years, and until his successor is appointed and qualified, and the terms of the office of the Sub Shell Fish Commissioners shall be during the pleasure of the Shell Fish Commissioner. But neither the Shell Fish Commissioner nor the Sub Shell Fish Commissioners shall enter upon their duties of office until they shall have taken and subscribed before a Justice of the Peace or Clerk of the Superior Court of Brunswick County, the oath prescribed by chapter forty, section three thousand three hundred and fifteen, subsection forty-seven of The Code, and until they shall have given a good and sufficient bond of five hundred dollars each for the faithful performance of the duties as such Shell Fish and Sub Shell Fish Commissioners.
- SEC. 4. That said Shell Fish and Sub Shell Fish Commissioners shall have power and it shall be their duty to collect a tax of (three cents per bushel on all clams and two cents per bushel on all oysters in the shell and two cents per gallon on all shucked oysters) shipped out of the county, the tax so collected to be paid to the County Treasurer of Brunswick County, and by him paid to the State Treasurer, after first paying the Shell Fish Commissioner a salary of four hundred dollars per annum, and the Sub Shell Fish Commissioners a salary of twenty-five dollars per month for the time they are so employed. The salary of the Sub Shell Fish Commissioners to be paid only upon the order of the Shell Fish Commissioner: *Provided*, that in no event shall
- Governor to appoint shell fish commissioner.
- Duties of shell fish commissioner.
- Appointment of sub-commissioners.
- Compensation.
- Term of office of commissioner and sub-commissioners.
- Oath of office.
- Official bonds.
- Tax on oysters and clams.
- Disposition of proceeds of tax.
- Salaries.
- Proviso.

the Shell Fish or Sub Shell Fish Commissioners receive **any** salaries or money from any other funds or source than from **the** Shell Fish interest or Shell Fish funds of Brunswick County.

Unlawful to ship
clams or oysters
without paying
tax.

Record of
shipments to be
kept.

SEC. 5. That it shall be unlawful for any person or persons firm or corporation to ship any clams or oysters out of the county of Brunswick without paying the tax specified in section four of this act, and every person or persons, firm or corporation shipping clams or oysters out of said county shall be required to keep a book in which shall be kept the names of all parties to whom he ships clams or oysters and the number of bushels of clams or oysters and the number of gallons of shucked oysters shipped, which book shall be open for the inspection of any or all of the Shell Fish or Sub Shell Fish Commissioners.

Unlawful to take,
etc., clams, when.

SEC. 6. That it shall be unlawful for any person or persons, to take clams from the waters of Brunswick County, or for any person or persons to pound or bed any clams in any of said waters between the first day of April and the first day of November of each year.

Violation of this
act a misde-
meanor.
Penalty.

SEC. 7. Any person or persons violating any section of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars or imprisoned not more than thirty days for each and every offense.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 415.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-EIGHT (388) PUBLIC LAWS 1901.

The General Assembly of North Carolina do enact:

Former dispensary
act amended.

SECTION 1. That chapter three hundred and eighty-eight (388) Public Laws of nineteen hundred and one (1901) be and the same is hereby amended by striking out section two and sixteen (2 and 16) in said chapter and substituting therefor the following:

Question of
dispensary to be
submitted to vote

SEC. 2. That the Board of Commissioners of the town of Winton are hereby authorized and empowered to submit to the qualified voters of said town at the next regular election for Mayor and Commissioners the question whether a dispensary for the sale of spirituous, vinous and malt liquors shall be established

for and in the said town of Winton. The said election shall be advertised by the Board of Commissioners of said town for thirty days prior to and next preceding the day of election at the court house door and at four other public places in said town, and said election shall be held under the same rules and regulations prescribed by law for the election of Mayor and Commissioners of said town; at said election those casting their ballots for a dispensary shall vote a ticket on which is written or printed without device the words "For Dispensary" and those against shall vote a ticket on which is written or printed without device "Against Dispensary."

Notice of election.

Election, how governed.

Ballots.

SEC. 3. If a majority of the qualified voters of said town at such election shall vote "For Dispensary," the Board of Commissioners of Winton shall as soon thereafter as is practicable elect three electors, citizens of said town, who shall compose and be known as the Board of Dispensary Commissioners, one of whom shall hold the office for one year (1), one for two (2) years and one for three (3) years, or until their successors are elected and installed; and the Board of Commissioners shall annually thereafter as the terms expire elect one Dispensary Commissioner, and shall elect for all vacancies occurring: *Provided*, that said Dispensary Commissioners, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully to discharge and perform the duties of their office, which oath shall be filed with the Secretary or Clerk of Town Commissioners.

Board of town commissioners to elect dispensary commissioners.

Term of office.

Vacancies.

Proviso.

Oath of office.

SEC. 4. That section sixteen (16) of said chapter be stricken out and the following substituted in lieu thereof: "That the net proceeds derived from the sale of liquors under this act shall be disposed of in the following manner: one-fourth ($\frac{1}{4}$) to be paid into the town treasury of Winton for the use and benefit of said town, three-fourths ($\frac{3}{4}$) to be paid into the town treasury of Winton for the use and benefit of the public schools of said town of Winton: *Provided*, that the part apportioned to the colored race shall be used for the Walters Normal Institute, located in South Winton, a suburb of said town. The Mayor and Town Commissioners of Winton shall apportion the money between the white and colored race.

Disposition of net proceeds.

Proviso.

Apportionment between races.

SEC. 5. That this act shall be in force from and after its ratification, except to the extent of permitting the present Dispensary Commissioners until the first day of July, 1903, to close out the stock on hand in case the election shall be against dispensary.

This act to take effect, when.

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 416.

AN ACT TO PROTECT AND PROMOTE THE FISH INDUSTRY
IN THE SOUNDS AND INLAND WATERS OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

Unlawful to
operate seine, etc.,
within certain
limits at certain
times.

SECTION 1. That it shall be unlawful for any person or corporation to set or operate any seine or stationary nets of any kind in the main channels within three miles of the inside mouths of Ocracoke, Hatteras, Oregon, or any other inlet north of Ocracoke inlet, connecting the waters of the Atlantic Ocean with any of the sounds or other inland waters of North Carolina, between the first day of January and the first day of May following of each year: *Provided*, this act shall not be construed to repeal or invalidate any laws prohibiting the setting or operating Dutch or pound nets within five miles of said inlets.

Proviso.

Violation of this
act a misde-
meanor.
Penalty.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars and imprisoned not exceeding thirty days in the common jail of the county wherein the offense was committed.

Penalty for second
violation.

SEC. 3. That for every second or subsequent violation of the provisions of this act the person so offending shall forfeit and pay the sum of fifty dollars, one-half of which sum shall be paid to the informer and one-half to the school fund of the county wherein such offense was committed, such forfeiture or penalty to be recovered in an action before any Justice of the Peace of the county wherein the offense was committed.

Conflicting laws.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act be and they are hereby repealed.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 417.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF
TYRRELL COUNTY TO ISSUE BONDS AND LEVY A SPECIAL TAX.*The General Assembly of North Carolina do enact:*

Issue of bonds.
Purpose.

SECTION 1. That for the purpose of building a court house and improving the grounds therefor, and for repairing and improving the jail as they may deem proper and right, the Board of Commissioners of Tyrrell County are hereby authorized and empow-

ered to issue bonds for an amount not to exceed fifteen thousand (\$15,000) dollars, in denominations of one thousand (\$1,000) 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.	Amount. Denominations. Rate of interest.
SEC. 2. Said bonds shall be signed by the Chairman of the Board of County Commissioners and countersigned by the Register of Deeds. Said Register of Deeds shall keep a suitable book in which he shall keep an 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 bonds when they are paid. Said book shall be open to the inspection of any tax-payer of said county. And should said Register of Deeds fail to so keep said book he shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten dollars (\$10) or more than fifty dollars (\$50) in the discretion of the Court.	Execution of bonds. Record of bonds to be kept. Penalty.
SEC. 3. The said bonds shall be numbered 1, 2, 3, and so on, as they are issued, and bond No. 1 shall be due and paid two years from date of same; bond No. 2 shall be due and paid three years from date of same; and so on, agreeable to numbers, one bond falling due and payable every year until the last bond is paid.	Maturity of bonds. Payment
SEC. 4. That for the purpose of paying said interest and the bonds as they may 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 begin to fall due, observing the constitutional equation between property and poll. Said special tax shall be collected as other taxes are and paid over to the County Treasurer, who shall keep a separate account of the 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 application.
SEC. 5. That said bonds shall not be sold for less than their par value.	Not to be sold under par.
SEC. 6. As soon as the County Treasurer pays any interest and bonds as they may become due, he shall report to the Register of Deeds the amount paid as interest or bonds, and to whom paid, in order that the Register of Deeds may fully comply with section two of this act.	County treasurer to report payments
SEC. 7. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 4th day of March, 1903.	

CHAPTER 418.

AN ACT TO AMEND CHAPTER 581 OF THE ACTS OF 1899.

The General Assembly of North Carolina do enact:

Provisions of
general road law
as applicable to
Chapel Hill
township, Orange
County, changed

SECTION 1. That section twenty-six of chapter five hundred and eighty-one of the Public Laws of 1899 and all laws and acts or parts of acts amendatory thereof are hereby repealed.

Election of road
commissioners.

SEC. 2. That on the first Saturday in April, 1903, and every two years thereafter, the Board of Justices of the Peace for Chapel Hill township shall meet in session in the town of Chapel Hill, and shall proceed to elect three persons who shall constitute a Board of Road Commissioners for Chapel Hill township, who shall hold office for a term of two years and until their successors are elected and qualified. The said Board of Road Commissioners shall be vested with all powers, rights, and duties (except that of levying taxes) conferred by chapter 581 of the Public Laws of 1899, and by chapter 729 of the Public Laws of 1901, upon the County Commissioners. The County Commissioners of Orange County shall levy only such road tax for Chapel Hill township as may be recommended by said Board of Road Commissioners.

Powers.

Tax levy.

Organization of
board.

Official bond

All road taxes to
go to said board.

Application.

SEC. 3. Said Board of Road Commissioners shall meet in the town of Chapel Hill within ten days after their election and shall organize by electing one of their number Chairman, who shall preside at all meetings of said Board; they shall also elect a suitable person who shall act as Treasurer and Secretary, who shall enter into bond in a penal sum of double the amount of road tax for said township for the previous year, which bond shall be approved by the Board of Road Commissioners for Chapel Hill township, and by the County Commissioners of Orange County, before said Treasurer shall enter upon the discharge of his duties, and said bond, when so approved, shall be recorded by the Register of Deeds of Orange County in the book of official bonds and filed in his office. All road taxes for Chapel Hill township collected by the Sheriff of Orange County shall be paid over by said Sheriff to the Treasurer of the Board of Road Commissioners of Chapel Hill township, who shall give a receipt therefor. The Sheriff of Orange County shall be required to settle with the Treasurer of the Board of Road Commissioners of said township not later than the first day of May in each and every year. All moneys arising from the taxes levied in Chapel Hill township for road purposes shall be kept separate and shall be expended upon the roads of Chapel Hill township under the direction of, and supervision of said Board of Road Commissioners.

SEC. 4. The Treasurer of said Board of Road Commissioners shall pay out of the road funds belonging to said township, only upon the written order signed by the Chairman of said Board. Disbursements.

SEC. 5. Said Board of Road Commissioners shall at their first meeting after their election, or as soon thereafter as practicable, elect one or more supervisors of public roads in said township, and may also, upon the recommendation of said road supervisor or supervisors, appoint road overseers for the different sections of the public roads in said township. The term of office of the supervisors and road overseers shall begin on the first day of May, 1903, and shall continue for one year. Election of road supervisors.

Appointment of overseers.

SEC. 6. All moneys paid in lieu of labor required to be performed in said township shall be collected by the overseer of the section to which said person was assigned to work, and paid over by him to the Treasurer of the Board of Road Commissioners for said township, and shall form a part of the road fund of said township and expended under the direction of the Board of Road Commissioners upon the section upon which the person paying such money is assigned to work. Money paid in lieu of labor.

SEC. 7. Any person appointed road overseer shall be required to serve one year, and may be paid the sum of one dollar for every day he is engaged in warning in the hands on his section. Any person who has been elected or appointed overseer of a public road, and who shall refuse to serve shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than ten dollars in the discretion of the Court trying the case. The whole of this section seven shall apply to the whole of Orange County. Compensation of overseers.

Penalty for refusal to serve.

SEC. 8. The members of the Board of Road Commissioners of Chapel Hill township may be paid out of the road fund of the said township not exceeding one dollar and fifty cents per day each, while actually engaged in the necessary business of the Commission for not more than three days in any one month. The said Board of Road Commissioners shall fix the pay of the supervisor or supervisors of roads in said township, and may also fix the compensation of the Secretary and Treasurer of said Board, which shall not exceed the sum of fifty dollars in any one year. Compensation of road commissioners.

Compensation of supervisors, etc.

SEC. 9. In case there should be from any reason a vacancy in the Board of Road Commissioners of Chapel Hill township the Justices of the Peace shall be notified thereof by the Clerk of said Commission, and the Board of Justices shall, within ten days thereafter, upon the call of the Chairman of said Board of Justices, meet in the town of Chapel Hill and elect a person to fill said vacancy. Vacancies, how filled.

SEC. 10. This act shall be in force and effect on and after the first day of April, 1903.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 419.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GRANVILLE COUNTY TO LEVY A SPECIAL TAX.

Preamble.

WHEREAS, An epidemic of smallpox is now prevailing in Granville County and the expenditures of the County Board of Health and the County Commissioners in the effort to stamp out the same, together with the current expenses of the county, will necessarily exceed the receipts from the present tax levy, therefore

The General Assembly of North Carolina do enact:

Special tax.

SECTION 1. That the Board of Commissioners of Granville County are hereby authorized and empowered to levy tax for the years one thousand nine hundred and three, and one thousand nine hundred and four, not to exceed in each year, ten cents on every one hundred dollars of taxable property, and thirty cents on each poll, always preserving the equation between the tax on property and the poll for the purpose of paying the expenditures of said epidemic, and to meet the current expenses of said county.

Years of levy.

Tax rate.

Purposes.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1903.

CHAPTER 420.

AN ACT PROVIDING FOR THE CONSTRUCTION AND KEEPING IN REPAIR THE PUBLIC ROADS OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Special tax.

SECTION 1. That the Board of Commissioners of Cabarrus County shall on the first Monday in the month of June, 1903, and annually thereafter, levy a tax of not less than fifteen (15) cents, and not more than twenty-five (25) cents, on the hundred dollar valuation of all property subject in said county to taxation, and

Tax rate.

forty-five (45) cents, and not more than seventy-five (75) cents, observing the Constitutional equation at all times, on each and every poll subject to a poll tax in said county, which said taxes shall be collected in the same manner as the other taxes are collected for the State and county purposes and shall be kept separate and apart in the tax books of said county from other taxes, and shall be known as the "Road Fund" to be used only in the construction, improvement and maintenance of the public roads of said county, and in the purchase of material, implements, teams, wagons, camp outfit and quarters of stockades for the use and safe keeping of the convict force.

How collected.

To be kept
separate.
To be known as
"Road Fund."
Application.

SEC. 2. That there shall be elected by said Board of Commissioners at their regular meeting in June, 1903, and annually thereafter, a competent superintendent of roads, skilled in the modern methods of road building and who shall be paid a just and reasonable compensation to be fixed by said Board of Commissioners, 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 such action, and for malfeasance or misconduct in office he may be removed by them without further notice other than may be necessary to give him a hearing, and said Board of Commissioners shall have power 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 entrusted to his care (unavoidable accidents only accepted), 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.

Superintendent of
roads.

Compensation.

Removal.

Superintendent's
bond.

SEC. 3. That it shall be the duty of said superintendent of roads, subject to the approval of said Board of Commissioners to supervise, direct and have charge of the building and maintenance of all public roads in the county, including the supervision of the convict force, and shall submit a monthly report concerning the work in progress, and shall submit semi-annually a report on the condition of the public roads and bridges of the county, and also plans for their improvement, which said semi-annual report shall include an inventory of the tools, implements, teams, and other property and equipments on hand belonging to the county for road purposes.

Duties of superin-
tendent.

Superintendent's
reports.

Appointment of
guards,
employees, etc.

Township
supervisor.

Compensation.

Proviso.

Working of
convicts.

Expense of, how
paid.
Proviso.

May use convicts
from other
counties.

May enter lands
and get timber,
etc., for road
work.

SEC. 4. 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, and also one person in each township of the county to be known as township supervisor, who, acting under the direction of the superintendent of roads shall supervise and direct the roads of his respective township; the said guards, employees, and township supervisors 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: *Provided*, that the per diem of said supervisors shall not exceed two dollars per day of ten hours each, with hands to work not less than eight in number.

SEC. 5. That all persons confined in the county jail under a final sentence of the Court for crimes, or imprisoned for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned for non-payment of costs, and all persons who should be sentenced to the State prison for a term of not more than ten years, shall be worked on the public roads of the county, and all such convicts shall be fed, clothed and otherwise cared for at the expense of said "Road Fund": *Provided*, that in case of serious physical disability certified by the county physician, persons convicted in any Court may be sentenced to the State prison or county jail.

SEC. 6. 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."

SEC. 7. That for the purpose of carrying out the provisions of this act the said superintendent of roads and township supervisors, after first consulting the owner or 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, and 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 land or 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 said township supervisor, and shall not be obstructed by the owner or occupant of such lands or by any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or 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.

Ditches and drains not to be obstructed.

Penalty.

SEC. 8. That if any owner of any lands or 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 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.

Owner may claim pay for material, etc., used.

Right of appeal.

SEC. 9. That the said superintendent of roads shall have power to locate, re-locate, widen, or otherwise change any part of any public road of the county when in his judgment such location, re-location or change will prove advantageous to public travel; and in re-locating and changing roads now in use or opening new roads the said Board of Commissioners shall cause the county surveyor or a civil engineer to make survey of the proposed change of an old road or the new road to be opened, and if said Board shall adopt said survey they shall give notice to the owner or owners of the land, that they have adopted said survey or surveys and thereupon the same is hereby condemned for the use of the county for a public road. And 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 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 all offences against the provisions of this section: *Provided*, that if any person be aggrieved he 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, and the said jury in determin-

Superintendent may locate, change, etc., roads.

Condemnation of land for road.

Misdemeanor to hinder or obstruct opening of road.

Solicitor to prosecute. Proviso.

Assessment of damages.

ing said damages shall take into consideration the benefits made to the property and to the damages sustained by the property, subtract one from the other and the result shall be their verdict, and said damages, if allowed, shall be paid out of the general fund of the county: *Provided further*, the person aggrieved shall have the right of appeal to the Superior Court.

Proviso. may
appeal to
Superior Court.
Railroads, etc., to
keep up bridges,
etc.

SEC. 10. That all railroads or other incorporated companies shall keep up at their own expense, upon a specification furnished by any Township 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 by this section, and any written notice left with any agent of such railroad or other corporation by said Board of Commissioners of such failure shall be deemed a sufficient notice in law.

Penalty for failure.

Where road is
dividing line
between
townships.

SEC. 11. 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 respective townships so divided, to apportion the said road between the different townships in a just and equitable manner.

Disbursements of
road fund.

SEC. 12. 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 Supervisors shall be paid unless approved by said Board of Commissioners, and said Board of Commissioners, in the disbursements of said road fund shall deal in an equitable manner with all of the townships of the county. And any Superintendent of Roads or Township Supervisor 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 and imprisoned at the discretion of the Court.

Specifications for
public roads.

SEC. 13. That the width of the public road of the county shall be forty feet whenever practicable, and in no case shall they be less than twenty feet in width.

Permanent road
work, where to
begin.

SEC. 14. That it shall be the duty of said Board of Commissioners to commence all work for the macadamizing or permanent improvement of the public roads of the county at the corporate limits of the town of Concord, and radiate from the said corporate limits for a distance of not less than two miles, selecting the most important roads so radiating from said limits, and when any road

shall so be selected the work on said road shall be continuous until completed for said distance of two miles.

SEC. 15. That it shall be the duty of the Township Supervisors to meet on the first Saturday of March, and the first Saturday in September of each year, in the court house at the hour of ten o'clock a. m. in the town of Concord, to receive instructions from said Superintendent of Roads, who shall preside at such meeting, upon the best methods of the 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 by said Superintendent of Roads, unless a good and valid excuse shall be given for such absence.

Meetings of
township
supervisors.

Superintendent of
roads to instruct.

SEC. 16. That all money in the hands of the County Treasurer on the first Monday in the month of June, 1903, to the credit of the road fund of townships numbers 9 and 10 shall remain to the credit of said townships, to be expended by the Township Supervisor of his respective township for the construction and repair of the public roads of said township under this act.

Road funds of
townships Nos. 9
and 10.

SEC. 17. All able-bodied male persons, except those who reside in incorporated towns, between the ages of 21 years and 45 years of age, shall be required, subject to the orders of the Township Supervisors of their respective townships, to work on the public roads; but no person shall be compelled to work more than four days in any one year, the times when said Township Supervisors may summon said persons to work upon the public roads shall be prescribed by the Board of Commissioners for said county. Payment to the Township Supervisor of 50 cents per day, payable on or before the day of working said roads, shall excuse any one from working on the public roads. Any one failing to work or pay as above, when summoned by the Supervisor of his township, shall be guilty of a misdemeanor, and shall be fined not exceeding ten dollars, or imprisoned not exceeding ten days.

Road age.

Amount of work.

Payment of money
in lieu of work

Failure to work a
misdemeanor.

SEC. 18. That if an act passed by this General Assembly providing for the issuing of bonds to the amount of two hundred and fifty thousand dollars by the Board of Commissioners for the county of Cabarrus shall be adopted by the qualified voters of said county, and said bonds shall be sold, the Board of Commissioners of said county shall levy no road tax under the provisions of this act for two years: *Provided*, that the Board of Commissioners may use not exceeding three thousand dollars of the bond money each year during the time no road tax is levied, for repairing the public roads of the county where needed.

In the event of
bond issue, no tax
levy under this
act.

Proviso.

SEC. 19. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed, and this act shall be in full

Conflicting laws
repealed.

This act to go into effect, when.

force and effect on and after the first Monday in the month of June, 1903, for the entire county of Cabarrus.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 421.

AN ACT TO ESTABLISH GRADED SCHOOLS IN ROPER, WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Graded school district boundaries.

SECTION 1. That the territory in Washington County, North Carolina, beginning at a sycamore, the N. E. corner of St. Luke's Church lot, thence westwardly along the southern line of W. L. Sherwood's McNair farm to the McDavis line, thence southwardly to a bridge in deep run in the Woodland road about the N. W. corner of Samuel B. Johnston's land, thence southwardly along said run to Beaver Dam Swamp, thence southwardly and westwardly along and across said swamp to the mouth of a large ditch emptying from Richard Haughton's land, thence southwardly with said ditch to the bridge at the N. W. corner of I. T. Hassell's land on public road from Plymouth to Roper, thence southwardly along said Hassell's line to the lands of John T. McAllister's, thence along the western line of said McAllister's land to the N. W. corner of the Thompson farm, thence southwardly along the western boundary of said Thompson farm to Swinson's Swamp, thence eastwardly along the run of said swamp to Blount's mill pond, thence southwardly and eastwardly along and across said mill pond to the southwest corner of T. J. Peacock's Ward farm, thence along its southern line eastwardly to the John L. Roper Lumber Company's line, thence northwardly and eastwardly along said Roper Lumber Company's northern line to the S. E. corner of H. J. Williams' land, thence northwardly along said Williams' eastern line to the Comfort Island road, thence along the nearest run to Lucas mill pond, thence down the various courses of said mill pond and run to Kendrick's Creek, thence up said creek to the S. E. corner of N. W. Spruill's land, thence westwardly along the southern boundary of said Spruill's line to the beginning, is hereby made a Graded School District, and Thomas W. Blount, L. G. Roper, S. B. Johnston, E. R. Lewis and John W. Chesson and their successors are constituted and appointed a Board of Trustees for said district, and as such are declared to be a body politic and corporate, under the name and style of The Board of Trustees of the Roper Graded Schools, with power to have a corporate seal, to sue and be sued, plead and be impleaded, and with all

Board of trustees named.

Created a body politic.

Corporate name Powers.

and singular the rights, privileges, powers and immunities necessary to the duties herein granted and given; who shall hold their said offices as follows, viz: The two first named for six years, the two next named for four years, and the last named for three years, and until their successors are duly elected. All vacancies occurring on said Board by expiration of term or otherwise shall be filled by the Supervisors of said Board. They shall meet and organize within four months from this date and elect a Chairman, Treasurer and Secretary.

SEC. 2. That it shall be the duty of said Board of Trustees to advertise for thirty days and call an election in said district on the 26th day of May, 1903, and to appoint officers of said election and conduct the same in the same manner as the general elections in this State are conducted, at such place as they may designate, when and where all voters qualified to vote under the condition and laws of this State, shall be entitled to vote, and prepare written or printed ballots without device on which shall be written the words "For Schools," and the words "Against Schools," and if at said election a majority of the said qualified voters shall vote "For Schools" it shall be their duty to levy upon all the taxable property within said territory and upon the taxable polls, a tax not to exceed thirty-three and one-third cents on the one hundred dollars valuation of property, as such property may be valued on the tax lists of said county and by the Corporation Commissioners of this State, and one dollar on the poll, which said tax shall be collected by the Sheriff of said county as other taxes are collected, and the said Sheriff, to the end of collecting the same, is hereby given all and singular the full rights, powers and privileges given him by the laws of this State for the collection of State and county taxes, and may be required by said Board of Trustees to collect one-fourth of the same within thirty days from the time the books may come into his hands and to execute a bond for the safe collecting, holding and paying over thereof not exceeding in amount the total of said taxes and to pay the same to the Treasurer of said Board, who shall be elected by said Board and required to give bond, payable to said Board, in an amount not exceeding such taxes levied, but nothing herein shall except the other bonds of said Sheriff from liability for any default in the duties herein defined.

SEC. 3. That if at said election a majority of such qualified voters shall vote for schools it shall be the duty of the said Board to establish and maintain in said district free graded schools for each race, and to elect a principal for the white school, who shall also be principal of the colored school, and any and all teachers necessary for said schools, and fix the salaries of the same, and said principal shall as often as said Board may

Term of office.

Vacancies, how filled.

Organization and election of officers.

Trustees to call election.

How conducted.

Ballots.

Special tax.

Tax rate.

Collection of tax.

Proceeds of tax to go to treasurer of board.

Treasurer's bond.

Establishment of graded schools.

Election of principal and teachers.

Salaries.

- require, make to said Board and to the Board of Education of the State full reports of his said schools.
- Reports.**
- Duty of register of deeds.** SEC. 4. That it shall be the duty of the Register of Deeds of said county, as soon as the tax lists are in his hands, and annually thereafter, at the expense of said county, to make a book of receipts for said Sheriff, showing the tax to be so collected, and the Sheriff shall keep said tax separate from his other taxes.
- Duty of trustees.** SEC. 5. That said Board of Trustees and their successors shall
- Annual levy.** make said levy annually hereafter and shall maintain efficient graded schools in said district, at which all the children in said district between six and twenty-one years of age shall be admitted free of tuition, and said Board may also admit any others by charging such tuition as they may agree upon.
- School age, etc.**
- All school funds for said district to go to board of trustees.** SEC. 6. That the funds now belonging to and hereafter to accrue under the law of this State to said public school districts is hereby vested in and shall become the property of said Board of Trustees and the Board of Education of Washington County shall as often as the school funds of said county are apportioned, make an order on the Treasurer of said county to pay that part of the funds of the public schools of said county accruing to said district to the Treasurer of said Board to the use of said school, and all property, real and personal, belonging to said public school district and the committees thereof are hereby vested in said Board of Trustees, who shall hold and use the same for the purposes of this act. No commission on this fund shall be charged but one way by the Treasurer of the county or the Treasurer of said Board.
- Present school property vested in board of trustees.**
- Compensation of treasurers of county and said board.** SEC. 7. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 422.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE PUBLIC ROADS OF ROANOKE ISLAND, DARE COUNTY.

The General Assembly of North Carolina do enact:

Question of working roads by taxation to be submitted to vote of people.

SECTION 1. That upon a petition of one-third of the qualified voters of Roanoke Island, Manteo Precinct, Nag's Head Township, to the Board of County Commissioners of Dare County, any time during the years 1903 and 1904, asking that an election be held to determine whether the public roads of Roanoke Island be worked by local taxation, it shall be the duty of said County Commissioners, after thirty days' notice at three public places, to

order an election to be held in said Manteo Precinct under the same laws as govern the election of members of the General Assembly.

SEC. 2. That the ballots cast in said election shall be "For Local Taxation" and "Against Local Taxation," and may be either printed or written, or partly printed or partly written. The result of said election shall be certified by the Chairman of the Board of County Elections to the Board of County Commissioners of Dare County.

Ballots.

Result.

SEC. 3. That if a majority of the ballots cast are for local taxation, the Board of County Commissioners shall cause to be levied in like manner as other taxes are levied, and shall not exceed fifteen (15) cents on the one hundred dollars worth of property, and forty-five (45) cents on the poll, and the constitutional equation between property and poll shall always be observed in making the local levies.

Special tax.

Tax rate.

SEC. 4. That said tax shall be collected and accounted for by the Sheriff or tax collectors in the same manner and under same rules and regulations, and under the same penalties as are prescribe for the collection of State and county taxes.

Collection of tax.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1903.

CHAPTER 423.

AN ACT TO ESTABLISH A DISPENSARY IN GRAHAM, IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be established in the town of Graham, in Alamance County, a dispensary for the sale of spirituous, vinous, malt and fermented liquors, to be known as "Graham Dispensary."

Establishment of dispensary.

SEC. 2. That said dispensary shall be governed, controlled and directed by a Board of Directors, and the following officers in said county shall compose the Board, to-wit, the Chairman of the Board of County Commissioners, the Chairman of the Board of Education and the Mayor of the said town of Graham and their successors in office; and the said Mayor shall be Chairman of said Board, and any one of said Board, with the Chairman, shall have all the powers given by this act to the Board.

Dispensary directors.

SEC. 3. That said Board of Directors shall employ a manager

Dispensary manager.

Qualifications.	to conduct the said business of said dispensary at a price to be agreed upon, and said manager shall be a man of unexceptional sober habits and upright, moral character, competent to keep proper books and accounts of the business of the dispensary, and not under thirty years of age, and he shall give bond to the said Board of Directors in such sum as the said Board may determine, not to exceed two thousand dollars, conditioned for his faithful performance of the duties of manager, the observance of all orders and directions of the Board of Directors, and the accounting for and paying over all moneys received by him.
To give bond.	
Suitable building to be secured.	SEC. 4. That said Board of Directors shall procure a building properly located in said town of Graham, for the business of the dispensary, and shall see that the same is fitted up with two rooms or compartments, in one of which all liquors shall be kept, and to this no one shall have access but the manager, and such other persons as may be employed by the Board of Directors, and there shall be no door communicating with this room or compartment and the other, and the only communication shall be through a small window or aperture large enough to pass packages through, and in the compartment to which customers are admitted there shall be no chairs or seats of any kind.
Specifications, regulations, etc.	
Manager to purchase stock, etc.	SEC. 5. That the manager shall purchase a stock of liquors, such as the Board of Directors shall direct, and such other things and articles as the Board may direct as necessary for the business, and shall keep accurate and intelligible accounts of all transactions, with names of all persons from whom all purchases may be made, the quantity and kinds of liquors purchased, and prices paid, amounts and to whom all moneys are paid and the receipts of each day when the dispensary is open.
To keep record of sales.	
Liquor sold only in corked packages.	SEC. 6. That all liquors sold shall be in packages, securely corked, and no packages shall contain less than half a pint or more than a quart, and no liquor shall be sold to any person under the age of twenty-one years, to any person of unsound mind, or to any person under the influence of liquor, or to any habitual drunkard, known to the manager of such, and to no person shall there be sold more than one package in one day.
Quantity.	
To whom not to be sold.	SEC. 7. That no liquor shall be sold, nor shall the dispensary building be opened on Sunday or on the day of any election in town, nor shall the dispensary building be opened or liquors sold on any day after sundown or before sunrise, and the Board of Directors may designate other days or parts of days when said dispensary building shall be closed and no liquor sold. All sales shall be for cash.
When dispensary to be closed.	
Rules and regulations.	SEC. 8. The Board of Directors shall have full power to make all such rules and regulations respecting said dispensary, and the conduct of its business, not inconsistent with this act, they may deem necessary.

SEC. 9. No packages shall be opened or liquor drank in said dispensary building, nor shall any package be opened or liquor drank on any public lot or square or public highway in said town of Graham.

No packages opened or liquor drunk on premises, etc.

SEC. 10. The manager shall at least once in every two days deposit all money in his hands, save what he may need for change, not to exceed five dollars, in the Bank of Alamance, to the credit of Graham Dispensary, and said deposits shall be subject to check or draft only when signed by the manager and countersigned by the Chairman of the Board of Directors.

Receipts, how deposited.

SEC. 11. That at least once in each month, the Board of Directors shall audit the accounts of the manager, and this they may do by one of their numebr, designated for the purpose, or by any accountant employed for the purpose.

Accounts of manager, how audited.

SEC. 12. That the town of Graham, by its Treasurer, shall furnish, upon application and the order of the Board of Directors, money sufficient to inaugurate the business of said dispensary, and the same shall be paid back to the said town from the profits first made by the dispensary.

Town treasurer supply necessary funds to begin business.

SEC. 13. The Board of Directors shall fix the price of the liquor sold.

Price of liquor.

SEC. 14. The Board of Directors shall have power, at any time, to remove the manager and fill his palce, for any cause they may deem sufficient, and of the cause they shall be the sole and final judges.

Removal of manager.

SEC. 15. Should the manager violate any part of this act, or any regulation or direction of the Board of Directors he shall be guilty of a misdemeanor, and upon conviction punished in the discretion of the Court.

Manager violating rules, etc., guilty of misdemeanor.

SEC. 16. It shall be unlawful for any person or persons to loiter or linger in said dispensary building or about the entrance thereto, or on the premises thereof, and it shall be the duty of all persons, when requested so to do by the manager, to depart quietly, and any violation of this section shall be a misdemeanor punishable in the discretion of the Court.

Loitering prohibited.

SEC. 17. That the profits arising from the business of the dispensary shall be divided as follows: One-third to the said town of Graham, one-third to the public schools of Alamance County, and one-third to Alamance County, and the division shall be made by the Board of Directors as often as they may determine, but certainly once in each year.

Distribution and application of profits.

SEC. 18. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished in the discretion of the Court.

Violation of this act a misdemeanor.

SEC. 19. Save as permitted and provided by this act no liquor shall be sold in Alamance County, except by manufacturers thereof, as may be permitted and provided by law.

Sale of liquor prohibited except as herein permitted, etc.

SEC. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 424.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MACON COUNTY TO LEVY A SPECIAL TAX TO PAY DEBT INCURRED IN BUILDING FENCE AROUND "TELICO STOCK LAW BOUNDARY" IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Special tax.

SECTION 1. That the County Commissioners of Macon County are hereby authorized and directed to levy a special tax of one dollar and twenty-five cents on each one hundred dollars assessed value of the lands situate and being in the Telico stock-law boundary in said county, said tax to be levied and collected as other taxes, each year, so long as it may be necessary, and shall be applied to the payment of claims against said boundary for constructing the fence around same, and for keeping same in repair.

Tax rate.

Collection and application.

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

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 425.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF JACKSON COUNTY TO CONSTRUCT A BRIDGE ACROSS THE TUCKASEIGE RIVER IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Special tax.

SECTION 1. That the Board of Commissioners of Jackson County may and, if in their judgment they shall so determine, are hereby authorized to levy a tax, not exceeding the sum of two thousand dollars, for the purpose of constructing a bridge across the Tuckaseige River at or near Wilmot in said county; that said tax shall not in any one year exceed the sum of fifteen cents on property and forty-five cents on the poll, always observing the constitutional equation between property and poll.

Amount.

Purpose.

Rate.

SEC. 2. That the Board of Commissioners of said county shall select the site for said bridge. Selection of site.

SEC. 3. That all taxes levied under this act shall be levied and collected in the same manner and under the same pains and penalties as is provided for the collection of general State and county taxes in said county. Levy and collection.

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

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 426.

AN ACT TO ESTABLISH A CONVICT SYSTEM OF WORKING THE PUBLIC ROADS IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county authorities of the county of Greene are hereby authorized and empowered to work all persons convicted of any crime in any court of proper jurisdiction in said county of Greene and sentenced to imprisonment in the common jail of said county, either for the crime or for the cost of prosecution, upon the public roads of said county as hereinafter provided. The said county authorities shall have the right to employ all, or any portion of the convicts sentenced to the county jail, for crimes or costs of prosecution, in the counties of Pitt, Edgecombe, Wilson, Wayne, Lenoir, Onslow, Jones, Craven, Carteret, or such other counties as they may desire and can contract with; and should the system be adopted by the said county of Greene any Judge riding the Third, Fourth, Fifth and Sixth Judicial Districts may, at his discretion, sentence parties convicted of crime or offences before him to work on the public roads of Greene County, as provided for in this act: *Provided*, that no female shall be worked on the public roads under the provisions of this act: *Provided further*, that said convicts shall not be subject to corporal punishment. Working of convicts.

Convicts from other counties.

Proviso: females; corporal punishment.

SEC. 2. The work of said convicts shall at first be confined to the grading and working, according to law, of all the public roads which come into the town of Snow Hill, for a distance of three miles on each road, beginning at the corporate limits of said town, and upon the completion of three miles, then commence and grade and work another three miles on each of said roads, and so on to the county line. Character and location of work.

County commis-
sioners to have
entire control.

Employment of
supervisor, etc.

Compensation.

Employment of
guard.

Compensation.

Expense of
convicts, how paid.

Present system
not affected.

SEC. 3. The Board of Commissioners of said county shall have entire control and supervision of the said work, and in the event that they shall consider it necessary to the judicious and successful prosecution of said work, they may employ some competent person to supervise and direct the said work and may pay such person a sum not exceeding two dollars per day out of the general funds of said county for such time only as he be actually occupied in such work.

SEC. 4. That the County Commissioners of said county shall employ a guard for every ten convicts, the compensation of the guard not to exceed one dollar and fifty-cents per day, to be paid out of the general funds of Greene County as other claims are paid. In case there should be at any time less than ten convicts engaged upon said work the County Commissioners shall keep employed as much as one guard.

SEC. 5. That when convicts are employed from any other county the said county of Greene shall only feed, clothe and guard them as compensation for their work; but the County Commissioners of Greene County may defray the necessary expenses incurred in conveying to said county such convicts as are sentenced in other counties to work upon the public roads of Greene County.

SEC. 6. That this act shall in nowise affect the working of the public roads in Greene County under the present system of working public roads.

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

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 427.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF
TRANSYLVANIA COUNTY, NORTH CAROLINA, TO LEVY A
SPECIAL TAX.

The General Assembly of North Carolina do enact:

Special tax.

Rate.

Years of levy.
Purpose.

SECTION 1. That the County Commissioners of Transylvania County, N. C., are hereby authorized to levy a special tax of 10 cents on the each (\$100.00) one hundred dollars worth of real and personal property, and 30 cents on each poll in Transylvania County, for the years each 1903 and 1904, for the purpose of paying a present outstanding indebtedness to the amount of \$1,600.00 contingent claims, viz: Claims due the officers, jurors,

and witnesses of the Superior Court and other contingent claims for which the present tax levy is insufficient to pay.

SEC. 2. Said special tax to be levied, collected and disbursed as provided by law in reference to other general tax levies, duly observing the constitutional equation in said levy. This act to be in force from and after its ratification.

Levy and collection.

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 428.

AN ACT TO AMEND CHAPTER 212 OF THE PUBLIC LAWS OF 1891, AND TO PROVIDE FOR THE SETTLEMENT OF CERTAIN INDEBTEDNESS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 212 of the Public Laws of 1891 be amended by adding at the end of section 2 thereof, after the word "Poll," the following: "*Provided further*, that a failure to levy and have collected the sinking fund as prescribed and provided in this section shall not be a criminal offence, and shall not be a criminal offence, and shall not make the said Board of County Commissioners liable to a criminal prosecution.

Former act amended.

Failure to levy and collect tax not an offence.

SEC. 2. That said Board of County Commissioners are authorized and empowered, in their discretion, to pay off and have cancelled any or all of said bonds, before maturity, by the payment of such amounts therefor as may be agreed upon between them and the holders of said bonds.

Authority to settle bonds.

SEC. 3. That said Board of County Commissioners are authorized and empowered, in their discretion, and upon agreement with the holders of any of said bonds, to take up and have cancelled any or all of said bonds as may thus be agreed upon, and to issue new bonds therefor, to mature at different times: *Provided*, that not more than one thousand (\$1,000) dollars worth of them, exclusive of interest, shall mature in any one year. The denomination of said bonds shall be fixed by said Board of County Commissioners, and each bond shall have coupons attached for the amount of interest due each year, and said coupons shall be receivable, after maturity, in payment of all taxes due said county; said bonds shall bear interest at a rate to be fixed by the said Board of County Commissioners, not exceeding six (6) per cent, and said Board of County Commissioners is

May issue new bonds to pay off old ones.

Proviso, amount.

Bonds receivable for taxes.

Rate of interest.

Special tax. authorized, empowered and directed to levy a special tax annually which shall be sufficient to pay the coupons falling due each year, and, in addition, to pay off said bonds as the same shall mature: *Provided*, that in the laying and collection of said special tax, the constitutional equation between the tax on property and on the poll shall be observed.

Proviso.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 429.

AN ACT TO AMEND CHAPTER 270, PUBLIC LAWS OF 1891.

The General Assembly of North Carolina do enact:

Former act amended.

SECTION 1. That section six, chapter 270, Public Laws of 1891, in so far as said chapter 270 relates to Wayne County, be amended so that said section six shall read as follows: That such tax collectors shall have the same rights and powers, and be subject to the same duties and penalties as are now provided by law for other officers charged with the collection of taxes, and shall receive as their compensation five per centum upon the amount collected for the county, poor, school and special taxes, and three per centum upon the amount collected for public or State taxes, other than schedule B and schedule C taxes.

Rights, powers, etc., of tax collectors.

Compensation increased.

SEC. 2. That in line five, section seven of said chapter 270 the words "one per centum" be stricken out, and the words "two per centum" be inserted in lieu thereof.

Conflicting laws repealed.

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

Applicable only to Wayne County.

SEC. 4. That this act shall apply only to Wayne County.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 430.

AN ACT TO ESTABLISH THE DIVIDING LINE BETWEEN
THE COUNTIES OF HENDERSON AND POLK.

WHEREAS, doubts have arisen concerning the location of the dividing line between the counties of Henderson and Polk, and the citizens living in the immediate vicinity of the line are unable to determine where they shall exercise their rights of citizenship and pay their taxes:

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the Commissioners of the counties of Henderson and Polk respectively at their meeting on the first Monday in April in the year of nineteen hundred and three, to appoint one surveyor from their respective counties as Commissioners, which said Commissioners shall select a third man, who shall be a surveyor, from a county other than Henderson or Polk, who shall proceed to locate the dividing line between the counties of Henderson and Polk, and shall mark the same by permanent monuments; and when they have so determined the proper location of said dividing line, they shall make a report of the same, under their hands and seals, or under the hands and seals of a majority of them, to the County Commissioners of the respective counties of Henderson and Polk, who shall cause the same to be recorded in the office of the Register of Deeds of the said counties; and the same report establishing the dividing line between the counties aforesaid shall be considered conclusive evidence of the dividing line between said counties in all matters of controversy in the several Courts of the State.

SEC. 2. That in the event the Commissioners of either of the said counties shall fail to appoint the commissioner provided for in the preceding section of this act at the time hereinbefore specified, it shall be the duty of the Commissioners so failing to appoint the commissioner, to appoint the same at the subsequent meeting of the Board occurring next after their failure, or so soon thereafter as it can be done.

SEC. 3. That the commissioners appointed and selected to locate and establish said dividing line shall receive for their compensation a sum to be allowed by the Commissioners of the two counties, which shall not be less than the amount now allowed to the county surveyors for similar services, or services rendered during the same length of time, the cost of which shall be equally paid to the said commissioners by the counties of Henderson and Polk.

Commissioners of Henderson and Polk counties to each choose a surveyor from respective counties, and they a third from another county, to locate and mark the dividing line between said counties.

Surveyors to report.

Report to be recorded.

Report conclusive evidence of dividing line.

Failure to appoint commissioner at time specified, to appoint at subsequent meeting.

Compensation of commissioners.

How paid.

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

In the General Assembly read three times, and ratified this 4th day of March, 1903.

CHAPTER 431.

AN ACT TO REGULATE THE USE OF PUBLIC BRIDGES IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Regulation of
speed for riding or
driving over
bridges.

SECTION 1. That the Commissioners of Beaufort County shall have the right to regulate the speed at which horses or other team or vehicles of any kind may be ridden or driven over all the public bridges of said county.

Riding bicycles or
transporting
portable engines
over public
bridges, powers of
commissioners to
regulate.

SEC. 2. That the Commissioners of Beaufort County may pass an order preventing persons from riding bicycles over the public bridges in said county, and said Commissioners may make ordinances regulating the use of public bridges for transporting portable engines and, if in their judgment necessary, may make an ordinance to prevent transporting such engines over the public bridges of said county.

Violation of
ordinances mis-
demeanor.
Penalty.

SEC. 3. That any person violating any of said ordinances shall be guilty of a misdemeanor and fined not exceeding ten (10) dollars or imprisonment not exceeding ten days.

In the General Assembly read three times, and ratified this the 4th day of March, 1903.

CHAPTER 432.

AN ACT TO REGULATE THE SALE OF LIQUOR IN TOWNSHIP NO. 1, EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Sale of liquor in
township No. 1,
Edgecombe Coun-
ty, except in
Tarboro, pro-
hibited.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous or malt or intoxicating liquors of any kind in township number one, Edgecombe County, except in the corporate limits of the town of Tarboro; and any one violating this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars, or imprisoned not less than six months, for each offense.

Violation a
misdemeanor.
Penalty.

SEC. 2. Nothing herein shall be deemed to give any one the right to sell, barter or exchange any spirituous, vinous, malt or intoxicating liquors in the corporate limits of the town of Tarboro, except as is now or shall hereafter be provided by law.

Application to
Tarboro.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 433.

AN ACT TO AUTHORIZE JUDGES OF THE SUPERIOR COURT TO REGULATE AND LIMIT THE ARGUMENT OF COUNSEL IN THE SUPERIOR COURTS.

The General Assembly of North Carolina do enact:

SECTION 1. Section thirty of The Code is hereby repealed.

Section 30 of Code
repealed.
Two speeches on
each side in
Superior Court
trials
Judges may limit
time of argument
except in capital
felonies.
Minimum time
limit

SEC. 2. On all trials in the Superior Courts of this State, two addresses to the jury shall be allowed, two for the State or plaintiff, and two for the defendant. The Judges of the Superior Court are also authorized to limit the time of argument on the trial of all actions, civil and criminal, except in capital felonies, but in no instance shall the time be limited to less than one hour on each side in misdemeanors, or to less than three hours on each side in other causes.

SEC. 3. Where any greater number of addresses or any extension of time shall be desired, motion shall be made, and it shall be in the discretion of the Judge to allow the same or not, as the interests of justice may require.

Greater number of
addresses or more
time allowance
in discretion of
Judge on motion.

SEC. 4. In jury trials the whole case as well of law as of fact may be argued to the jury.

What may be
argued in jury
trials.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 434.

AN ACT TO PROHIBIT THE ILLEGAL SALE OF LIQUOR IN UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, company,

Sale of alcoholic liquors in Union County, without State license unlawful.

Place of delivery construed to be place of sale.

Person or corporation delivering construed seller.

May deliver to retail dealers with State license.

Other than licensed dealers having more than a quart of liquor *prima facie* evidence of keeping for sale.

Internal revenue license *prima facie* evidence of keeping liquors for sale.

When search warrant shall issue.

Duties of officer if more than quart of liquors found.

Search warrant for porter or carrier.

firm or corporation other than licensed retail dealers under State laws, to sell, exchange, barter or dispose of for gain or to keep for sale, bargain, exchange or disposition for gain, within the county of Union, any spirituous, vinous, malt or other intoxicating liquors or any drink containing alcohol by whatever name known or called.

SEC. 2. That the place of delivery of any spirituous, vinous, malt or other intoxicating liquors or drinks containing alcohol, by whatever name known, within the county of Union, shall be construed as the place of sale, and the person, company, firm or corporation delivering the same in said county shall be considered the seller thereof, within the meaning of this act, whether he be acting for himself or as the agent of another. This section shall not be construed to prevent the delivery of liquors to licensed retail dealers under State laws.

SEC. 3. That if any person other than licensed retail dealers under State laws shall keep in his possession liquors to the quantity of more than a quart within said county it shall be *prima facie* evidence of his keeping it for sale, within the meaning of this act.

SEC. 4. That if any person shall have in his possession any internal revenue license from the United States Government for the sale of liquors, wine or beer, procured after the passage of this act, it shall be *prima facie* evidence of his keeping liquors for sale as prohibited by this act.

SEC. 5. That upon the filing of an affidavit by any person before a Justice of the Peace, or the Mayor of any incorporated town of Union County that any person is violating this act, or that such affiant has reason to believe that any person is keeping for sale liquors as prohibited by this act, which reasons shall be set forth in said affidavit, and if such Justice of the Peace or Mayor shall deem such reason sufficient, it shall be the duty of such Justice of the Peace or the Mayor of an incorporated town to issue a warrant to a lawful officer directing him to search the suspected premises, and if he shall find any liquors thereon in excess of one quart, it shall be his duty to take all liquor so found into his possession to be used as evidence on the trial of the warrant against the said person for violating this act, and it shall be *prima facie* evidence of his keeping it for sale in violation of this act.

SEC. 6. That upon the filing of an affidavit before a Justice of the Peace or the Mayor of an incorporate town in Union County, that any person is acting as porter or carrier of intoxicating liquors for sale in violation of this act, or that affiant has reason to believe that any person is acting as porter or carrier of intoxicating liquors for sale in violation of this act, it shall be the

duty of such Justice of the Peace or Mayor of an incorporated town to issue a warrant to a lawful officer directing him to arrest and search the said porter or carrier at the time when he is believed to have the whiskey on his person, and if any alcoholic liquors are found on the said porter or carrier, it shall be evidence of his carrying it for sale in violation of this act, unless he proves where he got it and for what use it is to be applied.

SEC. 7. That any person, company, firm or corporation bringing into the county of Union for delivery to any person or corporation, company or firm, any liquors, the sale of which is prohibited by this act, shall be guilty of a misdemeanor.

Bringing liquors into Union County in violation of this act a misdemeanor.

SEC. 8. That any person, firm, company or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars or imprisoned not less than thirty days, in the discretion of the Court. And on a second conviction the offender shall be guilty of a felony, and punished accordingly.

Violation of provisions of this act a misdemeanor.

Penalty.

Penalty on second conviction.

SEC. 9. That this act shall not apply to persons holding a license lawfully issued by the proper municipal and county authorities within said county, authorizing the sale of liquors in said county by the person, company, firm or corporation holding the license for the sale of liquors at the place of such sale as is named in the license; nor shall it be construed so as to deprive any persons, firm or corporation of any rights conferred by an act heretofore passed at this session of the General Assembly entitled, 'An act to regulate the manufacture and sale of liquors in North Carolina.'

Act not applicable to lawfully licensed persons.

Does not abrogate rights conferred by former act.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1903.

CHAPTER 435.

AN ACT TO AMEND CHAPTER 4, LAWS OF 1901, RELATING TO THE SCHOOL LAW.

The General Assembly of North Carolina do enact:

That chapter 4 of the Public Laws of 1901, being an act to revise and consolidate the Public School Law, is hereby amended as follows:

Chapter 4, Public Laws 1901, amended.

SECTION 1. In line 3, in section 8, after the word 2 "thereto" insert the following: "The County Board of Education and all other school officers in the several counties shall obey the in-

Line 3, section 8, amended.

County boards and school officers to obey State Superintendent and accept his constructions of the School Law.
 Lines 3 and 4, section 11, amended.
 Appointment of County Boards of Education and filling vacancies.

Section 12 amended.

Section 13 stricken out.
 Board of Education body corporate.
 Style of name.

Power to purchase and hold real estate, build school houses, etc.

When Board of Education shall prosecute actions, suits, etc.

Breach of bond by treasurer, who to bring action.

Building new school houses.

Cost of building, how and by whom paid.

Plans of building to be first approved, by whom.

Time for opening and closing public schools.

structions of the State Superintendent and accept his constructions of the School Law."

SEC. 2. In lines 3 and 4 of section 11 strike out the words "two hundred and fifty" and insert the words "five hundred."

SEC. 3. After the word "education," in line 8 of section 12, insert the following: "Upon failure of the General Assembly to appoint three members of the County Board of Education for any county herein provided they shall be appointed by the State Board of Education, and all vacancies occurring in said Board that can not be filled as herein provided shall be filled by the State Board of Education." Instead of the figures "1903" in line 9 of section 12 insert "1905." Strike out all of said section 12 after the figures "1903" in line 9.

SEC. 4. Strike out section 13 and substitute therefor the following: "The County Board of Education shall be a body corporate by the name and style of the County Board of Education of County, and by that name shall be capable of purchasing and holding real and personal estate, of building and repairing school-houses, of selling and transferring the same for school purposes and of prosecuting and defending suits for or against the corporation. They shall have power and authority, and it shall be their duty, to institute and prosecute any and all actions, suits or proceedings against any and all officers, persons or corporations or their sureties for the recovering, preservation and application of all moneys or property which may be due to or should be applied to the support and maintenance of the schools, except in case of breach of bond on the part of the treasurer of the county school fund, in which case action shall be brought by the County Commissioners, as provided in section 47. The building of all new school houses shall be under the control and direction of and by contract with the County Board of Education: *Provided*, said Board shall pay not exceeding one-half of the cost of the same out of the fund set aside for building under section 24, and the school district in which any school-house is erected shall pay the other part, and upon failure of said district to provide its part by private subscription or otherwise the County Board of Education is directed to take it out of the apportionment to said district: *Provided further*, they shall not be authorized to invest any money in any new house that is not built in accordance with plans approved by the State Superintendent of Public Instruction and the County Board of Education, and that all contracts for buildings shall be in writing and all buildings shall be inspected, received and approved by the County Superintendent of Public Instruction before full payment is made therefor. The time of opening and closing the public schools in the several public school districts of the State shall be

fixed and determined by the County Board of Education in their respective counties: *Provided, however*, that the Board may fix different dates for opening the schools in different townships, but all the schools of each township must open on the same date as nearly as practicable. The Board of Education shall have power and authority to fix and determine the methods of conducting the public schools in their respective counties so as to furnish the most advantageous methods of education available to the children attending the public schools in the several counties of the State; and the County Board of Education and the County Superintendent of Schools shall have full power to make all just and needful rules and regulations governing the conduct of teachers and pupils as to attendance on the schools, discipline, tardiness and the general government of the schools.

Method of conducting public schools.

Rules and regulations governing the conduct of teachers and pupils.

SEC. 5. In line 1 of section 16 strike out the word "second" and insert the word "first"; in line 2 of said section strike out "1901" and insert "1903."

Section 16 amended.

SEC. 6. In line 2 of section 17 strike out the word "second" and insert "first," and strike out "1901" and insert "1903." In line 14 strike out "second" and insert "first," and strike out "1901" and insert "1903." After the word "annum" in line 13 insert the following: "Any township committee may appoint one man in each school district in the township to look after the school-house and property and advise with the committee."

Section 17 amended.

Looking after school-house and property.

SEC. 7. After the word "school" in line 19 in section 20 insert the following: "a complete copy of the census furnished to the County Superintendent, which shall be recorded by the teacher in." Add at the end of section 20 the following: "The County Superintendent shall be notified at once by the Secretary of the Committee of the name of the teacher elected, and a copy of the contract duly signed and recorded shall be filed with said County Superintendent; and no voucher for the salary of a teacher of any school shall be signed by any County Superintendent unless a copy of such teacher's contract has been filed with him as herein provided, and unless he shall have received satisfactory evidence that said teacher has been elected in strict accordance with this section."

Section 20 amended relative to census.

When teacher elected county superintendent to be notified.

Copy of contract to be filed.

When voucher for salary shall be signed or not signed.

SEC. 8. In line 8 of section 23 insert after the word "monthly" the words "and, if required by the County Superintendent, weekly"; and after the word "statements" the words "and reports"; in line 9 after the word "committee," insert the words "and to the County Superintendent"; in line 12 after the word "monthly" insert the words "or weekly"; in line 15 after the word "committee" insert the words "or County Superintendent." At the end of section 23 add the following: *Provided, however*, that all funds remaining to the credit of sub school at the close of the school year, unused because

Section 23 amended relative to statements and reports.

When surplus funds from any school returned to general fund.

of non-attendance, shall be returned to the general fund for re-apportionment, unless such non-attendance shall have been caused by providential or other unavoidable causes.

Section 24 stricken out.

Apportionment of school fund to townships.

Certain funds to be reserved for superintendent's salary and board's per diem.

Reserve for other purposes.

Proportionate amounts of reserve.

Apportionment as to races.

Maximum salary to be fixed.

When board of education may close a school.

Funds to credit of district closed returned to general fund.

Notice of apportionment.

Designation of schools.

Unused funds at close of year, when returned to general fund.

SEC. 9. Strike out section 24 and substitute therefor the following: "The County Board of Education shall, on the first Monday in January and the first Monday in July of each year, apportion the school fund of the county to the various townships in said county per capita; but they shall, before apportioning the school fund to the various townships, reserve as a contingent fund an amount sufficient to pay the salary of the County Superintendent and per diem and expenses of the County Board of Education, and shall set aside one-sixth, if necessary, of the total school fund to be used in securing a four months' school term in every school in the county; and they may further reserve as a fund for building and repairing school-houses and for equipment, in counties with a total school fund of five thousand dollars or less, not more than twenty per cent. thereof; in counties with a total school fund of over five thousand dollars and not more than ten thousand dollars, not more than sixteen per cent. thereof; in counties with a total school fund of over ten thousand dollars and not more than twenty-five thousand dollars, not more than ten per cent. thereof; in counties with a total school fund of over twenty-five thousand dollars, not more than seven and a half per cent. thereof; to be used as directed in section 13 of the School Law. It shall be the duty of the County Board of Education to distribute and apportion the school money of each township so as to give to each school in said township for each race the same length of school term as nearly as may be each year; in making such apportionment the said County Board of Education shall have proper regard for the grade of work to be done and the qualifications of the teachers required in each school for each race; and the said County Board of Education shall fix the maximum salary for each school in the county: *Provided*, that the County Board of Education, upon the recommendation of the County Superintendent, shall have authority to close any school for either race in any township before it shall have continued for the average length of school term for the township, in case the attendance does not justify the continuance of the school, and the money remaining to the credit of said district thus closed for non-attendance shall be returned to the general school fund. As soon as the apportionments are made it shall be the duty of the County Board of Education to notify the school committeemen and the treasurer of the county school fund of the amount apportioned to each school, and each school shall be designated as School Number 1, 2, 3, etc., for white, colored or Indian, in Township, in the county of Funds unused by any district during any year shall, "if still unused at the January meeting subsequent to the close of the school year, be

returned to the general school fund for re-apportionment, unless said district shall have been prevented from using said funds during that year by providential or other unavoidable causes."

SEC. 10. In line 2 and line 6 of section 26 strike out the word "one" and insert the word "two"; after the word "institute" in lines 8 and 15 insert the words "and school"; after the word "thereof" in line 11 insert the words "for at least two weeks, if the institute continue so long"; add at the end of section 26 the following: "a properly signed certificate of attendance for two weeks or more in the same year on any summer school of good standing in the State may be accepted by the County Superintendent as a substitute for attendance of any teacher in his county on the teachers' institute and school for that county; and no teacher shall be required to attend such county teachers' institute and school two consecutive years successively."

Section 26 amended relative to teachers institutes.

Effect of attendance on summer school instead of institute.

Not required to attend institute two consecutive years.

SEC. 11. In line 2 of section 27 strike out the word "second" and insert the word "first."

Section 27 amended.

SEC. 12. At the end of section 29 add the following: "School districts may be formed out of portions of contiguous counties by agreement and consent of the County Boards of Education of the two counties; and in case of the formation of such districts the per capita part of the public school money due the children residing in one county shall be apportioned by the County Board of Education of that county and paid to the Treasurer of the other county in which the school-house is located, to be placed to the credit of the school district so formed."

Section 28 amended.

Formation of school districts from portions of contiguous counties.

Disposition of public school funds from such counties.

SEC. 13. In line 12 of section 31 strike out the words "one acre" and insert the words "two acres."

Section 31 amended relative to amount of land for school purposes.

SEC. 14. At the end of section 32 add the following: "and the Secretary of the County Board of Education shall keep an index by townships and school districts of all such deeds in a book for that purpose."

Section 32 amended

Index of deeds to be kept.

SEC. 15. After the word "year" in line 2 of section 33 insert the following: "unless such private school is a sectarian or denominational school."

Section 33 amended.

Sectarian schools cannot have public school.

SEC. 16. At the end of section 34 add the following: "And no bill for the payment of any claim for teachers' salaries herein mentioned shall be introduced in either House of the General Assembly unless the claim shall have been approved by the Chairman of the County Board of Education and by the County Superintendent, and unless a certificate from the County Superintendent stating that the debt was contracted by unavoidable mistake on the part of the teacher and the school committee shall be attached to and accompany the bill when introduced."

Restrictions on introduction of bills in General Assembly for payment of teachers' salaries.

SEC. 17. In line 3 of section 38 strike out the words "one-half of a" and insert the word "one."

Section 36 amended.

Section 39 amended.
County superintendents must attend state association
Expenses and per diem to be paid.

Proviso.

Section 44 amended.

Salary of superintendent where county school fund exceeds \$15,000.

Salary of Iredell county superintendent.

Section 59 amended.

Section 66 amended.

Section 68 repealed.

Separate schools for each race.

White child defined.

Section 70 amended.

Section 72 relative to elections for special taxation, amended.

Section 73 amended.

Reports to state and county superintendents.

Supervision by Superintendent of Public Instruction.

Financial statement to be published annually by board of education.

SEC. 18. At the end of section 39 add the following: "The County Superintendent, unless providentially hindered, shall attend continuously during its session the annual meeting of the State Association of County Superintendents, and the County Board of Education of his county shall pay out of the county school fund his traveling expenses and allow him his per diem while attending said meeting: *Provided*, that County Superintendents employed on salary shall not receive any per diem while in attendance on this meeting."

SEC. 19. In line 2 of section 44 strike out the words "not less than two dollars nor more than"; after the word "supervision" in line 6 of said section insert the following: "*Provided, however*, that the County Board of Education of any county whose total school fund exceeds fifteen thousand dollars may employ a County Superintendent for all of his time at such salary as may be fixed by said Board: *Provided*, the County Superintendent of Iredell County shall not receive over six hundred dollars per annum."

SEC. 20. In line 1 of section 59 strike out the word "second" and insert "first."

SEC. 21. At the end of section 66 add the following: "and shall also report to the County Superintendent in which such school or institution of learning is situated."

SEC. 22. Section 68, of chapter 4 of the Public Laws of the year 1901, is hereby repealed, and the following words are inserted in lieu thereof: All white children shall be taught in the public schools provided for the white race, and all colored shall be taught in the public schools provided for the colored race; but no child with negro blood in his veins, however remote the strain, shall attend a school for the white race; and no such child shall be considered a white child.

SEC. 23. In line 14 of section 70 strike out "1903" and insert "1905."

SEC. 24. In line 14 of section 72, after the word "voted," insert the following: "The Board of County Commissioners shall appoint a registrar and order a new registration for said district and."

SEC. 25. At the end of section 73 add the following: "*Provided, however*, that all schools receiving any part of the public school fund shall be required to make to the State Superintendent and the County Superintendent such reports as these officers shall demand and as are made by other public schools to them, and shall be under the general supervision of the State Superintendent of Public Instruction."

SEC. 26. The Board of Education of the several counties shall publish annually on 31st day of December a financial statement in like manner as now required by law of Boards of County Commissioners.

SEC. 27. Amend section 70 by striking out in lines 5 and 6, after the word "Examiners," the words "shall have the entire management and control of the Colored Normal Schools of the State," and inserting after the word "for," in line 7, in lieu of the words "the same," the words "the Colored Normal Schools."

Section 70 amended.
Management, etc. of colored normal schools.

SEC. 28. Amend section 16 by inserting after the word "Bladen" the words "and Columbus."

Section 16 amended by adding Columbus county.

SEC. 29. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

CHAPTER 436.

AN ACT TO AMEND CHAPTER FIFTY-FOUR, PUBLIC LAWS OF NINETEEN HUNDRED AND ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-four, Public Laws of 1901, be amended as follows, to-wit: Strike out the words "in fee simple" in line three of section one and insert in line four, between the words "done" and "shall," section one, these words, viz.: "or his servants, agents, tenants, lessees or persons having the lawful right to hunt thereon."

Relative to hunting in Davidson county, on the lands of another.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this the 4th day of March, A. D. 1903.

CHAPTER 437.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF PUBLIC ROADS AND HIGHWAYS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners in each of the several counties coming under the provisions of this act shall, in order to provide for the proper construction, improvement and maintenance of the public roads of the county, at their regular meeting in June, 1903, and at each regular annual meeting thereafter, and it is hereby made their duty to levy a special tax on all

Commissioners of Pasquotank, Camden and Perquimans counties to annually levy special tax.

Amount of tax.	property subject to taxation under the State law in said county of not less than five cents nor greater than fifteen cents on the one hundred dollars worth of property and not less than fifteen cents nor greater than forty-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
Purposes and use of special tax.	construction, improvement and maintenance of the public roads of the county, the purchase of such material, implements, teams, wagons, camp outfit, quarters or stockades for the use of and safe-keeping of the convict force as may be found necessary in the proper carrying out of this work and for the employment of such additional labor as may be deemed necessary: <i>Provided, however,</i> that the moneys raised under this section shall, as far as possible, be used for permanent improvements.
Superintendent of roads.	SEC. 2. That there shall hereafter be elected by the Board of County Commissioners at their regular meeting in June, 1903, and at their regular meeting in January of each and every year there-
Compensation.	after, 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,
Term of office.	1904, shall hold office for one year or until his successor has been elected and qualified, as provided for in this act: <i>Provided,</i> that the
Removal.	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
Duties.	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
Monthly report.	Commissioners a monthly report concerning the work in progress
Quarterly report.	and the moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges and plans for their improvements, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipments on hand. Said road superintendent before entering upon the duties of his office shall deposit with the Board of County Commissioners
Bond.	a good and lawful bond to be approved by the said Board of Com-
Amount of bond.	missioners, for the sum of two thousand (\$2,000) dollars as a guarantee of the faithful and honest discharge of the duties of his
To be registered.	office, which bond shall be duly registered in the office of the Register of Deeds and filed with the Clerk of the Superior Court of the county. In case of the death or resignation or removal of said

road superintendent it shall be the duty of the County Commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office at the discretion of said Board of County Commissioners or until the regular January meeting of said Board and until his successor has been elected and qualified: *Provided*, that when in the opinion of the Board of Commissioners in any county coming under the provisions of this act not regularly employing a convict force on its public roads, the appointment of a road superintendent is inconsistent with the best interests of such county, the said Board shall not be required to comply with the requirements of section two of this act, but may in lieu thereof appoint directly one supervisor of roads in each township, and each supervisor in the township for which he is appointed shall perform the duties and assume the responsibilities in this act otherwise required of the county road superintendent; he shall be subject to dismissal under the same terms as laid down for the road superintendent; and he shall give a good and lawful bond, satisfactory to the Board of Commissioners, for not less than twice the amount of the road tax in his township for any 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.

Vacancy, how filled.

In certain events board need not appoint superintendent.

Township supervisors.

Bond.

Compensation.

SEC. 3. That the Board of County Commissioners or the road superintendent, subject to the approval of said Board, shall appoint, with power at any time to remove or discontinue, such guards as may be needed to take charge of the convict force, and also one or more persons in each township of the county to be known as township supervisor of roads, who, acting under the road superintendent, shall supervise the road work in the township for which they are appointed or such parts thereof as said superintendent may direct. The said guards and township 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.

Guards for convict force.

Township supervisors and duties.

Compensation of guards and township supervisors.

SEC. 4. That all able-bodied male persons of the county between the ages of twenty-one and forty-five years, except residents of incorporated cities and towns, shall work on the public roads of said county for four days (of nine hours each) in each and every year, at such time and place and in such manner as may be designated by the road superintendent or township supervisor: *Provided*, that the said superintendent or the supervisor in each township shall give to each person of his township who is subject to road duty,

Persons of road age to work roads four days annually.

Notice of road workings.

In case of emergency, notice unnecessary.	at least three days' notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: <i>Provided further</i> , that in case of washout or other unexpected obstruction to travel the three days' notice shall not be necessary, and any person liable to road duty in the township in which such obstruction to travel may occur, shall, upon being properly summoned by said superintendent or supervisor of roads, respond to such summons with reasonable promptness: <i>Provided further</i> , that any person may in lieu of working four days on the public road, pay on or before the first day of July, 1903, and on or before the first day of April of each year thereafter to the County Treasurer, road superintendent or road supervisor, the sum of two dollars, and it shall be the duty of said Treasurer, road superintendent, or road supervisor, upon receipt of said money or any part thereof, to issue to such person a receipt for the same, stating in such receipt the amount and the year for which the same is paid. All moneys paid to the 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 from which it was paid. If the road superintendent or road supervisor fails to turn over to the County Treasurer money so collected within fifteen days, he shall be guilty of a misdemeanor: <i>Provided</i> , that no person liable for road duty under this section shall be required to work on the public roads outside of the township and road district in which he resides, the boundaries of the road districts within each township to be fixed by the County Commissioners.'
Cash payment in lieu of work.	
Disposition of cash payments.	
Failure of superintendent to turn over money a misdemeanor.	
Parties to work only in township of residence.	
Failure to work after notice, 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 superintendent or road supervisor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two nor more than five dollars, or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.
Penalty.	
Tools, how provided.	SEC. 6. That proper implements and tools for use in working the public roads of the county, as provided in section four of this act, may be supplied by the county road superintendent or road supervisor, and shall be paid for out of the road fund of the townships in which the said implements or tools are to be used: <i>Provided</i> , that until the county road superintendent or road supervisor shall be
Proviso.	

able to supply the necessary implements and tools, he may, and he is hereby empowered to compel any and all persons working on the public roads of the county to provide themselves with such implements as are commonly used while working on said road as the superintendent or supervisor may designate in his notice or summons as being necessary.

SEC. 7. That on the first day of June, 1903, and on the first day of April of each succeeding year, or oftener if required to do so by said superintendent of roads or County Commissioners, the township supervisor of roads in each township of the county shall furnish to the Treasurer of the county a complete list of the names of all persons liable for road duty in the township in which he resides. Said Treasurer of the county, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of two dollars as provided in section four of this act, and shall within fifteen days and as often thereafter as may be necessary, furnish to the county road superintendent or County Commissioners, a correct revised list of all persons liable for road duty in each said township for the year. A list of such persons liable to road duty in each township who have during the year failed to work on the public roads, after having been duly notified, or to pay as provided for in section four of this act, shall immediately be submitted by the county road superintendent or township supervisor to a justice of the peace in the township in which such persons reside, and it shall be the duty of said justice of the peace to immediately issue his warrant for such persons and proceed against them according to law: *Provided, however*, that the defaulting party may be prosecuted at any time and by any citizen of the county.

SEC. 8. That all prisoners confined in the county jail under a final sentence of the court for crime or imprisonment for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of costs, and all persons sentenced in said county to the State Prison for a term less than ten years shall, 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 each such co-operating county to thereby increase the number of prisoners at work on its public roads at any given time. And upon application of the said road superintendent of the county or that of the Chairman of the Board of County Commissioners, the Judge of the Superior Court, or the Judge of the Criminal Court, the justices of the peace and the principal officer of any municipal or any other

List of names liable for road duty to be furnished.

Names of those paying money to be checked off.

Revised list furnished superintendent.

List of those failing to work furnished justice of peace.

Prosecution.

Convicted prisoners worked on public roads.

Exchange of prisoners with other counties.

Judges of courts, etc., to assign prisoners to work.

inferior court, it shall be the duty of the said Judge or justices of the peace or said principal officer, to assign such persons convicted in his court to said road superintendent 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, in case of physical disability.

Provisions for obtaining convicts from other counties.

SEC. 9. That when the Commissioners shall have made provisions for the expense of supporting and guarding while at work on the public roads, a larger number of prisoners than can be supplied from that county, upon the application of the Commissioners of said county to the Judges of the Superior and Criminal Courts presiding in adjoining counties or any other county or counties in the same or adjoining judicial districts which do not otherwise provide for the working of their own convicts on their own public roads, may sentence such able-bodied male prisoners as are described in section eight of this act from such adjoining counties or other counties in the same and adjoining judicial districts, to work on the public roads of said county or counties applying for the same in the order of their application; and the cost of transporting, guarding and maintaining such prisoners as may be sent to any such county applying for the same, shall be paid by the county applying for and receiving them out of the road fund of each such county: *Provided*, that any and all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties at the expense of the county having received and used them.

Proviso.

Prior to inauguration of work roads to be located by experienced engineer, etc.

SEC. 10. That the principal public roads or highways to be improved or constructed in accordance with the provisions of section one of this act prior to the inauguration of any such permanent improvements on the road or highway to be so improved or constructed, may be first carefully surveyed and located by an engineer or surveyor trained and experienced in such work, aided by the county road superintendent or road 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 re-located, 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 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.

Grade and width of roads.

Drainage.

SEC. 11. That for the purpose of carrying out the provisions of this act, the said superintendent and supervisors are hereby authorized to enter upon any uncultivated lands near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade, to dig or cause to be dug and carried away 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 said lands 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 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 imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisors, if in money, and paid over to the County Treasurer and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, 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 the taking and carrying away of such timber, gravel, sand, clay or earth of any kind, it shall be the duty of said Commissioners to pay for the same a fair price; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent or road 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 their decision for revision or confirmation: *Provided*, that said land owner or his agents shall have the right of appeal as provided for in section thirteen of this act.

Material, how obtained.

Drains and ditches.

Penalty for obstructing drains.

Remuneration to owner for material.

Provisions for assessment of damages.

Appeal.

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 the aid of a competent engineer or surveyor, to locate, re-locate or change any part of any public road where in his judgment such location, re-location or change will prove advantageous to public travel. That when any person or persons on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days

Power to change location of roads.

Damages, procedure in assessment thereof.

petitions the Board of County Commissioners for a jury to assess the damages, the said Commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury of three disinterested freeholders to be summoned by the Sheriff or Constable as provided by law, who shall give said land owners, or their local representatives, forty-eight hours' notice of the time and place, when and where said jury will meet to assess damages; and said jury being duly sworn, in considering the question of damages shall also take into consideration the benefits to 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 finding to the Board of County Commissioners for confirmation or revision: *Provided*, that if said land owner be a non-resident of the county and have no legal representative, it shall be deemed sufficient service of such notice for said Sheriff or Constable to forward by United States mail a written notice of the purpose, time and place of such meeting of said jury to the last known post-office address of such land owner seven days in advance of such meeting, and also to post a notice of the same for seven days at the court-house door of said county.

Notice to non-residents.

Right of appeal.

SEC. 13. That in case the land owner or his local representative shall be dissatisfied with the finding of the juries provided for in sections eleven and twelve of this act and with the decision of the County Commissioners, such dissatisfied party may appeal from the decision of the County Commissioners to the Superior Court of the county, all such appeals being governed by the law regulating appeals from the courts of justices of the peace, and the same shall be heard *de novo*; but the Judge may in his discretion require said land owner to give bond when the case is taken by appeal to the Superior Court.

Bond on appeal.

Any officer or employee failing to perform duty guilty of misdemeanor.

SEC. 14. That any officer or employee appointed by virtue of this act, or to whom duties are assigned in this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act, shall in all cases, whether penalties for such failure are or not prescribed in this act, be guilty of a misdemeanor.

Treasurer of road fund.

SEC. 15. That the County Treasurer shall be and he is hereby appointed treasurer of the road fund of the county and of the several townships in the same, and for the faithful keeping and disbursing of said money the bond of such treasurer shall be liable, and for his services in receiving and disbursing such funds he shall receive such a commission as the Board of County Commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall pay the accounts against the road fund of the county and of the several townships when itemized state-

Compensation.

Duties.

ments of the same have been certified to by the county superintendent or road supervisor, and approved by the Board of County Commissioners.

SEC. 16. The County Treasurer shall keep a separate account of the road fund of the county and each of the several townships therein, and of his disbursements of the same, and he shall make a written report thereof to the Board of County Commissioners at their regular meetings on the first Monday in each month; and on the first Monday in July and January of each and every year he shall present to the said Board of Commissioners a written report, giving a statement of the disbursements from the several road funds during the preceding six months, which reports or the substance thereof shall be published by said Commissioners in at least one newspaper published at the county-seat for at least one insertion.

Treasurer's
account of road
fund.

Reports.

To be published.

SEC. 17. All road funds or securities in the hands of any officer of any county coming under the provisions of this act, or of any township thereof, on the first Monday of June, 1903, shall be promptly turned over to the Treasurer of the county and by him credited to the road funds of the county or of the township to which it belongs; and all teams, machinery, implements or other equipments belonging to said county or any one of the several townships in the same, held by or under the control of any officers or persons in said county or its townships, shall be by said officers or persons turned over to the County Commissioners of such county on the first Monday in June, 1903, and by them be held and used on the public roads of the county or of the township owning the same: *Provided*, that the Board of Commissioners in any county may order such road funds, securities, teams, implements or other road equipment accounted for and turned over as required above, at any date prior to its regular meeting in June, and officers or persons refusing or neglecting so to do, after having been served with ten days' notice, shall be guilty of a misdemeanor.

Disposition of road
funds in hands of
any officer.

Disposition of
teams and tools
belonging to the
county

Proviso.

SEC. 18. That all moneys raised in any township shall be applied to the improvement of the roads of said township: *Provided*, however, a general fund may be formed for the common good of the roads of the county to which each township enjoying the advantages of this act shall contribute its proportional part: *Provided also*, that two-thirds of the road tax collected in Elizabeth City Township in Pasquotank County under this act, be turned over to the Board of Aldermen of the town of Elizabeth City for the purpose of improving the streets and bridges of said town.

Moneys to be
applied to roads in
township where
raised.
General fund.

Proviso as to
Elizabeth City
township.

SEC. 19. That any township may be exempted from the operation of this act by filing with the Board of County Commissioners on or before the first Monday in June of any year, a petition signed by a majority of the qualified voters of said township.

Exemption of
townships from
provisions of act.

Counties to which
applicable.

SEC. 20. That this act shall apply only to Pasquotank, Camden and Perquimans Counties.

Conflicting laws
repealed.

SEC. 21. That all laws and parts of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

CHAPTER 438.

AN ACT TO AMEND CHAPTER 54 OF THE PUBLIC LAWS OF 1899, RELATING TO INSURANCE.

The General Assembly of North Carolina do enact:

Former act
amended.

SECTION 1. Amend section 17 of chapter 54, Public Laws of 1899, by adding in line one after the word "the" and before the word "Treasurer" the words "Insurance Commissioner or," and by striking out in said line the word "his" and substitute therefor the word "their"; and by striking out in line six the words "the Treasurer" and substituting therefor the words "such officer," and in line ten striking out the word "Treasurer" and substituting therefor the word "officer," and in line twenty-six strike out the word "Treasurer" and insert in lieu thereof the words "such officer." Amend section 24 of said act by inserting in subsection first, after the word "lightning" the words "wind, hail"; and also amend section 34 by inserting after subsection ninth the following subsection: "Tenth. To carry on the business commonly known as life and health insurance on the stock or mutual plan, contract for the payment of endowments or annuities or make and enter into such other contracts, conditioned upon the continuance or cessation of human life. To insure horses and other live stock against death or accident."

Deposits of insur-
ance companies.

Sub-section 10
added.
Life and health
insurance.

Live stock
insurance.

Section 25
amended.
Acknowledg-
ments.

SEC. 2. Amend section 25 of said act by adding in line thirteen after the word "principle" the following words: "The articles of association shall be subscribed before the Clerk of the Superior Court of some county in the State, or some officer of the State authorized to take acknowledgment of deeds, and forthwith the said incorporators shall on oath certify the said articles of association as so made out and signed to the Insurance Commissioner of the State at his office in the City of Raleigh. The Insurance Commissioner shall examine said articles, and if he shall approve of the same and find that the requirements of the law have been complied with, shall certify said facts by certificate thereon to the

Approval of
Insurance
Commissioner.

Certificate to
Secretary of State.

Secretary of State. Upon the filing in the office of the Secretary of State of said articles of association and attached certificates, and the payment of a charter fee of \$25, the said Secretary of State shall cause said articles and accompanying certificates to be recorded in his office, and shall issue a certificate in the following form:”

SEC. 3. Amend said section 25 by inserting in line fourteen after the word “organization” and before the word “shall” the words “under said charter.” Amend said section 25 by adding in line thirty-seven after the word “necessary” and before the word “the” the following words: “if upon such examination the Insurance Commissioner shall approve of said laws and find that the requirements of the law have been complied with, he shall issue a license to said company to do business in the State, as is provided for in the General Insurance Laws.” Also amend section 25 by striking out in line fifty-three the word “certificate” and the words following it down to including the word “office” in line fifty-six. And insert in lieu thereof the words “following certified articles of association (here copy articles of association and accompanying certificates).” Amend said section by adding in line sixty-two after the word “with” and before the word “the” the words “said articles of association and have all.” Amend said section in line seventy-one by adding after the word “such” in said line and before the word “certificate” the words “articles of association, and.” Then correct said section 25 by striking out all of said section 25, beginning in line 37 with the words “The Insurance Commissioner” and ending in line 44 with the words “the following form” and by transferring all of said section as amended, beginning with the words “the first meeting” in line thirteen and including the words “may deem necessary” in line thirty-seven and the amendment added thereafter beginning with the words “If upon such” and ending with the words “insurance law.” to the end of the section after the words “the original certificate.”

Section 25
amended.

Approval of
Insurance
Commissioner.

Copy of articles of
association.

Section 25
reformed.

SEC. 4. Amend section 26 of the said chapter 54 of the Public Laws of 1899 by adding in line four after the word “formed” and before the word “insuring” the words “insuring health policies, policies against damage by hail or.” Amend said section by adding in line seven after the word “transacting” the words “life or.” Also amend said section by adding in line eleven after the word “dollars” the words “*Provided*, that life companies on the industrial plan issuing policies not over \$500.00 may be allowed to transact business with as little capital as \$25,000.00.” Amend section 26 of said chapter by inserting in line nine after the word “section” the figures “30.” Amend section 32 of the said chapter 54, Public Laws of 1899, by adding after the word “therefor” in line twenty-

Section 26
amended.

Various changes.

Amount of capital.

Section 32
amended.

Assessment companies, regulations of.

Section 40 amended.
Penalty for violation.

Section 47 amended.

Section 57 amended.
Penalty for violation.

Section 58 amended
Medical examination, when not required

Section 62 amended.
Service of process.

Section 65 amended.

Section 68 amended.

Section 70 amended.
Representing unlicensed company.

Penalty.

Section 77 amended.

Section 79 amended.

one the words "every mutual or assessment company or association organized or doing business in the State on the assessment plan, shall keep in their treasury at least one assessment, sufficient to pay one average loss." Amend section 40 of the said act by adding at the end of said section the words "any company violating this section may be fined by the Insurance Commissioner the sum of \$10.00 for each and every offense, and for refusal to comply with this provision have its license cancelled by said Commissioner."

SEC. 5. Amend section 47 of said chapter by adding in line two of said section, after the word "aforesaid," the words "where such powers or privileges are granted them in their charters." Amend section 57 of the said chapter 54, Public Laws of 1899, by adding at the end thereof the words "For the violation of this section the Insurance Commissioner may impose a fine not exceeding \$50.00 upon the company, or agent, violating this section. And for a repeated violation of it may cancel the license of any agent or company." Amend section 58 of said chapter by adding after the word "practitioner" in line eight the words "*Provided*, that this shall not apply to policies issued for less than \$100.00."

SEC. 6. Amend section 62 of said act, subsection 3, by adding after the word "Commissioner" in line sixteen the words "and any service upon any company that is licensed to do business in this State shall not be valid unless made upon the Insurance Commissioner, the general agent for service or some officer of the company." Amend section 65 of said chapter by striking out in line five the word "accident" and insert in lieu thereof the word "health," and by adding in line five of section 64 after the word "Treasurer" and before the word "of" the words "or Insurance Commissioner."

SEC. 7. Amend section 68 by striking out the word "Treasurer" in lines twenty-seven, twenty-eight and thirty, and inserting in lieu thereof the words "Insurance Commissioner," and also amend said section 68 by adding at the end thereof the words "or pay such tax at the time of taking out and delivering such policy or policies." Amend section 70 by adding at the end thereof the words "Any person or citizen of the State who shall fill up or sign any open policy, certificate, blank or coupon of, or furnished by any unlicensed company, agent or broker, the effect of which shall be to bind any insurance in an unlicensed company on property in this State, shall be deemed the agent of said company and personally liable for all license and taxes due on account of said transaction." Amend section 77 of the said chapter, line six, by striking out the word "two" and inserting in lieu thereof the word "four."

SEC. 8. Amend section 79 by adding after the word "per cent." and before the word "no" in line nineteen, the words "Upon demand of the Insurance Commissioner any corporation, firm or individual

doing business in the State shall furnish to the Commissioner upon blanks to be provided by him, a statement of the amount of all insurance held by them, giving the name or names of companies, number and amount of policies and premiums paid on each and such other information as he may call for, or shall file an affidavit with said Commissioner that all of their insurance is placed in companies licensed to do business in this State." Amend section 81 by adding in line eight after the word "failure" the words "to procure or." Amend section 82 by striking out in said section the words "For service of process on him as attorney, \$2.00," and adding at the end of said section "for the examination and approval of the charters of companies, \$5.00."

Insurance Commissioner may demand information.

Section 81 amended.

Section 82 amended.
Fees.

SEC. 9. Amend section 84, chapter 54, Public Laws of 1899, by adding after the words "by-laws" in line twelve the following words:

Section 84 amended.

"Every domestic insurance company, association or order, doing business on the assessment plan shall collect and keep at all times in their treasury one regular assessment, sufficient to pay one regular average loss. This sum shall be used to pay losses as they occur and be immediately replaced by another assessment." Every foreign insurance company, association or order doing business in the State on the assessment plan shall keep at all times deposited in their head office in this State or in some reputable banking or trust company one regular assessment sufficient to pay the average loss or losses occurring among their members in this State during the time allowed by them for the collection of assessments and payment of losses. They shall notify the Insurance Commissioner of such place of deposit and furnish him at all times such information as he may require in regard thereto. Amend section 92 by adding after the word "territory" and before the word "may" in line four the following words: "Upon satisfying the Insurance Commissioner that its business is proper and legitimate and so conducted." Amend section 90 of the said chapter by adding after the word "of" at the end of the line fourteen the words "making abstract and."

Assessment companies.

Foreign assessment companies.

Deposit of assessment.

Notice to Insurance Commissioner.

Section 92 amended.

Fraternal benefit societies.

Section 90 amended.

SEC. 10. Amend chapter 54, Public Laws of 1899, by adding at the end of section 94 the words "or imprisoned in the discretion of the court." Amend said act by adding at the end of section 98 the words "any company, agent or broker who shall violate the provisions of section 57 shall be fined not less than ten dollars, nor more than fifty dollars by the Insurance Commissioner, and for repeated violations have their license to do business in the State cancelled by the Insurance Commissioner." Amend section 99 of said chapter 54 by striking out in lines two and three the words "fifty-five" and inserting in lieu thereof the words and figures "21, 22 or 39." Amend said act, section 101, by adding in line three

Section 94 amended.

Penalty.

Section 98 amended.

Penalty.

Section 99 amended.

Section 101 amended.

Section 102
amended.

after the word "dollars" the words "or imprisoned in the discretion of the court." Amend said act, section 102, by striking out in line five the words "Supreme Court" and substitute therefor the words "Superior Court of Wake County."

Section 108
amended.

Record of business
to be kept.

SEC. 11. Amend said act, section 108, by adding at the end of said section the words, "Every company, agent or broker doing any kind of insurance business in this State shall make and keep a full and correct record of the business done by them showing the number, date, term, amount insured, and premiums and the persons to whom issued of each and every policy or certificate or renewal. That no non-resident of the State shall be licensed to do business in the State except as a special agent or organizer, and then only when he reports his business for record as North Carolina business to some general or district agent of his company in the State, or have territory within the State. Information from such records shall be furnished to the Insurance Commissioner on demand, and the original books of records shall be open to the inspection of said Commissioner, his [deputy] or clerk, when demanded." Amend said act, section 109, by adding in line two after the word "eight" and before the word "it" the words, "Any person violating the same shall be guilty of a misdemeanor and."

Information to be
furnished
Insurance
Commissioner.

Section 109
amended.

Section 111
amended.

Amend said chapter, section 111, by striking out in line 10 the word "shall" and substituting therefor the word "may." Amend section 114 by striking out in line eight the word "two" and inserting in lieu thereof the word "one." Amend said act, section 115, by striking out in line six the words "this act permits" and substitute therefor the words "as permitted under the insurance laws of this State," and by striking out in the last line of said section the word "two" and inserting in lieu thereof the word "five."

Section 114
amended.

Section 115
amended.

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

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

CHAPTER 439.

AN ACT TO PREVENT STOCK FROM RUNNING AT LARGE IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Stock not to run at
large after July 1,
1903.

SECTION 1. That it shall be unlawful for any horse, jack, jennet, cattle, sheep, hog, goat, geese, or other live stock to run at large in any portion of said county of Ashe not now under the stock law after the first day of July, 1903.

SEC. 2. That any person violating the provisions of the foregoing section by wilfully and knowingly allowing stock mentioned in the foregoing section to run at large shall be guilty of a misdemeanor, and shall be fined not less than one dollar nor more than two dollars in the discretion of the Court.

Penalty for violation.

SEC. 3. That the foregoing section shall apply to the entire county.

Applicable to entire county.

SEC. 4. That any person who shall wilfully pull down any fence enclosing any field or pasture whereby any person's stock may be turned at large shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor imprisoned not more than thirty days in the discretion of the Court.

Penalty for pulling down fence.

SEC. 5. *Provided*, that this act shall be submitted to the qualified voters of all that part of the county of Ashe not now under the provisions of the stock law heretofore passed at an election to be held on the fourth Tuesday (26) day in May, 1903, under the same rules, regulations and restrictions as is now provided by law for the election of members of the General Assembly, which election shall be by ballot, and those in favor of the stock law shall vote a ticket either written or printed "For Stock Law," and those against the stock law shall vote a ticket either written or printed "No Stock Law."

Proviso, submission to vote.

Election, how conducted.

Ballots.

SEC. 6. That it shall be the duty of the County Commissioners of Ashe County at their meeting on the first Monday in April to order an election to be held in all that part of the county of Ashe not already under the stock law at the usual places of voting in said county, and where the voting places are in territory now under the stock law voters living in said territory shall not be allowed to vote in said election: *Provided*, that no registration books shall be open in the respective precincts except on Saturday previous to the said day of election, when the registrar shall attend the respective polling places and remain there from eight A. M. to five P. M. for the registration of all voters not heretofore registered who are entitled to vote under the laws and Constitution of the State.

Duty of county commissioners.

Who to vote.

Proviso, registration.

SEC. 7. That the registrars and judges who were appointed, and held the last general election in the said county of Ashe, are hereby appointed to hold the election provided by this act, and they shall make their returns in accordance with the general election law on the second day after the election, when they shall canvass the vote cast in the county and certify the result thereof under their hands and seals to the Chairman of the Board of County Commissioners, who shall declare the result of the said election, and if the majority of the votes cast shall be "For Stock Law," then it shall be the duty of the Chairman of said Board of County Commissioners to publish the result of said election in one or more places in each township affected by the said election and in the county paper.

Election officers.

Returns.

Result.

Publication of result.

setting forth the fact that said stock law will go into effect on the 1st day of July, 1903.

Notice of election. SEC. 8. That the County Commissioners shall give notice of the day and the purpose of the said election, at their meeting in April, in two or more places in each township and also in the county newspaper.

Copy of this act to be furnished by Secretary of State. SEC. 9. The Secretary of State shall immediately on the ratification of this act furnish the Register of Deeds of Ashe County with a certified copy hereof.

Conflicting laws repealed. SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

CHAPTER 440.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND THIRTY-EIGHT OF THE PUBLIC LAWS OF NINETEEN HUNDRED AND ONE, RELATIVE TO HUNTING QUAIL IN HALIFAX AND WARREN COUNTIES, AND TO REGULATE THE HUNTING OF GAME IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Former act amended as to Warren county. SECTION 1. That chapter five hundred and thirty-eight of the Public Laws of 1901 be amended by striking out in line two of section one, after the word "Halifax" the words "or Warren."

Chapter 74 Public Laws 1897, etc., repealed. SEC. 2. That chapter seventy-four (74) of the Public Laws of 1897 and all acts amending the same are hereby repealed.

Close season for Warren county. SEC. 3. That no person shall kill, shoot, trap, net or hunt any partridge, quail, dove, robin, lark, wild turkey, squirrel or rabbit in Warren County between the first day of March and the first day of October of each and every year.

Killing of turkey. SEC. 4. That no person shall shoot or kill any wild turkey at bait in said county.

Violation, how punished. SEC. 5. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, or imprisoned not exceeding thirty days: *Provided*, this act shall not apply to Rian and Judkins Townships in Warren County.

Proviso. SEC. 6. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

CHAPTER 441.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF TROY.

The General Assembly of North Carolina do enact:

SECTION 1. That all that territory lying within the corporate Territory. limits of the town of Troy and all that portion of Montgomery County not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to-wit: Beginning Boundaries. at a stake in the bank of Little River 200 yards below the Mary Cochran place; thence west by Taft's old saw-mill place to the ford of a branch on the Pekin road south of Neill Clark's; thence west to Short Fork; thence up Short Fork to the A. & A. Railroad; thence a northerly direction to the fork of the Public road; at A. L. Ledbetter's; thence a direct line to Johnson's Mill on Denson Creek; thence down said creek to Little River; thence down Little River to the beginning, shall be and are hereby constituted a public Constituted public school district. school district. as "Troy Graded School District." Name.

SEC. 2. That for the purposes and benefits of this act the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Troy, shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town as fully as if the same lay within said corporate limits; and that all elections which shall be held under this act, that portion of said graded school district lying without said corporate limits shall be deemed a ward of said town. Town laws extended to whole district.

SEC. 3. That the Board of Graded School Trustees, hereinafter provided for, shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding five thousand dollars, of such denomination and of such proportion as said Board of Trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per cent. Board of trustees may issue bonds. Amount. Rate of interest. per annum, with interest coupons attached, payable half-yearly, at such time or places as may be deemed advisable by said Board of Trustees; said bonds to be of such form and tenor and transferable

Proviso.	in such way, and the principal thereof payable or redeemable at such time or times, not exceeding twenty years from the date thereof, and at such place or places as said Board of Trustees may determine: <i>Provided</i> , that said Board of Trustees shall issue such bonds at such time or times, and in such amount or amounts, as may be required to meet the expenditure hereinafter provided for in section four of this act.
Application of proceeds of bonds.	SEC. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said Board of Graded School Trustees in providing by purchase or otherwise, such graded school buildings as may be required, and furnishing the same with school furniture and other necessary equipment.
Buildings, etc.	
Bonds not to be sold under par.	SEC. 5. That none of the said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for less price than their par value; nor shall said bonds, nor their proceeds, be used for any other purpose than that declared in section four of this act.
Bonds not subject to town tax.	SEC. 6. That said bonds and their coupons shall not be subject to taxation by the town of Troy until after they have become due and tender of payment shall have been made, and such coupons shall be receivable in payment of all and other public dues of said town for any fiscal year in which said coupons shall become due, or thereafter; and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.
Coupons receivable for town tax.	
When interest to cease	
Special tax.	SEC. 7. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the town of Troy shall annually and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, nineteen hundred and three, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district, on which said Board of Commissioners may now or hereafter be authorized to lay and levy taxes for any purposes whatsoever; said particular tax to be not more than thirty cents on the one hundred dollars assessed valuation on property, and not more than ninety cents on each taxable poll.
Levy and collection.	
Tax rate.	
Collection, custody and disbursement.	SEC. 8. That said taxes shall be collected by the Tax Collector of the town of Troy at the time and in the manner that the municipal taxes are collected, and said Tax Collector shall pay the same over to the Treasurer of said town, who shall keep such moneys separate and apart from the municipal funds. And the Treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded schools, only upon the warrant of the Chairman and Secretary of said Board of Graded School

Trustees: *Provided*, that said Tax Collector and said Treasurer shall enter into bond in such amounts as said Board of Trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the use and benefit of said graded schools; and of the latter for the safe-keeping and proper disbursement of the same. Official bonds.

SEC. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of the qualified voters of said graded school district, at an election to be held on a day to be designated by the Board of Commissioners of the town of Troy, immediately after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections three and seven of this act or a synopsis of the same, shall be published in the "Examiner" (a weekly paper published in the town of Troy), and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections of said town. Those qualified voters approving the issue of bonds provided for in section three, and the levy and collection of the particular taxes provided for in section seven of this act, shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid Board of Graded School Trustees authority to issue such bonds and to the Board of Commissioner [of] said town to levy such particular tax, and said Board of Trustees and said Board of Commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Schools," then said Board of Trustees and said Board of Commissioners shall not have such authority: *Provided*, that the result of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Troy; and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of said qualified voters shall fail to vote in favor of issuing bonds and levying such particular tax, said Board of Commissioners shall order another election, at any time after the expiration of six months from the date of the former elections, when requested to do so by said Board of Trustees; and if at such election a majority of the qualified voters shall vote "For Schools" it shall have the same force and effect as if no election had been previously held. Submission of question to vote.

Notice of election.

Election, how conducted.

Ballots.

Proviso, result, how recorded, etc.

Proviso, subsequent election.

SEC. 10. That A. W. Capel, D. E. Pemberton, J. R. Blair, J. S. Boggs, G. W. Allen, Leeroy Lisk, W. D. Allen, Dr. A. F. Thompson Board of trustees named.

Term of office.	and Jas. Tomlinson and W. D. Clark shall be and are hereby constituted a Board of Trustees for the public schools of said graded school district. That the first four of said trustees shall hold office until the first Monday in July, nineteen hundred and five; the next three until the first Monday in July, nineteen hundred and seven; and the last three until the first Monday in July, nineteen hundred and nine, and their successors as hereinafter provided shall hold
Election of successors.	for the term of six years each. The vacancies occurring by reason of the expiration of the term of office of the trustees aforesaid shall be filled by a majority vote of the other members of such Board of Graded School Trustees holding over, acting in conjunction with the Board of Commissioners of the town of Troy, and for the purpose of filling such vacancies said members of the Board of Trustees and said Board of Commissioners shall meet in joint session on the Monday immediately preceding the first Monday in July of each year in which any such vacancy is to occur: <i>Provided</i> , that
Vacancies, how filled.	any and all vacancies in said Board of Trustees occurring by reason of death, resignation or otherwise than by the expiration of term of office, shall be filled by the other members of said Board of Trustees: <i>Provided</i> , that the position of trustee shall not constitute an office within the meaning of Article 7, section 14 of the Constitution of this State.
Position of trustee not an office.	
Created body politic.	SEC. 11. That the said Board of Graded School Trustees and their successors shall be and are hereby constituted a body corporate by the name and style of the Board of Graded School Trustees of Troy, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real estate and personal property, hold, exchange, mortgage or sell the same and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal which it may break and exchange at pleasure.
Corporate name.	
Powers.	
Establishment of graded schools.	SEC. 12. That it shall be the duty of said Board of Graded School Trustees to establish graded public schools for the white and colored children of said graded school district, and said Board of Trustees shall appropriate and use the funds derived from said particular taxes and from other sources, in such manner as may be deemed just to both races, providing equal school facilities for each, due regard being paid, however, to the difference in cost of maintaining said schools: <i>Provided</i> , that all donations to said schools shall be applied as directed by the donors.
School funds.	
Proviso, donations.	
Board of trustees to have exclusive control.	SEC. 13. The said Board of Graded School Trustees shall have exclusive control of all public schools in said school district, free from the supervision of the County Board of School Directors and the County Superintendents of Schools of Montgomery County, and shall prescribe rules and regulations, not inconsistent with this act, for their own government, and for the government of such schools;
Rules and regulations.	

shall prescribe the qualifications, employ and fix the compensation Teachers.
of all officers and teachers of such schools; shall cause to be taken
from time to time, in accordance with the general school law of the
State, an accurate census of the school population of said school dis- School census.
trict, and shall exercise such other powers as may be necessary for
the successful control and operation of said graded schools.

SEC. 14. That all public school funds derived from the State and All public school
the county of Montgomery for the use and benefit of the public funds for said dis-
schools in said graded school district shall be paid over to the trict to go to said
Treasurer of the town of Troy by the Treasurer of said county of schools.
Montgomery for the use and benefit of the graded schools in said
graded school district, except as hereinbefore provided in section 13
of this act, and the property, both real and personal, of the various Present school
school districts embraced within the limits of said graded school property trans-
district shall become the property of the said graded school district, ferred to board of
and the title thereto shall be vested in said Board of Trustees in trustees.
trust therefor: and the said Board of Trustees shall, in their dis-
cretion, sell the same or any part thereof and apply the proceeds
to the use of the public graded schools to be established in said
graded school district.

SEC. 15. That said Board of Graded School Trustees shall elect Election of super-
annually, at least thirty days before the opening of the fall term intendent.
of said graded schools, a Superintendent, who shall supervise the Duties.
graded public school district, and exercise such other powers and
discharge such other duties as said Board of Trustees may pre-
scribe.

SEC. 16. That said Board of Graded School Trustees are hereby Curriculum and
authorized in their discretion to fix a curriculum of studies and to text-books.
adopt text-books for said graded schools; to provide for instruc-
tion other than that included in the prescribed course, and to fix
the rate of tuition to be charged therefor and to admit pupils re- Tuition charges,
siding without the limits of said district, upon such terms as the etc.
said Board of Trustees may deem just and reasonable.

SEC. 17. That it shall be the duty of said Board of Graded School Reports.
Trustees to make to the Mayor and Board of Commissioners of the
town of Troy annually, after the close of each year, a full report
of the operations of the Graded Public Schools of said graded school
district, and duplicate copies of said report shall be furnished to
the County Superintendent of Schools of Montgomery County.

SEC. 18. That the Board of School Trustees having authority under Apportionment of
the general school law of the State shall, in the apportionment of school funds.
all public school funds to said graded school district, apportion the
same according to the public school law.

SEC. 19. That all laws and clauses of laws in conflict with this Conflicting laws
act are hereby repealed. repealed.

SEC. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 5th day of March, A. D. 1903.

CHAPTER 442.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MORGANTON.

The General Assembly of North Carolina do enact:

Former acts amended.

Bi-ennial elections, etc.

Elections.

Ballot boxes.

Sale of liquors.

Ballots.

Dispensary.

SECTION 1. That chapter one hundred and twenty of the Private Laws of one thousand eight hundred and eighty-five and chapter one hundred and fifty-eight of the Private Laws of one thousand eight hundred and ninety-five be so amended that the Mayor and Commissioners of the town of Morganton shall be elected on Tuesday after the first Monday in May, 1903, and biennially thereafter, as provided in chapter 750 of the Public Laws of 1901, and that the local option elections provided for in said chapter one hundred and fifty-eight shall also be held on Tuesday after the first Monday of May, 1903, and biennially thereafter.

SEC. 2. That said chapter one hundred and fifty-eight of the Private Laws of one thousand eight hundred and ninety-five be so amended that at the elections so held on Tuesday after the first Monday in May, 1903, and biennially thereafter, the County Board of Elections shall furnish two ballot boxes, in addition to that provided for the election of Mayor and other town officers, for each election precinct, which said board may deem it proper to establish in the town of Morganton, in one of which boxes every qualified voter residing within the limits of said town and who is in favor of allowing spirituous, vinous or malt liquors to be sold in said town shall be allowed the privilege of casting a ballot whereon shall be printed or written the word "Sale," and every such qualified voter who is opposed to selling such beverage in said town may deposit a ballot, whereon shall be written or printed the words "No Sale," and in the other of which two boxes such qualified voters as may prefer to establish a dispensary for the sale of spirituous, vinous and malt liquors in said town rather than that license should be granted to retail such beverage, shall be allowed to deposit a ballot, on which shall be written or printed the word "Dispensary," and all such qualified voters as prefer licensing bar-rooms to retail such beverages in said town shall be allowed to deposit therein tickets, whereon shall be written or printed the word "Saloon."

SEC. 3. That the County Board of Elections of Burke County shall appoint a registrar and two judges of election for every such precinct established by them in said town, who shall open and hold said election at said precinct or precincts on said Tuesday, as now provided by law for holding general elections, and the judges and registrars at such precinct, or precincts, as the case may be, shall meet on the day after said election at the court-house in Morganton and ascertain and declare the result of the elections, as determined by a previous counting of the ballots cast in each of the three said ballot boxes provided for said election.

Election officers.

Results, how
ascertained and
declared.

SEC. 4. That no spirituous, vinous or malt liquors or other intoxicating beverage shall be sold within the corporate limits of the town of Morganton except in unbroken packages of not less than three gallons, unless a majority of the votes cast, as hereinbefore provided, shall have written or printed upon them the word "Sale"; and if a majority of the votes so cast shall have written or printed upon them the word "Sale," then in that event the manner of selling such beverage shall be determined by the ascertained vote for dispensary and saloon, and if a majority of the votes cast, as hereinbefore provided, shall have written or printed on them the word "Saloon," then license to retail shall be granted, in the same manner as provided in said chapter one hundred and fifty-eight of the Private Laws of 1895; but if a majority of votes so cast shall not be ascertained to be favorable to saloons, then a dispensary shall be established in said town, under such regulations as are herein provided.

Sale of liquors
regulated.

SEC. 5. That, if the establishment of a dispensary in Morganton shall be so authorized, it shall be located in the business portion of the town, on Union Street, and shall be under the government of three citizens of said town, known as dispensary commissioners, who shall hold their places, first for terms of one, two and three years respectively, but that as the terms of the persons hereinafter appointed shall expire, their successors shall be chosen for terms of three years; and the said dispensary shall be first established by the following commissioners, to-wit: S. R. Collett, whose term shall begin on the first day of June, A. D. 1903, and continue for one year thereafter, and I. P. Jeter, whose term shall begin on said first day of June and continue for two years thereafter, and W. C. Erwin, whose term shall begin on said first day of June and continue for three years thereafter; and that upon the expiration of the term of office of each commissioner, those commissioners whose terms shall not have expired shall nominate his successor, which nomination shall be approved or rejected by the Mayor and Board of Commissioners of the town of Morganton, and in case said Mayor and Commissioners shall refuse to confirm any nomination so made,

Establishment of
dispensary.Dispensary
commissioners.Commissioners
named.

Term of office.

Election of suc-
cessors.

said dispensary commissioners shall continue until a nomination shall be approved by said Mayor and Board of Commissioners.

Laws of Waynesville dispensary to govern.

SEC. 6. That said dispensary shall be established and governed as provided for the government of a dispensary of the town of Waynesville by chapter three hundred and thirty-one of the Private Laws of 1895, and the provisions of said act in so far as it relates to a dispensary, except as hereinbefore and hereinafter provided, shall be in force as if Morganton were inserted instead of Waynesville, where it occurs in said act; but that the net profits of all sales made by said dispensary shall be paid, two-thirds thereof to the support of the Graded School of the town of Morganton, as provided in act to establish such school, and one-third thereof shall be expended by the Board of Commissioners of the town of Morganton.

Net proceeds, application of.

Buying of dispensary stock.

SEC. 7. That the said dispensary commissioners shall be empowered to buy a stock of beverages to be sold at said dispensary on a credit, if they deem proper, and to pay for the same out of the sales, and shall be empowered to appoint a sober man to conduct the sales at said dispensary and to require him to give bond in a sum not less than one thousand dollars and not more than five thousand conditioned for the proper disbursement of the funds accruing from such sales, under the direction of said dispensary commissioners, and who shall be paid out of the fund arising from the sales at said dispensary not less than thirty nor more than seventy-five dollars per month for his services.

Bond of manager.

Compensation.

Conflicting laws, how repealed.

SEC. 8. That only such laws or parts of laws as may be in conflict with the provision of the foregoing act shall be hereby repealed.

Election officers.

SEC. 9. That the County Board of Elections shall appoint a registrar or registrars and judges for said election on or before the first Monday in April, 1903, and said registrars shall be empowered and required to copy from the permanent record of registration, provided for in Article six, section four of the Constitution, the names of the registered voters residing within the limits of said town and to register the names of all other qualified voters residing within the limits of said town who may apply within twenty days before said election, and it shall be the duty of the County [Board of] Elections to provide for the payment of all expenses connected with the holding of said election as if it were a general election.

Registration, etc.

SEC. 10. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

CHAPTER 443.

AN ACT TO AUTHORIZE THE BOARD OF LEXINGTON TOWNSHIP TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Trustees of Lexington Township, Davidson County, shall be and remain a body corporate under the name of "The Board of Trustees" of Lexington Township, and may adopt and use a common seal, and the members thereof shall be chosen in the manner now provided by law. The said corporation shall be and remain invested with all the property, real and personal, choses in action, rights in action and all other rights, privileges and powers owned, held and enjoyed by the Board of Trustees of Lexington Township by virtue of existing laws and the provisions of this act. Said corporation shall be capable of doing so and is hereby authorized and empowered to receive gifts and grants, and to purchase real and personal property, to hold, sell, mortgage or transfer the same for public road purposes, and to prosecute and defend suits for or against said corporation. Conveyances to said Board of Trustees prior to or subsequent to the passage of this act shall be to them and to their successors in office, and all deeds, mortgages and other agreements affecting real estate, and all bonds and obligations shall be deemed sufficiently executed when signed by the Chairman and Secretary of said Board, and attested by the seal of said corporation.

Board of trustees
created a body
corporate.
Corporate name.
Powers.

Holding of
property.

Execution of
bonds, etc.

SEC. 2. That said Board of Trustees are hereby authorized and empowered to issue bonds of the township to an amount not exceeding the sum of fifty thousand dollars (\$50,000) of denominations not less than one hundred dollars nor more than one thousand dollars, bearing interest from date at the rate not exceeding five per cent. per annum, with interest coupons attached, payable semi-annually at such time and place as the Board may direct, and the principal thereof shall be payable at such time and place as said Board may determine, in accordance with the provisions of section 3, following.

Issue of township
bonds.
Amount.
Denominations,
interest rate.

SEC. 3. The bonds shall be made payable not less than thirty years nor more than forty years from the date thereof, and shall bear on the face thereof the following to designate the purpose for which they were issued, "Public Roads Bonds of Lexington Township." The bonds and coupons shall be numbered and shall be signed by the Chairman of said Board of Trustees and countersigned by the Secretary of said Board and bear the corporate seal of said Board of Trustees.

Term
How designated.

SEC. 4. The funds received from the sale of said bonds shall be used for the purpose of laying out, improving, straightening, grading

Proceeds of bond,
how applied.

Road improve- ments.	and macadamizing the public roads of Lexington Township, and no section of said roads or highways shall be graded, improved or straightened with said funds unless the section so graded, improved or straightened shall be macadamized as soon thereafter as expedient.
Working of con- victs.	SEC. 5. The Board of Trustees shall have the power and they are hereby authorized to use the convicts and all the force connected therewith as now constituted and provided for in Lexington Township under existing laws, and pay all expenses for same out of said funds arising from the sale of said bonds, and they may use the
Tools, machinery, etc.	tools and machinery belonging to the township and they may buy additional tools and machinery, and hire other labor as necessity demands for carrying into effect the provisions of this act, and said
Contract with State for convict force	Board may contract with the State of North Carolina, and the State of North Carolina is hereby authorized to contract with the Board of Trustees of Lexington Township for the use of such a number of convicts as may be needed from time to time by said Board, for such compensation as will indemnify the State of North Carolina against losses for the services of the same, said Board paying such contract price and all other attendant expenses out of said funds arising from sale of said bonds.
Specifications for roads.	SEC. 6. That the road-bed in said township laid out, constructed, prepared and worked under this act shall not be less than twenty feet nor more than forty feet wide, and the part or bed which shall be macadamized shall be not less than nine feet nor more than fourteen feet wide, and turn-outs may be provided at proper and convenient distances along the narrow roads for passing.
Bond issue first submitted to vote.	SEC. 7. That the said Board of Trustees shall not issue the bonds herein provided for, or any part thereof, until they shall have first submitted the question to the qualified voters of the township at
Election, how con- ducted, etc.	an election to be held for that purpose. Said election shall be held and conducted in the same manner as is prescribed by law for holding elections for members of the General Assembly: <i>Provided, however,</i> that said Board of Trustees shall order and call said elec- tion and appoint the registrars and judges of election and all other
Proviso, election officers.	election officers, and fill vacancies for any cause, and the registra- tion and challenge of voters shall be conducted in like manner as is provided for in the election of members of the General Assembly, and for said election the said Board of Trustees shall order a new
New registration.	registration, and provide therefor as the law directs in State elec- tions. The vote shall be counted at the close of the polls by the registrar and judges of election, and make two written statements
Returns.	or returns and deliver them to the Board of Trustees at noon on the day following said election, and said Board of Trustees shall canvass the same and declare the result of the election, and record in the minutes of the Board the return and the finding and declaration of the Board of Trustees, and the other return and a copy of the
Canvass. Result, how declared and recorded.	

finding shall be filed with the Register of Deeds to be recorded in his office, and no other recording shall be necessary.

SEC. 8. That at said election the ballots cast by the qualified electors shall be a white slip of paper upon which is written or printed "For Good Roads" or "Against Good Roads." The qualified electors favoring and voting for the issuing of said bonds shall cast their ballots "For Good Roads," and the qualified electors who oppose and vote against issuing said bonds shall cast their ballots "Against Good Roads."

SEC. 9. That said election shall be advertised by the Board of Trustees for thirty days immediately preceding the day of election in some newspaper published in the township with notice of registration as the law provides in other elections. If it is found that a majority of the registered qualified voters of the township have cast their ballots "For Good Roads" the Board of Trustees shall have prepared and shall issue bonds as provided for herein, and put upon the market such an amount of bonds as they may deem necessary to prepare for and begin work on the public roads and continue the same as rapidly as may be expedient. *Provided, however,* that no bonds shall be issued in any one year in excess of the estimated expenditure of that wear. If it shall be found that the majority of the registered voters have not cast their ballots "For Good Roads," no bonds shall be issued, but this shall not destroy this act nor prevent said Board of Trustees from submitting the question again to the qualified voters of the township, without a new registration, at a subsequent election called by said Board for that purpose at any time within two years from the holding of the first election.

SEC. 10. When any of said bonds are sold the proceeds of such sale shall be turned over to the County Treasurer, who shall keep said funds and all other funds provided for under this act and which may come into his hands, separate from all other funds, and he shall keep a separate account of the same, and said County Treasurer, before any money shall be turned over to him, shall execute an official bond payable to said Board of Trustees in a sum one-fourth greater than the sum which may come into his hands by reason of this act, conditioned for his faithful safe-keeping and accounting for the same, and in all things holding and disbursing and accounting for the same as is required of him by law, and all orders directed to said Treasurer for payment of money under this act shall bear on their face that they are "Good Road Bonds Orders." But if said County Treasurer refuses or fails to make the foregoing bond then the said Board of Trustees shall elect some proper person as treasurer of said board who shall serve under the provisions and directions set forth above.

SEC. 11. That no bonds authorized by this act shall be disposed of by sale, exchange, hypothecation or otherwise for a less price

Ballots.

Notice of election.

If result favorable, bonds to issue.

Proviso.

Subsequent election.

Proceeds of bonds payable to county treasurer.

Custody of same.

Official bond.

Disbursements.

Bonds not to be sold under par.

Record of bonds to be kept.	than their face value, nor shall said bonds of their proceeds be used for any other purpose or purposes than those declared by this act. A record shall be kept by said Board in a book provided for that purpose, setting forth the amount of bonds issued and sold, the date of sale, to whom sold, the number of the bond and the date of maturity of each bond.
Payment of interest.	SEC. 12. That for the purpose of paying the interest accruing on said bonds issued under this act the Board of Trustees are authorized and directed to take and appropriate of the money collected for public road purposes, as is provided for by existing laws applicable to Lexington Township in chapter 375, Laws 1899, and apply as much thereof as is necessary for the payment of said interest whenever the same is due. And said Board may at any time after the expiration of five years from the ratification of this act create a sinking fund from the taxes collected for said road purposes by setting aside a sum thereof annually for the payment of the principal of said bonds at maturity. Any money thus appropriated may be invested in the purchase of said township bonds, if they can be purchased at par, but in case such bonds cannot be purchased the said Board may lend said sinking fund or any part thereof in sums as they may deem proper for a length of time not greater than the time elapsing six months prior to the maturity of the bonds next coming due for the redemption of which such money may be needed, taking as security for the payment thereof mortgages or deeds of trust on real estate sufficient to amply secure the same, or said township bonds may be taken as collateral security for said loans at not exceeding their par value. In issuing said township bonds the Board of Trustees shall cause to fall due in any one year not more than ten thousand dollars of the bonds exclusive of all interest.
Chapter 375 Public Laws 1899.	
Sinking fund.	
Investment of sinking fund.	
Maturity of bonds.	
Meeting of board with justices of the peace.	SEC. 13. That upon finding the result of the election to be in favor of the issuing of bonds, or as soon thereafter as the Board may deem necessary, said Board of Trustees shall call a meeting of the justices of the peace of the township in a joint session with said Board for the purpose of electing by ballot a Road Commissioner for Lexington Township, and in this joint session each justice of the peace and each member of the Board has one vote in each ballot that may be taken for Road Commissioner. Of this meeting the chairman of the Board of Trustees shall be the chairman. The result of said election shall be declared and recorded in the proceedings of the said Board of Trustees. Seven shall constitute a quorum in this meeting with power to elect as aforesaid. If no election is made by this meeting the Board of Trustees shall, within ten days thereafter, proceed to elect such Road Commissioner. Said person so elected shall take and subscribe an oath for the faithful performance of his duties as Road Commissioner, and shall
Election of road commissioner.	
Quorum.	
Oath of office and official bond.	

execute an official bond before entering upon any of said duties, with sufficient surety, in the sum of one thousand dollars, for the faithful performance of his duties and accounting for all money and property which may come into his hands as said officer. Said bond shall be made payable to the Board of Trustees of Lexington Township, and shall be approved by said Board and recorded as are other official bonds. Said Commissioner shall hold his office for two years from the first Monday in June, 1903, and shall be elected biennially thereafter, except that the Board of Trustees may for incompetency, or inability, or neglect to perform the duties of the office or for other good cause remove said Road Commissioner from his said office and elect a successor for the unexpired term subject to the same causes for removal. There shall be held biennially on the first Monday in June a joint session of the township justices of the peace and the Board of Trustees, for the purpose of electing a Road Commissioner for said township, who shall give bond and take oath as aforesaid. Said Road Commissioner shall enter upon his duties and work when directed by said Board of Trustees to begin, and his wages shall be fixed by said Board.

Road commissioner, term of office.

Election of successor.

Compensation.

SEC. 14. That said Road Commissioner is hereby given power and authority, subject to the approval of the Board of Trustees, with the aid of a competent civil engineer, to locate and re-locate, widen, or otherwise change any part of any public road, where in his judgment such location, re-location, or change will prove advantageous to public travel, and for the purpose of laying out, locating, re-locating, broadening, changing, opening up or constructing or working any public road herein provided for the Road Commissioner or any one acting under his authority, by his direction or under his supervision, may enter upon the lands of any person and proceed to open, build and construct the road and may use stone, earth, timber, or any necessary material contiguous to said road for opening, constructing and working said road. That when any person or persons on whose land the new road or part of a road is to be located claims damages therefor in excess of what the Board of Trustees may deem just, and shall within thirty days petition the Board of Trustees of the township for a jury to assess the damages, the said Board, within not less than fifteen nor more than sixty days after the completion of said road shall order a jury of freeholders of the township of not less than three nor more than five persons, none of whom shall be related to the person claiming damage, to be summoned by the Sheriff of the county or the Constable of the township on a notice issued by said Board of Trustees, to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after first being duly sworn to impartially assess the damages, shall forthwith proceed to assess the same

Powers and duties of road commissioner.

Locating and changing roads.

Entry upon land for material, etc.

Claim for damages.

Assessment of damages.

Procedure.

Jury may consider benefits to land.	and make their report to the next regular or called session of the said Board of Trustees. That said jury in considering the question of damages shall take into consideration the benefits to public travel and to the owner of the land, and if the said benefits be considered equal to the damage sustained, the jury shall so declare.
Fees of officers and jurors.	The Sheriff or Constable serving the process shall be allowed the sum of twenty-five cents for each person summoned for a jury, and the jurors who make claim shall be paid the sum of fifty cents each, to be paid out of the township fund. The officer making the service shall serve a copy of the summons on each freeholder summoned for a jury, unless such freeholder accepts service. The damages, if any award, shall be paid out of the good roads fund of the township. In case either party interested shall be dissatisfied with the finding of the jurors such dissatisfied party may appeal to the Board of Trustees of Lexington Township, and if dissatisfied with their decision may in turn appeal to the Superior Court of the county of Davidson, and an appeal taken from the judgment of the Board of Trustees by either party may be without bond, and the same shall be heard <i>de novo</i> ; but the Judge may, in his discretion, require either party to give bond when the appeal is taken to the Superior Court: <i>Provided</i> , that the party to whom damages are awarded shall recover no more cost than a sum equal to the amount of damages so awarded.
Service of summons.	
Right of appeal.	
Appeal bond.	
Proviso.	
Road commissioner to have general supervision, etc.	SEC. 15. That said Road Commissioner shall be an experienced and practical builder of macadamized roads, and in laying out and grading the public roads in said township preparatory to macadamizing them he may have the assistance of a practical civil engineer, who shall be employed by the Board of Trustees for this purpose. The Road Commissioner shall have general supervision of all the public road forces in said township, and shall direct their work in accordance with the orders of the Board of Trustees. He shall have general supervision of the convicts, and shall appoint a superintendent of the chain-gang and all the guards, subject to the approval of the Board of Trustees. Said Road Commissioner shall keep the time of all employees upon the road, and an account of all work done by contract, and certify the same to the Board of Trustees, and said Board shall buy such material and machinery as they may deem necessary for the construction of said roads, and they may contract for material to be furnished for road-building and may let sections of road-grading out by contract when it is deemed expedient to do so and pay for same out of the good roads fund, and all salaries, fees and expenses attending and incurred in laying out, constructing and building the macadamized roads in Lexington Township shall be paid out of said funds, the Board making order for same upon the Treasurer in manner and form as is provided for by existing laws.
Duties.	
Purchase of tools, materials, etc.	
Payment for same.	

SEC. 16. That this act is not to interfere with or hinder, or change the plan of public road work in the township provided for in chapter 375, Laws 1899, as the same may be directed by the Board of Trustees and paid for out of the tax fund therein provided for.

Present road law not affected.

SEC. 17. That said Board of Trustees may, and they are hereby authorized and directed to extend the building of the macadamized roads herein provided for from the court-house of Davidson County in four different directions over four leading highways, but no one of said roads shall be built further than three miles from said court-house until all other main thoroughfares proposed to be so worked are macadamized an equal distance unless such road or roads touch the township line within a shorter distance. This does not prohibit the Board from omitting to macadamize any part of said roads which in their judgment does not need macadamizing or the working of the same might, with benefit, be deferred till roads more urgent are macadamized. All highways diverging from said four public roads leading from the court-house shall not be improved out of the funds herein provided for within the corporate limits of Lexington, nor shall others be extended or built therein out of said funds.

Plan and scope of work.

SEC. 18. That the Board of Trustees may in their discretion direct the treasurer to deposit in a State or National bank any part of the funds herein provided for, which may not be used for road purposes for six months thereafter, and take certificates therefor bearing interest which shall go to said public road funds.

Depository for funds.

SEC. 19. That all expenses arising by virtue of this act in calling, conducting, holding and providing for the election in the township shall be paid by the Board of Trustees out of the tax funds of the township, and if the election shall be found to be in favor of issuing said bonds all expenses incurred in preparing, issuing and selling said bonds shall be paid by said Board out of the funds arising from the sale of said bonds.

Expenses of election, how paid.

SEC. 20. That notes or other evidences of debt given for any loan under this act shall be executed to and in the name of the Board of Trustees, and the treasurer shall be named as the trustee in all deeds of trust, but any road officer who shall be interested directly or indirectly in any loan, or the benefits arising therefrom, shall be guilty of a misdemeanor.

Loans under this act, how executed, etc.

SEC. 21. That this act shall be in force from and after its ratification.

SEC. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

CHAPTER 444.

AN ACT TO AMEND SECTION 1964 OF THE CODE.

The General Assembly of North Carolina do enact:

Duty of agents or officers of transportation companies to receive and forward freights as directed.

SECTION 1. That section 1964 of The Code be amended so as to read as follows: "Agents or other officers of railroads and other transportation companies whose duties it is to receive freights shall receive all articles of the nature and kind received by such company for transportation whenever tendered at a regular depot, station, wharf or boat landing, and shall forward the same by the route selected by the person tendering the freight under existing laws; and the transportation company represented by any person refusing to receive such freight shall forfeit and pay to the party aggrieved the sum of fifty dollars for each day said company refuses to receive said shipment of freight, and all damages actually sustained by reason of the refusal to receive said freight."

Penalty for refusal.

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

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

CHAPTER 445.

AN ACT TO AMEND CHAPTER 50, PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

Road law amended relative to Mecklenburg county.

SECTION 1. That section 36, chapter 50, Public Laws of 1901, be and the same is hereby amended by adding to said section at the end thereof the following words: "*Provided*, that in the townships of Mecklenburg County other than Charlotte Township, that it shall be optional with the justices of the peace of each township at such annual meetings, whether or not they will elect a Board of Road Trustees, as at present constituted; and if in any township the justices of the peace therein shall decide at the annual meeting in 1903 that they will not elect a successor of one road trustee as provided in this section, then the present Board of Road Trustees shall at once cease to exist, and all the other functions, powers, duties and liabilities now appertaining to, or belonging, or subsisting in such Township Board, shall immediately devolve on and thenceforth be exercised by the justices of the peace in and for such townships, as the incorporated Board of Road Trustees of such townships."

Election of township road trustees by justices of the peace optional.

SEC. 2. That section 43 of said chapter be amended by adding to said section the following: "*Provided further*, that the Road Supervisors, by the direction of the Road Trustees of any township, may accept an amount less than the sum of fifty (50) cents for each day's labor, as required by this act, in lieu of each day's labor, the same to be applied in the manner as provided by this act.

Amount of money
payment in lieu of
labor.

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

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

CHAPTER 446.

AN ACT TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That John C. Puett of Dallas Township, Gaston County, and John T. Oates of Crowder's Mountain Township, be and they are hereby appointed and elected members of the Board of County Commissioners of Gaston County, with the same rights and powers and subject to the same duties and liabilities as members of said Board of Commissioners as if they had been elected at the last general election in said county.

Names of additional commissioners.

Rights, powers, duties and liabilities.

SEC. 2. That there shall be elected in the county of Gaston at the next general election to be held in said county, and every two (2) years thereafter, seven (7) County Commissioners for said county, one of whom must be a resident of Dallas Township, one a resident of Gastonia Township, one a resident of South Point Township, one a resident of River Bend Township, one a resident of Cherryville Township, one a resident of Crowder's Mountain Township and one to be elected from the county at large.

Future number of commissioners to be elected.

Residence of six fixed.

SEC. 3. That the said John C. Puett and John T. Oates shall qualify as County Commissioners of said county before the Clerk of the Superior Court of said county, and shall hold office from their qualification until the first Monday in December, 1904.

Appointees to qualify.

Term of office.

SEC. 4. The Secretary of State is hereby directed to send a copy of this act, under the seal of the State, to the Clerk of the Superior Court of said county immediately upon its ratification.

Copy of act to be sent Gaston county clerk.

SEC. 5. The provisions of the act shall not be effective or operative unless a majority of the qualified voters of Gaston County shall, at an election to be held on the first Thursday in August, 1903, ratify an act enacted by the present General Assembly authorizing

Act inoperative unless voters ratify bond issue for road purposes.

an issue of three hundred thousand dollars in bonds for road purposes in said county.

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

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

CHAPTER 447.

AN ACT TO REGULATE FISHING IN ROANOKE RIVER.

The General Assembly of North Carolina do enact:

Chapter 344 Public
Laws 1889 repealed.

SECTION 1. That chapter three hundred and forty-four, Public Laws of eighteen hundred and eighty-nine, be and the same is repealed.

Section 3, chapter
245, Public Laws
1895 repealed.

SEC. 2. That section three, chapter two hundred and forty-five, Public Laws of eighteen hundred and ninety-five, be and the same is repealed.

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

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

CHAPTER 448.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WATAUGA COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Amount of tax.

SECTION 1. That the Board of County Commissioners of Watauga County are hereby authorized and empowered to levy a special tax, not to exceed ten cents on every one hundred dollars worth of taxable property and thirty cents on the poll for the years 1903 and 1904, respectively, for the purpose of repairing the county court-house and to make some other necessary internal improvements.

Purposes of tax.

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

In the General Assembly read three times and ratified this 5th day of March, 1903.

CHAPTER 449.

AN ACT TO ESTABLISH GRADED SCHOOL IN PIGEON RIVER
TOWNSHIP, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory embraced within the following boundary shall be and is hereby constituted the "Bethel Graded School District": Beginning on Beta Spring Knob and running with Cecil Township line to the west fork of Pigeon River, thence down the river to Western Hargrove's line, thence with his and R. P. Hargrove's back line to the top of the mountain, thence down top of said mountain to W. S. Terrell's line, thence with said W. S. Terrell's north boundary line to Laura Lenoir's line, thence with said line to the East Fork of Pigeon River, thence down said river to J. A. Blalock's line, thence with the old Col. J. Cathey north-east boundary line to Pigeon River, thence down Pigeon River to W. H. Hargrove's north boundary line, thence with said line to the top of mountain, thence with the top of the mountain to the beginning.

Name of graded school.

Boundaries.

SEC. 2. That the Board of Commissioners of the county of Haywood are hereby directed and required to levy a special tax each year at the same time they levy other taxes, as required by law of not less than 20 cents nor more than 50 cents on the one hundred dollars worth of the taxable property within the boundary set out in section 1 of this act, and a tax upon the taxable polls resident in said boundary of not less than 60 cents nor more than one dollar and fifty cents, observing at all times the constitutional equation, and the same shall be collected by the Sheriff or Tax Collector of Haywood County, under the same rules and regulations under which other school taxes are levied and collected, and the Sheriff or Tax Collector shall be subject to the same liabilities for the collection and disbursement of said taxes as he is or may be for other school taxes, and he shall receive as compensation for such services five per centum commission.

Provisions for levy and collection of special tax.

Compensation of tax collector.

SEC. 3. That the special taxes levied and collected under this act shall be expended in establishing, maintaining and keeping up a graded school in said district for children between the ages of six and twenty-one years.

Special tax, how expended.

SEC. 4. That the following named persons shall constitute the Board of Trustees of said graded school, and shall hold office for the terms following their respective names: Ira P. Mann two years, W. S. Terrell two years, S. R. Hardin one year, J. M. Edwards one year, K. C. Cathey one year, from the date of their election, and

Board of trustees and terms of office.

Vacancies, how filled and term of appointee.

Employment of superintendent and teachers and compensation.

When chairman may vote.

Treasurer.

Duties.

Term of office.

Oath of office.
Bond.

Trustees a body corporate.

Corporate name.

Corporate powers.

Graded school to have proportionate share of county fund.

Trustees to have exclusive control.

To prescribe rules, etc.

Fix compensation of officers and teachers.

Annual meetings.

Other meetings.

Settlement with treasurer.

School census.

all vacancies occurring in said Board of Trustees from any cause shall be filled by the remaining members of said Board for the term of two years, except in cases of death and resignation; then in the event of either of these cases, for the unexpired term of trustees so resigning or dying; the said Board of Trustees shall have power to employ and fix the compensation for a superintendent for said graded school, and such teachers as are necessary, and to do all such other acts as are necessary to carry on said school. The chairman of said Board of Trustees shall have no voice or vote in any election by said Board of Trustees except in case of a tie.

SEC. 5. That said Board of Trustees shall elect a treasurer, who may be one of their number, whose duty it shall be to take charge of all moneys collected by the Sheriff or Tax Collector by reason of any of the provisions of this act, and pay the same out under the directions of said Board of Trustees, and all orders on said treasurer shall be signed by the chairman of said Board; and said treasurer shall hold office for two years, and until his successor is elected, and it is further provided that said treasurer and his successors shall, before entering upon his duties, take the usual Treasurer's oath of office and file a good and solvent bond, to be approved by said Board of Trustees and filed and recorded as other official bonds.

SEC. 6. That said Board of Trustees created by this act are hereby created and shall be a body corporate by the name and style of "Bethel Graded School," and by that name it shall be capable of receiving gifts and grants of both real and personal property and of selling or pledging the same for school purposes, of suing and being sued.

SEC. 7. That in apportioning the school funds of said county said school district described in section one shall be allowed the proportion of said fund due per capita to children of school age.

SEC. 8. That the Board of Trustees provided for in this act shall have exclusive control of the public school interests, funds and property of the said graded school district, as set forth and fully described in section one of this act, and said Board shall prescribe rules and regulations for their own government, not inconsistent with law, and said Board shall fix the compensation of officers and teachers for said graded school annually, and said Board of Trustees shall meet annually hereafter on the 3d Tuesday of June to elect a superintendent and teacher or teachers, and said Board shall meet as often as necessary to perform the duties imposed upon said Board by this act, and may require said treasurer to settle with them as often as the said Board may deem needful; and said Board of Trustees shall make an accurate census of the school population of said school district, as required by the general school law of the State, and said Board of Trustees shall and may do and

perform all and any other acts and things that may be lawful and proper to conduct and manage the general school interests within said district. General powers of trustees.

SEC. 9. That the Superintendent and Board of Trustees shall make reports to the Superintendent of Public Instruction of this State as required by superintendents of public schools of the various counties of the State. Superintendent to report to State Superintendent.

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

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

CHAPTER 450.

AN ACT TO AUTHORIZE THE COUNTY OF HARNETT TO ISSUE BONDS TO BUILD A COUNTY HOME AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the county of Harnett is hereby authorized and empowered to issue bonds in the name of said county in such denominations and forms as it may determine, to an amount not exceeding three thousand dollars, payable at such time or times and at such place or places as the Board of Commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than twenty years from their date. Harnett county commissioners authorized to issue bonds. Maximum amount When and where payable. Time limit for maturity.

SEC. 2. That the said bonds shall bear interest at no greater rate than five per centum per annum, and the interest shall be payable annually or semi-annually as the Board of Commissioners may prescribe, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Interest. Not to be disposed of for less than par.

SEC. 3. That the said bonds shall be signed by the chairman of the Board of Commissioners, attested by the clerk of said Board and sealed with the corporate seal of said county, and shall have interest coupons attached thereto, and the coupons shall be receivable in payment of county taxes. That for the purpose of paying said bonds at maturity and said coupons as they become due it shall be the duty of the Board of Commissioners, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation in said county at the time and in the manner that other taxes are levied and collected in said county: *Provided*, that the total rate of taxation How executed. Coupons receivable for taxes. Special tax to pay interest and bonds. Rate of tax.

allowed for the special purpose set forth in this act shall not exceed five cents on each one hundred dollars valuation of property and fifteen cents on each taxable poll: *Provided further*, the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and interest coupons as the same may become due, and it shall be the duty of the County Treasurer as said coupons are taken up and paid off to cancel the same and report not less than twice a year to the Board of Commissioners the number and amount of each coupon so cancelled.

SEC. 4. That the said bonds and the proceeds arising from the sale of same shall be used by the Board of Commissioners for the following purposes, to-wit: For erecting or purchasing a suitable and comfortable County Home for the aged, infirm and indigent poor citizens of said county; for equipping, furnishing and maintaining the same, and for the purchase and equipment of a farm for the maintenance and support of said home and the aged, infirm and indigent poor of said county to be cared for therein.

SEC. 5. That the proceeds arising from the sale of said bonds shall be received and held and paid out upon the warrant of the Board of Commissioners by such person as said Board may designate, and in the absence of said Board's prescribing otherwise, the same shall be held and paid out by the County Treasurer, and for such services he shall receive such compensation, not exceeding that now prescribed by law, as said Board may determine.

SEC. 6. *Proviso*: The provisions of this act shall be null and void unless concurred in and approved by a majority of the justices of the peace of Harnett County, at a meeting of said justices of the peace to be called by the Board of Commissioners of said county and held at the county-seat on the first Monday in June, 1903.

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

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

Exclusive use of tax.

Coupons to be cancelled.
Report of treasurer.

Proceeds of bond sale, for what to be used.

Proceeds, how and by whom held and paid out.

Compensation of treasurer.

Act void unless concurred in by majority of justices of the peace.

When to be called together.

CHAPTER 451.

AN ACT TO ESTABLISH GRADED SCHOOLS AND ELECTRIC LIGHTS IN THE TOWN OF SCOTLAND NECK.

The General Assembly of North Carolina do enact:

Graded school district.

Name.

SECTION 1. That all the territory lying within the corporate limits of the town of Scotland Neck shall be and is hereby constituted the public school district for white and colored children, to be known as "The Scotland Neck Graded School District."

SEC. 2. That the Board of Graded School Trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportion as such Board of Trustees may deem advisable, bearing interest from date at a rate not exceeding 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 such Board of Trustees; said bonds to be of such form and tenor and transferable in such a way, and the principal thereof payable or redeemable at such time or times not exceeding twenty-five years from the date thereof, and at such place or places as said Board of Trustees may determine: *Provided*, that said Board of Trustees shall issue at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for in section three of this act. Said bonds shall be signed by the chairman of said Board of Trustees, and countersigned by the secretary thereof, and a record of all bonds issued.

Issue of school bonds.

Amount.

Rate of interest.

Term.

Proviso.

Execution of school bonds.

SEC. 3. That the proceeds arising from the sale of said bonds or such part thereof as may be necessary shall be expended by said Board of Graded School Trustees in the purchase or erection of such graded school buildings as may be required and proper for the same, and in furnishing the same with school furniture and other necessary equipments, and for no other purposes.

Application of proceeds.

Graded school buildings, etc.

SEC. 4. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for a less sum than their par value; nor shall said bonds nor their proceeds be used for any other purpose than that declared in section three of this act.

Not to be sold under par.

SEC. 5. That the said interest coupons shall be receivable in payment of all taxes and other public dues of that town of Scotland Neck for any fiscal year in which said coupons shall become due or thereafter; and if any holder of any of said bonds or coupons shall fail to present the same for payment at the time or times or the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Coupons receivable for taxes.

When interest to cease.

SEC. 6. That for the purpose of providing for the payment of said bonds and the interest thereon and of defraying the expenses of the public graded schools provided for in this act the Board of Commissioners of the town of Scotland Neck shall annually and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, 1903, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district, on which said Board of Commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; and said particular tax shall not be more

Special tax.

Tax rate.

Collection and disbursement.	than thirty cents on the one hundred dollars assessed valuation of the property and not more than ninety cents on each taxable poll.
Warrants.	SEC. 7. That said taxes shall be collected by the Tax Collector of the town of Scotland Neck at the time and in the manner that the municipal taxes are collected; and said Tax Collector shall pay the same over the treasurer of said town, who shall keep said money separate and apart from the municipal funds. And the Treasurer shall pay out said taxes and other funds which may come into his hands for the use of graded schools only upon warrant of Chairman and Secretary of said Board of Graded School Trustees: <i>Provided</i> , that said Tax Collector and said Treasurer shall enter into such bonds in such amounts as said Board of Trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for use and benefit of said graded schools, and that of the latter for the keeping and proper disbursement of the same.
Proviso.	
Official bonds.	
Election.	SEC. 8. That the provisions of sections two and six of this act shall be submitted to a vote of the qualified voters of said school district, at an election to be held on the third Tuesday in April, 1903, or if for any cause said election cannot be held on said day, at any day thereafter to be designated by said Board of Commissioners, and the Board of Commissioners of Scotland Neck shall cause said election to be held on said date, and shall cause notice of said election, containing a copy of sections two and six of this act, or a synopsis thereof, to be published in the "Commonwealth," a newspaper of said town, for two weeks prior thereto. And in all other respects said election shall be held and conducted under the provisions of law regulating municipal elections in said town:
Notice of election	
Election, how conducted.	
Proviso.	<i>Provided</i> , the Board of Commissioners of said town shall immediately upon the ratification of this act give at least ten days' notice
New registration.	that there will be an entire new registration of the voters of said town to begin immediately after the expiration of the said notice and to continue until Saturday at twelve o'clock preceding said election, to be conducted under the rules and regulations prescribed by law in municipal elections for the said town. Those qualified voters approving the issue of bonds provided for in section two, and the levy and collection of the particular taxes provided for in section six of this act, shall deposit a ballot containing the printed words "For Schools," and those disapproving same shall deposit a printed ballot containing the words "Against Schools." If a majority of said voters shall vote for schools, it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting to the aforesaid board of graded school trustees the authority to issue said bonds, and to the Board of Commissioners of said town the authority to levy said particular tax, and said board of trustees and said Board of Commissioners shall have
Ballots.	

such authority. But if a majority of said qualified voters shall vote "Against Schools," then said board of trustees and said Board of Commissioners shall not have said authority. The result of said election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Scotland Neck; and after thirty days from date of the election shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: *Provided further*, that if a majority of the said qualified voters shall fail to vote in favor of issuing said bonds and of levying of said particular tax said Board of Commissioners shall order another election at any time after the expiration of thirty days from the date of the former election when requested to do so by said board of trustees; and if at such election a majority of such qualified voters shall vote for schools, it shall have the same force and effect as if no election had been previously held: *Provided*, that no election shall be held under the provisions of this act after the first day of July, 1904.

SEC. 9. That O. K. Taylor, J. A. Kitchin, A. McDowell, J. S. Bowers, A. L. Purrington, H. Hoffman, N. B. Josey, E. E. Hilliard and J. P. Futrell shall be and are hereby constituted a board of trustees for the public schools of said graded school district. That the first one of trustees shall hold office until the first Monday in July, 1905; the next one till the first Monday in July, 1906; the next one until the first Monday in July, 1907; the next until the first Monday in July, 1908; the next until the first Monday in July, 1909; the next until the first Monday in July, 1910; the next until the first Monday in July, 1911; the next until the first Monday in July, 1912; the next until the first Monday in July, 1913, and their successors, elected as hereinafter provided, shall hold for the term of six years each. The vacancies occurring by reason of the expiration of the terms of office of the trustees as aforesaid shall be filled by a majority vote of the other members of such board of graded school trustees, holding over. And for the purpose of filling such vacancies said members of the board of trustees shall meet in session on the Monday immediately preceding the first Monday in July in each year in which any such vacancy is to occur: *Provided*, that any and all vacancies in said board of trustees occurring by reason of death, resignation, or otherwise than by expiration of term of office, shall also be filled by the other members of the said board of trustees: *Provided*, that the position of trustee shall not constitute an office within the meaning of Article 7, section 14 of the Constitution of this State.

SEC. 10. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Scotland Neck," and by that name may sue and be sued, plead and

Result, how
recorded, etc.

Proviso.

Subsequent
election.

Board of trustees
named.

Term of office.

Vacancies

Meetings..

Proviso.
Position of trustee
not an office.

Board of trustees
constitute a body
politic.

Corporate name.

Powers.

be impleaded, contract and be contracted with, hold by purchase or devise real and personal property, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and change at pleasure.

Duty to establish graded schools.

SEC. 11. That it shall be the duty of said board of graded school trustees to establish graded public schools for the white and colored children of said graded school district. And said board of trustees shall appropriate and use the funds derived from said particular taxes, and from other sources, in such manner as may be deemed just to both races, providing equal facilities for each, due regard being paid, however, to the difference in cost of maintaining said school: *Provided*, that all donations to said school shall be applied as directed by the donors.

Expenditure of funds.

Proviso, donations.

Board to have exclusive control.

SEC. 12. That said Board of Graded School Trustees shall have exclusive control of all public schools in said public school district, free from the supervision and control of the County Board of School Directors and the County Superintendent of Schools of Halifax County, shall prescribe rules and regulations not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general school law of the State, an accurate census of the school population of said school districts; and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools: *Provided, further*, that the Treasurer of Halifax County shall, whenever the schools hereinbefore provided for shall open, pay over to the Treasurer of the town of Scotland Neck, all funds of said school, district then in his hands, or which may hereafter come into his hands.

Rules and regulations.

Teachers.

School census.

Proviso, all school funds for said district to go to said schools.

School funds for said district payable to town treasurer.

Present school property transferred to board of trustees.

SEC. 13. That all public school funds derived from the State and the county of Halifax, for the use and benefit of the public school in said graded school district, shall be paid over to the Treasurer of the town of Scotland Neck by the Treasurer of said county, for the use and benefit of the graded public schools in said graded school district; and the property, both real and personal of the various public school districts embraced within the limits of said graded school district, and the title thereto shall be vested in said board of trustees, in trust therefor; said board of trustees may in their discretion, sell the same or any part thereof, and apply the proceeds to the use of public graded schools to be established in said graded school district.

Election of superintendent.

SEC. 14. That said Board of Graded School Trustees shall elect, annually, at least thirty days before the opening of the Fall term of said graded school, a superintendent, who shall supervise the

graded public schools of said school district, and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

SEC. 15. That said Board of Graded School Trustees are hereby authorized, in their discretion, to fix the curriculum of studies, and to adopt text-books for said graded schools; to provide for further instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor; and to admit pupils residing without the limits of said school district upon such terms as the said board of trustees may deem just and reasonable.

Curriculum and text-books.

Tuition.

SEC. 16. That it shall be the duty of said Board of Graded School Trustees, to make to the Mayor and Board of Commissioners of the town of Scotland Neck, annually, after the close of each school year, a full report of the operations of the graded public schools of said graded school district. And duplicate copies of said report shall be furnished to the County Superintendent of Schools of Halifax County.

Board of trustees to report annually

SEC. 17. That the several boards of school trustees having authority under the general school laws of the State, shall, in the apportionment of all public school funds to said graded school district, apportion the same upon a per capita basis.

Apportionment of school funds.

SEC. 18. That the said Board of Commissioners are authorized to submit to the qualified voters of said town at the election hereinbefore provided for, the question of issuing bonds not to exceed the

Question of electric lights to be submitted to vote.

sum of ten thousand dollars for the purpose of procuring and erecting and establishing in the said town, electric lights. And

Amount of bonds.

those qualified voters who favor the issuing bonds for the said purpose shall vote a printed ballot with the words "For Electric Lights" on it, and those opposing shall vote a printed ballot with

Ballots.

the words "Against Electric Lights" thereon. If a majority of the qualified voters of said town shall vote for electric lights then the Board of Commissioners of said town shall issue said bonds, not to exceed ten thousand dollars, in denominations of not less than one hundred dollars, bearing interest from the date of said bonds not exceeding six per cent. per annum payable annually at such time and place as said Board may designate; and the said bonds shall be payable

Amount of bonds, rate of interest, etc.

Maturity.

at any time after five years from the date thereof, and within twenty-five years from date thereof, at such time and place as the said Board shall designate in the said bonds. The bonds and the coupons shall be numbered and the bonds shall be signed by the Mayor of said town, and countersigned by the Treasurer of said town, and a record shall be kept of all bonds, observing the number and amount and to whom issued. The coupons shall be received in payment of taxes, polls and debts due the said town. The said bonds shall not be sold for less than their par value. The proceeds of said bonds shall be used by the said Board for the ex-

Execution of bonds.

Record of bonds to be kept.

Not to be sold under par. Application of proceeds.

Special tax	clusive purpose of securing, erecting and establishing a system of electric lighting for said town. But in order to pay the principal and interest of said bond the Board of Commissioners for said town are hereby authorized, and it shall be their duty to annually assess and levy at the time of levying other taxes of said town a special
Tax rate.	tax upon the real and personal property of said town not to exceed ten cents on the one hundred dollars worth of property, and thirty
Collection.	cents on the poll. The said special tax shall be collected at the time the other taxes of the town are collected, and shall be paid over by the collector to the Treasurer of said town.
Custody and application.	SEC. 19. That the taxes levied and collected for said purpose shall be kept separate and distinct from all other taxes, and shall be only used for the purpose for which they were levied and collected.
Conflicting laws repealed.	SEC. 20. That all laws and clauses of laws in conflict with the foregoing act, especially all laws and clauses of laws requiring notice in a different manner and for a longer time for new registration, for holding the election, and manner of keeping open the registration books and the time thereof, are hereby repealed in so far [as] they effect or may effect the election provided for in this act.
	SEC. 21. That this act shall be in full force and effect from and after its ratification.
	In the General Assembly read three times and ratified this 5th day of March, 1903.

CHAPTER 452.

AN ACT TO AMEND CHAPTER 581, PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

Chapter 581 Public Laws 1899.

SECTION 1. That chapter 581, Public Laws of 1899, be and the same is hereby amended as follows:

Road law made applicable to Scotland county.

(1) By inserting in line 1 of section 22 of said chapter between the words "of" and "Mecklenburg," the word "Scotland:"

(2) By inserting in line 7 of said section 22. between the words "Warren" and "the" the words "and Scotland."

Application of taxes.

(3) By adding to the end of said section 22 the following: *Provided further*, that the taxes paid under this act in each township shall be applied to the roads in that township, after deducting the proportionate amount which such township is due to contribute to the salary of the County Supervisor, the county road machinery, and other general county expenses, and that this provision shall apply only to the county of Scotland.

(4) By striking out in section 27 of said chapter the word "Scotland."

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

In the General Assembly read three times, and ratified this 5th day of March, 1903.

CHAPTER 453.

AN ACT TO AMEND CHAPTER 2 [PUBLIC LAWS OF 1901] OF THE LAWS OF NORTH CAROLINA, BEING AN ACT TO REVISE THE CORPORATION LAW OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection 1 of section 8 of chapter 2, Laws of North Carolina, session of 1901, be amended by inserting in line four (4) of said subsection, before the word "with" and after the word "end" the word "either," and by adding to said subsection, after the word "company" in line four (4) of said subsection the words "or the word incorporated." General corporation act amended.

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

In the General Assembly read three times, and ratified this the 5th day of March, 1903.

CHAPTER 454.

AN ACT TO LEVY A SPECIAL TAX IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Nash County are hereby authorized and fully empowered to levy a special tax, if they find same to be necessary, during the years 1903 and 1904, for the purpose of paying off the debts accrued or to accrue against the county for the purpose of repairing the court-house and public buildings of said county: *Provided*, that in no one year, shall the tax herein authorized be levied exceeding 10 cents on the \$100 worth of property, and 30 cents on the poll. Special tax.
Years of levy.
Purpose.
Proviso, tax rate.

SEC. 2. That the tax shall be levied, collected and accounted for by the Sheriff of said county in the same manner, under the same bonds and penalties, and at the same time as is now provided by law for other taxes levied in said county. Levy and collection.

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

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

In the General Assembly read three times and ratified this 5th day of March, A. D. 1903.

CHAPTER 455.

AN ACT TO ESTABLISH A GRADED SCHOOL FOR A DISTRICT EMBRACING THE TOWN OF MORGANTON.

The General Assembly of North Carolina do enact:

Graded school district.

Boundaries.

SECTION 1. That a graded school district is hereby created to be known as Morganton Graded School District, and bounded as follows, to-wit: Beginning at the east end of the railroad bridge, where the Western North Carolina Railroad crosses Silver Creek, and running thence, the most direct line, to the Rutherfordton road at the top of the hill above and south or southwest of George Phifer's house, where the road to Tom Garrison's intersects with it, including Charles Smith's place, thence by the most direct line to the crossing of the Shelby and the Lincolnton and Silver Creek roads, near Pinkney Whitner's house, thence with the Lincolnton road to the ford of the creek near Marcus Brittain's, thence down said creek to Hunting Creek, thence down Hunting Creek to its mouth, thence up the Catawba River to the mouth of Silver Creek, thence up Silver Creek to the beginning.

Establishment and control of graded schools.

Trustees.

SEC. 2. That a graded school shall be instituted, for said district, located within the limits of said town of Morganton, and shall be under the exclusive control and government of seven trustees hereinafter named and their successors in office, and said trustees shall select the location of the house or houses, in which said school shall be kept, and shall have the power subsequently, for sufficient reason, to change the location of such school-house or houses, the said school, though conducted in more than one house, to be considered one graded school, and shall have the power to lease for a term of years or purchase, subject to the provisions of this act, any lot or house in said town for the use of said school, and said trustees shall have the oversight and the exclusive power to manage said school, when established and of the funds raised or appropriated to its maintenance and of the property held by them by donation, purchase or lease, for the purpose of said school, and they shall provide rules and regulations for their own government and that of said school, not inconsistent with law; shall elect and employ teachers for said school, reserving the right of removal at the end of the school year, or sooner for immorality or unbecoming

Powers of trustees.

Rules and regulations.

Teachers.

conduct or incompetency, and shall fix the rate of compensation for a year's service, and shall have the power to choose a superintendent of said school, and with the advice of such superintendent to assign any one or more teachers to duty at different school-houses, and shall classify the scholars, under the provision of the Constitution of North Carolina, to be taught at different school-houses, designate the teachers to be assigned at such houses, shall make an accurate census of the school population of said district, and shall do all other acts necessary for the maintenance of said school. resident within said district, shall have the opportunity to be taught at one of said school-houses, subject to such lawful and reasonable rules and regulations and classification as may be prescribed for the government of said school: *Provided*, that it shall be the mandatory duty of said trustees, in the selection of teachers, to make such selections, that opportunity shall be afforded to the pupils of said schools, both male and female, to be prepared for entering and taking the regular curriculum of the University of the State. the North Carolina College of Agriculture and Mechanic Arts, the State Normal at Greensboro, or any other college, incorporated under the laws of North Carolina, and that this requirement shall be deemed an inducement to the electors or voters of said district to vote for the levying of a tax for the support of such school. at any election hereinafter provided for, and the power to levy such tax, shall carry with it the obligation to provide such opportunity to pupils to prepare for higher education.

SEC. 3. That the trustees shall be men of liberal education and good moral character, who shall be residents of said district, and not more than two of them shall be members of or affiliated with any one religious sect or denomination, and that not more than four of them shall be members of the same political party, that two of them shall be appointed for two years, two for four years, two for six years and one for seven years, that those holding for two years shall be John M. Mull and J. H. Pearson, that those holding for four years shall be Sam Huffman and R. T. Claywell, and that those holding for six years shall be P. W. Patton and R. G. Presnell, and that the one holding for seven years shall be S. J. Erwin. and that where a vacancy occurs, either by the expiration of a term or for other cause, it shall be filled for a full term, which shall be seven years, or for the unexpired term by the Mayor and Commissioners of Morganton and the Burke County Board of Education, who shall fill all vacancies occurring on said board of trustees.

SEC. 4. That the trustees hereinbefore named and their successors, chosen as hereinbefore mentioned, shall be a body corporate under the name and style of "The Morganton Graded School," and as such body politic, shall be capable of exercising the authority

Superintendent.

School census.

School age, etc.

Mandatory duty of trustees.

Qualifications of trustees.

Term of office.

Trustees named.

Vacancies.

Trustees created a body corporate.

Corporate name. Powers.

hereinbefore given, of receiving gifts, of purchasing real and personal estate, of transferring the same for school purposes, or suing and being sued.

Dispensary profits, how applied.	SEC. 5. That if a dispensary shall be established and located within the town of Morganton for the sale of liquors, two-thirds of the profit accruing from the sales of spirits, wine, malt liquor, or intoxicating drinks at said dispensary or by said dispensary, shall be paid over to the treasurer appointed by the Morganton Graded School, and the remaining one-third to the town of Morganton, the
Officers of trustees.	trustees of which shall elect a treasurer as well as a president from among their own number at the time of their organization on the first Monday of May, 1903, and annually thereafter, and if at the biennial election held in May, 1903, or at any time thereafter, the
Proceeds of liquor licenses, how applied.	licensing of bar-rooms or saloons to retail vinous, spirituous, or malt liquors in the limits of the town of Morganton shall be authorized by a vote, then one-half of the moneys collected by said town as li-
Duty of sheriff.	cence taxes from such retailers, and one-half of any license tax, that may be collected by said town, from distillers or rectifiers doing business therein shall be paid over in the same way to said treasurer of said corporation, to be expended by it for the maintenance of said graded school, and it shall be the duty of the Sheriff of Burke County to pay over to said treasurer of said corporation the said proportion of said license taxes, whenever the same may be collected by him, or any officer authorized to collect such license taxes, and that the other half of the fund that may accrue as profits from bar-rooms or saloons or license tax on retailers of distillers shall go to the town of Morganton.
Special tax.	SEC. 6. That whenever a majority of the qualified voters residing within the boundary of said district shall, at an election hereinafter authorized to be held, cast ballots on which shall be written or printed the words "For Schools," and the result of such election shall be duly ascertained and declared by the registrars and judges of election, then it shall be the duty of the Board of Commissioners of Burke County, annually thereafter, at their meeting on the first Monday in August, to add to the levy of taxes for school purposes such per cent. as may be recommended and directed by the graded
Tax rate.	school of Morganton, not to exceed sixty cents, for the maintenance of such graded school, on the one hundred dollars valuation of taxable property in said school district, or not more than one dollar and eighty cents on the poll for the maintenance of said school, and
Amount of levy.	the amount to be levied each year by said Board of Commissioners shall be determined by said Morganton Graded School and certified to said Board of Commissioners on or before the fifteenth day of
Collection.	July of each year; and it shall be the duty of the Sheriff of Burke County to collect the tax so levied for the said graded school, and the receipt of the treasurer of the said graded school shall be a

sufficient voucher for any portion of said graded school tax collected by him, in his settlement with the said Board of Commissioners.

SEC. 7. That the moneys which shall from time to time be apportioned under the general law of the State to the said school district above described, shall be turned over by the Treasurer of Burke County to the treasurer of the Morganton Graded School, to be expended for the benefit of said school.

General school funds.

SEC. 8. That the treasurer of the graded school of Morganton shall be required to give bond conditioned for the lawful disbursement of the funds coming into his hands in such sum, not less than three thousand dollars, as may be prescribed by the Morganton Graded School, and warrants signed by the president or chairman of said trustees or of said graded school and countersigned by the secretary, who shall also be elected from among the trustees, shall be the only valid vouchers in his settlement for the disbursement of money coming into his hands, and he shall furnish annually on the first Monday in June to the Board of Commissioners of the town of Morganton a statement in writing of his receipts and disbursements and his accounts shall be audited annually before the first Monday in July by an auditor appointed by the Mayor and Board of Commissioners of the town of Morganton.

School treasurer to give bond.

Disbursement of funds.

SEC. 9. That the Morganton Graded School shall report annually on the first of July to the Superintendent of Public Instruction of the State (furnishing a copy of said report to the Mayor and Commissioners of Morganton) the school population of said district, the money expended under their direction and the work done by it during the previous school year.

Annual reports.

SEC. 10. That it shall be the duty of the Morganton Graded School to give notice, by publication for four successive weeks, in a newspaper published in said town or by advertising at five public places within said district, that an election will be held on Monday, the sixth day of July, A. D. 1903, to determine whether a tax shall be levied, not to exceed the limit hereinbefore fixed, upon the taxable property and polls of said district, and the graded school of Morganton shall furnish a box for said election in which the qualified voters, residing within said school district, who are in favor of levying said tax upon property and polls therein, shall cast ballots on which shall be written or printed the words "For Schools," and those opposed shall vote ballots, upon which shall be written or printed the words "Against Schools," and if a majority of the votes cast shall have written or printed on them the words "For Schools," then the said tax shall be levied by the Board of Commissioners of Burke County as hereinbefore provided, but should a majority of said ballots have written or printed on them the words "Against School," then the question, whether the said tax shall be levied on

Notice of election.

Ballots.

Subsequent election.

property and polls, may be again submitted to the voters of said district under the same regulation, with the same notice and in the same way, if one-third of the qualified voters of said town and the portion of said district outside of said town, shall sign a written petition addressed to the graded school of Morganton, and if a majority of qualified voters of said district shall vote for and authorize, at any subsequent election so held, the levying of said tax for said graded school, then the said tax shall be levied, upon being so authorized by a majority of such qualified voters, until this act shall be repealed.

Election officers.

SEC. 11. That it shall be the duty of the County Board of Elections, on or before the first Monday in June, A. D. 1903, and at least thirty days before the holding of any election under the provisions of this act, to determine whether a tax be levied in the said district for the support of a graded school therein, to appoint a registrar and two judges to hold said election, on said sixth day of July, or at any time thereafter at the court-house in Morganton, and to cause notices to be served by the Sheriff upon the persons so appointed; and it shall be the duty of the registrar to give notice that the registration book will be open and to register thereon all qualified voters within said district, that his residence or place of business, at any time within thirty days (Sundays excepted) before such election may be held, provided they may apply for registration; and it shall be the duty of said registrar to examine the registration books of Precincts Nos. 1 and 2 of Morganton Township and to transcribe on the registration book provided for him, without such application, the names of all persons who may have registered in either of said precincts, without examination as to their educational qualification, under the provisions of section 4, article 6, of the Constitution of North Carolina and the exception set forth in section 12, chapter 89, of the Laws of 1901, and it shall be the duty of the registrar and the two judges holding said election to ascertain the result and announce the vote at the court-house at noon on the day after such election; and all of the expense of said registrations and elections shall be paid for, as provided by law, upon the order of the chairman of the County Board of Elections, by the Board of Commissioners of said county.

Chapter 89 Public
Laws 1901 (election
law).

Conflicting laws
repealed.

SEC. 12. That all laws or parts of laws in conflict with the provisions of the foregoing act are hereby repealed.

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

In the General Assembly read three times and ratified this 5th day of March. 1903.

CHAPTER 456.

AN ACT SUPPLEMENTAL TO AN ACT FOR THE PROTECTION
OF QUAIL IN IREDELL COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1 of an act, passed at the present session of the General Assembly of North Carolina, entitled: "An act for the protection of quail in Iredell County," be and the same is hereby amended by adding to the end of said section the following: "*Provided*, that this section shall not apply to Eagle Mills, Union Grove, and Turnersburg Township, in said county." Game law amended.

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

In the General Assembly read three times, and ratified this the 5th day of March, 1903.

CHAPTER 457.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN
OF CLINTON, SAMPSON COUNTY, NORTH CAROLINA*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory embraced within the corporate limits of the town of Clinton, Sampson County, shall be and is hereby constituted a public school district for white and colored. Graded school district.

SEC. 2. That the Board of Commissioners of Sampson County are hereby authorized to submit to the qualified voters of said school district within three months after the ratification of this act, under such rules and regulations as they prescribe, the question whether an annual tax shall be levied therein for the support of graded public schools for white and colored in said district; each voter shall vote a written or printed ballot without device the words "For Schools," if in favor of levying said tax, and those who are opposed to levying said tax shall vote on written or printed ballot without device the words "Against Schools." The penalties for illegal and fraudulent voting in this election shall be the same as in the election for members of the General Assembly. The County Commissioners shall give at least thirty days' notice of the time of holding said election in the newspaper published in said school district. Election. Ballots.

SEC. 3. That if the inspectors of said election shall certify that a majority of the votes cast are in favor of said tax the same shall be levied by the County Commissioners and collected by the Sheriff under the same rules and regulations under which other school taxes are levied and collected, and the Sheriff shall be subject to the Notice of election. Levy and collection of special tax.

Compensation of sheriff.	same liabilities for the collections and disbursement of said taxes as he is or may be for other school taxes, and he shall receive as compensation for such service one per centum commission: <i>Provided</i> , that special taxes so levied and collected shall not exceed fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll. That the school committee whose appointment is hereinafter provided for shall establish graded schools in said district for the white and for the colored children between the ages of six and twenty-one years, and the school for each race herein provided for shall have the same length of school terms, and the tax levied and collected under the provision of this act shall be applied exclusively for the establishment and maintenance of said schools, and shall not be appropriated or expended for any other purpose.
Proviso, tax rate.	
Establishment of graded schools.	
School age.	
Application of proceeds of special tax.	
School committee.	SEC. 4. That the school committee of said district shall consist of six members instead of three, as required by the school law, and shall be elected in the following manner: Each voter at the time of the general election hereinafore provided for, shall write upon his ballot the name of six citizens, resident in said school district, who shall be his choice for said committee, who shall be divided into three classes of two each; the two citizens securing highest number of votes at said election shall constitute the first class and their term of office shall expire at the end of six years from the first day of July, nineteen hundred and three, and the two citizens securing the next highest number of votes at said election shall constitute the second class and their term of office shall expire at the end of four years from the first day of July, nineteen hundred and three, and the two citizens securing the next highest number of votes shall constitute the third class and their term of office shall expire at the end of two years from the first day of July, nineteen hundred and three. Whenever the terms of office of any class shall expire as above provided, their successors shall be selected and appointed by the said committee for a term of six years, and whenever any vacancy occurs in said committee, except by the expiration of the terms of office, the vacancy for the unexpired term of the member or members shall be filled by said committee.
Election.	
Term of office.	
School committee to have exclusive control.	
Teachers.	SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property in said district; shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of said public or graded schools, subject to removal by the said committee; shall make an accurate census of the school population of the district annually as required by the general school law of the State, and do all other acts that may be just and lawful to manage
School census.	

the public school interest in said district: *Provided*, that all children resident in said school district between the ages of six and twenty-one years shall be admitted into said schools free tuition charges, and those desiring to be admitted into said school as pay students may be admitted upon such terms as committee may direct.

Proviso, school age, admission of pupils.

SEC. 6. That the school committee created under this act shall elect annually a superintendent of schools, established under this act, who shall be the principal of the graded schools for the white children, if the same shall be established; and the said superintendent shall examine all applicants for teachers' positions in said schools and issue certificates to the same, which certificates shall be valid for one year from the date thereof, and do and perform such other duties as may be prescribed by said committee.

Superintendent.

Duties.

SEC. 7. That the per capita part of the school funds of the county raised under the general school laws of the State and apportioned to said public school districts, and moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the Treasurer of the county of Sampson, North Carolina, who shall be *ex officio* treasurer of said school committee. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of the said treasurer for the disbursement of said money in any settlement required of him by law; the said treasurer shall furnish annually to the County Board of Education a statement in writing of his receipts and disbursements of the school money for said district, properly and duly credited and approved by the chairman and secretary of the School Committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the School Committee at any time.

Apportionment of school funds.

County treasurer to be treasurer of school committee.

Custody and disbursement of funds.

Treasurer's reports.

SEC. 8. The bond of the treasurer of the county now required to protect the public school funds of the county in his hands shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of not exceeding one (1) per centum on the funds received from the special taxes levied, collected and disbursed under this act.

Bond of treasurer.

Compensation of treasurer.

SEC. 9. The school committee provided for by this act shall apportion the money raised or secured for educational purposes in said district as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due

Apportionment of school funds.

regard being paid to the cost of keeping up and maintaining the public schools of both races.

Report of school committee.

SEC. 10. That the committee aforesaid shall make to the Board of Education, at such times as is required under the school law of the State, a report containing an accurate census of the school population of the district, showing the work done and the money expended under their direction in the district on account of public schools therein, a copy of which report shall be forwarded to the State Superintendent of Public Instruction and a copy to the Superintendent of Public Instruction in the county of Sampson. The beginning and ending of the school year shall be fixed by the committee.

School committee created a body corporate.
Corporate name.
Corporate powers.

SEC. 11. The school committee hereby created shall be a body corporate by the name and style of the "School Committee of the Town of Clinton," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporations hereby created; conveyances to said school committee shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee and the secretary thereof.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times and ratified this the 5th day of March, 1903.

CHAPTER 458.

AN ACT TO AMEND CHAPTER FIFTY (50) OF THE PUBLIC LAWS OF 1901, RELATIVE TO THE COUNTY OF POLK.

The General Assembly of North Carolina do enact:

Former act amended.

SECTION 1. That section thirty-six (36) of Chapter fifty (50) of the Public Laws of 1901, be stricken out and the following inserted in lieu thereof: "That the County Commissioners at their regular meeting on the first Monday in April, 1903, and annually thereafter, shall elect a board of road trustees for each township which shall be composed of three citizens residents of the township for which they are elected. They are hereby incorporated and the Board of Road Trustees of such township shall be their corporate name."

Board of road trustees provided for.
Created a body corporate.

SEC. 2. That section fifty-nine (59) of said act be amended by striking out the word "fifty" in line four and inserting in lieu thereof the words "twenty-five," and by striking out the words "one hundred and fifty" in line six and inserting in lieu thereof the words "twenty-five." That all of said section beginning with the word "that" in line nine and ending with the word "provided" in line nineteen be stricken out; and that said section be further amended by striking out the word "forty" in line twenty-two, and inserting in lieu thereof the word "ten," and by striking out the words "one hundred and twenty" in line twenty-three and inserting in lieu thereof the word "thirty."

Former act amended.

SEC. 3. That section sixty-eight (68) of said act be amended by adding at the end of said section the following: "*Provided*, that any supervisor working less than six hands on any one day shall not receive more than fifteen cents per hand for his services on said day: *Provided further*, that any supervisor who shall render any false statement as to the number of hands employed on any one day, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days."

Provision as to road working.

SEC. 4. That this act shall apply only to the county of Polk.

Applicable only to Polk county.

SEC. 5. That all laws and parts of laws in conflict with this act in so far as they relate to the county of Polk and no farther are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 459.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF CLEVELAND COUNTY TO USE THE SURPLUS OF CERTAIN SPECIAL TAXES FOR GENERAL COUNTY PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Cleveland County be and they are hereby authorized and empowered to use all the surplus moneys which were received and collected, and which may hereafter be received and collected from all special taxes, other than special railroad taxes, levied or hereafter to be levied in said county, and not required for special purposes, for such general county purposes as they may deem expedient.

Authority to use surplus proceeds of special taxes.

SEC. 2. That the action of the County Commissioners of Cleveland County in hereafter converting the surplus of any special tax

Transfer of special tax funds to general fund ratified.

heretofore levied and collected in said county to the general county fund and the using of any such surplus for general county purposes, wherever same has been faithfully and honestly expended and accounted for, is hereby ratified, confirmed and made valid, and said Commissioners shall not be held liable for any penalties or to any criminal prosecution, or otherwise, therefor.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 460.

AN ACT REGARDING THE PUBLIC SCHOOLS OF MOORE COUNTY.

The General Assembly of North Carolina do enact:

Three committeemen for each school to be elected instead of township committeemen.

SECTION 1. That the County Board of Education of Moore County instead of electing township committeemen as heretofore provided by law shall, at the time provided by the general laws of the State, elect for each school of the several townships in said county, three school committeemen of intelligence and good business qualifications, who are known to be in favor of public education, who shall serve for two years from date of their appointment as committeemen and until their successors are elected and qualified. They shall be subject to the general laws of the State relating to schools.

Term of office.

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

In the General Assembly read three times and ratified this the 6th day of March, A. D. 1903.

CHAPTER 461.

AN ACT FOR THE RELIEF OF AMOS P. LA BARBE OF THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

State Treasurer authorized to pay amount of direct taxes.

SECTION 1. That the State Treasurer be and he is hereby directed to pay to Amos P. La Barbe of Buncombe County, upon a properly drawn warrant from the State Auditor, the sum of seventy-six dollars, it being the amount of direct taxes paid upon real estate

situated in Beaufort County, North Carolina, on the eleventh day of June, 1868, under act of Congress, approved June 7, 1862, and not heretofore refunded: *Provided*, that receipt No. 397 for \$76, issued by Hiram Patton to M. S. La Barbe and others be surrendered to the State Treasurer on payment of the amount provided in this act.

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

In the General Assembly read three times and ratified this the 6th day of March, 1903.

CHAPTER 462.

AN ACT TO PROVIDE COURT STENOGRAPHERS FOR MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the judges presiding in the Superior Courts of Mecklenburg County shall have authority in all civil actions and in the trial of all capital felonies to appoint one or more court stenographers, whose duty shall be to record the testimony, the judge's charge to the jury and all exceptions taken by the parties during the progress of the trial. All such stenographers, before entering upon their duties, shall take an oath to discharge faithfully and impartially all duties imposed upon them by this act.

Superior Court judges authorized to appoint court stenographers.
Oath of office.

SEC. 2. The presiding judge shall have discretion to designate cases to be reported by the stenographer, and shall have discretion to tax the costs of the same against either party or both parties, as he may deem just and proper.

Power of judge.
Taxing of cost.

SEC. 3. The fees allowed shall be \$5 for every day or part of a day that the stenographer may be engaged in the court-house; and in all cases where the Judge may direct the evidence, charge and exceptions to be transcribed, the stenographer shall furnish one original to be filed in the court, and one copy for each of the parties, and he shall be allowed 5 cents per copy sheet of 100 words for the original, but there shall be no extra charge for the two copies furnished.

Fees of stenographer.
Transcribing, fees for.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 463.

AN ACT TO PROTECT PARTRIDGES IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That it shall be unlawful for any person to kill, capture or destroy any partridge, quail or pheasant in the county of Buncombe between the first day of January and the 15th day of November in any year.

Unlawful to trap or net quail.

SEC. 2. That it shall be unlawful for any person to trap or net any quail or partridge in said county at any time.

Unlawful to sell, etc., quail trapped, etc.

SEC. 3. That it shall be unlawful for any person to sell, offer for sale, or have or keep in his or her possession for sale, any quail, partridge or pheasant killed, trapped or netted in Buncombe County between the 1st day of January and the 15th day of November in any year, and the possession, selling or offering for sale any quail or partridge between said 1st day of January and said 15th day of November shall be *prima facie* evidence that said quail or partridge was killed, trapped or netted in said county of Buncombe between said dates.

Prima facie evidence.

Penalty.

SEC. 4. Any person violating sections one and two of this act shall be guilty of a misdemeanor and punished by fine not exceeding fifty dollars or imprisoned in jail not exceeding thirty days, and any person violating the third section of this act shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court, and shall in addition thereto be liable to a penalty of one hundred dollars; and any person may, in his or her name sue for same, and one-half of said amount shall be paid to the person bringing said suit and the other half to the Treasurer of said county for the benefit of the school fund of said county.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 464.

AN ACT TO PROVIDE FOR THE HOLDING OF THE COURT IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Time of first term changed.

SECTION 1. That the Superior Courts for the county of Wilkes shall be held as follows: Fifth Monday before the first Monday in

March, and continue for one week for the trial of criminal cases only. Thirteenth Monday after the first Monday in March to continue for one week for the trial of civil cases only. Fourth Monday before the first Monday in September to continue for two weeks for the trial of criminal cases and for the hearing of motions on the civil docket not requiring a jury. Seventh Monday after the first Monday in September to continue for two weeks for the trial of civil cases only.

Separate terms for civil and criminal cases.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 465.

AN ACT TO ALLOW W. P. ORMOND, AN EX-CONFEDERATE SOLDIER AND CITIZEN OF PITT COUNTY, TO PEDDLE WITHOUT PAYING A LICENSE TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That W. P. Ormond, an ex-Confederate soldier and a citizen of Pitt County, be and he is hereby authorized and allowed to peddle in the several counties of this State without paying a peddler's license: *Provided*, nothing herein contained shall be construed to allow him to sell intoxicating liquors: *Provided further*, that this act shall cease to be of force whenever the said W. P. Ormond shall apply for and obtain a pension under the laws of this State.

W. P. Ormond may peddle without license.

Proviso.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 466.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF SPIRITUOUS LIQUORS WITHIN THREE MILES OF CAROLINA CHRISTIAN COLLEGE AND FREE WILL BAPTIST THEOLOGICAL SEMINARY AT AYDEN, N. C.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to manufacture, sell or in any way dispose of for remuneration any

Unlawful to manufacture or sell liquors.

Territory.	spirituous wines, malt or other intoxicating liquors within three (3) miles of the following institutions of learning: Carolina Christian College at Ayden, N. C., and the Free Will Baptist Theological Seminary at Ayden, N. C.
Penalty.	SEC. 2. That any person, firm or corporation violating the provisions or any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned or both at the discretion of the court.
Code not applicable.	SEC. 3. That none of the provisions or requirements of section three thousand one hundred and eleven and three thousand one hundred and twelve of The Code that may not have been complied with in this act, shall be so construed as to invalidate any of the provisions herein contained, and that the provisions of said sections shall not apply to this act.
Conflicting laws repealed.	SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.
	SEC. 5. That this act shall be in force from and after its ratification.
	In the General Assembly read three times and ratified this 6th of March, A. D. 1903.

CHAPTER 467.

AN ACT TO AUTHORIZE AND EMPOWER THE RESIDENT JUDGE OF THE SUPERIOR COURT TO GRANT RELIEF TO CLERK OF SUPERIOR COURT IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Resident judge may grant Clerk Superior Court leave of absence.	SECTION 1. That upon application of any clerk of the Superior Court of the different counties in the State to the Judge of the Superior Court, residing in the district in which said clerk resides, showing good and sufficient reason for said clerk absenting himself from his office, said judge may issue an order allowing said clerk to absent himself from his office for such time as said judge may deem proper: <i>Provided</i> , said Clerk of the Superior Court shall at all times leave a competent deputy in charge of his office during his absence.
Proviso, deputy.	
Order of judge to be filed and recorded.	SEC. 2. That the order of said resident judge granting relief, shall be filed and recorded in the office of the Clerk of the Superior Court, of the county in which said clerk resides.
	SEC. 3. This act shall be in force from and after its ratification.
	In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 468.

AN ACT TO REGULATE THE SALE OF SEED COTTON IN
THE COUNTY OF LINCOLN.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to buy or receive for a price or for any reserved valuation any cotton in the seed when the quantity is less than what is usually baled from any tenant without the written consent of the landlord upon whose land the said cotton was raised.

Sale of seed cotton regulated.

SEC. 2. Any person buying or receiving any seed cotton contrary to the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or punished at the discretion of the court: *Provided*, this act shall apply only to the counties of Lincoln, Cabarrus and Robeson.

Penalty for violating this act.

Applicable only to Lincoln, Cabarrus and Robeson counties.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 469.

AN ACT TO MAKE THE MAY TERM OF THE SUPERIOR
COURT FOR GASTON COUNTY A TWO WEEKS TERM.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-eight (28) of the Public Laws of 1901 be and the same is hereby amended by inserting after the words "eleventh Monday after the first Monday in March" in line thirty-two (32) and thirty-three (33) on page one hundred and seventy-two (172) the following words, viz.: "to continue for two (2) weeks."

Chapter 28, Public Laws 1901, amended.

May term to continue two weeks.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 470.

AN ACT TO AMEND CHAPTER 645 OF THE PUBLIC LAWS
OF 1901.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter six hundred and forty-five of the Public Laws of 1901 be and the same is hereby amended

Chapter 645, Public Laws 1901, relative to depredation of domestic fowls, extended to Statesville.

by inserting between the words "Township" and "in" in line three the words "and all that portion of Statesville Township embraced within the corporate limits of the City of Statesville."

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 471.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PAMLICO COUNTY TO LEVY A SPECIAL TAX.

Preamble.

Subscription to railroad, etc.

WHEREAS, the County Commissioners of Pamlico County authorized and did cause to be held an election on the 28th day of June, 1902, upon the question of issuing bonds and subscribing to the capital stock of the Pamlico, Oriental and Western Railroad Company, and the said County Commissioners did on the 28th day of July enter into a contract with said railroad company, agreeing to subscribe and take \$50,000 of its capital stock and to issue fifty thousand dollars in bonds of said county bearing interest at 5 per cent. and payable in thirty years in payment thereof: therefore,

The General Assembly of North Carolina do enact:

Special tax.

SECTION 1. The County Commissioners of Pamlico County be and are hereby authorized and empowered to levy and collect a special tax on all property, solvent credits and subjects of taxation in said county, which are taxed for State and county purposes, not to exceed twenty-five cents on every one hundred dollars valuation thereof, and seventy-five cents on every taxable poll, during the time such bonds after the issuance of the same shall be and remain outstanding, when in the discretion of said Commissioners it shall be necessary and proper, for the purpose of paying the interest accruing upon said bonds, and to create a sinking fund to meet and pay the principal of said bonds when they shall become due and payable: *Provided*, the tax provided for in this act shall not be levied until the said railroad shall have been built from New Bern, North Carolina, to Bayboro, North Carolina.

Tax rate.

Application.

Proviso.

Collection.

SEC. 2. That the special taxes to be levied by virtue of this act shall be collected by the Sheriff or Tax Collector of said county of Pamlico in the same manner and under the same rules and regulations as are prescribed by law for the collection of State and county taxes.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 472.

AN ACT TO AMEND SECTION TWO HUNDRED AND TWENTY-NINE OF THE CODE OF NORTH CAROLINA RELATING TO LIS PENDENS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two hundred and twenty-nine of The Code of North Carolina in so far as it relates to Buncombe County be amended by adding the following at the end of said section: That any party to an action desiring to claim the benefit of a notice of lis pendens, whether given formally under this section or in the pleadings filed in the case, shall cause such notice to be cross indexed by the Clerk of the Superior Court in a docket to be kept by him, to be called "Record of Lis Pendens," which index shall contain the names of the parties to the action, where such notice, whether formal or in the pleadings is filed, the object of the action, the date of indexing and a sufficient description of the land to be affected to enable any person to locate said lands. From the time of cross indexing only shall the pendency of the action be actual or constructive notice to subsequent purchasers or encumbrancers. The Clerk shall be entitled to a fee of twenty-five cents for indexing said notice to be paid as are other costs in the pending action.

Section 229, Code, amended.

Lis pendens.

Notice.

Record of lis pendens.

From what time to be notice.

Fee of clerk.

SEC. 2. That the word "filing" at the end of line twenty-two in said section of The Code be stricken out and insert in lieu thereof the words "cross indexing." That the word "filing" between the words "the" and "of" in line twenty-nine of said section be stricken out and the word "cross indexing" be inserted in lieu thereof. That the word "filing" between the words "of" and "such" in line thirty-two in said section be stricken out and the words "cross indexing" be inserted in lieu thereof.

"Cross-indexing" substituted for "filing."

SEC. 3. This act shall apply only to Buncombe County.

Applicable only to Buncombe county.

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

In the General Assembly read three times and ratified this the 6th day of March, A. D. 1903.

CHAPTER 473.

AN ACT REGULATING HOURS OF LABOR IN MANUFACTURING ESTABLISHMENTS AND PROHIBITING LABOR OF CHILDREN UNDER 12 YEARS OF AGE.

The General Assembly of North Carolina do enact:

SECTION 1. That no child under twelve years of age shall be employed or work in any factory or manufacturing establishment

Children under 12 years of age not to work in factories.

Exception as to
oyster canning
factories.

Sixty-six hours
constitute week's
work.

No person under
18 required to
work longer.

Exception as to
railroad men, etc.

Parents hiring
children to factory
to furnish written
statement of age.

Making false state-
ment a mis-
demeanor.

Penalty.

Violation of act by
mill owner, super-
intendent, etc., a
misdemeanor.

Penalty.

within this State: *Provided*, this act shall not apply to oyster canning and packing manufactories in this State, where said canning and packing manufactories pay for opening or shucking oysters by the gallon or bushel.

SEC. 2. That not exceeding sixty-six hours shall constitute a week's work in all factories and manufacturing establishments of this State, and no person under 18 years of age shall be required to work in such factories or establishments a longer period than sixty-six hours in one week: *Provided*, that this section shall not apply to engineers, firemen, machinists, superintendents, overseers, section and yard hands, office men, watchmen or repairers of break-downs.

SEC. 3. All parents, or persons standing in relation of parent, upon hiring their children to any factory or manufacturing establishment, shall furnish such establishment a written statement of the age of such child or children being so hired, and any such parent, or person standing in the relation of parent to such child or children, who shall in such written statement misstate the age of such child or children being so employed, shall be guilty of a misdemeanor, and upon conviction shall be punished at the discretion of the court. Any mill owner, superintendent or other person acting in behalf of a factory or manufacturing establishment who shall knowingly or wilfully violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished at the discretion of the court.

SEC. 4. This act shall be in force from and after January 1st, 1904.

In the General Assembly read three times and ratified this 6th of March, A. D. 1903.

CHAPTER 474.

AN ACT TO IMPROVE THE PUBLIC ROAD FROM LENOIR TO BLOWING ROCK.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 306 of the Public Laws of 1899 be and the same is hereby repealed.

SEC. 2. That from and after the first day of June, 1903, the road from Lenoir, in Caldwell County, to the original terminus of the Caldwell and Watauga Turnpike at the ford of the Yadkin River, at the Baptist and Adventist Churches, shall no longer be a part of the Caldwell and Watauga Turnpike, but the said turnpike company shall, prior to June 1st, 1903, put the said road in reasonably good repair and turn the same over to the Commissioners of Cald-

Part of Caldwell
and Watauga turn-
pike to be turned
over to Caldwell
county commis-
sioners as public
road.

well County, who shall accept the same as a public road of said county.

SEC. 3. That at the meeting of the Board of Commissioners of Caldwell County, to be held on the first Monday of June, 1903, or at any meeting thereafter, they may, upon such terms as may be agreed upon, lease or let the said road for a term of years to any turnpike company now in existence or to any turnpike company hereafter organized.

Commissioners may lease said road to any turnpike company.

SEC. 4. That any turnpike company acquiring said road by lease or otherwise may erect a gate across the same and charge such tolls for passage as may be reasonable and lawful: *Provided*, that such company shall not declare any dividends from tolls arising from travel on said road; but after deducting the expenses of maintaining the company, including a fair compensation to those keeping up such roads, the said tolls shall be expended by the company in betterment.

Lessee turnpike company may erect gates and charge toll.

Tolls, how disposed of.

SEC. 5. That the rate of tolls to be paid for through travel from Lenoir to Blowing Rock and points beyond, and from Blowing Rock and points beyond Lenoir, shall not be more than is now charged by said Caldwell and Watauga Turnpike Company.

Rate of tolls from Lenoir to Blowing Rock and vice versa.

SEC. 6. That the Caldwell and Watauga Turnpike Company, and any turnpike company acquiring the road from Lenoir to the Yadkin River, at the point named in section one, shall interchange tickets and shall pro rate tolls in the following proportion, to-wit: That the said Caldwell and Watauga Turnpike Company shall have four-fifths of all tolls received from travel, and any company leasing that part of the road from the Commissioners of Caldwell County leading from Lenoir to a point at the ford of the river, at or near the Baptist and Adventist Churches, shall receive one-fifth of all tolls received from travel on said roads. Settlement between the said companies shall be made monthly, unless otherwise agreed between them. Neither company shall be required to pro rate with the other except tolls from travel passing through the gates of both companies.

Interchange of tickets by two companies.

Tolls, how prorated.

Settlements monthly.

No prorating except for through travel.

SEC. 7. That the tolls to be charged between Lenoir and the village of Patterson shall in no case exceed the following schedule:

Schedule of tolls between Lenoir and Patterson.

On every horse or other beast of burden, carrying a person on his back, unless such horse or other beast, in addition to carrying such person, is hitched to some vehicle, 5c.; on all one-horse vehicles, 7c.; on all two-horse vehicles, 10c.; on all three-horse vehicles, 15c.; on all four-horse vehicles, 20c., and five cents addition for each horse or other beast of burden over four; on all traction engines, 25c., and ten cents addition for each vehicle drawn by such engine; on led or loose horses, mules, asses or cattle, 2c.; on hogs, sheep or goats, 1c.; on bicycles or tricycles, 10c.; on automobiles or locomobiles, 50c.

Location of toll gate.

SEC. 8. That no toll-gates shall be erected on said road from Lenoir to the Yadkin River, nearer than four miles to the courthouse in Lenoir.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 475.

AN ACT FOR A BETTER DRAINAGE OF KNOB CREEK IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Provisions for widening certain portions of Big Knob and Little Knob creeks.

SECTION 1. That the land owners situated on either side of Big Knob Creek, in Cleveland County, from Cleveland Cotton Mills to J. Z. Falls Mill shall make the run of said creek from 16 to 20 feet wide, and the land owners on the said creek from J. Z. Falls Mill to the public bridge on the farm of A. B. Peeler shall make the run of said creek from 14 to 16 feet wide, and the land owners on Little Knob Creek from the mouth of said creek to the ford of said creek at N. B. Warlick's shall make the run of said creek 12 to 14 feet wide; each land owner along said creek doing his part of the work on the creek where his land touches said creek, the land owners on both sides of said creek co-operating together to carry into effect this provision.

Amount of work each land owner to do.

Regulations for mining along Knob creek or its tributaries.

SEC. 2. That any and all persons mining in or along Knob Creek or its tributaries for monazite or other minerals shall have a margin of six feet on each bank that shall not be broken for any purpose whatever, except for purposes of agriculture: *Provided, however,* that miners for monazite or other minerals shall have a right to make a ditch running out from Knob Creek or its tributaries to afford sufficient facilities to conduct mining operations: *Provided,* it must be so arranged that the sand will not float back into said creek or its tributaries.

Regulations for mining in Ledford's creek.

SEC. 3. That in working monazite or other minerals in Ledford's Creek near Knob Creek in Cleveland County, it shall be unlawful to dig up gravel and leave it piled up in the main current of said creek.

Unlawful to allow sawdust to get in Knob creek or its tributaries.

SEC. 4. That it shall be unlawful for any person or persons to allow any sawdust or shingle dust to be placed in said Knob Creek or its tributaries from any lumber mill or other manufacturing plant or to place it so close to the said creek that it will naturally wash into it and tend to fill up the bed of said creek.

SEC. 5. That it shall be the duty of the land owners along Knob Creek to remove all obstructions, in the way of dead timber and logs, from the run of said Knob Creek and to prevent the accumulation of logs and timber in said creek in the future. Each land owner shall remove the obstructions in said creek where his land touches said creek, the land owners on either side of the creek co-operating together in effecting this purpose.

Land owners to remove obstructions in Knob creek.

SEC. 6. That the work of widening the said Knob Creek and removing the obstruction from same shall be begun within sixty days after the passage of this act, and shall be completed as soon as practicable, taking into consideration the busy season with the farmers, the condition of the stream and the desirability of effecting the purposes of this bill with as little inconvenience as possible to the land owners along said creek.

When work to begin and be completed.

SEC. 7. That any person or persons violating any of the above provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court: *Provided*, that only land owners along said Knob Creek or its tributaries, or other interested parties, may prosecute for violations of any of the provisions of this act.

Violation of act a misdemeanor.

Penalty.

Who may prosecute.

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

In the General Assembly read three times and ratified this the 6th day of March, A. D. 1903.

CHAPTER 476.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF GATES COUNTY UNDER CERTAIN CONDITIONS TO ESTABLISH DISPENSARIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever application is made in writing to the Board of County Commissioners for the establishment of a dispensary it must be signed in their own hand by a majority of the qualified voters of the township in which it is proposed to establish such dispensary. Said application must state in substance that the petitioners are in favor of the sale of liquor by dispensaries, that they approve the place designated in the application and their reasons therefor; and the County Commissioners shall thereupon consider the same, and if in their discretion the place designated is a proper place and that there is any public need for such dispensary, they shall grant the application; and when granted the said application must be recorded in the minutes of the Board of

Provisions for application for and establishment of dispensary in any township, Gates county.

No druggist allowed to sell liquor where dispensary established.
Violation a misdemeanor.
Penalty.

Persons may manufacture and sell wine or brandy under certain restrictions.

Failure to observe restrictions, penalties.

Unlawful to manufacture or sell intoxicants except as herein provided.

Place of delivery construed place of sale.

Proviso as to druggists and dispensaries.

Rules and regulations governing organization and establishment of dispensaries.

Treasurer's bond.

To purchase unadulterated liquor.

Rate of sale.

County Commissioners and filed in the office of the Register of Deeds: *Provided*, that only one dispensary shall be established in a township: *And provided further*, that no druggist shall be allowed to sell intoxicating liquors of any kind in any township wherein a dispensary is established under this act, and any druggist violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court.

SEC. 2. That any person may lawfully manufacture wines from grapes and berries and sell the same in quantities not less than one gallon, and when sold not to be drunk on the premises where manufactured or sold, and any one willfully permitting the same shall be guilty of a misdemeanor; and any person may lawfully and without being taxed therefor manufacture brandy from fruit and sell the same in original packages as stamped by the United States government, or in sealed packages in quantities not less than one gallon, and not to be drunk where manufactured or sold; and any person, or corporation, manufacturer or agent of a manufacturer of brandy failing to observe any one or all of the above considerations shall be subject to the tax imposed in the Revenue Act, and shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court.

SEC. 3. That it shall be unlawful for any person, company, firm or corporation to manufacture or barter or sell any spirituous, vinous, malt, fermented or other intoxicating liquors except as herein provided.

SEC. 4. That the place of delivery of any spirituous, malt, vinous, fermented or intoxicating Liquors anywhere in the county of Gates shall be construed by this act to be the place of the sale thereof: *Provided*, that this section shall not be construed to prevent the delivery of any spirituous, malt or vinous, fermented or other intoxicating liquors to druggists, who may lawfully sell the same under this act, in sufficient quantities for medicinal purposes only, or to dispensaries organized under this act.

SEC. 5. That whenever it shall become lawful, under the provisions of this act, to establish a dispensary, the Board of County Commissioners, in the organization thereof, shall observe the following rules and regulations, to-wit: (1) they shall appoint three commissioners from the voters of the township who are opposed to saloons, and who must be sober and discreet men of good business qualifications, one of whom shall be chairman and one treasurer; (2) the treasurer shall give bond in sufficient amount for the faithful discharge of his duties and for the security of all moneys that may be received by him as treasurer; (3) the said commissioners shall purchase only unadulterated liquors and shall sell the same at a profit not exceeding eighty (80) per cent.; (4) the treasurer shall,

on the first Monday of January and the first Monday of July of every year, pay over all profits of the said dispensary "to the Sheriff of the county one-half for the county and the other half for the school fund;" (5) no liquor shall be sold to minors, on Sunday or election day, or before sunrise or after sunset of any day, and none shall be sold at any time except in unbroken packages of not less than one-half pint nor more than one quart, which shall not be opened on the premises, and no loitering, loafing or drinking shall be allowed on the premises; (6) the managers shall keep a record of all their purchases and sales and shall report the same to the County Commissioners at their regular meeting in January and July of every year, and account fully for all profits arising therefrom; (7) and such other rules and regulations as they may deem best for the proper conduct and management of the same.

Treasurer to turn over profits.

Rules governing the sale of liquor.

Record of purchases and sales.

Account of profits.

Other rules and regulations.

SEC. 6. Every person who shall directly or indirectly keep or maintain by himself or by his associates or by combining with others, or who shall in any manner aid, assist or abet in keeping or maintaining any club-room or other place in which intoxicating liquors are received or kept for barter or sale or for division or distribution among the members of any club or association by any means whatever shall be guilty of a misdemeanor.

Keeping club rooms for barter, sale or distribution, misdemeanor.

SEC. 7. That any person, company, firm or corporation violating any of the provisions of 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.

Violation of provisions of act a misdemeanor. Penalty.

SEC. 8. That this act shall be in full force and effect in the county of Gates from and [after] its ratification, any general statute or statutes to the contrary notwithstanding.

This act to supercede any general statute.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 477.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ALAMANCE COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSES OF MAKING AND IMPROVING, ETC., THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Alamance County be and it is hereby authorized and empowered to submit to the vote of the qualified voters of Alamance County at such time

Provisions for election on question of bond issue for road improvement.

- or times as it in its discretion may deem best, the question as to whether or not the county of Alamance shall issue bonds in the sum of two hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of grading and macadamizing the public roads of said county. The said Board of Commissioners shall for at least thirty days preceding the election give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the qualified voters of the said county shall not vote to issue bonds at the election so held, the said Board of County Commissioners may submit the said question to the qualified voters of said county at any other time or times, under the provisions and regulations hereinafter enacted.
- Notice of election.** SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by the 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 any other election officers, and registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for the election of members of the General Assembly, and said County Commissioners 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 of County Commissioners shall tabulate the result of the election, all of which shall be recorded in the minutes of the Board of County Commissioners, and no other proceeding and declaration of the result of said election shall be necessary.
- Failure to carry, subsequent elections.**
- Election, how held and conducted.**
- Election of officers, challenges, etc.**
- New registration.**
- Count and return of vote.**
- Tabulation and record of result.**
- Form of ballots.** SEC. 3. That at the said election or elections the ballots tendered and cast by the qualified voters shall have written upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue," and all qualified electors who favor the issuing of said bonds shall vote for "Good Roads Bond Issue," and all qualified electors opposed to the issuing of the bonds shall vote "Against Good Roads Bond Issue."
- Result to be recorded if favorable.** SEC. 4. In the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be recorded and declared as aforesaid, and the Board of Commissioners of Alamance County shall elect six electors, residents of said county, to be known as the Highway Commissioners of Alamance County. One member thereof shall reside in the northern section of said county, one in the southern section, one in the western section, one in the eastern section, one in the cen-
- Highway commissioners.**
Location, from whence selected.

tral section and one from the county at large. At the first election of said Highway Commissioners of Alamance County two members of said commission shall be elected for two years, two members for four years and two members for six years: *Provided*, that the said Board of County Commissioners shall have power to fill all vacancies occurring by death, resignation or otherwise, for any unexpired term: *Provided further*, that at least two members of said Highway Commission shall at all times be members of a different party from that of the majority of said Board of County Commissioners, said two members to be elected from the political party casting the next highest vote to that political party electing the majority of the said Board of County Commissioners at the last election held for the election of county officers. That as soon as practicable after the election of said members of the Highway Commission they shall meet and organize by electing one of their members chairman of said commission and another of their members secretary, and another or some other suitable person treasurer thereof, and shall pass such rules and regulation for their government as they shall deem best: *Provided*, that the Highway Commissioners shall take an oath before some person authorized to administer oaths to perform their duties of said office to the best of their skill and ability: *And provided further*, that as the term of office of the said Highway Commissioners shall expire, the Board of Commissioners of Alamance County shall elect their successors to same for a period of six years.

Terms of office.

Vacancies, how filled.

Political complexion of commission.

Organization of commission.

Oath of office.

Election of successors.

SEC. 5. The highways to be opened, graded and macadamized by the Highway Commission under the provisions of this act shall from time to time be determined upon and designated by the Highway Commission in joint session. In determining upon such highways said joint board shall take into consideration the needs of the entire county and every part thereof, opening and improving those highways which in their opinion will be of benefit to the greatest possible number of people of the county, and treating every section of the county with equal justice.

Provision for opening, grading and macadamizing highways.

SEC. 6. In the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be declared and recorded as aforesaid, and the Board of County Commissioners of Alamance County shall have prepared bonds in the denomination of one thousand dollars, five hundred dollars or one hundred dollars, the total amount to be that provided for in the first section of this act, and the said bonds shall bear a rate of interest to be determined before the issue thereof by the said Board of County Commissioners, not exceeding five per centum per annum, with the interest coupons attached. payable semi-annually during the time the said bonds shall

Bond issue provided for.

Interest.

Payable semi-annually.

Maturity of principal. In what and where payable.	run, and the principal thereof shall be payable fifty (50) years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the Treasurer of Alamance County in the town of Graham, North Carolina, and both the bonds and the coupons shall be numbered consecutively, beginning with the number one, and both bonds and coupons shall be signed by the chairman of the said Board of County Commissioners and countersigned by the clerk of said board, and the said bonds shall have impressed upon them the seal of said county. The said bonds shall be styled "Alamance County Highway Improvement Bonds."
To be numbered.	
How executed.	
Name and style of bonds.	
Provision for sale of bonds.	SEC. 7. Immediately upon the preparation and signing of said bonds the said Board of Commissioners of Alamance County shall turn over to the chairman of the Highway Commission all of said bonds, without the county seal having been affixed, and said Highway Commission shall have the power to advertise and sell any or all of said bonds, at such time or times as they shall deem best for the purpose of raising a fund with which to open, grade and macadamize the public highways of said county as aforesaid; the expenses of said advertising and selling, or any other necessary expenses in regard thereto shall be paid out of the taxes levied for road purposes for the previous year by the Board of County Commissioners and collected by the Sheriff of said county: <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 Alamance County, whose duty it shall be to affix the said county seal to the bonds so sold, and no bonds shall be of any value until said seal is so affixed.
Not to be disposed of for less than par.	SEC. 8. That none of the bonds authorized by this act shall be disposed of by the said Highway Commission by sale, exchange or otherwise for less than their face value, nor shall said bonds or proceeds be used for any other purpose or purposes than those declared by this act: <i>Provided, however</i> , that the purchasers of said bonds shall not be required to see to the application of said fund.
Exclusive use.	
To be numbered consecutively.	When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bond to which they are attached. The bonds and coupons shall state on their face when they are due and where payable, and said bonds shall show by what authority they are issued. The said Highway Commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold the number of bonds and their denomination, to whom sold, and the number of coupons attached must be recorded in said minutes: <i>Provided</i> , that the minute book and all
What face of bonds must show.	
Proceedings relative to bonds to be recorded.	

other books kept by the Highway Commission shall at all times be open to the inspection of the Commissioners of Alamance County. Record open to 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, who shall keep said fund and all other funds which may come into his hands separate from all other funds, and he shall keep separate accounts of same; and said treasurer shall annually, before any fund provided for in this act be paid over to him, execute an official bond payable to the county of Alamance 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 safe-keeping of the same and rendering a due account in respect thereto, and in all things holding and dispensing and accounting for the same as is required by law, which bond shall be passed upon, accepted and received by said Highway Commission, and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are highway orders and to what amount they are chargeable, and shall be signed by the chairman and secretary of said Highway Commission. Proceeds, by whom and how kept.

Treasurer's bond.

SEC. 10. That in case the said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Alamance County shall levy annually the first Monday in June a separate road tax for said county, of not exceeding sixteen and two-thirds cents on the one hundred dollars worth of property, nor exceeding fifty cents on each poll, and not less than twelve and one-third cents on the one hundred dollars worth of property and thirty-seven cents on the poll, the subjects of taxation and levying of taxes to be the same on which the said Board of County Commissioners now or may hereafter be authorized to levy taxes for general county purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund, applied first to the payment of the interest on said bonds and second to the opening and improvement of public roads under the provisions of the present road laws of Alamance County, and third to the creation of a sinking fund for the redemption of said bonds. Said sinking fund shall be held by the Board of County Commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof nor the interest thereon shall be used for any other purpose. The said Board of County Commissioners shall manage and invest the said fund in their discretion until paid out for the payment and redemption of bonds in the manner specified in this act: *Provided, however,* that said Board of County Commissioners may, in their discretion, from time to time use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act. Orders to treasurer for payment of road money.

Provisions for levy and collection of special tax.

Application of special tax.

Sinking fund.

Investment of sinking fund.

Use of funds derived from sale of bonds.

Powers of county commissioners relative to county road machinery and convict force.

Convicts, maintenance and in what work employed.

Width, grade and macadamized portion of highways.

Election of highway superintendent.

Oath and bond of superintendent.

Term of office.

Removal.

Under supervision of commission.

Treasurer to account semi-annually.

SEC. 11. That the said Highway Commission shall use the funds derived from the sale of said bonds for the purpose of constructing and macadamizing the public highways in said county, and shall purchase and hold such tools, machinery, implements and stock and employ such overseers, foremen and laborers as they may deem necessary for the said purpose. The Board of County Commissioners may from time to time put into the custody and control of the Highway Commission such part of the road-making machinery and convict road force of the county as may not be needed for the work of constructing and repairing the public roads under the county road law, and may at any time withdraw from the custody of the Highway Commission all or any part of said machinery and convict force. Said convicts, while in the custody and control of said Highway Commission shall be employed in the construction of highways under the provisions of this act, and the expense of maintaining and guarding said convicts while so employed shall be paid out of the fund derived from said bonds.

SEC. 12. That the highways in said county constructed or improved under this act shall not be less than twenty nor more than forty feet wide, at least nine feet of which shall be macadamized, as soon as is expedient, and the whole of which shall be as straight as practical, and graded, five per cent. to be the maximum grade allowed.

SEC. 13. That as soon as the Highway Commission shall deem it necessary they shall elect by ballot a Highway Superintendent for said Alamance County, and fix his compensation. The result of said election shall be declared and the result shall be recorded in the proceedings of said Highway Commission. Said person so elected shall take and subscribe to an oath for the faithful performance of his duties, as prescribed by said Highway Commission, and shall execute an official bond in the sum of two thousand five hundred dollars (\$2,500) for the faithful performance of his duties and for accounting for all money and property which may come into his hands as said officer. Said bonds shall be approved by said Highway Commission. Said Highway Superintendent shall hold his office for two years and until his successor be elected and qualified, except that the said Highway Commissioners may, for any good cause, remove said Highway Superintendent from his office and elect a successor for the unexpired term. Said Highway Superintendent shall enter upon his duties and work when and where directed by said Highway Commission, and shall have such authority and perform such duties as may be from time to time determined by said Highway Commission.

SEC. 14. That said Highway Commission shall require the treasurer of said commission to account to them twice annually for the said highway fund, and may require as often as deemed best, re-

ports from officers and employees concerning their progress in their duties, and to what extent and in what manner they have performed the same.

Reports of officers and employees.

SEC. 15. That in opening new highways, widening and straightening old roads and macadamizing 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 notices 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.

Power to enter lands and build highways.

Power to condemn land and assess damages.

Procedure.

SEC. 16. That the passage of this act shall not repeal the road law in force applicable to the general working of public roads in said county: *Provided*, that all persons who are required to work under the road law now in force shall not be required to work in direct contact with persons who have been convicted of crime and sentenced to the roads: *Provided*, also, that the Board of Commissioners of Alamance County shall levy no taxes for road purposes other than provided for in this act.

Act does not repeal present road law.

Hands under road law not to work in contact with convicts.

No other road tax to be levied.

SEC. 17. 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.

Physicians to attend convicts.

Care and keeping of convicts, etc.

SEC. 18. The said Highway Commission shall be entitled to the same per diem and mileage as the Board of Commissioners of Alamance County.

Compensation of commission.

SEC. 19. The Board of Commissioners of Alamance County shall audit the accounts of the Sheriff for all taxes levied and collected under this act, and make settlement of the same between said Sheriff and the County Treasurer, and said Board of County Commissioners may institute and prosecute any necessary action for the recovery of any such road taxes in case any officer fails to account for the same.

Audit of sheriff's accounts for special tax.

Settlement with sheriff and treasurer.

Actions for recovery of tax.

SEC. 20. 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

Making fraudulent order a misdemeanor.

Penalty.

Failure to perform duty a misdemeanor.	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 or more than one hundred dollars: <i>Provided further</i> , that the Board of County Commissioners may for good and sufficient cause remove any one or more of the Highway Commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.
Penalty.	
Removal and filling vacancy.	
Expense, how paid.	SEC. 21. 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.
"Highway" defined.	SEC. 22. The term "Highway" in this act shall be understood to mean all public roads designated as such under the provision of section five of this act, as distinguished from other public roads in this county.
Maximum amount to be used in one year.	SEC. 23. The Highway Commission shall not use more than the proceeds from the sale of fifty thousand dollars worth of bonds in any one year, over and above the amount paid for machinery, implements and stock, except by a two-thirds vote in a joint meeting of the Highway Commission and the County Commissioners.
	SEC. 24. That this act shall be in force from and after its ratification.
	In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 478.

AN ACT FOR THE BETTER PROTECTION OF MECHANICS,
LABORERS AND MATERIAL MEN IN BUNCOMBE, WAKE
AND CATAWBA COUNTIES.

The General Assembly of North Carolina do enact:

Section 1, chapter 67, Public Laws 1887, amended.	SECTION 1. That section one of chapter 67 of the Public Laws of the General Assembly of North Carolina, passed at its session in the year 1887, be amended by striking out the words "an itemized statement of the amount" in lines 8 and 9 of the said section, and inserting in lieu thereof the words "and it shall be the duty of the owner to require, in writing, from such contractor or other person, before paying any part of the contract price, an itemized statement in writing, duly subscribed and sworn to by such contractor or other person, of the amount, if any."
Sworn statement of amount due laborers required instead of simply "itemized statement."	
Section 4 amended.	SEC. 2. That section four of said chapter 67 of the Laws of 1887 be amended by adding thereto the following: "and any owner who shall fail to require the furnishing of such an itemized statement

before making any payment on account of such contract shall become liable to the extent of such payment or payments to any person or persons for such sums as may be owing to them for work and labor done or material furnished to or for said contractor, architect, or other person in or about said work, and such sums shall be and become a lien on said property as specified in section two of the said chapter 67 of the Laws of 1887.

Owner not requiring such statement liable for work done or material furnished and same becomes lien.

SEC. 3. This act shall apply only to Buncombe, Wake and Catawba counties.

What counties applicable to.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 479.

AN ACT TO AMEND SECTION 13 OF THE PUBLIC LAWS OF THE YEAR 1901, RELATING TO THE HOLDING OF ELECTIONS IN NORTH CAROLINA:

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen of the Public Laws of the year 1901 be amended by inserting after the word "vote," and before the word "any," in line forty-six, the following: "and no person shall be allowed to vote on any exemption granted by the Board of Commissioners unless the same shall have been granted on or before the first day of May of the year in which he offers to vote and bears date on or before said date."

Section 13, chapter 89, Public Laws 1901 (election law), amended.

When persons exempted from poll tax may vote.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 480.

AN ACT TO CREATE A STOCK LAW IN CERTAIN PORTIONS OF PITT COUNTY, SUBJECT TO THE APPROVAL OF THE QUALIFIED VOTERS RESIDING THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That after the first day of January, 1904, it shall be unlawful for any live stock to run at large in that part of Pitt

Unlawful for stock to run at large after January 1st, 1904.

Stock law
boundaries.

County lying west and south of the following line or boundary, to-wit: Beginning on the west side of the public road leading from Greenville to Johnson's Mills at the stock law gate near Green's old mill and about one mile south of the town of Greenville, and running from thence with the west side of said road a southerly course down to Willis Cox's upper line; thence a straight line to Mary Gardiner's lower corner on the Washington road; then with her line to Sallie Bland's land; thence with her back fence to the lower corner of her field; then a straight line to the north-west corner of M. M. Stokes' field; thence with the back fence of said field to the north-east corner of said field; thence a straight line to the north-east corner of J. G. Wilson's field; thence with said Wilson's fence to the new road; thence with the back fences of J. G. Wilson, J. W. Kirkman and J. W. Cannon to the Vanceboro road; thence with the fence on the east side of J. W. Cannon's farm to a point opposite the upper corner of Gardiner's fence; thence with his back fence to Gardiner's bridge; thence with the Craven County line to the stock law fence near Charles Dudley's.

Provisions for
holding election.

First Monday in
April, 1903, on
question of stock
law in said terri-
tory.

SEC. 2. That in order to determine the wishes of the qualified voters residing between said line and the stock law territory now in existence in Pitt County west of said line, the Board of Commissioners of Pitt County shall, on the first Monday in April, 1903, order an election to be held in said territory on Tuesday, the 5th day of May, 1903, with polling places at Winterville and Coxville, and all voters in said territory residing north of the public road leading from Haddock's Cross Roads to Hamrahan shall vote at Winterville, and all voters residing in said territory south of said road shall vote at Coxville. That said Board of County Commissioners shall, at said meeting on the first Monday in April, 1903, appoint one registrar of voters and two judges of election for each of said voting places, and it shall be the duty of said registrars to open books of registration from the 15th day of April, 1903, from sunrise to sunset, until said day of election (Sundays excepted), and they shall attend at their respective polling places on each Saturday during said time from nine o'clock in the morning until five o'clock in the evening for the purpose of registering the qualified voters, and only such persons as were registered for the election held on the first Tuesday in November, 1902, and such as may have since become entitled to vote, shall be deemed entitled to vote. The said election shall be held and conducted in the same manner as provided by law for the election of members of the General Assembly.

Form of ballots.

SEC. 3. That all persons who are entitled to vote at said election and who may favor the establishing of such stock law territory, shall vote a written or printed ballot with the words "For Stock Law," and those who are opposed to establishing such stock law

territory shall vote a written or printed ballot with the words "Against Stock Law." That after the polls of election shall have been closed, the said registrars and judges shall make out under their hands a report of the result of said election and return the same to the Board of Commissioners of Pitt County on the following Thursday, and for the purpose of canvassing said returns the said Board of County Commissioners are hereby authorized and directed to hold a special meeting on Thursday, the 7th day of May, 1903, and at such meeting they shall open said returns and declare and publish the result of said election.

Election returns.

Canvass of returns.

Publishing result.

SEC. 4. That if a majority of the votes cast at said election be in favor of establishing said stock law territory, then and in that event the said territory shall be established and be consolidated with the stock law territory created by chapter 386 of the Public Laws of 1901, and shall be subject to all the provisions contained in said chapter. But if a majority of the votes cast be against the establishing of such stock law territory, then the same shall not be established, and the provisions of this act shall be of no force and effect.

If majority favor stock law, same to be established in connection with territory under chapter 388, Public Laws 1901.

If majority against, act void.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 481.

AN ACT TO ESTABLISH A STOCK LAW FOR A PART OF FAISON AND WOLF SCRAPE TOWNSHIPS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of January, nineteen hundred and four (1904), no person shall allow his or her live stock to run at large in that portion of Faison and Wolf Scrape Townships in Duplin County, embraced in the following boundaries, to-wit: Beginning at the North-east bridge about one mile east of Mount Olive on the Mount Olive and Seven Springs road, thence down the North-east River (or creek) with the line of Wayne and Duplin Counties, about three miles to W. A. and McLendon Jernigan's line; thence south with George W. Williams' back line about one mile to J. H. Loftin, Sr., north back line; thence south again about four hundred (400) yards across his land, with his back fence, to the Seven Springs and Clinton road; thence with said road about two miles to a point in the Faison line near J. B. Oliver's; thence north-westerly with the line of Wolfe Scrape and Faison Townships about two miles to the Wayne County line, be-

Stock law boundaries.

tween the A. R. Hicks place and the Adam Williams place; thence up the canal to the corner between J. B. Oliver and J. A. Westbrook; thence to the line between J. B. Oliver and E. R. Hicks; thence with their line to the corner between the Carr lands and E. R. Hicks near old Franklin Academy; thence to the fence on the south-east side of the F. I. Carr land; thence with said fence to the public road; thence across said road and with the south and east line of J. H. Carr's fence to Cow Hole Branch; thence down Cow Hole Branch to Goshen Swamp; thence up Goshen Swamp to where the Goldsboro and Wilmington public road crosses the said Goshen Creek at Crow's Bridge; thence northerly with the said road to the Wayne County line; thence with said county line to the beginning.

Word "stock" defined.

SEC. 2. The word stock in the preceding section shall be construed to mean horses, mules, colts, sheep, goats, jennies, cows, calves and other cattle, swine and geese.

Fence commissioners.

SEC. 3. That John Broadhurst, Thos. Pigford, M. F. Saunders be and they are hereby appointed fence commissioners in said territory,

Powers

with power to contract with any person or persons, to erect and maintain a good and lawful fence along the boundaries as described in section one (1) of this act, and to keep the same in good repair and have good and sufficient gates placed across public roads where necessary.

Term of office.

The said commissioners shall hold their office for the term of one (1) year from the fifteenth day of April, nineteen hundred and three (1903), and every two years thereafter

Election of successors.

on the first Monday in April the County Commissioners of Duplin County shall elect three fence commissioners for said stock law territory, who shall hold their offices for the term of two (2) years from the fifteenth day of said month.

Term of office.

The said fence commissioners, before proceeding to act as such, shall take an oath before some person qualified to administer oaths, that they will faithfully discharge the duties of their said office, after which they shall proceed

Oath of office.

to organize by electing one of their number as chairman and one as secretary. They may meet at such times and places, within said territory, as they may deem best, and they shall, on or before the

Organization.

Meetings.

first Monday in June of each and every year, recommend to the County Commissioners of Duplin County the necessary tax to be levied upon the real estate in said territory for the erection, maintenance and repair of the fences and gates thereof, not exceeding the

To recommend tax levy.

sum hereinafter specified.

Provisions for levy and collection of stock law tax.

SEC. 4. That for the purpose of erecting, manufacturing and keeping in repair said fence and gates the Board of Commissioners of Duplin County shall, on the first Monday in June of each and every year, levy a tax upon all real estate within said territory, sufficient to raise the required amount, which tax in no case shall exceed twenty cents on the one hundred dollars in value; said tax shall

be levied, collected and paid over to the County Treasurer as other county taxes, and to be disbursed by order of said fence commissioners, with the approval of the County Commissioners, for the purposes contemplated in this act.

SEC. 5. Any live stock as above defined that may be found running at large in said territory may be taken up, impounded and dealt with as provided in chapter twenty (20) of The Code, Volume II (2), and all laws amendatory thereto, and any person who shall willfully or maliciously burn, destroy, remove or otherwise injure the fence or gates of said territory, or leave open the gates, rescue or release any impounded stock, or obstruct the erection or repairing of such fence shall be guilty of a misdemeanor, and the provisions of said chapter twenty (20), Volume II (2) of The Code, are hereby made applicable to the above described territory in the same manner as if it had been established under said chapter: *Provided*, that the punishment for all offenses against this act and said chapter, so far as applicable to said territory, shall not in any case exceed a fine of fifty dollars, or imprisonment for thirty days.

SEC. 6. If any person shall negligently or willfully permit fire to communicate to said stock law fence he or she shall be liable in a suit to be brought by the County Commissioners of Duplin County for all damages resulting therefrom.

SEC. 7. If the owner of any land shall object to the building of any fence herein provided for, a right of way for said fence, not exceeding twenty (20) feet in width shall be condemned for that purpose upon the application of the fence commissioners to any justice of the peace in Duplin County, which justice of the peace shall at once proceed to summon two disinterested freeholders, who shall, together with himself, proceed to lay off and condemn such fence way over said land, after giving the owner of the same, or their agent, two days' notice, they shall then assess such damages as they think proper and just.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 482.

AN ACT TO PREVENT THE DEPREDATION OF DOMESTIC FOWLS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons in the counties of Montgomery and Stanly, where the stock law

By whom kept and how disbursed.

Provisions for impounding stock.

Certain interference with fences, gates or impounded stock a misdemeanor.

Chapter 20, volume 2, of Code, applicable to said territory.

Punishment for offences against this act.

Liability of persons allowing fire to communicate to fence.

Power to condemn land for fence.

Condemnation proceedings.

Permitting fowls to run at large in Stanly and Montgomery, after notice, unlawful.

prevails, to permit any turkeys, geese, ducks, chickens or other domestic fowls to run at large, after being notified as in section two of this act, on any lands that may be cultivated in any kind of grain or feed-stuff, or used for gardens or for ornamental purposes.

Permitting them to do so after three days notice a misdemeanor.

Penalty.

SEC. 2. That any person or persons so permitting his or her fowls 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 exceeding five dollars or imprisoned not exceeding five days.

SEC. 3. The provisions of this act shall apply also to the counties of Catawba and Chatham.

SEC. 4. That this act shall be in force from and after April the first, 1903.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 483.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND EIGHTY-SIX (486) OF THE PUBLIC LAWS OF 1889 AND THE ACTS AMENDATORY THEREOF ENTITLED "AN ACT IN RELATION TO THE PUBLIC SCHOOL IN THE TOWN OF PILOT MOUNTAIN, NORTH CAROLINA. AND PROVIDING FOR THE LEVYING OF A TAX TO SUPPORT THE SAME."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and eighty-six (486) of the Public Laws of 1889 and the acts amendatory thereto be [and] the same is hereby amended as follows, viz.: By inserting after the words "other town taxes" in line ten (10) of section two (2) the words "Provided, for purposes of this act no special school tax shall be levied or collected on property which is not inside of the Pilot Mountain Public School District, and no special poll tax shall be levied or collected on persons residents of said town but not residents of said school district." By inserting in line sixteen (16) of section two (2) after the words "public schools" the words "in the Pilot Mountain Public School District." By inserting after the words "graded schools" in line eighteen (18) the words "in said school district."

Section 2 amended.

Special tax, where and where not collected.

Section 2, line 16 amended.

Section 2, line 18 amended.

Section 3 amended.

Boundaries of school district.

SEC. 2. That section three (3) of said chapter is hereby amended to read as follows: For the purpose and benefits of this act a district bounded as follows, shall be and constitute a public school district for both the white and colored races, viz.: Beginning on a stake in Old and New Hollow road, and runs with the New Hollow road 150 feet to a stake; thence north-east to fork of Lynchburg

and Forge road; thence east to the branch in Winston Venable's field; thence in an eastward course with said branch as it meanders to Academy street in the town of Pilot Mountain; thence northward with Academy street to Howard street; thence westward with Howard street 150 feet to a stake; thence northward parallel with Academy street to the town incorporate line; thence east to a stake in S. H. Venable's and David Whitt's line; thence south with S. H. Venable's line to the Hollow road; thence south with J. F. Venable's and A. L. Whitt's line to a stake on north side of Heatherly's Creek; thence north-west to a certain poplar tree, J. F. Stephens' corner; thence with said Stephens' line as it meanders to the branch south-west of said Stephens residence; thence westward to Boyle's and Hiatt's line in the Lynchburg road; thence with said road to corner Lynchburg and Pine streets; thence west to road leading from near Dr. D. W. Worth's to Dodson's Mill; thence eastward with said mill road to J. F. Stephens' line; thence northward with said Stephens' line to Stephens' and A. H. Cook's corner in Lynchburg street; thence in a north-west course to the beginning. Said school district boundaries to be separate and distinct from the corporate boundaries of the town of Pilot Mountain.

School district
bounds distinct
from corporate
bounds.

SEC. 3. That section four (4) of said chapter is hereby amended by inserting in line (2) after the words "school committee" the words "of the Pilot Mountain Public School District."

Section 4, line 2
amended.

SEC. 4. That section five (5) is hereby amended by inserting after the word "property" in line three (3) the words "in the Pilot Mountain Public School District." By inserting after the words "population of" in line eight (8) the words "the Pilot Mountain Public School District," and by striking out the word "town" in line eleven (11) and inserting in lieu thereof the words "Pilot Mountain Public School District." That section five (5) be further amended by inserting after the word "children" in lieu of the remainder of said section the following wording: "who are actual *bona fide* residents of said Pilot Mountain School District on the first day of June each year, between the ages of six and twenty-one years, shall be admitted into said school the ensuing year free of tuition or charges: *Provided*, that the school committee of said Pilot Mountain School District shall have authority to admit such outside students as they may deem advisable and affix the rate of tuition for such students. Any students moving into said Pilot Mountain Public School District after June the first of each year shall be regarded as outside students for the ensuing scholastic year, and can be admitted only as pay students.

Section 5, line 3
amended.

Section 5, line 8
amended.

Section 5, line 11
amended.
Section 5 further
amended, children
in district between
6 and 21 years
admitted free.

Provisions for
admitting outside
students.

SEC. 5. That section nine (9) be amended as follows: By inserting after the word "the" in line three (3) the words said Pilot Mountain Public School District" in lieu of the words "town of Pilot Mountain."

Section 9, line 3
amended.

Section 10, line 4
amended.

SEC. 6. That section ten (10) be amended by striking out the word "town" in line four (4) and inserting in lieu thereof the words "Pilot Mountain Public School District," and by inserting after the word "direction" in line five (5) the words "in said district."

Section 10, line 5
amended.

Conflicting laws
repealed.

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.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 484.

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

The General Assembly of North Carolina do enact:

Rutherford county
commissioners
authorized to levy
special tax.

SECTION 1. That the Board of Commissioners of Rutherford County be and they are hereby authorized and empowered to levy a special tax, if in their discretion it shall become necessary, in the years 1903 and 1904, at the same time and in the same manner that the State and County taxes shall be levied for said years, on the taxable property and polls in said county. The special tax in each of said years is not to exceed twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on the polls, and in making the levy the Commissioners of said county shall observe the constitutional equation between the property tax and the poll tax.

Amount of tax.

For what purposes
tax to be used.

SEC. 2. That said special tax is to be levied for the purpose of paying for the bridges, court-house, county farm and jail, or such balance as remain due thereon, and said special tax 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 time as the other tax levied for said county.

How collected and
accounted for.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 485.

AN ACT TO EXTEND THE CEDAR CREEK AND FLEA HILL STOCK LAW LIMITS IN THE COUNTY OF CUMBERLAND.

The General Assembly of North Carolina do enact:

SECTION 1. That the territory now under the stock law in Cumberland County, commonly known as the Cedar Creek and the Flea Hill stock law territory, be and the same is hereby enlarged and extended by changing the lines of said stock law territory so as to run as follows, to-wit: Beginning at the Flea Hill stock law fence on the Plank Road in Flea Hill Township at what is known as Gravel Hill, and running down the bank of the swamp on what is known as the Lumber Road until it connects with the Cedar Creek stock law fence at what is known as the Mary McLaurin old mill.

Stock law
boundaries.

SEC. 2. That it shall be unlawful for any owner or manager of any horse, mule, cattle, sheep, goat, swine or geese of any description to permit the said animals or geese to run at large in any of the territory included in the stock law territory known as the Cedar Creek stock law and the Flea Hill stock law territory as enlarged and extended by the change in their boundary lines as provided for in section 1 of this act.

Unlawful to permit
stock to run at
large in said
boundary.

SEC. 3. That it shall be the duty of the fence commissioners of said Flea Hill and said Cedar Creek stock law territories to at once erect or cause to be erected a good and substantial lawful fence upon the new line created in section 1, so as to enclose the stock law territory above described as enlarged and extended by this act; and for this purpose they are authorized to use any material in the stock law fence of said territory as heretofore constituted which they may deem necessary and suitable for building the new fence required by this act.

Provisions for
erecting fence
around enlarged
territory by
present fence
commissioners.

SEC. 4. That the said commissioners shall have the same rights, privileges, powers and duties with respect to the said stock law territory as enlarged by this act as they have heretofore exercised over the stock law territory under their jurisdiction, and the same fines and penalties and regulations for impounding stock as have heretofore applied to said stock law territories shall apply to the whole of said territory as enlarged by this act.

Rights, privileges,
powers and duties
of commissioners.

Fines and penalties
for impounding.

SEC. 5. That for the purpose of carrying out the intention and provision of this act, the County Commissioners shall levy and collect, as other taxes are collected, a special tax upon the realty in the new territory added to the stock law district by this act, not to exceed in any year the rate of taxation levied on property in the said stock law territory as it heretofore existed.

Special tax
authorized.

Rate of taxation.

SEC. 6. That the County Commissioners shall have the same jurisdiction and control over the territory added to the stock law dis-

Powers of county
commissioners
over new territory.

trict by this act as they have heretofore exercised over said district.

Power to consolidate and appoint one board of fence commissioners.

SEC. 7. That the County Commissioners shall have the power, in their discretion, to consolidate the stock law districts known as the Flea Hill district and the Cedar Hill district, as enlarged by this act, into one stock law district, and appoint one board of fence commissioners for such consolidated district.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 486.

AN ACT TO CREATE NEW TOWNSHIPS IN ORANGE COUNTY AND TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Cheeks township formed.

SECTION 1. The County Commissioners of Orange County are hereby authorized and empowered to cause the dividing line between Bingham and Chapel Hill Townships to be extended and run north until such extension shall reach the line dividing Hillsboro and Cedar Grove Township and that part of Hillsboro Township west of the line so run shall form a new township and be called Cheeks Township.

Eno River township created.

SEC. 2. The said Commissioners are also authorized and empowered to cause the dividing line between Hillsboro and Little River Township running south to Eno River to be further extended and run south until it shall reach Chapel Hill Township line, and all of Hillsboro Township east of the dividing line so run together with so much of Little River Township as shall be south of an extension of the dividing line between Hillsboro and Cedar Grove Township run east to the Durham County line, shall form a new township and the same shall be called Eno River Township.

That part of Hillsboro township left after formation of two former to be Hillsboro township.

SEC. 3. So much of the present township of Hillsboro as is included between the north and south lines directed to be run in sections one and two of this act shall be and remain known as Hillsboro Township and the boundaries of the same shall not be changed except by act of the Legislature.

Hillsboro township constituted special road district.
Certain streets part of public road.

SEC. 4. The township of Hillsboro as established by this act shall constitute a special road district and the streets in Hillsboro known as Churton street and King street shall be considered a part of the

public roads in said district for the purposes of this act, and all road taxes, paid under any law now in force or hereafter enacted, by any of the citizens of the town of Hillsboro shall be applied to the repair and maintenance of the road in said streets, but shall not be used for sidewalks.

Application of road tax.

SEC. 5. The County Commissioners of Orange County may at their regular meeting in May, 1903, or at any regular meeting thereafter adopt the provisions of any road law now in existence or any road law that may be enacted by this General Assembly at its present session for the said Hillsboro Township or any other township or townships of Orange County, except Chapel Hill Township, and when so adopted shall cause as many copies of the same to be printed for use in said township or townships as may be necessary, and when so adopted said road law shall not be changed or altered or amended oftener than once every year.

Orange county commissioners may adopt road law.

Chapel Hill township excepted. Copies of road law to be printed.

Alteration of road law.

SEC. 6. All moneys arising from any tax imposed for public roads in Hillsboro Township shall be kept separate and shall be expended in said township as herein established and upon the two streets of the town of Hillsboro as allowed by this act, and the County Commissioners shall have power to impose any tax for road purposes allowed by law in said new township of Hillsboro without reference to the tax imposed in other townships in said county of Orange.

Special road tax for Hillsboro township, how kept and used.

SEC. 7. The County Commissioners of Orange County shall have power to direct the working of the convicts sentenced to the public roads in said county on any of the roads of the Hillsboro road district, including the two streets mentioned in section 4 of this act, or upon the public roads in any other township in said county.

Provisions for working convicts.

SEC. 8. Sections one, two, three, four and six of this act shall not be effective until ratified and adopted by the Board of County Commissioners of Orange County at a regular meeting of the said Board, and after four weeks advertisement thereof in some newspaper published in Hillsboro.

When sections 1, 2, 3, 4 and 6 effective.

SEC. 9. The County Commissioners of Orange County are hereby authorized and empowered to levy a special road tax for any township or road district in said county not exceeding one dollar on the hundred dollars of property and three dollars on the poll, always maintaining the constitutional equation between property and poll and may levy a different rate in each township. They shall also have power to fix the number of days of free labor to be required of all male persons in said townships between the ages of twenty-one and forty-five years and may fix the amount to be paid by any person liable to road duty in lieu of said labor.

Power of commissioners to levy tax, fix number of days persons of road age shall work, etc.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 487.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED, "AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS FOR ROCKINGHAM COUNTY."

The General Assembly of North Carolina do enact:

Act same title as this enacted at present General Assembly amended.

Jonathan Robinson substituted for John R. Johnston as commissioner.

Copy to be sent clerk of Rockingham county by Secretary of State.

SECTION 1. That an act entitled, "An act to increase the number of commissioners for Rockingham County," enacted at the present session of the General Assembly, and ratified on the 14th day of January, 1903, be and the same is hereby amended by striking out the words "John B. Johnston" wherever they occur in said act, and inserting in their place the words "Jonathan Robinson."

SEC. 2. That the Secretary of State is hereby directed to send a copy of this act, under his official seal, to the Clerk of the Superior Court of Rockingham County, who shall at once send a copy thereof to the Sheriff of said county, to the said Jonathan Robinson and to the chairman of the Board of Commissioners of Rockingham County.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 488.

AN ACT FOR THE BETTER REGULATION OF THE BUSINESS OF FIRE INSURANCE AND TO INCREASE THE PUBLIC REVENUE.

The General Assembly of North Carolina do enact:

Fire insurance companies doing business in State prohibited from allowing non-resident agents to issue policy in the State.

SECTION 1. Any fire insurance company authorized to do business in the State is hereby prohibited from authorizing or allowing any person, agent, firm or corporation who is a non-resident of the State of North Carolina to issue or cause to be issued any policy or policies of insurance on property located in the State of North Carolina.

Agent in State prohibited from paying any part of commission, etc., to non-resident agent.

SEC. 2. Any person, agent, firm, or corporation, licensed by the Insurance Commissioner to act as a fire insurance agent in the State of North Carolina is hereby prohibited from paying directly or indirectly any commission, brokerage, or other valuable consideration on account of any policy or policies covering on property in the State of North Carolina, to any person, agent, firm or corporation, who is a non-resident of this State, or to any person, agent, firm

or corporation not duly licensed by the Insurance Commissioner, as a fire insurance agent.

SEC. 3. That whenever the Insurance Commissioner shall have or receive notice or information of any violation of any of the provisions of this act, he shall immediately investigate or cause to be investigated such violation, and if a fire insurance company has violated any of such provisions aforesaid, he shall immediately revoke its license for not less than three months nor more than six months for first offense, and for each offense thereafter not less than one year; and if a person, agent, firm or corporation, licensed by the Insurance Commissioner as a fire insurance agent, shall violate or cause to be violated any of the provisions of this act, he shall for first offense have his license revoked for all companies for which he has been licensed, for not less than three months nor more than six months, and for second offense he shall have his license revoked for all companies for which he is licensed, and shall not thereafter be licensed for any company for one year from date of such revocation.

Violation of act by company works revocation of license.

Violation by agent works revocation of license.

SEC. 4. For the purpose of enforcing the provisions of this act the Insurance Commissioner is hereby authorized and empowered to examine persons, administer oaths, and send for papers and records, and failure or refusal upon the part of any fire insurance company, person, agent, firm or corporation, licensed to do business in this State, to appear before the Insurance Commissioner when requested to do so, or to produce records and papers, or answer under oath, shall subject such fire insurance company, person, agent, firm or corporation to the penalties of this act.

Provisions for enforcing provisions of act by Insurance Commissioner.

SEC. 5. That all laws and parts of laws in conflict herewith are hereby repealed, and this act shall take effect from and after its passage.

Conflicting laws repealed.

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 489.

AN ACT TO MAKE THE ACT PROVIDING A SHORT FORM OF CROP LIEN APPLICABLE TO HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 329 (three hundred and twenty-nine) of the Public Laws of 1901, be and the same is hereby amended by adding at the end of section six the name of the county of Halifax.

Chapter 329, Public Laws 1901, amended. Made applicable to Halifax county.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 490.

AN ACT TO AMEND SECTION 1285 OF THE CODE IN REGARD
TO DIVORCE.

The General Assembly of North Carolina do enact:

Wilful abandonment made cause for divorce from bonds of matrimony.

The one guilty of abandonment not to re-marry in five years.

What must be alleged and proven in actions for divorce under this act.

Duty of judge after jury finds issues in favor of plaintiff.

Not applicable where abandonment after January 1, 1903.

Conflicting laws repealed.

SECTION 1. That section one thousand two hundred and eighty-five of The Code be amended as follows: Add after the last subdivision of said section the following subdivision: If a husband shall wilfully without cause abandon the wife and live separate and apart from her for two years, the wife shall be entitled to divorce from the bonds of matrimony, but the husband shall not remarry within five years from the date of rendering final judgment in the action for divorce, and if the wife shall wilfully and without cause abandon the husband and live separate and apart from him for two years, the husband shall be entitled to divorce from the bonds of matrimony, but the wife in such case shall not remarry within five years from the date of rendering final judgment in the action for divorce: *Provided*, that in all actions for divorce upon the grounds above mentioned, it shall be alleged and proven upon the trial that the complainant had been a *bona fide* resident of the State of North Carolina for five years next preceding the commencement of the action: *And provided further*, that after the jury may have found the issue or issues in favor of the plaintiff, it shall be the duty of the judge presiding at the trial, to carefully inquire into the facts and circumstances of the particular case, and if he shall be of the opinion that the divorce for any cause should not be granted, he may in the exercise of his discretion, decline to grant the divorce and set aside the verdict: *Provided further*, that this act shall not apply to cases where the abandonment and separation occurs after the first day of January, 1903.

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.

In the General Assembly read three times and ratified this 6th January, 1903.

CHAPTER 491.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF GASTONIA, GASTON COUNTY, TO SELL AND CONVEY CERTAIN REAL ESTATE, AND TO DONATE THE PROCEEDS THEREOF TO THE BOARD OF COMMISSIONERS OF GASTON COUNTY.

WHEREAS, the town of Gastonia owns certain real estate, to-wit: One tract of land situated on the north side of Main street in said town, adjoining the Southern Railway, L. L. Jenkins, and others, and one tract situated on the waters of Catawba Creek near said town, known as the Dixon tract; and

WHEREAS, the said lands are not necessary for the corporate and municipal purposes of said town; and

WHEREAS, the Board of Aldermen of said town desire to sell and convey the said real estate, and to donate the proceeds arising from the sale of the same to the Board of Commissioners of Gaston County to be used for public purposes; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the town of Gastonia, in Gaston County, be and they are hereby empowered to sell the real estate above mentioned, at such time, in such manner, and upon such terms as they may determine upon, and to convey the same in fee-simple to the purchaser or purchasers.

Authority given aldermen of Gastonia to sell certain town property.

SEC. 2. That the Board of Aldermen of said town of Gastonia, in Gaston County, be and they are hereby empowered to donate the proceeds of the sale aforesaid to the Board of Commissioners of Gaston County, to be used by them in the purchase of a site for a county court-house and jail in the town of Gastonia, and in erecting the same.

Proceeds, how disposed of.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 492.

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY TO SELL REAL ESTATE IN THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Guilford County, be and they are hereby empowered to sell and execute title to a cer-

Situation of land authorized to be sold.

tain tract or parcel of land situated in the city of Greensboro at the southwest corner of the intersection of North Elm and Gaston streets, now used for a public hitching lot.

Consent of majority of justices of peace requisite before sale.

SEC. 2. That under this act said Commissioners shall not be required to first obtain the consent of the majority of justices of the peace in a joint meeting of said justices and said Board of Commissioners before making said sale.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 493.

AN ACT TO AMEND CHAPTER 645, LAWS OF 1901.

The General Assembly of North Carolina do enact:

Relative to deprecations of domestic fowls, made applicable to Lincoln county.

SECTION 1. That chapter six hundred and forty-five of the laws of nineteen hundred and one be amended by adding "Lincoln" after "Surry" in line four of said act.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 494.

AN ACT SUPPLEMENTAL TO AN ACT TO PROVIDE COURT STENOGRAPHERS FOR UNION AND BUNCOMBE COUNTIES, RATIFIED THE 31ST DAY OF JANUARY, 1903.

The General Assembly of North Carolina do enact:

Fee of \$2 to be taxed as costs in all criminal cases to provide fund to pay court stenographer.

SECTION 1. That in all criminal cases tried, heard, or disposed of in the county of Buncombe, where a plea of guilty or submission is entered, or where a verdict of guilty is returned by the jury, and the punishment in either case is either a fine and costs, or the suspension of judgment upon payment of costs, or a part of costs, there shall be taxed by the Clerk of the Court as a part of the cost, a fee of two dollars for each defendant, for the purpose of providing an additional fund for the payment of the Court Stenographer for said county, as provided for in section 8 of said act, and it shall be collected as costs are collected in other cases.

SEC. 2. That all laws and clauses of laws inconsistent with this act so far as it relates to Buncombe County are hereby repealed.

Conflicting laws repealed.

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

Applicable to Buncombe county only.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 495.

AN ACT TO MAKE CERTAIN THE LENGTH OF THE APRIL TERM OF THE SUPERIOR COURT OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter twenty-eight of the Public Laws of the year one thousand nine hundred and one, be amended by striking out the semi-colon after the word "March" and before the word "fifth" in the fourth line of the subdivision entitled Buncombe County, and inserting in lieu thereof a comma.

Section 1, chapter 28, Public Laws 1901 amended.
Punctuation corrected.

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

In the General Assembly read three times and ratified this the 6th day of March, 1903.

CHAPTER 496.

AN ACT TO AMEND CHAPTER 581 OF THE PUBLIC LAWS OF 1899, RELATIVE TO THE WORKING OF THE PUBLIC ROADS OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 581 of the Public Laws of 1899 be amended as follows: Strike out the words "Twenty-five" in line nine of section one and insert in lieu thereof the words "Thirty-five." Strike out the words and figures "Seventy-five (75) cents" at the end of line ten and at the beginning of line eleven of said section and insert in lieu thereof the following words and figures: "One Dollar and Five Cents' (\$1.05)."

Line 9, section 1, amended.

Line 10, section 1, amended.

SEC. 2. Add in line 45 of section 2 of said act, after the word "one" and before the word "supervisor" the words "or more" and in lieu of the word "supervisor" in same line add "supervisors," making same read "one or more supervisors"; amend section two further by adding at the end of said section the following: "Provided, that if more than one supervisor be appointed for any one township, then

Section 2 amended.

Provisions and responsibilities where more than one supervisor to township.

Boards of supervisors.

the County Commissioners shall divide such township between said supervisors and each shall be responsible for his own part of said township and make all such reports for his division as is now required by a supervisor of a township, and each such supervisor shall give bond in not less than double the estimated value of the road tax in his division in any one year.

Lines 8 and 9, section 18, amended.

SEC. 3. Strike out in lines eight and nine of section 18 the words "such reduction not to exceed one day during any one year." Add in line eleven of said section after the word "day" and before the word "Provided," the following: "And the Board of Commissioners may, if it see fit, abolish all free labor heretofore provided for and in lieu of such free labor may increase the tax heretofore provided to be levied for road purposes to an amount sufficient to keep the public roads in good repair: *Provided*, that each township shall constitute a separate taxing district for road purposes and the funds so raised shall be kept separate and used in the township paying same. The County Commissioners are authorized to levy different taxes in the different townships when in their judgment this course is wise, and may in their discretion reduce or abolish the free labor in any of the townships in Lincoln County and not in others. Further amend this section by striking out all after the word "day" in line eleven.

Commissioners may abolish free labor and increase tax.

Each township separate taxing district. Township funds, how kept and used. Tax rate in different townships.

Abolition of free labor. Line 11, section 18, amended.

Section 19 stricken out. Section 27a added.

How townships may procure election if dissatisfied with amended law.

SEC. 4. Strike out all of section nineteen of said act.

SEC. 5. Add after section 27 a section to be designated 27a, as follows: "That if the voters of any of the several townships of Lincoln County should become dissatisfied with the present road law as hereby amended and evidence such dissatisfaction by a petition to the Board of County Commissioners of said county, signed by one-third of the duly qualified voters of said township asking for the repeal of said law, it shall be the duty of said Board of Commissioners to order an election to be held in said township after giving thirty days' notice of same, for the purpose of deciding whether said law as hereby amended shall be repealed or not, as applied to said township. At such election those in favor of the present road law as amended by this act shall vote a ticket on which shall be written or printed the words "For Road Law," and those against same shall vote a ticket on which shall be written or printed the words "Against Road Law." If at said election so held a majority of the qualified electors in said township vote "Against Road Law," then said road law above referred to as amended by this act, shall not be in force in said township and the same shall be repealed as to that township only and such majority vote shall have the effect of re-enacting the road law and amendments thereto which was in force in said township prior to the act of 1899, relative to working the roads of Lincoln County. That said election shall be held under the rules and regulations governing the election of members of the General Assembly, so far as the same may be applicable. That the report of

Form of ballots

Effect of majority "Against Road Law."

Election, how held.

said election shall be made to the Board of County Commissioners at their first regular meeting after said election is held, and the Commissioners shall at such meeting canvass the vote cast and declare the result of said election and enter the result of said election on their minutes.

Report and canvass of vote.

Declaration of result, etc.

SEC. 6. That this act shall apply only to the county of Lincoln.

Applicable to Lincoln county only.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 497.

AN ACT FOR THE PROTECTION OF FISH IN PASQUOTANK RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to set any fike or pound net in Pasquotank river, above the town of Elizabeth City.

Unlawful to set fike or pound nets above Elizabeth City in Pasquotank river. Violation a misdemeanor. Penalty.

SEC. 2. That any person or persons violating the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars for each and every offense.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 498.

AN ACT TO AMEND CHAPTER 350, PUBLIC LAWS 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 350 of the laws of 1901 be amended by adding the following section between sections 1 and 2 of said act: That the place of delivering of any spirituous, vinous or malt liquors or intoxicating bitters within the county of Pender shall be so construed as to mean the place of sale, and that any station or other place within the aforesaid county of Pender, to which any person, firm or corporation shall ship or convey any spirituous, vinous or malt liquors or other intoxicating bitters for the purpose of delivery or carrying the same to a purchaser, shall be construed to be the place of sale: *Provided*, this section shall not be construed to prevent the delivery of any spirituous, vinous or malt liquors to a druggist in a sufficient quantity for medical purpose only.

Place of delivery of intoxicants construed place of sale in Pender county.

Not applicable to druggists for medical purposes.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 499.

AN ACT AUTHORIZING "THE SCHOOL COMMITTEE OF DISTRICT NUMBER ONE, MURPHY, NORTH CAROLINA," TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Preamble.
Chapter 330, Public
Laws 1891.

Erection of school
buildings, etc.

Issue of bonds.

Amount.

Rate of interest.

Receivable in pay-
ment of special
school tax.
When interest
to cease.

Denominations.

Term.

Execution of
bonds.
Record of bonds.

SECTION 1. That, whereas a graded school was established in School District Number One, in Cherokee County, North Carolina, by chapter 330, Public Laws of 1891, which was declared a body corporate under the name of "The School Committee of District Number One, Murphy, North Carolina." And, whereas, it has become necessary and imperative that suitable grounds be purchased and a suitable and proper school building or buildings be erected and equipped in the town of Murphy, N. C., within the said school district; now, therefore, for the purpose of raising money to buy grounds and to build, erect, construct, and equip a suitable and proper building or buildings for said school, "The School Committee of District Number One, Murphy, North Carolina," in said county of Cherokee, it being a corporation, the said School Committee of District Number One, Murphy, North Carolina," is hereby authorized and empowered to issue bonds, in the name of the "The School Committee of District Number One, Murphy, North Carolina," to an amount not exceeding fifteen thousand dollars (\$15,000) payable at the Bank of Murphy, Murphy, N. C., or such other place as the committee of said school may designate. Said bonds shall bear not exceeding (5) five per cent. interest per annum, which interest shall be payable annually, and each bond shall have coupons attached thereto for the amount of interest due thereon for each year they have to run, and said coupons, after their maturity shall be receivable in payment of special school taxes in said school district, and if the holder of said bonds shall fail to present the same for payment at the time and place therein named, he shall not be entitled to more than ten days interest thereon for the time they have been outstanding after maturity. Said bonds shall be in denominations of one hundred or five hundred dollars, each, and shall mature and be payable within thirty years from the date of their issue, and shall be signed by the chairman of said corporation and countersigned by the Secretary, and said Secretary shall keep a record of the number and amount of each bond issued and date of issue, when same matures, and to whom payable.

SEC. 2. That said bonds shall not be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be issued for any purpose other than the purpose mentioned in section one of this act.

Not to be sold under par. Application of proceeds.

SEC. 3. That for the purpose of providing for the payment of the annual interest on said bonds as they mature the County Commissioners of Cherokee County, shall annually, at the time of levying taxes for State and county purposes, levy and lay a special and particular tax on all persons, property and subjects of taxation which are now subjects of taxation, under the law for State and county purposes, or which hereafter by law may become so, sufficient to meet the annually accruing interest on said bonds. The taxes provided for in this section shall be collected by the Sheriff or Tax Collector for Cherokee County, North Carolina, in the same manner and at the same time as the State and county taxes are collected, for which service he shall receive two and one-half per cent. on the amounts collected, and shall be accounted for and kept separate and apart from all other taxes collected by him, and paid over to the Treasurer of Cherokee County and applied to the purpose for which they are collected, and it is further provided, that after the expiration of ten years from the issuance of said bonds or any part of them, an additional special tax (if that be deemed expedient and desirable) may in like manner be levied, laid and collected each and every year, sufficient in amount to redeem, retire, and take up each and every year such an amount of interest and principal as the said committee may determine.

Special tax.

Collection.

Compensation of sheriff or tax collector. Separate account to be kept.

Additional special tax.

SEC. 4. That none of said bonds shall be issued until this act shall be submitted to and approved by a majority of the qualified registered voters of said graded school district at an election to be held in the town of Murphy, N. C., in said school district on a day to be designated and fixed by said "The School Committee of District Number One, Murphy, North Carolina," or the members of its committee, at any time from and after the passage of this act, and after the expiration of public notice for thirty days preceding said election, giving time when and place where the said election will be held and registration books opened, which said notice shall contain a synopsis of the object and purpose of this act, and shall be published once a week for four consecutive weeks immediately preceding said election in any newspaper published in the town of Murphy or county of Cherokee, and it shall be the duty of the County Commissioners of Cherokee County at any of their regular meetings after the passage of this act, and at the request of said school committee, to appoint four good and lawful men residents of said school district, as judges of said election, all or any two of whom may act; also appoint a registrar for said election, who shall on the thirtieth day preceding said election open at some convenient place

Submitted to vote.

Notice of election.

Judges of election.

Registrar.

Registration.

in the town of Murphy, N. C., the registration books, upon which shall be recorded the names of all who present themselves for registration between the hours of seven o'clock A. M., and five o'clock P. M., if they be *bona fide* residents and qualified voters of said graded school district, and entitled to register and vote for State and county officers in any general election that might be held in Cherokee County at the time of the election herein provided for.

Election, how conducted.

The said judges appointed and named as aforesaid shall meet in the town of Murphy, North Carolina, at 7 o'clock A. M. on the day designated for said election, and after being duly sworn by an officer of the law authorized and empowered by law to administer oaths to the effect that they will honestly, faithfully, conscientiously, and impartially discharge their duties as judges of said election, proceed to open the polls that all who are entitled to vote at said election and desire to do so, may vote. Their voting shall be done by ballot, written or printed on a white piece of paper, which the voter, registrar, or one of the judges of election shall deposit in a box prepared by said judges for that purpose. Those voters approving the provisions of this act shall vote "For Bonds" and those not approving, "Against Bonds." The polls shall be closed at sunset, and when the polls are closed the aforesaid judges shall proceed to count the ballots and declare the result of said election, which they shall certify to the County Commissioners of Cherokee County over their signatures at the next regular meeting of said Commissioners after said election, which said Commissioners shall cause to be entered upon their minutes a record thereof. If the result of said election is in favor of the issuance of said bonds then the same may be issued in accordance with the provisions of this act, otherwise not.

Ballots.

Canvass of returns, etc.

Result, how recorded, etc.

Site for school buildings, etc.

SEC. 5. For the purpose of providing suitable ground for the erection of suitable buildings for said school "The School Committee of District Number One, Murphy, North Carolina," may acquire same by gift, grant, purchase or condemnation. In case of purchase, the committee for "The Committee of District Number One, Murphy, North Carolina," shall issue an order upon the Treasurer of Cherokee County for the purchase money, and upon the payment of the order the title to the ground shall vest in "The School Committee of District Number One, Murphy, North Carolina," and its successors. Said order shall be signed by the chairman and countersigned by the secretary of said committee, and shall be paid out of any funds in the hands of the County Treasurer belonging to said School District Number One above named. Whenever "The School Committee of District Number One, Murphy, North Carolina," shall be unable to obtain a suitable site or ground for school purposes by gift or purchase, it shall be lawful for it by its chairman or other officer or any member of said committee, upon five days' notice to the owner of the land, provided personal notice can be given, and if personal

Orders on county treasurer.

Condemnation of land.

Procedure.

notice cannot be given, and the owner of the land resides out of the county or out of the State, then upon thirty days' notice by publication in some newspaper published in Cherokee County, and if the owner lives in the State by sending notice to the Sheriff of his county to be served on him (if he cannot be found, service by publication shall be sufficient), to the effect that it will proceed to condemn said land to apply to the Clerk of the Superior Court of the county where said land lays, by petition for the appointment of three freeholders, as appraisers (not related to the owner of said land) who shall lay off, by metes and bounds, not more than two acres of land and assess the value thereof. They shall make a written report of their proceedings, to be signed by them, or a majority of them, to the said Clerk, within five days from their appointment, who shall enter the same upon the records of the Clerk's office. Said appraisers and all officers, including the Sheriff and Clerk, shall serve without compensation. If said report is confirmed by the Clerk of the Court, the chairman and secretary of the committee shall issue an order on the Treasurer of Cherokee County in favor of the owner of the land thus laid off for the amount agreed upon by the appraisers, which amount shall be paid out of any funds belonging to "The School Committee of District Number One, Murphy, North Carolina," and upon the payment or offer of payment of their order the title to said land shall vest in "The School Committee of District Number One, Murphy, North Carolina," and its successors. Any person aggrieved by the action of the appraisers may appeal to the Superior Court of the county in which the land is situated, upon giving bond to secure the committee against such costs as may be incurred on account of said appeal not being prosecuted with success: *Provided, however,* that such appeal shall not operate to prevent the said committee from proceeding with the erection of any building or buildings upon the land so condemned during the pending of such appeal: *And provided further,* that the judgment obtained in the Superior Court, if obtained by the owner of the land, shall be for a specified amount of damages, and not to the effect that the committee shall not have and build upon said land. That the word "Committee" herein used shall refer relatively to "The School Committee of District Number One, Murphy, North Carolina," and to the members or persons who are appointed or qualify under chapter 330, Public Laws of 1891.

Assessment of damages.

Right of appeal.

Proviso.

Proviso.

What the word "committee" herein refers to.

SEC. 6. Any deed procured for land by "The School Committee of District Number One, Murphy, North Carolina," by gift, grant or purchase or otherwise, shall be only recorded in the office of Register of Deeds for Cherokee County, and where land is acquired by condemnation proceedings it shall be the duty of the Clerk of the Superior Court to certify under his hand and seal a full and com-

Recording of deeds, etc.

Fees. plete copy of the condemnation proceedings, including notice, petition, report of appraisers, and all orders and judgment or judgments, which shall be duly recorded in the office of Register of Deeds for Cherokee County. For such certified copy the Clerk and Register of Deeds shall be paid their usual fees for such work by "The School Committee of District Number One, Murphy, North Carolina."

Election, how often held. SEC. 7. No election shall be held oftener than once in two years under this act.

Conflicting laws repealed. 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 and effect from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 500.

AN ACT TO PREVENT THE SALE AND MANUFACTURE OF LIQUORS IN THE TOWN OF SANFORD, MOORE COUNTY, MAKING THE PLACE OF DELIVERY THE PLACE OF SALE.

The General Assembly of North Carolina do enact:

Manufacture and sale of liquor prohibited. Territory.

SECTION 1. That it shall be unlawful for any person, company or corporation to manufacture, or barter or sell any spirituous, vinous, malt, fermented or other intoxicated liquors within the corporate limits of the town of Sanford, in Moore County.

Place of delivery construed place of sale.

SEC. 2. That the place where delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors is made in the said town of Sanford shall be construed and held to be the place of the sale thereof, and any station or other place within said town to which any person, company, firm or corporation shall ship or convey any spirituous, malt, vinous, fermented or other intoxicating liquors, for the purpose of delivery or carrying the same to a purchaser, shall be construed to be the place of sale: *Provided*, this section shall not be construed to prevent the delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors to druggists in sufficient quantities for medical purposes only.

Proviso: druggists.

Penalty.

SEC. 3. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined or imprisoned, or both, in the discretion of the court.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 501.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF WILSON GRADED SCHOOL DISTRICT (FOR WHITES) TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Trustees of the "Wilson Graded School District" (for whites) be and they are hereby authorized to issue coupon bonds to an amount not exceeding twenty thousand dollars, to bear interest at the rate of five per cent. and to run for a period not exceeding twenty years. That for the purpose of securing the payment of the said bonds the said board of trustees are hereby authorized and empowered to execute a deed in trust to such person or corporation as they may select, conveying the lot or parcel of land in the town of Wilson upon which is located the graded school building for whites, with the usual power of sale and other powers necessary and proper to secure the payment of the interest on said bonds and the principal thereof as they mature.

Bond issue.

Amount, interest, term.

Bonds, how secured.

SEC. 2. That the said board of trustees are hereby authorized and empowered to sell the said bonds for such amounts as they may be able to obtain therefor, not less than their par value. That the proceeds of said bonds when sold shall be applied to the payment of the notes heretofore executed by said board of trustees to raise money with which to pay for the erection of the said graded school building, and to the enlargement, equipment or improvement thereof or furniture therein.

Sale of bonds.

Application of proceeds.

SEC. 3. That the said board of trustees shall, out of the amounts received by the treasurer of said board from the Sheriff of Wilson County from the taxes levied and collected pursuant to the provisions of chapter 192 of the Public Laws of 1883, as amended by chapter 507 of the Public Laws of 1891, as amended by chapter 259 of the Laws of 1899, pay the interest on said bonds and shall retain and invest an amount not less than \$600 each year as a sinking fund to pay the principal thereof at maturity: *Provided*, that the said board of trustees may, if they see fit, retire one of said bonds each year.

Payment of interest.

Sinking fund.

Proviso.

SEC. 4. That the Board of Commissioners of Wilson County shall provide for holding an election in said graded school district on the same day provided by law for the election of the Mayor of the town of Wilson, under the same rules and regulations and by the same poll holders and judges of election as may be appointed to hold said election for said Mayor, at which all voters who shall favor the issuing of said bonds shall vote a ticket upon which shall be the words "For School Bonds" printed or written, and all voters

Question of bond issue submitted to vote.

Election.

Ballots.

Returns, etc.

who shall be opposed to the issuing of said bonds shall vote a ticket upon which shall be printed or written the words "Against School Bonds." The said poll holders and judges of election shall make returns to the Board of County Commissioners at their next monthly meeting, of said election, showing the number of registered voters in said district and the number of those voting for the issuing of said bonds and of those voting against said bonds, and said returns shall be signed by said poll holders and judges of election and entered upon the minutes of said board, and the original filed in the office of the clerk of said Board of Commissioners. If a majority of the said voters in said Wilson Graded School District shall vote for the issue of said bonds, then they shall be issued as hereinbefore provided: *Provided*, that the Commissioners shall give thirty days' notice of the time and place of holding said election, in such manner as they may deem best: *Provided further*, that the registration books of Wilson Township, Wilson County, shall be used at said election, and that any person who may have become a qualified voter in said district since the last election may register and vote in said election.

Notice of election,
registration, etc.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 502.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Graded school
district.

SECTION 1. That all the territory embraced within the corporate limits of the town of Elizabeth City, Pasquotank County, shall be and is hereby constituted a school district for the white and colored children.

Question of tax
submitted to vote.

SEC. 2. That the Commissioners of the town of Elizabeth City are hereby required to submit to the qualified voters of the said town within ninety (90) days after the filing with said Commissioners a written petition, signed by one-fifth of the *bona fide* electors of said town, the question whether an annual tax shall be levied for the support of the public schools in said town, and the said election shall be held under the same rules and regulations as govern the election of municipal officers in said town.

Election, how
conducted.

Ballots.

SEC. 3. That at the election held under the provisions of this act those favoring the levying of such tax shall vote a written or printed ballot without device with the words "For Schools" upon

it, and those opposed to the levying of such tax shall vote a written or printed ballot without device with the words "Against Schools" upon it.

SEC. 4. That if a majority of the qualified voters in said town shall vote at said election in favor of levying such tax it shall be the duty of the Board of Commissioners of said town and their successors to levy annually a special tax to support the said schools, not exceeding twenty (20) cents on the one hundred (\$100) dollars worth of real and personal property and other property taxed by the laws of North Carolina, and upon the poll not exceeding sixty (60) cents, and said taxes shall be due and collected annually by the Town Tax Collector as and at the time other town taxes are due and collected: *Provided*, that if the officers of election shall ascertain as the result of the election that a majority of the qualified voters have cast their votes "For Schools," and shall so declare, and the same is entered upon the records of the town, it shall be held and deemed *prima facie* evidence of such fact: *Provided further*, that if such tax is not voted at the first election held under this act then the Board of Town Commissioners, upon the written petition of one-fourth ($\frac{1}{4}$) of the qualified voters of said town, shall order another election held in the manner heretofore provided, said election to take place at the time and place of the regular municipal election in the year in which such petition is filed.

Levy of special tax.

Tax rate.

Proviso.

Proviso: subsequent election.

SEC. 5. That said taxes shall be paid over by the said Tax Collector of the said town to the Treasurer of the said town, which officers shall give bonds in such amounts as the Commissioners of said town shall direct, the former for the faithful collection and paying over and the latter for the safe-keeping and proper distribution of said special taxes and other funds that may come into his hands for the use of said graded school; and said Treasurer shall keep said school funds separate and apart from all other moneys and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded schools of said town.

Proceeds of taxes payable to town treasurer.

Official bonds.

Custody and application of school funds.

SEC. 6. That the graded public schools in said district shall be under the control and management of a board of trustees composed of seven (7) members, citizens of said town, who shall be elected by the qualified voters of the town of Elizabeth City at the election or elections to be held upon said tax levy. That the said board of trustees shall be divided into three classes; the members of the first class shall hold office for two years; the members of the second class shall hold office for three years; and the members of the third class shall hold office for four years, respectively, from the date of their qualification; each shall hold office until his successor is elected and qualified, and there shall be two members in the

Graded schools under control of board of trustees. Board, how elected, etc.

Term of office.

Vacancies.

first class, three members in the second class and two members in the third class. Vacancies by death or resignation or any other cause than by expiration of term shall be filled by said board of Trustees only for the unexpired terms of such members.

Board of trustees created a body politic; corporate name.
Powers.

SEC. 7. That the board of trustees herein created and their successors shall be a body corporate by the name and style of "The Board of School Trustees of the Town of Elizabeth City," and by that name shall be capable of receiving gifts and grants, of leasing property, of purchasing and holding real and personal estate, of conveying, mortgaging and transferring the same for school purposes, of prosecuting and defending suits; all conveyances of real estate shall be executed in the manner provided by law for corporations. The corporation may have a corporate seal, which it may alter at pleasure.

Duty to establish graded schools.

SEC. 8. That it shall be the duty of said board of trustees to establish graded public schools for the white and colored children of said town, and said board shall use and appropriate the funds derived from said special taxes and all other sources in such manner as shall be just to both races, giving each equal school facilities, due regard, however, being had to the cost of establishing and maintaining the graded schools of each race. That the board of trustees provided by this act shall have entire and exclusive control of the public schools and property in the town of Elizabeth City; shall prescribe rules and regulations for their own government and the government of the schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public schools, shall make an accurate census of the school population of the town as required by the general school law of the State, and do all other acts that may be just and lawful in the management of the public school interest in said town: *Provided*, that all children resident in the town of Elizabeth City between the ages of six (6) and twenty-one (21) years shall be admitted into said schools free of tuition charges, and those desiring admission into said schools as pay students may be admitted upon such terms as the board may determine.

Board to have exclusive control.

Employment of teachers.
School census.

School age.

Admission of pupils.

All school funds for said district to go to said schools.
Present school property vested in board of trustees.

SEC. 9. That all public school funds derived from the State and Pasquotank County for the use and benefit of the public schools in said town shall be paid to the Town Treasurer by the Treasurer of Pasquotank County for the use and benefit of the graded public schools in said town, and the property, both real and personal, of said public school district, whether heretofore belonging to the white or colored public schools, shall become the property of said graded schools, and shall be vested in the said board of trustees in trust for said schools, and the said board may sell the same or any part thereof, if deemed necessary or advisable, and apply the same for the use of said graded schools.

SEC. 10. That the board of trustees created under the provisions of this act shall elect annually, at least thirty (30) days before the opening of the fall session, a superintendent of the graded schools in said town, whose duties shall be as prescribed by said board of trustees, and the said superintendent shall examine all applicants for positions as teachers in said schools and certify the result to said board before their election as such teachers by said board; no other certificates of qualification shall be necessary for such teachers before their election as teachers in said schools. The said superintendent shall also act as secretary to said board of trustees should the said board so elect him or require him to serve.

Election of superintendent.

Duties.

SEC. 11. That it shall be the duty of said board of trustees to make annually after the close of each school year a full and complete report of the operations of said graded schools, together with a financial report, and also such recommendations and plans for the future as may in their judgment be advisable, to the Mayor and Board of Commissioners of the town of Elizabeth City. Said board of trustees shall also include in their report such data and other information as may be required under the general school law.

Reports.

SEC. 12. That the board of trustees, in conjunction with the superintendent, are hereby authorized in their discretion to fix a curriculum of studies and adopt text-books for said graded schools, not in conflict with State list.

Curriculum and text-books.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 503.

AN ACT TO ESTABLISH THE NORTH CAROLINA STATE VETERINARY MEDICAL ASSOCIATION AND TO REGULATE THE PRACTICE OF VETERINARY MEDICINE AND SURGERY IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. The association of veterinary surgeons and physicians calling themselves "The North Carolina State Veterinary Medical Association" is hereby declared to be a body politic and corporate under the name and style of "The North Carolina State Veterinary Medical Association."

Association created body politic.

Corporate name.

SEC. 2. In order to properly regulate the practice of veterinary medicine and surgery in North Carolina there shall be appointed

Governor to appoint board of medical examiners.

- by the Governor a board of five members of the North Carolina Veterinary Medical Association to be known as the North Carolina Board of Veterinary Medical Examiners, each to serve one, two, three, four and five years respectively, or until his successor has been appointed and qualified, and annually thereafter, one member to serve five years or until his successor has been appointed and qualified; each of whom shall within thirty days after notice of appointment appear before the Clerk of the Court of the county in which he resides and take oath to faithfully discharge the duties of his office.
- Term of office.**
- Oath of office.**
- Quorum.** SEC. 3. Three members of said board shall constitute a quorum, and no certificate shall be granted except with a concurrence of a majority of the members present.
- Officers of board of examiners. Record of proceedings, etc.** SEC. 4. The board of examiners shall elect a president and a secretary, who shall also perform the duties of a treasurer; they shall keep a regular record of their proceedings in a book to be kept for that purpose, which shall always be open for inspection, and shall always keep a record of all applicants for a certificate and of all who are granted a certificate, and shall publish the names of the successful applicants at least once each year in two newspapers published in the State.
- Temporary certificates, how granted.** SEC. 5. To prevent delay and inconvenience two members of the board of examiners may grant a temporary certificate to practice veterinary medicine or surgery, which shall be in force only until the next regular meeting of the board of examiners, but in no case shall such temporary certificate be granted to any person who has been an unsuccessful applicant for a certificate before the board.
- Meetings of board.** SEC. 6. The board of examiners shall meet at least once a year at such times and places as the association may decide upon, and remain in session sufficiently long to examine all who may make application at the appointed time.
- By-laws, etc.** SEC. 7. The Board of Veterinary Medical Examiners shall have authority to adopt such by-laws and regulations as may be necessary.
- Fees for certificates.** SEC. 8. The board shall have power to require each applicant to pay a fee of not more than \$10 before issuing a certificate and \$5 before issuing a temporary certificate.
- Compensation of members of board** SEC. 9. The members of said board shall receive such compensation for their services, not to exceed \$4 per day, and their traveling expenses, as the association may decide upon, to be paid by the secretary of the board out of any money coming into his hands as secretary.
- Power to rescind certificates, etc.** SEC. 10. The said board shall have power to rescind any certificate that may have been granted by it or annul any registration made under this act, upon satisfactory proof that the person thus licensed has been guilty of grossly immoral conduct or malpractice as

determined by the board. And it shall be the duty of said board to furnish any information pertaining to the practice of veterinary medicine or surgery upon application for same by any one practicing under this act.

SEC. 11. All persons who have been practicing veterinary medicine or surgery previous to this act shall be allowed to practice veterinary medicine or surgery in this State: *Provided*, that they make affidavit to the effect that they have practiced veterinary medicine or surgery as a profession previous to the ratification of this act, and have their names registered in the office of the Clerk of the Superior Court of the county in which they reside on or before January 1, 1905, in a book that shall be kept for that purpose.

Who entitled to practice without examination.

Registration of such.

SEC. 12. Nothing in this act shall be construed to prohibit any member of the medical profession from prescribing for domestic animals in cases of emergency and collecting a fee therefor, nor to prohibit gratuitous services by any person in an emergency, nor to prevent any person from practicing veterinary medicine or surgery on any animal belonging to himself or herself, or to prevent any one from castrating or spaying any of the domestic animals. And this act shall not apply to commissioned veterinary surgeons in the United States Army.

What service, etc., not prohibited by this act.

Not applicable to veterinary surgeons in U. S. army.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 504.

AN ACT TO EXTEND THE STOCK LAW IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of October, 1903, the stock law shall be established in all that part of Chatham County east of Haw and Cape Fear Rivers, and it shall be unlawful for any person or persons to permit his or her stock to run at large in said territory from and after said date, as provided in chapter twenty, Volume II of The Code of North Carolina.

Stock law established after October 1, 1903, where. Unlawful for stock to run at large.

SEC. 2. That from and after the first day of April, 1903, the stock law shall be established in that part of Bear Creek Township, Chatham County, included in the following boundaries: Beginning at the Randolph County line at the stock law gate on the public road, J. R. Brewer's line, and running eastwardly so as to include the lands of J. R. Brewer, J. F. Gilliland, R. L. Dorsett, J. R. Lane, J. A. Caviness, Minerva Siler, Lane's Ellis Tract, James Gilbert, N. E. Gilbert, W. T. Ellis, A. R. Ellis, M. E. Ellis, Frank and D.

Stock law established after April 1, 1903, where. Boundaries.

Unlawful for stock
to run at large.

Y. White, J. J. White to Thomas White's gate at the end of the lane leading to said Thomas White's barn, thence north to Charles White and Thomas White's lines to the Matthews Township line; thence west with the Matthews Township line to the Randolph County line; thence with the Randolph County line to the beginning. And it shall be unlawful for any person or persons to permit his or her stock to run at large in said territory from and after the first day of April, 1903, as provided by chapter twenty, Volume II of The Code of North Carolina.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 505.

AN ACT TO ESTABLISH A FREE FERRY ACROSS THE CAPE FEAR RIVER AT WHITE HALL.

The General Assembly of North Carolina do enact:

Establishment of
free ferry

SECTION 1. That the Board of Commissioners of Bladen County shall establish and maintain a free ferry across the Cape Fear River at White Hall in said county of Bladen for the crossing of said river by any and all persons, stock of all kinds, or vehicles.

Sufficient flats and
boats to be pro-
vided.

SEC. 2. That said Board of Commissioners shall keep and maintain good and sufficient flats and boats for transporting persons, horses and all other stock and vehicles across said river free of charge.

Contract for keep-
ing ferry.

SEC. 3. That said Board of Commissioners may contract with any person, firm or corporation for keeping said ferry, and may require good and sufficient bonds for the faithful maintenance of said ferry; said board may contract privately, or let out said ferry to the lowest bidder, and shall pay the expense of keeping said ferry out of the general funds.

Rules and regula-
tions.

SEC. 4. That said Board of Commissioners may make all necessary rules for the proper management of said ferry.

Existing franchise
rights.

SEC. 5. That in case of any claim as to franchise rights in the already existing ferry, should any right be violated the Board of County Commissioners shall pay a reasonable compensation to the owner of such rights.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 506.

AN ACT TO AMEND CHAPTER 359, LAWS OF 1901, RELATING TO THE SHOOTING OF GAME IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 359, Laws of 1901, be amended by striking out the word "first" in line three, section one, and inserting in lieu thereof the word "fifteenth."

Time limit for shooting extended from 1st to 15th of March.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 507.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE GRADED SCHOOLS OF SPRING HOPE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Trustees of the Spring Hope Graded Schools shall be and remain a body corporate under that name, and may adopt and use a common seal, and the members thereof shall be chosen in the manner now provided by law. That said corporation shall be invested with all the property, real and personal, and all other rights, privileges and powers now owned, held and enjoyed by, and shall be responsible for all the debts and liabilities of, and subject to all the duties and obligations devolving upon the Board of Trustees of the Spring Hope Graded Schools by existing laws. Said corporation shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the said corporation. Conveyances to said board of trustees shall be to them and their successors in office; and all deeds, mortgages and other agreements affecting real estate, and all bonds and obligations shall be deemed sufficiently executed when signed by the chairman and secretary of said board, and attested by the seal of said corporation.

Trustees created body corporate.

Corporation invested with property, rights, privileges, powers, responsibilities, duties and obligations of board of trustees of Spring Hope graded schools under former law. Corporate powers

Bonds and obligations, how executed.

SEC. 2. That the said board of trustees is hereby authorized to issue coupon bonds not to exceed in amount the sum of six thousand dollars (\$6,000) and in denominations of \$100 or multiples thereof, bearing interest from date of bonds at a rate not to exceed six per cent. (6 per cent.) per annum, payable semi-annually on the first

Authorized to issue bonds. Amounts.

Interest. Maturity.

How executed.	day of January and the first day of July of each year, at such place as said trustees may designate, until the said bonds are paid; that the said bonds shall be made payable at a time and place to be fixed by said trustees and named therein, not to be less than three nor more than twenty years from date of issuing. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the chairman of said board and countersigned by its secretary and have the corporate seal of said board affixed thereto, and the coupons thereto attached shall be signed by the chairman of said board. A record shall be kept of the said bonds, showing the number and denominations thereof, and when the same shall mature, and the interest-bearing rate thereof, the amount received from the sale of the same and the date of the payment of, and such other data in relation to the same as the board may direct to be kept.
Coupons.	
Record.	
Sale and delivery.	SEC. 3. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said board of trustees shall not deliver said bonds to the purchaser thereof until the purchase money shall be paid to the treasurer of said board, and his receipt to the purchaser produced as evidence of such payment, and the treasurer of said board shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer of said board, and he and the sureties on his official bond shall be liable to account for and pay over the same, and it shall be the duty of the said board of trustees to see that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of such bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory surety as they may require, and in default thereof to remove him from his office as treasurer.
Treasurer of board to receive proceeds.	
Liability for on official bond. Provisions as to bond.	
Renewal of bond.	
Proceeds to be kept separate.	SEC. 4. That the treasurer of said board of trustees shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said board in the purchase of land for school sites, in erecting suitable buildings, in furnishing the same with all the necessary equipments and furnishings and in equipping old buildings for the accommodation of the graded public schools of Spring Hope, and for such other school purposes as the trustees may order the same to be disbursed.
Proceeds, for what purposes expended.	
Compensation of treasurer and secretary.	SEC. 5. That the said board of trustees shall have power to fix the compensation for the treasurer and secretary for performing the duties conferred upon them by this act.
Sinking fund.	SEC. 6. That it shall be the duty of said board of trustees to provide a sinking fund for the payment of the principal of said bonds

at maturity, and for that purpose to set apart each year, from the taxes collected in or moneys apportioned to Spring Hope Graded School District for public schools, a sum equal at least five per cent. of the principal of said bonds.

SEC. 7. That it shall be the duty of said board of trustees to provide each year for the payment semi-annually of the interest on said bonds, and for that purpose to set apart each year from the taxes collected in or moneys apportioned to the Spring Hope Graded School District for public schools a sum sufficient to pay the same.

Payment of interest.

SEC. 8. That it shall be the duty of the treasurer to invest or loan the money coming into his hands for the purpose of creating a sinking fund, in safe securities, but no such investment or loan shall be made unless duly authorized by a majority of said board of school trustees.

Investment of sinking fund.

SEC. 9. That this act shall be submitted to the qualified voters in Spring Hope Graded School District for their ratification or rejection, at an election to be held in the town of Spring Hope at such time as the Board of Commissioners of Nash County shall designate within six months after the ratification of this act. The said election shall be advertised by the Board of Commissioners for

Act to be voted on.

thirty days prior to the day of election in three or more places in said school district, and the election shall be held under the rules, regulations and directions existing for the election of members of the House of Representatives. At said election those who are in favor of issuing the said bonds shall vote "Approved," and those who oppose shall vote "Not Approved" on written or printed ballot. The ballots cast for and against bonds shall be counted and the result of the said election certified and returned to the Register of Deeds of Nash County, who shall furnish to the chairman of said board of trustees a certified copy of said return under seal, and also send like certified copy of said [return] to the Secretary of State, who shall file same in his office. If at the election a majority of the qualified voters shall vote "Approved," then the said board of trustees shall proceed at once to issue and sell said bonds, or so many thereof as may be necessary in the judgment and discretion of said board, for the purposes aforesaid.

Provisions for election.

Election returns and to whom copies sent.

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

If election favorable, bonds to issue.

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 508.

AN ACT TO PROHIBIT THE HEDGING OF FISH IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to obstruct passage of fish in navigable waters.

Proviso as to nets and seines.

Violation of act a misdemeanor. Penalty.

Where applicable.

When in force.

SECTION 1. It shall be unlawful for any person or persons to obstruct any navigable waters or passage-way for fish by placing bushes, posts or any stationary material or fixtures in such a manner as to prevent the free passage of fish: *Provided*, that nothing in this act shall be construed to prohibit any person or persons from using a lawful net or seine in any way or manner except as a stop net or seine: *Provided further*, that this shall not apply to any net that the fish can pass freely by one end.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than two hundred dollars for each offense.

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

SEC. 4. That this act shall be in force from and after May 1st, 1903.

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 509.

AN ACT IN RELATION TO THE PUBLIC SCHOOLS IN THE TOWN OF MOUNT PLEASANT, CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Town constituted public school district.

Control of public school interests.

Teachers. Census.

School commissioners body corporate. Corporate name. Corporate powers.

SECTION 1. The town of Mount Pleasant shall be and is hereby constituted a public school district.

SEC. 2. The Board of School Commissioners hereinafter provided for shall have entire and exclusive control of the public school interests in the town of Mount Pleasant, shall employ and fix the compensation of teachers, shall make an accurate census of the school population of said town as is required by the general school law, and do all other acts that may be just and lawful to conduct and manage the public school interest of said town. And the Board of School Commissioners shall constitute a body corporate under the name and style of the Board of School Commissioners of the Town of Mount Pleasant, with power to sue and be sued, and to plead and be impleaded, and by that name shall be capable of receiving gifts and grants, of making purchases, buying, holding and selling property, both real and personal, of mortgaging, transferring and conveying property, both real and personal, for school purposes.

SEC. 3. Conveyances, mortgages and all other instruments to said Board of School Commissioners shall be made to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate and personal property shall be deemed sufficiently executed when signed by the chairman and secretary of said board when so ordered by said board.

Conveyances, etc.,
to whom made.

Conveyances, etc.,
from commissioners,
how executed.

SEC. 4. That all public school funds derived from the State and county from time to time for the use and benefit of the public school district of said town shall be paid to the treasurer of the Board of School Commissioners of the town of Mount Pleasant, by the Treasurer of Cabarrus County.

State and county
school funds for
said district to be
paid to treasurer
of board.

SEC. 5. The Treasurer of the town of Mount Pleasant shall be the treasurer of the school board, and he shall give a good and sufficient bond in the sum of at least six hundred dollars, to be approved and accepted by said school board, and shall receive such compensation as the board may allow.

Who treasurer of
school board.
Bond, compensa-
tion.

SEC. 6. That for the purposes of this act there is created a Board of School Commissioners of two classes, as follows: L. J. Foil and D. D. Barrier of the first class for a term of two years, C. G. Heilig, A. W. Moose and D. H. McEachern of the second class for a term of four years—both classes dating from the first Monday in May, 1903. In case of vacancy on said board at any time between the dates of election in the town of Mount Pleasant the Board of Commissioners of said town shall fill the said vacancy until next general election for said town. Successors to the first class shall be elected at the general election for said town of Mount Pleasant in 1905; and to the second class at the general election of said town in 1907. Persons elected school commissioners shall be elected for a term of four years. The board shall organize by electing out of their number a chairman and secretary as soon as elected and qualified.

Names and terms
of office of com-
missioners.

Vacancy, how
filled.

Election of suc-
cessors.

Terms of office.
Organization.

SEC. 7. That the property, both real and personal, of Public School District No. 2, No. 8 Township, shall become the property of said Board of School Commissioners of the town of Mount Pleasant and their successors in office, in trust for public school purposes.

Property of public
school district
No. 2, township
No. 8, to vest in
school commis-
sioners.

SEC. 8. That the Board of Commissioners of the town of Mount Pleasant are hereby authorized to submit to the qualified voters of said town, when so ordered by the school board of said town, at a general election for said town, whether a special school tax shall be annually levied to supplement the public school fund in said town. Said election shall be held under the rules and regulations governing municipal elections in said town. At the election to be held under the provisions of this act those who favor the levying of such tax shall vote a ticket on which shall be the words "For Special School Tax," and those who are opposed shall vote a

Provisions for
election on ques-
tion of special tax
for school purposes.

If election favorable, tax to be levied and collected.
Liability of tax collector.

Disposal of tax.

Amount.

School moneys, how and when paid out.

Statement of receipts and disbursements.

Provision for attendance of non-resident students.

Conflicting laws repealed.

ticket on which shall be the words "Against Special School Tax."

If a majority of the qualified voters shall be in favor of said tax the same shall be levied and collected as the other town taxes, and the Tax Collector shall be subject to the same liabilities for collection and disbursement of the said tax as he is or may be for other town taxes. The taxes levied and collected under this act shall be placed to the credit of the Board of School Commissioners: *Provided*, that said school tax shall not exceed twenty cents on the one hundred dollars worth of property and sixty cents on the poll.

SEC. 9. That all moneys paid to the treasurer of the Board of School Commissioners from any source whatsoever for school purposes shall be paid out only by order of said board and signed by the chairman; and such warrant shall be a valid voucher in the hands of the treasurer in all settlements required of him by law. The Board of School Commissioners, through its treasurer, shall, on Friday before the first Monday in May each year, make to the Board of Commissioners of the town of Mount Pleasant an itemized statement of receipts and disbursements for publication or posting.

SEC. 10. That the Board of School Commissioners may allow students to attend school who live outside the corporate limits, with consent of the County Board of Education: *Provided*, such students are reported in taking the census [of] said school district: And *Provided further*, that those students residing outside of the corporate limits pay an amount agreed upon by the board when the school is using money derived from a special tax in said town.

SEC. 11. That all laws and clauses of laws in conflict with this act be and are hereby repealed.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 510.

AN ACT TO AMEND SECTION THIRTY OF THE CORPORATION LAW OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 30 amended.
Capital stock increase or decrease of corporations which could not be created under corporation law.

SECTION 1. That section 30, chapter 2, Acts of 1901, be amended by adding at the end thereof: And any corporation of this State which could not now be created under the provisions of this act may in like manner increase or decrease its capital stock, or change its name.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 511.

AN ACT TO AUTHORIZE THE OWNER OR LESSEE OF THE NAG'S HEAD HOTEL TO FURNISH WINES AND LIQUORS TO THE BONA FIDE GUESTS AND EMPLOYEES OF SAID HOTEL DURING THE MONTHS OF JUNE, JULY, AUGUST AND SEPTEMBER.

The General Assembly of North Carolina do enact:

SECTION 1. That upon the payment of the State and county taxes as hereinafter provided the owners or lessees of the Nag's Head Hotel in Dare County shall have the privilege of and the authority to sell and furnish to the *bona fide* guests and employees of the said Nag's Head Hotel spirituous, vinous and malt liquors and wine in unbroken packages, bottles or flasks.

Privilege allowed upon payment of State and county taxes.

SEC. 2. That the Board of County Commissioners of Dare County is hereby authorized, empowered and directed to issue license to said owner or lessee of said Nag's Head Hotel for the months of June, July, August and September upon the pro rata payment for said time of the taxes provided for in the general law for license and saloon.

Dare county commissioners to issue license.
For what months.
What taxes to be paid.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 512.

AN ACT TO AMEND SECTION SEVEN HUNDRED AND SEVENTY (770) OF THE CODE AND TO FIX THE COMPENSATION OF THE TREASURER OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven hundred and seventy (770) of The Code be amended by adding at the end thereof the following: *Provided further*, that in lieu of all commissions allowed by law, the Treasurer of Gaston County shall receive as a compensation in full for all services required of him a yearly salary not exceeding twelve hundred dollars, to be fixed by the Commissioners of said county.

Treasurer of Gaston county to receive salary instead of commissions.

Maximum amount of salary.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 513.

AN ACT TO VALIDATE IRREGULAR PROBATES.

The General Assembly of North Carolina do enact:

Where officer with seal takes acknowledgment, privy examination or proof of execution of instrument and fails to affix seal, and clerk adjudges certificate to be correct and orders registration and same is registered, certificate validated.

SECTION 1. That in every case where a notary public, residing in this State or any other State, has taken the acknowledgment of any deed, mortgage or other instrument requiring registration or the privy examination of a married woman, or proof of the execution of such deed, mortgage or other instrument by witness, and has certified such acknowledgment, privy examination or proof under his hand and private seal, without the use of his official or notary seal, and the Clerk of the Court has adjudged such certificate to be in due form and has ordered such deed, mortgage or other instrument to be registered, and the same has been registered, every such certificate is hereby declared to be in all respects as valid as if such certificate had been given under the official or notarial [seal] of the notary public.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 514.

AN ACT TO REPEAL CHAPTER (503) FIVE HUNDRED AND THREE OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

Relative to listing dogs for taxation in Buncombe county.

SECTION 1. That chapter five hundred and three (503), Public Laws of 1893, be and the same is hereby repealed.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 515.

AN ACT TO PROVIDE FOR FIVE COMMISSIONERS FOR HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Names of additional commissioners.

SECTION 1. That R. W. Brown and N. B. Joysey be and they hereby are appointed members of the Board of Commissioners of

Halifax County, and their term of office shall begin upon their qualification and run until the first Monday in December, 1904, or until their successors shall be elected and qualified. Term of office.

SEC. 2. That at the next general election and at all elections thereafter held for commissioners of said county there shall be elected five members of said Board of Commissioners. Five commissioners to be elected at next election.

SEC. 3. That all laws in conflict with this act are hereby repealed, in so far as they apply to Halifax County. Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 516.

AN ACT TO PROMOTE AND PROTECT THE OYSTER INDUSTRY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of executing and enforcing the oyster law of this State there shall be an Oyster Commissioner appointed by the Governor. The Commissioner shall receive a salary of nine hundred dollars per annum, payable monthly, and said Commissioner shall be allowed the sum of three hundred dollars for his expenses. There shall also be an Assistant Oyster Commissioner appointed by the Governor. The Assistant Commissioner shall receive a salary of seven hundred dollars per annum, payable monthly. There shall also be a sufficient number of Inspectors to carry into effect and enforce the laws. The Inspectors shall be appointed by the Oyster Commissioner from the counties within the boundaries of which their duties are to be performed, and shall receive a salary of from thirty to fifty dollars per month during the oyster season in the discretion of the Oyster Commissioner: *Provided*, the Commissioner shall fix the time at which said Inspectors shall go on duty and the length of their service as he may deem necessary for the protection of the industry, and said Commissioner shall have power to remove any Inspector at any time for cause, and no Inspector shall be paid for any longer time than he serves. The term of office of the Oyster Commissioner and the Assistant Oyster Commissioner shall be two years, or until their successors are appointed and qualified. They shall be subject to removal by the Governor upon complaint and a hearing. All officers appointed under this act shall give bond for the faithful performance of duty and the proper accounting for all moneys received by them. The bond of the Oyster Commissioner shall be two thousand Oyster commissioner.
Salary.
Expenses money.
Assistant oyster commissioner.
Salary.
Inspectors.
Salaries.
Length of service of inspectors.
Removal.
Time length of payment for services.
Term of commissioner and assistant.
Removal of commissioner and assistant.
Official bonds.
Amount of bonds.

To whom payable and sureties.	dollars, that of the Assistant one thousand dollars, that of the Inspectors five hundred dollars each. Said bonds shall be made payable to the State of North Carolina, and each shall have two good and sufficient sureties, or the said bonds may be given in a guarantee or surety company authorized to do business in this State. They shall be approved by and filed with the Clerk of the Superior Court of the county wherein the officer resides. Each of said officers shall also subscribe to and file with his bond an oath, properly administered, to faithfully perform the duties of his office.
Approval. Oath of office.	
Duties of inspector.	SEC. 2. It shall be the duty of the Oyster Commissioner to have a general supervision over every branch of the oyster industry and to see that the laws regulating the same are rigidly enforced. He shall furnish to the Inspectors and the Clerks of the Superior Courts of the several counties mentioned in this act receipt and record books, and all other kinds of stationery necessary to keep a correct record and account of all the money collected and all information necessary to be kept. Said stationery shall be furnished by the Commissioner of Labor and Printing upon requisition of the Oyster Commissioner. He shall see that the law regulating the catching and handling of oysters is enforced. That no illegal methods are used in catching, selling or shipping. That the cull law is rigidly enforced, and that only proper and legal measures are used in buying and selling. He shall prosecute all violations of the law, and whenever it is necessary he may employ counsel for this purpose. He and the Assistant Oyster Commissioner and Inspectors are hereby authorized and empowered to arrest, with or without warrant, any person or persons violating any of the provisions of the oyster laws. He may also employ or charter sail vessels, tugs and other boats when necessary. He shall in his official capacity have power to administer oaths and to send for and examine persons and papers. He shall, on or before the 25th day of each month, mail to the Treasurer of the State a consolidated statement showing the amount of taxes collected during the preceding month and by and from whom collected. He shall make a biennial report to the Governor, setting forth in detail an account of his official acts, the condition of the oyster industry in all its branches, and shall recommend such additions to or modification of existing laws relating thereto as he may deem proper and necessary.
Power to charter vessels, administer oaths, examine persons, etc.	
Monthly report to State Treasurer.	
Biennial report to Governor.	
Duties of assistant oyster commissioner.	SEC. 3. The Assistant Oyster Commissioner shall be charged with the special supervision, under the Commissioner, of all matter relating to oyster industry in the different counties. He is particularly charged with the rigid enforcement of the cull feature of the law. The provisions against the use of illegal measures in buying or selling and the unlawful use of scoops, scrapes and dredges in the bays, creeks, straits, sounds, rivers and their tributaries

and elsewhere where the same is prohibited. Whenever oysters are offered for sale or loaded upon any vessel, car or train, without having been properly culled according to law, the Commissioner or Assistant Commissioner or Inspectors shall seize the boat, vessel, car or train containing the same and shall cause the said oysters to be scattered upon the public grounds, and the costs and expenses of said seizure and transportation shall be a prior lien to all liens on said boat, vessel, car or train, and if not paid on demand the officers making the seizure shall, after advertisement for twenty days, sell the same and make title to the purchaser, and after paying expenses as aforesaid pay the balance, if any, into the oyster fund, and the owner or persons offering the said oysters for sale, or having them in possession shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. The Inspectors shall keep a correct record of all taxes collected by them and from whom and for what purpose collected. They shall, on or before the 5th day of each month, mail to the Oyster Commissioner a report, on such form as he may prescribe, of all taxes collected by them, showing from whom received, with the amount of said taxes.

SEC. 4. The Clerks of the Superior Courts of the several counties who are authorized to issue license or to collect any license tax, shall, on or before the 15th day of each month, mail to the Oyster Commissioner a statement, showing all licenses issued during the preceding month, to whom issued and for what purpose, and the amount of tax collected by them from all sources under the oyster laws, and they shall at the same time remit the said amount, less two and one-half per cent. as their commission, direct to the State Treasurer. They shall at the same time mail to each Inspector asking for the same a list of all persons to whom license has been issued and of all boats or vessels licensed, and for what purpose.

SEC. 5. Every person, firm or corporation engaged in buying oysters in this State shall keep a permanent record of all oysters bought by them, when and from whom bought, the number of bushels and the price paid therefor. All these records shall at all times be open to the examination and inspection of the Oyster Commissioner, Assistant Oyster Commissioner and Inspector, and upon request shall be verified by the parties making them. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined fifty dollars, or imprisoned thirty days for each and every offense.

SEC. 6. It shall be unlawful for any person to catch oysters from the public grounds of the State without first obtaining a license so to do, and no person shall be licensed for this purpose, who is not a *bona fide* resident of this State and who has not continuously resided therein for two years next preceding the date of his application for

Powers of commissioners to seize and sell vessels or trains on which are loaded oysters not properly culled.

Disposition of proceeds of sale.

Offering uncultured oysters for sale misdemeanor.

Penalty.

Record of taxes.

Inspectors' monthly report to commissioner.

Clerks authorized to issue license, etc., to report to commissioner.

Commission retained. To remit to State Treasurer. To mail list of those licensed to inspectors.

Record to be kept by those buying oysters.

Record open to inspection.

Verification of record. Violating this section a misdemeanor. Penalty.

Unlawful to catch oysters from public grounds without license. Non-residents not licensed.

Unlicensed agents or assistants unlawful.

Unlawful for licensed person to act as agent or assistant to unlicensed.

Oath of person desiring to catch oysters from public grounds.

Oath, where filed.

Clerk if satisfied to issue license.

Form of license.

Record of license. Compensation of clerk.

Violation of oath or false statement to procure license perjury.

Unlawful to use vessel to catch oysters until licensed and tax paid.

license, and it shall be unlawful for any person, licensed under the provisions of this act to employ as agent, or assistant any person not so licensed, or to act as the agent or assistant of any person unlicensed.

SEC. 7. Any person desiring to catch oysters from the public grounds and natural oyster beds of this State shall make and subscribe to the following oath, before some officer qualified to administer oaths: "I,, being an applicant for oyster license, do solemnly swear that I am a citizen of North Carolina and have been a resident of the State for the two years next preceding this day; that my place of residence is now in County; that I will not, if granted license, employ any non-resident, or unlicensed person as an assistant or serve as an assistant to any non-resident or unlicensed person, nor will I transfer, assign or otherwise dispose of my license to any person, firm or corporation; that I will not knowingly nor wilfully violate or evade any of the laws or regulations of the State relating to oyster industry. So help me, God." He shall then present to and file said oath with the Clerk of the Superior Court of Hyde, Dare, Beaufort, Carteret, Pamlico and Craven counties, and the said clerk, if satisfied with the truth of the statement made in the oath of application, shall issue to him an oysterman's license in the following form:, a resident of County, having this day made application to me for an oysterman's license, and having filed with me the oath prescribed by law, I do hereby grant to him license to catch oysters from the public grounds of this State from the 15th day of October,, until the first day of next April. Witness my hand and official seal this the day of, 190...

.....
Clerk of the Superior Court,
.....County, North Carolina.

The said oath and a record of the license shall be kept by the Clerk, and for issuing and recording the same he shall receive from the applicant a fee of twenty-five cents. No fee shall be charged by the Clerk for administering the oath. If any person, after being licensed, shall violate his oath of application or shall make any false statement for the purpose of procuring any license, he shall be guilty of the crime of perjury and upon conviction shall be punished accordingly.

SEC. 8. It shall be unlawful for any person or persons to use any boat or vessel of any description for the purpose of taking or catching oysters from the public grounds or natural oyster beds of this State until the said boat or vessel has been duly licensed by the Clerk of the Superior Court of one of the counties mentioned in the preceding section and the tax required by law paid therefor. License

may be granted to any one of said clerks upon application and the payment of the following tax, on any boat or vessel without cabin or deck, and under custom-house tonnage, using scoops, scrapes or dredges, measuring, over all, twenty-five feet and under thirty, a tax of three dollars, fifteen feet and under twenty feet a tax of two dollars. On any boat or vessel with cabin or deck and under custom-house tonnage, using scrapes or dredges, measuring over all, thirty feet or under a tax of five dollars; over thirty feet a tax of six dollars. On any boat or vessel, using scoops, scrapes or dredges, required to be registered or enrolled in the custom-house, a tax of one dollar and fifty cents a ton on gross tonnage. But no vessel propelled by steam, gas or electricity, and no boat or vessel not the property absolutely of a citizen, or citizens of this State, on the ratification of this act, or unless built or owned in this State subsequent thereto and actually owned by a *bona fide* resident of this State under this act, or unless built or owned in this State subsequent thereto and actually owned by a *bona fide* resident of this State under this act, shall receive license or be permitted in any manner to engage in the catching of oysters anywhere in the waters of this State. All boats or vessels so licensed to scoop, scrape or dredge oysters shall display on the port side of the jib, above the reef and bonnet and on the opposite side of mainsail, above all reef points, in black letters, not less than twenty inches long, the initial letter of the county granting the license and the number of said license. The number to be painted on canvass and furnished by the Clerk of the Superior Court issuing the license, for which he shall receive the sum of fifty cents. Any person or persons using any boat or vessel in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars nor less than ten dollars or imprisoned not more than thirty nor less than ten days for the offense, but for the second or subsequent offense he shall be guilty of a misdemeanor and punished at the discretion of the Court, and the boat or vessel so used shall be seized, forfeited, advertised for twenty days at three public places in the county where seized, and sold at some public place designated in the advertisement, and the proceeds paid into the oyster fund.

SEC. 9. It shall be unlawful for any person, firm or corporation to engage in the business of buying or purchasing oysters in this State either for canning, packing, shucking or shipping without first obtaining a license to do so from the Clerk of the Superior Court of either of the counties of Hyde, Carteret, Pamlico, Craven, Beaufort, Dare or Pasquotank. Upon application to any of said clerks and the payment of a fee of fifty cents he shall grant to the person, firm or corporation, making the said application a dealer's license, which shall not be granted prior to the 15th day of October and shall con-

License taxes for various sized vessels.

What vessels cannot obtain license.

Provisions for boats using scoop, scrape or dredge to display the number of license and initial letter of county granting.

Clerk's fee for furnishing number on canvas.

Using vessel in violation of this section a misdemeanor. Penalty.

Penalties for second offense.

Unlawful to buy oysters for canning, packing, shucking or shipping without license. Where obtained.

Clerk's fee for dealer's license.

Time limit for license to begin and end.

Duplicate license to be mailed by Clerk.

Violation of this section a misdemeanor.

Dealer's tax on purchases.

To whom tax paid.
Failure to pay tax, license void.

No further license granted.
Provision for collecting tax by suit.

Provisions for culling oysters.

Culls returned to public grounds.

No oysters allowed marketed consisting of more than 10 per cent. culls.
Exceptions.

Provisions for measuring oysters.

Unlawful to use or have in possession any measure than above specified.
Measures to be branded.

continue in force only until the first day of April following. And the said Clerk shall at once mail to the Oyster Commissioner a duplicate of said license. Any person, firm or corporation doing business in violation of this section shall be guilty of a misdemeanor for each and every day such business is continued.

SEC. 10. All dealers in oysters and all persons who purchase oysters for canning, packing, shucking or shipping, shall pay a tax of one and one-half cents on every bushel of oysters purchased by them: *Provided*, that "coon" oysters shall be taxed one-half a cent a bushel only; this tax shall be paid to and collected by the Inspectors, and when paid a receipt shall be given therefor. Upon failure or refusal by any person, firm or corporation to pay said tax, his or their license as a dealer shall at once become null and void, and no further license shall be granted them during the current year, and it shall be the duty of the Commissioner, Assistant Commissioner or Inspector to institute suit for the collection of said tax. Such suit shall be in the name of the State of North Carolina on relation of the Commissioner or of the Inspector, at whose instance such suit is instituted and the recovery shall be for the benefit and to the use of the general oyster fund.

SEC. 11. All oysters taken from the public grounds of this State, with whatsoever instrument or implement, shall be culled and all oysters whose shells measure less than two and one-half inches from hinge to mouth, except such as are attached to a large oyster and cannot be removed without destroying the small oyster, and all shells taken with the said oysters shall be returned to the public ground when and where taken, and no oysters shall be allowed by the Inspectors to be marketed which shall consist of more than ten per cent. of such small oysters and shells except "coon" oysters and oysters largely covered with mussels: *Provided*, these musselled oysters must not contain more than ten per cent. of shells or small oysters under regulation size.

SEC. 12. All oysters measured in the shell in this State shall be measured in a circular tub with straight sides and straight, solid bottom, with holes in the bottom not more than one-half inch in diameter. The said measure shall have the following dimensions: A bushel tub shall measure eighteen inches from side to inside across the top, sixteen inches from inside to inside across the bottom and twenty-one inches diagonal from inside rim to top. It shall be unlawful for any person in buying oysters, or selling same to use or have in their possession any measure with dimensions other than those herein specified. All measures used for buying or selling oysters shall have a brand to be adopted by the Oyster Commissioner, stamped therein by said Commissioner, Assistant Commissioner, or his lawful inspectors. Any person violating 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. And all measures found in the possession of any such person not meeting the requirements of this section, shall be destroyed by said Oyster Commissioner, Assistant Commissioner or Inspector.

SEC. 13. It shall be lawful for any person or persons duly licensed and using a licensed boat, or vessel, to use scoops, scrapes or dredges in catching or taking oysters from November the 15th in each year to the first day of April following, from the public grounds and natural oyster beds in the broad open waters of Pamlico Sound, Pamlico River, Neuse River and Long Shoal River, except in those portions of said sound and rivers, in which the use of such instruments and implements is prohibited by the succeeding section of this act. It shall be unlawful for any person to carry winders, dredges, scoops or scrapes on any boat or vessel between the 5th day of April and the 10th day of November in any year. Any boat or vessel found with winders, dredges, scoops or scrapes during this time shall be seized and the owner shall pay a fine not exceeding fifty dollars or less than twenty-five dollars for each and every offense, and the boat or vessel so seized shall be released when the fine imposed by this section shall be paid, and in default of such payment such boat shall be sold after advertisement at three public places, and the proceeds of such be divided, one-half to the public school fund of the county in which such seizure was made and one-half to the oyster fund.

SEC. 14. It shall be unlawful for any person or persons to use scoops, scrapes or dredges, or any other implement except hand tongs, for purpose of taking or catching oysters from the public grounds in any bay, river, creek, strait, or any tributary of such which border upon or empty into Pamlico Sound, Pamlico River, or Long Shoal River, except hereinafter provided. It shall be unlawful to use any scoop, scrape or dredge, or other instrument except hand tongs in the waters of Pamlico Sound from what is known as the Reef or Reefs in the eastern portion of said sound to the line of banks bordering its eastern shores. It shall also be unlawful to use any scoop, scrape or dredge or other instruments or implements except hand tongs, along the shores of Pamlico County inside of a line beginning at Maw Point and running to the west end of Brant Island, thence to Pamlico Point. It shall be unlawful to use any scoop, scrape or dredge or other instrument or implement from February 1st in each year to April the 1st following in the waters of Pamlico Sound north of a line running from Long Shoal Light to Gull Shoal Life-saving Station. It shall be unlawful to use any scoop, scrape or dredge or any other instrument or imple-

Misdemeanor to violate this section. Penalty.

Measures not meeting requirements to be destroyed.

Where and when persons may use scoops, scrapes or dredges in taking oysters from Pamlico Sound, Pamlico, Long Shoal and Neuse rivers.

When unlawful to carry winders, dredges, scoops or scrapes on vessel. Vessel found with either out of season to be seized. Penalty.

Default of payment of penalty, vessel to be sold. Disposition of proceeds.

Certain places and times where and when it is unlawful to use scoops, scrapes or dredges, or any other implement except hand tongs, for taking or catching oysters from public grounds.

Violation of
this section a
misdemeanor.
Penalty.

Expression
"within creek,
strait or bay"
construed

Northern bound-
ary of Carteret
county defined for
purposes of this act.

Unlawful to take
oysters at night
or on Sunday.

Unlawful to
unload between
sunset and sunrise
or on Sunday.
Violation a
misdemeanor.
Penalty.
Application of
section.
Exception.

Provisions for
purchase of oysters
to carry out of
State by vessel.

Points where
oysters may be
purchased to carry
out of State.

Vessels, when
to load.

Vessels not having
tax-paid certificate
not permitted to
pass through
canals.

ment except hand tongs, to catch or take oysters from the public grounds or natural oyster beds in any of the waters of Carteret County, except as defined in section 15 of this act, which territory is exempt from the provisions of this section. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars or imprisoned not less than six months for each offense. Any point inside of a line drawn from the farthest or extreme outward point of land or marsh on the one side to the farthest or extreme outward point of land or marsh on the opposite side of any creek, strait or bay, shall be construed to be within said creek, strait or bay, for the purposes of this act.

SEC. 15. As there has been a question as to the exact boundary line of Carteret County, the northern boundary of said county, for the purposes of this act only, shall be a line extending from Swan Point to Harbor Island Light, thence a line to Southwest Straddle Light, thence a line to Northwest Point Light, thence a line to the middle of Ocracoke Inlet.

SEC. 16. It shall be unlawful for any person to catch or take oysters with any instrument or implement whatsoever from any of the public grounds or natural oyster beds of the State at night or on Sunday, nor shall any such person or corporation unload any oysters on Sunday, or at any time between sunset and sunrise. Any person or corporation violating the provisions of this section shall be guilty of a misdemeanor and fined twenty-five dollars for each offense. The provisions of this section shall apply only to factories or packing houses: *Provided*, that whenever any boat or vessel shall have partially unloaded or discharged its cargo before sunset, the remainder of said load or cargo may be discharged in the presence of an inspector.

SEC. 17. It shall be unlawful for any person or persons, firm or corporation to buy oysters in the State to be carried out of the State in any boat or vessels, unless said boat or vessel shall have an Oyster Inspector on board at the time of the delivery of the oysters purchased. No boat or vessel shall purchase oysters to be carried out of the State except at the following points or stations in this State, to-wit: South end of Roanoke Island, Stumpy Point Bay, Parched Corn Bay, Wysocking Bay, West Bluff Bay, Great Island Narrows or Swan Quarter Bay, as the Oyster Commissioner may determine, Portsmouth, Ocracoke, Bay River, mouth of Rose Bay and Harbor Island—only one boat or vessel to load at one time at any of these points or stations—such boats or vessels to load in order of their arrival at said points or stations. No boat or vessel loaded with oysters shall be permitted by the Inspectors at South Mills and Coinjock to pass through the canals, which do not have a certificate

showing that the cargo has been inspected and the tax paid thereon. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars nor less than three hundred dollars, or imprisoned not more than six months.

Violation of section a misdemeanor.
Penalty.

SEC. 18. The Oyster Commissioner shall have power and authority and it shall be his duty to make and prescribe all such rules and regulations as may be necessary and that are reasonable to carry into effect and operation this act according to its true intent and purposes.

Rules and regulations necessary to carry provisions of act into operation.

SEC. 19. Whenever, in his judgment, it may become necessary and upon request of the Oyster Commissioner, the Governor of the State may, by proclamation, suspend entirely the use of all scoops, scrapes or dredges in any of the waters of the State, either for a definite period of time or until the sitting of the next General Assembly, and when he shall have done this, it shall be a misdemeanor for any person to use such instruments or implements to catch oysters from any of the public grounds or natural oyster beds of the State and, upon conviction thereof, he shall be fined not less than five hundred dollars or imprisoned not less than twelve months, and the boat or vessel used for this purpose shall be forfeited and shall be seized, advertised and sold by the Oyster Commissioner or by the Inspectors in the county wherein said illegal act was committed, and the proceeds paid into the oyster fund. In any prosecution for the violation of the provisions of this section against the master or owner of a boat or vessel, proof that said boat or vessel was equipped with scoop, scrape or dredge or other implement or instrument for catching or taking oysters other than ordinary oyster tongs shall be *prima facie* evidence of the defendant's guilt.

Power of Governor to suspend use of scoops, scrapes or dredges.

Misdemeanor to use after suspension.

Penalties.

Having forbidden implements in possession of vessel *prima facie* evidence of guilt.

Oyster tongs excepted.

SEC. 20. The Treasurer of the State shall keep all funds derived from the oyster industry separate and apart from other funds in the treasury and shall pay the same out only upon the warrant of the Auditor, and the Auditor shall issue no warrant on said fund in payment of any claim unless the same shall have been first approved by the Oyster Commissioner.

Oyster funds, how kept and disbursed.

SEC. 21. The Oyster Commissioner is hereby empowered to expend one-half of the balance to the credit of the oyster fund on the fifteenth day of April in each year for the purpose of buying oyster shells and scattering the same on the natural oyster grounds of the State during the months of April and May.

Power of commissioner to purchase and scatter oyster shells.

SEC. 22. It shall be unlawful for any person or persons, firm or corporation to buy or sell oysters in the shell which have been taken from the public grounds or natural oyster beds of this State between the first day of April and the first day of October in any year: *Provided*, that the oysters may be taken with hand tongs

When unlawful to buy oysters in shell.

Exception.

Exception.

only during the month of April in any year to be actually sold or used for planting on private grounds, entered and held under the laws of this State: *Provided further*, that oysters may be taken with hand tongs only for home consumption: *Provided further*, that "coon" oysters may be taken at any time from the waters of Carteret and Onslow counties.

Unlawful to carry oyster shells out of State.

SEC. 23. It shall be unlawful for any person or persons, firm or corporation to carry any oyster shells out of this State in any boat or vessel or other mode of transportation, and all boats or vessels or other vehicles of transportation found loaded with oyster shells for transportation out of the State shall be seized and the cargo sold for the benefit of the oyster fund. Such sale shall be made after due advertisement for twenty days at three public places, such advertisement and sale to be made by the Oyster Commissioner or any

Penalty.

Captain or owner of vessel or vehicle of transportation violating this section guilty of misdemeanor.

Penalty. Proviso as to transportation of live oysters

Oyster Inspector. The captain or owner of such vessel or the owner of such vehicle of transportation violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall pay a fine of five hundred dollars, or be imprisoned not exceeding twelve months: *Provided*, nothing in this section shall be construed to prohibit the transportation of live oysters which have been properly inspected and upon which the taxes presented by this act have been paid in full, from the State. All oysters hereafter taken from the public grounds or natural oyster beds of this State shall be subject to the provisions of this section whether in the hands of the parties taking or catching the same or in the hands of any subsequent purchaser of the same.

All oysters subject to provision of this section.

Misdemeanor to violate any provisions of this act.

SEC. 24. Any person or persons, firm or corporation violating any of the provisions of this act, for which the penalty has not been specifically mentioned, shall be guilty of a misdemeanor.

This act not to affect prosecutions for offences committed before its passage.

SEC. 25. And be it enacted that nothing herein contained shall be construed to effect any prosecution for violation of the Laws of 1901, for offences against the same committed before the passage of this act.

Refusal to stop and exhibit license when commanded, unlawful.

SEC. 26. It shall be unlawful for any person or persons, firm or corporation using a boat or vessel for the purpose of catching oysters to refuse to stop and exhibit his license when commanded to do so by the Oyster Commissioner, Assistant Commissioner or any inspector. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than fifty dollars.

Violation a misdemeanor. Penalty.

Unlawful to display No. not specified in license or display No. when not licensed.

Violation a misdemeanor. Penalty.

SEC. 27. It shall be unlawful for any person or persons, firm or corporation to display any other number in their sail than the one specified in their license or display a number when the boat or vessel has not been licensed. Any person violating the provisions of this section shall be fined not less than twenty-five dollars.

SEC. 28. If any boat or vessel shall be seen sailing on any of the waters of this State during the season when the dredging of oysters is prohibited by law in the same manner in which they sail to take or catch oysters with scoops, scrapes or dredges, the said boat or vessel shall be pursued by any officer authorized to make arrest, and if said boat or vessel apprehended by said officer shall be found to have on board any wet oysters or the scoops, scrapes, dredges or lines, or deck wet, indicating the taking or catching of oysters at said time and properly equipped for catching or taking oysters with scoops, scrapes or dredges, such facts shall be *prima facie* evidence that said boat or vessel has been used in violation of the provisions of this act prohibiting the taking or catching of oysters with scoops, scrapes or dredges in prohibited territory, or at a season when the taking or catching of oysters with scoops, scrapes or dredges is prohibited by law, as the case may be: *Provided*, the provision of this act shall not apply to the counties of Onslow, New Hanover, Brunswick and Pender.

Vessels sailing like they sail when taking oysters and having on board wet oysters, apparatus or other evidence of having caught or taken oysters.

Same *prima facie* evidence that vessel has been used in violation of this act.

Not applicable to Onslow, New Hanover, Brunswick and Pender.

SEC. 29. All laws and clauses or parts of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 30. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 517.

AN ACT TO ESTABLISH A CERTAIN FREE SCHOOL DISTRICT IN THE COUNTY OF JOHNSTON.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Johnston County are hereby empowered and authorized to lay off and establish a free school district in Selma and Beulah Township, in Johnston County, within the following boundaries: Beginning at Stock Law gate on the road at Merritt Pace's and runs with said road north to the end of Henry Garner's lane, thence with said lane by John Eason's to the run of Little Creek, then northeast to Levy Cruches, then southeast to the W. H. Blockman house on the Brown road, then with said road to Sally Gerald's, on the Selma road, then with the Selma road to Burnt Stocking Branch, thence up said branch to the beginning.

Johnston County Board of Education to establish a free school district.

Boundaries.

SEC. 2. That said County Board of Education are authorized and empowered to provide for the maintenance of said school district in same manner and under same laws as for other free public schools in said county.

Maintenance of school district.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 518.

AN ACT TO PROTECT GAME IN LILESVILLE AND ANSONVILLE TOWNSHIPS, ANSON COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to hunt without consent of land owner.

SECTION 1. That it shall be unlawful for any person to hunt rabbits, squirrels, partridges or other game, with gun or dog, or net partridges, on the lands of another, anywhere in Lilesville and Ansonville Townships, Anson County, without first having obtained the written or oral consent of the owner of such lands, or some one authorized to give such consent.

Unlawful to kill or net partridges in, or ship or carry them out of Anson County for profit. Violation a misdemeanor. Penalty.

SEC. 2. That it shall be unlawful for any person to kill or net partridges anywhere in Anson County and ship or carry them out of the county for profit.

SEC. 3. That any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 519.

AN ACT AMENDATORY OF THE ACT ESTABLISHING THE GUILFORD GRADED SCHOOL IN GUILFORD COUNTY IN 1901.

The General Assembly of North Carolina do enact:

Section 7, chapter 219, Public Laws 1901, amended. Amended relative to election of Board of School Commissioners and term of office.

SECTION 1. That in place of last two lines of section 7, after the word "elect," the following be inserted: "Successors for the two classes, namely, successors to R. S. Smith and M. F. Fox on the first Monday in May, 1902, who shall serve two years; and successors to L. L. Hobbs, Lee S. Smith and E. A. Pleasant on the first Monday in May, 1903, who shall serve two years; elections thus to be held for one or the other class each year."

SEC. 2. In case of a vacancy in the Board on account of death, resignation or for any other reason, the remaining members thereof shall choose a successor to fill the unexpired term of the Commissioner whose death, resignation or removal has caused the vacancy.

Vacancy.
How filled.

SEC. 3. That the following described additional territory is annexed to the district which in 1901 was constituted the Guilford Graded School District, and heretofore known as District No. 5 in Friendship Township, Guilford County, namely, on the southwest a parcel of land bounded as follows: Beginning at the southwest corner of the Guilford Graded School District, thence west 97 poles to a stone or stake, in Frieburg's line, thence south 107 poles to a stone or stake, thence south two degrees west 60 poles to a stone or stake in the road, thence north 60 degrees west with the road 105 poles to a stone or stake, thence north 113 poles to a stone or stake in the road, thence east with the road 79 poles to a stone, Hobbs' corner, thence north with Hobbs' line 82 poles to a stone, Hodgins corner, thence east 113 poles to a stone or stake, thence south 133 poles to the beginning: On the northeast a parcel of land bounded as follows: Beginning at a corner near Numa White's house and running north 32 degrees, west 290 poles, to a stone or stake, thence south 79½ degrees, west 147 poles, to a stone or stake, thence south 53 degrees, east 400 poles, to the beginning.

Additional territory added.
Boundaries.

SEC. 4. For the ratification of the above section of amendment, namely, section 14, there shall be held an election to be governed by the same rules as govern the election of members of the Graded School Board, on the first Monday in May next, 1903, at which the qualified voters in said added parcels of territory shall vote, those in favor of adding the territory, tickets on which are printed or written the words "For Annexation"; and those opposed, tickets on which are printed or written the words "Against Annexation."

Provisions for election in additional territory.

SEC. 5. If a majority of the qualified voters in the said added territory shall vote for annexation, then the additional territory herein described shall become a part of the Guilford Graded School District and become subject to the same laws of taxation and government as were enacted in the original bill enacted in 1901 constituting the Guilford Graded School District and establishing said school.

If election favorable, additional territory to become part of Guilford Graded School District.
Taxation and government.

SEC. 6. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 520.

AN ACT TO PREVENT THE CATCHING OF SMALL MULLET
IN CARTERET COUNTY.*The General Assembly of North Carolina do enact:*Minimum size of
seine mesh.

SECTION 1. That it shall be unlawful for any person or persons to catch mullets in any seine or net with less mesh than (11-8) one and one-eighth inch in any of the waters of Carteret County.

Violation a misde-
meanor.
Penalty.

SEC. 2. Any person or persons violating this act shall be fined not more than twenty-five dollars nor imprisoned more than fifteen days.

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

In the General Assembly read three times and ratified this 6th day of March 1903.

CHAPTER 521.

AN ACT FOR THE RELIEF OF J. R. DAILE, CLERK OF THE
SUPERIOR COURT OF GREENE COUNTY.*The General Assembly of North Carolina do enact:*Allowed to be ab-
sent from office on
certain Mondays.

SECTION 1. That John R. Daile, Clerk of the Superior Court of Greene County, be and he is hereby allowed to absent himself from his office of Clerk on any Monday, except first Mondays, in the months of May, June, July and August, during the year 1903, and that he be exempt from the provisions, penalties and liabilities mentioned in sections 114 and 115 of The Code: *Provided*, that said Clerk shall leave a competent deputy to perform all the duties authorized by law to be performed by said deputy.

Exempt from legal
penalties.
Must leave compe-
tent deputy.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 522.

AN ACT TO PROHIBIT HUNTING ON LANDS IN ASHE COUNTY.

*The General Assembly of North Carolina do enact:*Unlawful to hunt
without consent of
land owner.

SECTION 1. That it shall be unlawful for any person to hunt upon the land of another in Ashe County with gun or dogs except by consent of the owner.

SEC. 2. That any person so offending shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than ten dollars for each and every offence.

Violation a misdemeanor.
Penalty.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 523.

AN ACT TO PROHIBIT PUBLIC DRUNKENNESS IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That if any person or persons shall be guilty of drunkenness and boisterous or disorderly conduct or shall exhibit his person in an obscene manner on any public highway or any public place outside of any incorporated town, shall upon conviction thereof be fined not more than fifty dollars or imprisoned not more than thirty days at the discretion of the court.

Penalty for drunkenness, boisterous conduct or indecent exposure in public place outside incorporated town, Stanly County.

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

Where applicable.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 524.

AN ACT TO ABOLISH COUNTY LINE AND MACY GROVE SCHOOL DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the public school district known as "County Line" and "Macy Grove" districts and lying partly in Guilford and partly in Forsyth counties be and are hereby abolished.

Said districts abolished.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 525.

AN ACT TO AMEND THE ROAD LAW OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

- Code amended. SECTION 1. That section two thousand and seventeen of The Code be amended by striking out the word "six" in line five of said section and inserting in lieu thereof the word "ten" and by adding at the end of said section the following words: *Provided*, that all overseers and hands be and they are hereby required to work not less than eight days in each year.
- Proviso. SEC. 2. That section two thousand and twenty of The Code be amended by adding after the word "aforesaid" and before the word "shall" in line four of said section the following words: "and any overseers failing to summon his hands and work the number of days required by this act."
- Code amended. SEC. 3. That it shall be the duty of the Board of Commissioners of Pender County, at the same time that they levy the general county taxes, to levy a tax of not exceeding ten cents on every one hundred dollars valuation of property and not exceeding thirty cents on each poll in Burgaw Township, which shall be collected and accounted for at the same time and under the same regulations and penalties as other taxes, and when collected the same shall constitute a special road fund to be used and paid out under the direction and by the order of the Board of Road Supervisors of said township for the improvement of the public roads of said township.
- Special tax. SEC. 4. That upon the petition of one-third of the freeholders of any other township of said county, the Board of Commissioners of said county shall levy the same tax as provided in section three of this act, upon the property and polls subject to taxation in said township, to be collected as other taxes, and to be used and paid out under the supervision of the Board of Road Supervisors of such township for the improvements of the public roads in such townships.
- Rate. SEC. 5. That the Board of Commissioners of Pender County may, if they deem it advisable and to the advantage of the said county, employ the convicts of said county under proper guards to work on the public roads of the county, and to that end make such arrangements as may be necessary with the supervisors of the several townships for guarding and working such convicts.
- Collection, etc. SEC. 6. That this act shall apply only to Pender County.
- Petition. SEC. 7. That this act shall be in force from and after its ratification.
- Disbursement of proceeds of tax. In the General Assembly read three times, and ratified this the 6th day of March, 1903.
- Road improvements.
- Employment of convicts.
- Applicable only to Pender County.

CHAPTER 526.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE
PUBLIC ROADS AND HIGHWAYS OF YANCEY COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Yancey County, shall, in order to provide for the proper construction, improvement and maintenance of the public roads and highways of Yancey County, at their regular meeting in June, nineteen hundred and three, and at such 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 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 the taxable polls in said county, always observing the constitutional equalization between property and poll tax, said taxes to be collected as all other taxes are, except that any person may pay the road tax herein provided for in labor, under the control of the superintendent of roads of the township in which such person resides, at sixty cents per day, by applying to the township superintendent of public roads in the township where the taxpayer resides, and a certificate by the said superintendent of roads that the amount has been paid in labor on the public roads in his township, shall be accepted by the Sheriff or Tax Collector in discharge of his road tax and shall constitute a voucher in the hands of the Sheriff or Tax Collector in his settlement of the road taxes with the County Treasurer, the said taxes to be kept separate and apart in the tax books of the county, and to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads and highways in said county; and further, it shall be the duty of the said County Commissioners of Yancey County to furnish each township superintendent of roads with material and implements, such as shovels, picks, mattocks, road scrapers, plows and such other tools and material as may be necessary for the proper construction of good roads in their respective townships, the same to be paid for out of the road fund of such township: *Provided, however,* that the moneys raised under this section shall, as far as possible, be used for permanent improvements.

Special tax.

Tax rate.

Collection.

Custody and
disbursement of
taxes.Tools, imple-
ments, etc.

Proviso.

SEC. 2. That there shall hereafter be elected by the Board of Commissioners for said county, at their regular meeting in June, nineteen hundred and three, and at their regular June meeting of each year thereafter, one superintendent of roads in each township in the county, who shall be paid such compensation as may be fixed by the Board of Commissioners, and to be paid out of the township road fund, and who, after June, nineteen hundred and three, shall hold

Election of
superintendent.

Compensation.

Removal.	office for one year, or until his successor has been elected and qualified, as provided for in this act: <i>Provided further</i> , that the said superintendent of roads may at any time be removed by the Board of 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.
Duty of superintendent.	SEC. 3. That it shall be the duty of said superintendent of roads, with the advice of the Board of Road Supervisors, 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 his township, and he shall give a good and sufficient bond satisfactory to the Board of County Commissioners in the sum of not less than two hundred dollars as a guarantee for the faithful and honest discharge of the duties of his office, which bond shall be registered in the office of the Register of Deeds and filed with
Official bond.	To submit reports. the Clerk of the Superior Court; and further, it shall be the duty of each superintendent of roads to submit to the Board of County Commissioners a quarterly report concerning the work and moneys expended, and he shall submit quarterly a report on the condition of the public roads and plans for their improvement, and he shall include in this report an inventory of the tools, implements and material or other equipment on hand.
Road age.	SEC. 4. That all able-bodied male persons of the county between the age of eighteen and forty-five years, shall work on the public roads of said county not to exceed six days of ten hours each, and two additional days in case of construction or washout, of ten hours each, anywhere in said township that the superintendent of roads may direct, in each and every year, at such time and place and in such manner as he may designate, such designation to be made by the township superintendent of roads: <i>Provided</i> , that the superintendent of roads in each township shall give to such person of his township who is subject to road duty at least two days' notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: <i>Provided further</i> , that in case of washout or other unexpected obstruction to travel or damage to any road in his township, the superintendent shall not be required to give the two days' notice required in this section, and any person liable to road duty in the township in which such unexpected obstruction occurs shall, upon being properly summoned by said superintendent of roads, respond to such summons with reasonable
Road duty.	
Proviso.	
Notice to work.	
Proviso. In case of emergency.	

promptness: *Provided further*, any person may pay to the superintendent of roads sixty cents per day for each day summoned to work on the roads in lieu of working the same. That the labor provided for in section 3 of this act shall be auxiliary to working the public roads, and shall be used only when the moneys and convicts herein provided for shall have been exhausted. All moneys paid to the superintendent of roads, as provided for in this act, shall within thirty days after being received by him be turned over to the County Treasurer and credited to the road fund of the township from which the same was paid, and the same shall be expended upon the improvement of the roads of that township from which it was paid. If the superintendent of roads fails to turn over to the County Treasurer money so collected within sixty days from the receipt of same he shall be guilty of a misdemeanor, and upon conviction be fined or imprisoned in the discretion of the court: *Provided*, that no person [who] shall be liable for road duty under this section shall be required to work on the public roads outside of the township in which he resides, the boundaries of the road districts within each township to be fixed by the County Commissioners.

Payment of money in lieu of work.

Road duty only auxiliary.

Custody and disbursement of road funds.

Proviso.

SEC. 5. That any person who shall, after being duly notified, as provided in section 4 of this act, fail to appear and work as required to do after having failed to pay the sum of three dollars and sixty cents, or any person who shall appear as notified and fail to perform good and reasonable labor as required by the said superintendent of roads for his township, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than ten dollars and costs, or sentenced to work on the public roads of his township in said county for not less than ten nor more than twenty days.

Penalty for failure to work.

SEC. 6. That proper implements and tools for the use of working the public roads of the county, as provided for in section 4 of this act, shall be supplied by the County Commissioners and shall be paid for out of the road fund for the township in which said implements and tools are to be used: *Provided*, that until the County Commissioners shall be able to supply the necessary implements and tools they may and are hereby required and empowered to compel any and all persons who are by this act required to work upon the public roads of said county to provide themselves with such implement or tool as are commonly used while working upon said roads of said county under the general road law of the State, the superintendent of roads to designate the tool or implement that he desires such person to use, in his notice or summons to such person to work said road.

Purchase of implements, tools, etc.

Proviso.

SEC. 7. That on the first Monday in June, 1903, and on the first Monday in June of each succeeding year thereafter, or oftener if required to do so, said superintendent of roads in each township of the

Superintendent to furnish list of persons liable to road duty.

Revision of list by Treasurer.	<p>county shall furnish to the Treasurer of the county a complete list of names of all persons liable for road duty in the township in which he resides. Said Treasurer, after receiving the list of persons liable for road duty, shall check off the names of such persons as have paid the sum of three dollars and sixty cents, as provided in section 4 of this act, and shall, within thirty days, and as often thereafter as may be necessary, furnish the township superintendent of roads with a correct list of all persons liable for road duty in each township who have during the year failed to work on the public roads after having been notified, or failed to pay as provided in section 4 of this act, shall be submitted by the superintendent of roads to a justice of the peace in which such person resides; and it shall be the duty of such justice of the peace to immediately issue a warrant for the arrest of such person and proceed against him according to law: <i>Provided, however</i>, that the defaulting party may be prosecuted at any time and by any citizen of the county.</p>
Prosecution of persons failing to work.	<p>SEC. 8. That the special road tax levied and collected on the property and poll under section 1 of this act from each and every township in Yancey County shall be set apart as a special road fund for each and every township in said county upon which it is levied, and be set apart on the Treasurer's books of said county and in his office as a special township road fund for each and every township in said county, to be expended and paid out as hereinafter provided. That the special road tax levied and collected under section 1 of this act shall be expended with the approval of the Board of Township Road Supervisors, and under the direction of the Board of County Commissioners.</p>
Expenditure of same.	<p>SEC. 9. The justices of the peace of Yancey County shall constitute a Board of Township Road Supervisors for their several townships, and shall, on the first day of June, 1903, or as soon thereafter as may be practicable, and annually thereafter, meet and organize by selecting one of their number as chairman and another as secretary. They shall inspect all the work done on the public roads and make a report thereof, with such recommendations at they may see fit, to the Board of County Commissioners at their meeting in July and March in each year. They shall also audit and approve all accounts against the road fund of their several townships: <i>Provided</i>, that the chairman and two other justices shall constitute a quorum.</p>
Board of Township Supervisors. How constituted.	<p>SEC. 10. As soon as the superintendent of roads shall have qualified for their respective townships, it shall be their duty to examine all the public roads in the township for which they were appointed and take immediate steps to put all the roads in the township in good condition, and shall keep them in good condition by making all needed repairs so far as the same can be done with the road hands of such township liable to work on the public roads, working the</p>
Organization.	
Duties.	
Proviso.	
Duty of superintendent, etc.	
Working of roads.	

roads by sections, and of not less than ten hands in any one section for not more than two days until the entire list of hands have been worked on said roads, then all hands who have worked two days on said roads shall not be required, under ordinary conditions of the roads, to work on said roads again until after fifteen days have intervened.

SEC. 11. That if the Board of County Commissioners, Board of Township Road Supervisors or superintendent of roads shall willfully neglect, fail or refuse to perform any of the duties imposed upon him or them by this act, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

SEC. 12. That for the purpose of carrying out the provision of this act the superintendent of roads of the several townships of Yancey County are hereby authorized to enter upon any lands unincumbered by crops near to or adjoining such road; to cut and carry away any timber, except groves or trees on improved land, planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to construct, improve or repair said road, and to enter on any lands near to or adjoining such road in order to make such drains or ditches as he or they may deem necessary for the betterment of the roads, doing as little injury to said land and the timber and improvement thereon as the nature of the case and the public good will permit, and the drains so made shall be conducted to the nearest ditch, water-course or waste ground, and shall be kept open by said superintendent of roads, and shall not be obstructed by the owner or occupant of the lands or any other person or persons under penalty of forfeiting a sum not exceeding ten dollars or imprisonment not exceeding twenty days for each and every such offense, said penalty to be collected by the said superintendent of roads and paid over to the County Treasurer and applied to the road fund of the township from whence collected. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, gravel or stone were taken as aforesaid shall present an account of the same through the superintendent of roads at any regular meeting of the County Commissioners within thirty days after the taking and carrying away of such timber, gravel or stone, it shall be the duty of the County Commissioners to pay for same such sum as may be agreed upon by them or assessed by an impartial jury of three freeholders, one to be selected by the superintendent of roads, one by the party claiming damages, and a third to be selected by these two with the right of either party to appeal as provided for in section 14 of this act.

Penalty for failure to perform duties.

Entry of land for material, etc.

Drains, ditches, etc.

Claim for damages.

Assessment of damages.

SEC. 13. That the superintendent of roads or Board of Township Supervisors is hereby given the power, subject to the approval

Location and change of roads.

of the Board of County Commissioners, to locate new roads and re-locate, widen or otherwise change any part of any public road when in their judgment such location, re-location or change will

Claim for damages. prove advantageous to public travel. That any person or persons on whose land a new road or part of road is to be located claims damages therefor, and within 30 days petition to the Board of County Commissioners for a jury to assess the damages, the said Commissioners shall give not less than 15 nor more than 20 days after the completion of said road, shall order a jury of freeholders of the township of not less than three persons nor more than five, not related to the person claiming damages, to be summoned by the Sheriff of the county or Constable of the township, to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after first being duly sworn, to impartially assess the damages, forthwith proceed to assess the same, and to make their report at the next regular meeting of the Board of Commissioners of said county. That said jury, in considering the question of damages, shall take into consideration the benefits to public travel and the benefits accruing to the owner of the land, and if said benefits are considered equal to the damages done by the road being so built, the jury shall so find and count the benefits against the owner of the lands as against the damages done to him by the reason of constructing the road over or through his lands in mitigation of the damages so claimed by him. The Sheriff or Constable serving the process shall be allowed the sum of twenty-five cents for each person summoned for a jury, and any jury who makes claim shall be paid the sum of fifty cents each, to be paid out of the township road fund. A copy of the summons shall be served on each freeholder summoned on the jury: *Provided, however*, that such service shall not be necessary if parties accept service of said summons. The damages, if any awarded, shall be paid out of the road fund of the township in which the property concerned is located.

Right of appeal. SEC. 14. That in case either of the parties interested shall be dissatisfied with the finding of the jury provided for in sections 12 and 13 of this act, such dissatisfied party may appeal from the decision of said jury to the County Commissioners, and if dissatisfied with their decision, may in turn appeal to the Superior Court of the county: *Provided*, that an appeal may be taken from the judgment of the Board of Commissioners by either party with bond, and same shall be heard *de novo*; but the Judge may, in his discretion, require either party to give bond when the case is taken by appeal to the Superior Court: *Provided further*, that the party to whom the damages awarded shall recover no more costs than the sum equal to the amount of the damages awarded.

Proviso.

Appeal bond.

SEC. 15. That the County Treasurer shall be and he is hereby appointed treasurer of the road fund of the several townships in the county, and for the faithful keeping and disbursement of said funds the bond of such treasurer shall be liable, and for his services for receiving and disbursing such funds he shall receive such commissions as the Board of County Commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall pay the accounts against the road fund of the several townships when itemized statements of the same have been certified to by the superintendent of roads and approved by the township road supervisors, and upon the order of the Board of Commissioners.

Official bond of Treasurer.

Disbursement of road funds.

SEC. 16. The County Treasurer shall keep a separate account of the road fund 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 meeting on the first Monday in each month, and on the first Monday in July and January in each and every year present the said Board of County Commissioners a written report giving a statement of receipts and disbursements of the several road funds during the preceding six months, which report or the substance thereof shall be published by said Commissioners at the court-house door.

Separate accounts to be kept.

Reports.

SEC. 17. That any person or persons who shall obstruct any public road of the county or interfere with any officer working the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed \$50 or imprisoned not to exceed 30 days.

Penalty for obstructing road, etc.

SEC. 18. All persons confined in the county jail, either under 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 or public roads of the county, and upon the application of the superintendent of roads he shall have an order from the County Commissioners, it will be the duty of the Sheriff or jailer having such prisoner in his custody to deliver him or them to the superintendent of roads, who shall be responsible for their safe-keeping and return, and in case of their escape of any of the prisoners the Sheriff of the said county, or jailer, shall be exonerated from liability therefor.

Working of convicts.

SEC. 19. The County Commissioners are hereby authorized to accept convicts, and it shall be lawful for and the duty of Judges holding Courts in said county, also the justices of the peace for said county, to sentence to imprisonment at 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 class of prisoners, to-wit: All persons convicted of offense the punishment whereof would otherwise be wholly or partial im-

Convicts, when sentenced to roads.

prisonment in the common jail, also all persons convicted of crime, the punishment whereof wholly or in part be imprisonment in the State Prison for a term not exceeding 2 years.

Rules and regulations for convict force.

SEC. 20. That the convicts sentenced to hard labor shall be under the control of the County Commissioners of said county, and said authorities shall have the power to enact and enforce needful rules and regulations for the successful working of all convicts upon the highways and public roads of said county, and they may appoint superintendents for said convicts and such guards or other employees as may be necessary, and commit to the superintendents 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 roads to which the convicts may be put by order of the County Commissioners, to the same extent as is allowed by law to the authorities of the State Prison in the custody and control of the convicts committed to same. And the Board of the County Commissioners in their discretion may work said convicts upon any public works in said county, and whenever it shall seem best to them for the public interest they may hire out to any person or corporation in said county the entire body of said convicts, or any part thereof, to be used in building bridges, culverts or free highways or public roads, and may use said convicts to do any work they may deem necessary for the improvements of the county home, or the place where the poor of the county are kept.

Use of county jail for convict force.

SEC. 21. 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, or to build and keep a convict camp or camps for said purpose, and to provide for the keeping and maintaining 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 of convicts on public roads and highways, laid down and published by the State Highway Commission.

Compensation allowed prisoners.

SEC. 22. Prisoners shall do no work on the highway or public roads unless said work has been marked out by the County Surveyor or superintendent of roads or other competent authority in the proper road district, and the prisoners employed in working the highways shall be allowed so much per day as in the opinion of the superintendent of roads their services are worth, which account shall be credited to them on the account charged against them. If any prisoner shall escape from the custody of the superintendent of roads or those having such prisoner in charge, he or they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days.

SEC. 23. Nothing contained in this act shall, by implication or otherwise, be construed so as to prohibit any Judge holding Court in said county from sentencing any person convicted for any crime, the punishment for which would be to make such offender work upon the public roads, from, in the discretion of such Judge, sending any person so convicted to work upon the public roads of any other county in the State. Discretion of trial judge.

SEC. 24. That in all cases where the Judge presiding shall be satisfied that there is good reason to fear that an attempt to release or injure any person convicted of any offense mentioned in section 19 of this act, it shall be lawful for the Judge to sentence such convicts to imprisonment in the Penitentiary, as is now provided by law: *Provided*, that no person who has been convicted and sentenced on charge of murder, manslaughter, rape, attempt to commit rape, or arson, shall be assigned under this act. Sentencing convicts.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 527.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF McDOWELL COUNTY TO ISSUE BONDS TO MACADAMIZE AND IMPROVE THE PUBLIC ROADS THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of macadamizing and otherwise improving the public roads of McDowell County the Board of Commissioners of said county is hereby authorized, empowered and directed and required to issue bonds of the county to the amount of one hundred thousand (\$100,000) dollars of the denominations not to exceed one thousand dollars, bearing interest from the date thereof of a rate not to exceed five per centum per annum, with interest coupons attached, payable semi-annually, at such time and places as may be requested by the road commissioner of McDowell County; such bonds to be of such form and tenor, and transferable in such a way, and the principal thereof payable at such time or times, not exceeding forty years from the date thereof, and at such place or places as the said road commission may determine: *Provided*, that none of said bonds authorized by this act shall be disposed of either by sale, exchange, hypothecation or otherwise for a less price than their face value. Issue of bonds for road improvements.
Amount.
Rate of interest.
Term.
Not to be sold under par.

SEC. 2. The bonds and coupons shall be numbered and shall be signed by the chairman of said Board of Commissioners and coun- Execution of bonds.

tersigned and attested by the Treasurer of said county, and bear the corporate seal of said county of McDowell.

Record of bonds.

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

Special tax for interest.

SEC. 4. In order to pay the interest on said bonds said Commissioners, or other authority vested with levying taxes for said county, shall annually compute and levy, at the time of levying other county taxes, a sufficient special tax on all polls, all real estate and personal property and all other subjects of taxation which said Commissioners or other authorities now or hereafter may be allowed to levy taxes upon for any purpose whatever, always observing the constitutional equation between the tax on property and the tax on polls.

Collection and custody of tax.

SEC. 5. That said tax when collected shall be kept separate and apart from all other taxes, and shall be used only for the purpose for which it was collected.

Special tax for sinking fund.

SEC. 6. That after the expiration of ten years the said Commissioners, or other authorities vested with the power of levying taxes, in order to create a sinking fund for the purpose of taking up said bonds at maturity, shall levy a special tax of not exceeding ten cents on the hundred dollars worth of property and thirty cents on the poll, in addition to the special tax, to pay the interest.

Tax rate.

Investment of sinking fund.

SEC. 7. That it shall be the duty of said Commissioners to turn over the money derived from said bonds to the treasurer of road commission, who shall annually invest any and all moneys arising from the special tax for sinking fund in the purchase of any of said bonds at a price deemed advantageous to said county by said Commissioners. But in case said county bonds cannot be purchased the treasurer of said commission shall invest said sinking fund in North Carolina four per cent. State bonds; or may loan the same upon notes or bonds, secured by the deposit of such North Carolina State bonds as collateral security for said loan, and turn over said county bonds so purchased to the County Commissioners, who shall cancel same.

Interest on sinking fund loans.

SEC. 8. That any money of said sinking fund so loaned shall have the legal rate of interest in North Carolina, and any interest from said fund shall be annually re-invested in the same way.

Application of proceeds of bonds.

SEC. 9. That the money arising from the sale of said bonds shall be used to purchase improved road-working machinery, macadamizing and otherwise improving the public roads of said county in the discretion of the road commission of said county, and in guarding and maintaining such convict force as may from time to time be assigned to work on said road.

SEC. 10. That the bonds hereinbefore provided for shall be issued only when called for by the road commission of McDowell County, and not more than twenty-five thousand dollars of said bonds shall be issued in any one year, the proceeds of which shall be turned over to the treasurer of said road commission and applied in the way hereinbefore provided for. Bonds, when issued.

SEC. 11. That the Board of County Commissioners of said county shall, at a special meeting in March to be called by the chairman of said board, order an election to be held upon the question of issuing said bonds, and shall appoint the election officers who held the general election in 1903 as the election officers to hold such election, and those who were entitled to register and to vote at such election, together with those who have since become qualified, shall be entitled to register and vote: *Provided*, such persons as are not registered and are entitled to register shall do so on the second Saturday preceding such election. Notice of such election shall be given by publication at the court-house door in Marion and in the "Marion News," a newspaper published in the county, for three weeks before the said election. Said election shall be held on the second Tuesday in April, between the hours of ten and four o'clock. On the first Saturday preceding such election any elector shall be permitted to challenge any person registered, and the registrar shall mark opposite the name of such person challenged the word "challenged," and when such person offers to vote the election officers of the polling places shall have power to enquire into and pass upon his qualifications. If any election officer shall refuse to serve the Register of Deeds, upon his failure the election officer or officers at such polling place, may, at any time before the election, appoint some person to act in his stead. The returns of said election shall be certified by the election officers to the Board of County Commissioners on or before Thursday of such election is held, and on Monday following the said Board of County Commissioners shall meet and canvass the returns and declare and record the results. Every person voting at said election shall vote a ticket on which shall be written or printed "For Roads" or "Against Roads." Bond election.

SEC. 12. The said bonds shall be issued, provided a majority of the votes cast at said election shall be "For Roads." Notice of election.

SEC. 13. That the Board of County Commissioners shall pay the said judges and registrars one dollar for each day they are actually engaged in the performance of the duties herein prescribed. Right of challenge.

SEC. 14. The said Board of County Commissioners shall turn over to the treasurer of the road commission of McDowell County all the money derived from a sale of said bonds as the same is received. Election officers.

SEC. 15. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this 6th day of March, 1903. Ballots.

Result.

Compensation of election officers.

Proceeds of bonds turned over to Treasurer.

CHAPTER 528.

AN ACT TO IMPROVE THE HIGHWAYS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Bond election.

SECTION 1. That upon petition of one-fourth of the qualified voters of any township in Robeson County to the Board of County Commissioners, asking for an election to be held for the purpose of voting for a bond issue for public road improvement, said Board of County Commissioners shall order such election to be held at time and place as may be designated by said petitioners.

Election.
How conducted

SEC. 2. That said election shall be held in accordance with general election law of the State, except as herein provided in section 3 of this act.

Election officers.

SEC. 3. That for the proper conducting of said election the Board of Commissioners of said county shall appoint at any regular or called meeting a registrar and two (2) judges of election, one for and one against said bond issue, who shall give thirty days' notice of said election, and shall within five days after said election make due return of the result to the said Board of Commissioners.

Returns.

Ballots.

SEC. 4. That all voters in favor of the bond issue will vote a ballot on which is written or printed "For Bonds," and all who are opposed to a bond issue will vote a ballot on which is written or printed "Against Bonds."

If election favorable, provisions of act carried out.

SEC. 5. That if the returns show that a majority of the votes cast at said election were "For Bonds," then the Board of County Commissioners at their next meeting thereafter shall proceed to carry out the provisions of this act as hereinafter provided.

Bonds; amount; denominations; interest.

SEC. 6. That the Board of County Commissioners shall cause to be printed or engraved such amount of bonds as asked for by the petitioners of each township (in no case to exceed 3 per cent. of the taxable property of said township), in denominations of \$50 and \$100, to run for a term of 25 years, bearing 5 per cent. interest, payable semi-annually, January 1st and July 1st.

Sale of bonds.

SEC. 7. That the Board of Commissioners through their chairman shall sell the said bonds by advertisement of same, receive sealed bids to be opened at a meeting of said board, reserving the right to reject any and all bids: *Provided*, that no bonds issued by authority of this act shall be sold for less than par.

Proviso.

Deposit of proceeds of bonds.

SEC. 8. That the proceeds from the sale of bonds provided for in this act shall be deposited in the local bank or banks of said township, if there be one, if not, then with the County Treasurer; there to be kept separate from all other funds in his hands for the sole use of said township and to be paid out as hereinafter provided: *Provided*, that the Board of County Commissioners may in their dis-

cretion so deposit these funds with the banks of the county as to increase the same by interest accumulation and at the same time meet the demands of the road improvement.

SEC. 9. That in order to pay interest on said bonds and to create Special tax. a sinking fund for the payment of bonds at maturity the Board of County Commissioners of said county shall, at their regular annual meeting in June, levy and cause to be collected as other county taxes are levied and collected, in any township availing themselves of the provisions of this act, a tax of sufficient amount to meet the requirements of this act in paying interest on bonds and creating a sinking fund: *Provided*, that in no case shall a greater tax be Tax rate. levied than 8 1-3 cents on \$100 worth of property and 25 cents on poll. That all taxes received by the Sheriff or Tax Collector under the provisions of this act shall be paid in to County Treasurer or bank Custody of proceeds of tax. having in hands the proceeds from sale of bonds, so as to keep the funds in one depository.

SEC. 10. That no funds provided for in this act shall be paid Disbursement of funds. out by the party who shall have the disbursement of same except by order of "The Board Supervisor" hereafter provided for, countersigned by chairman Board County Commissioners.

SEC. 11. That in order that the provisions of this act shall be Election of road more fully carried out the Board of County Commissioners shall supervisor. elect at any regular meeting an intelligent, capable man, who shall be known as "Road Supervisor" in the township asking for same under the provisions of this act; and the said supervisor upon accepting said office shall execute to the said Board of County Commissioners a good and sufficient bond, as in discretion of said Official bond. Board of County Commissioners, in addition to an official oath for Oath of office. the faithful discharge of the duties imposed by this act.

SEC. 12. That said supervisor shall have full control of all high- Duties of road ways in his township, and shall have power to work all hands now supervisor. liable for road duty under the general road law of the State, to hire free labor and teams, make contracts for work or buy necessary tools for the execution of said work, and to work chain-gang of said county in co-operation with the township board as herein provided.

SEC. 13. That there shall be at least one highway through the At least one high- townships working under this act, constructed after the latest im- way through each proved method, not less than 18 feet wide, so located as to be the township. greatest benefit to the tax payers of said township. Specifications.

SEC. 14. That said supervisor shall make a monthly report to the Supervisor to Board of County Commissioners of all his operations in detail, report. itemizing all accounts of expenditures and amount of work done on roads.

SEC. 15. That any township availing themselves of the provisions Working of con- of this act shall have priority in the matter of working the county victs.

convicts: *Provided*, that if more than one township shall be operating under this act, then the county convicts shall be placed in the discretion of the Board of County Commissioners.

Convicts from adjoining counties, etc.

SEC. 16. That the said supervisor may, with the approval of the Board of County Commissioners, hire the convicts of adjoining counties or from the State Prison, if deemed wise to do so, as in such cases provided.

Supervisor; term of office; removal; compensation.

SEC. 17. That the said supervisor shall hold office for one year: *Provided*, he can be removed at any time for cause by the County Commissioners, and shall receive for his services such a sum as the Board of County Commissioners may deem sufficient, in no case to exceed \$2 for each day actually employed.

Applicable only to Robeson county.

SEC. 18. That this act shall apply only to the county of Robeson.
SEC. 19. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 529.

AN ACT FOR THE IMPROVEMENT OF THE PUBLIC HIGHWAYS OF GATES COUNTY.

The General Assembly of North Carolina do enact:

General road law not repealed.

SECTION 1. That nothing in this act shall be construed to repeal or invalidate the general road law now in force, but this act shall be regarded as supplemental thereto.

Special tax.
Tax rate.

SEC. 2. That the Board of County Commissioners be and they are hereby authorized to levy a special tax not exceeding fifteen (15) cents on the one hundred dollars worth of property and forty-five (45) cents on the poll, the same to be collected under the same rules and regulations as are now prescribed for the collection of the regular taxes in said county.

Taxes.
How applied.

SEC. 3. That the said special taxes when levied and collected shall be used exclusively by the County Commissioners for the purpose of improving the public roads of said county, and so far as may be practicable the tax levied and collected in each township shall be used in the improvement of the public roads of such township respectively; and the Board of County Commissioners be and they are hereby vested with full power and authority to purchase such road machines or machinery as in their judgment may be necessary, and to employ a competent supervisor of public roads, and may allow him such compensation as may be agreed upon, and for the purpose of this act, in addition to the special taxes above authorized, the Board of County Commissioners may use, in their

Road improvements.

Machinery, etc.

Employment of supervisor.

Use of general county funds.

discretion, any funds to the credit of the general fund of the county in the hands of the County Treasurer, and not needed for the other purposes of the county as now prescribed by law, and they shall first improve, under the provisions of this act, those public roads that lead from the several townships to the town of Gatesville, the county-seat of the county.

SEC. 4. That in addition to the powers hereinbefore granted, the Board of County Commissioners are hereby authorized to adopt any part of chapter 50 of the Public Laws of 1901, as may be applicable to said county, and may in their discretion, if they deem it necessary, order an election in said county to determine whether bonds may be issued and sold for the purpose of applying the proceeds therefrom to the improvement of the public roads of said county, and for no other purpose. Any such election, if ordered, shall be conducted under the same rules and regulations as are now prescribed by law for the election of a member of the House of Representatives, and thirty days' notice must first be given at the court-house door and at every other voting place in said county, and at such election all in favor of a bond issue shall vote a ticket on which shall be written or printed the words "*For Bonds*," and all opposed shall vote a ticket on which shall be written or printed the words "*Against Bonds*"; and if a majority of the qualified voters of said county shall vote a ticket on which shall be written or printed the words "*For Bonds*," then the result shall be recorded as the result in other elections, and the said Board of County Commissioners shall then have authority to issue bonds not exceeding twenty-five (\$25,000) thousand dollars and running not longer than thirty (30) years, and at a rate of interest not exceeding five (5) per centum per annum, payable semi-annually; and they shall adopt such rules and methods in the issuing of said bonds as may be deemed best, in order to carry out the purpose and intent of this section.

Powers of County Commissioners.
Chapter 50, Public Laws 1901.

Bond election.

Election.
How conducted.

Ballots.

Amount of bonds.

Term; rate of interest.

Rules and regulations.

SEC. 5. That all laws or parts of laws in conflict with this act, so far as they may conflict, are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification, and shall apply only to the county of Gates.

Applicable only to Gates county.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 530.

AN ACT FOR THE RELIEF OF DISABLED EX-CONFEDERATE SOLDIERS.

The General Assembly of North Carolina do enact:

Certain ex-Confed-
erate soldiers al-
lowed to peddle
without license.

SECTION 1. That all ex-Confederate soldiers who are without means of support other than their manual labor and who are incapacitated to perform manual labor for any reason other than by their vicious habits, and now citizens of this State, shall be allowed to peddle drugs, goods, wares and merchandise in any of the counties of this State without a license therefor.

Who not entitled
to benefit of this
act.

SEC. 2. That no person shall be entitled to receive the benefits of this act who owns property whose tax valuation exceeds the sum of five hundred dollars in his own name or in the name or his wife, deeded to her by him since the first day of March, 1902.

Application to
County Board of
Pensions.

SEC. 3. That before any soldier shall be entitled to the benefits of this act he shall make application to the County Board of Pensions of the county of which he is a resident and show to the satisfaction of said County Board of Pensions that he is entitled to the same by having served in the Confederate army or navy during the war between the States, and that he is incapacitated to perform manual labor.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 531.

AN ACT TO ESTABLISH A STOCK LAW FOR CERTAIN PORTIONS OF BELVAIR TOWNSHIP IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Stock law terri-
tory.
Boundaries.

SECTION 1. That from and after the first day of January, nineteen hundred and four (1904), no person shall allow his or her live stock to run at large in that portion of Belvoir Township embraced in the following boundaries, to-wit: Beginning on Conetoe Creek in the Edgecombe County line at the double bridge across said creek near the town of Conetoe, from thence with the public road leading towards Bethel to a point at or near M. A. James' mill; thence a southerly direction to the canal on the Jesse Stancill farm; thence down said canal to the public road leading to Gum Swamp; thence down said road to the cleared land of the Henry Stancill farm; thence with the cleared land of said farm and the cleared lands of John A. Bullock, J. B. Bullock and E. D. Hathaway, so as to include the cleared lands of said persons within the bounds

of this territory, to the said road leading to Gum Swamp Church; thence with said road to Gum Swamp Church; thence with the road leading to Tar River to the line of D. S. Spain; thence with the line of D. S. Spain and Richard Harris' line to the Richard Reeves place; thence with Spain's and Reeves' line and across said D. S. Spain's land to the Bensboro place; thence with the line of the Bensboro farm to the back line of W. H. and J. R. Reeves; thence with said Reeves' line to the Gorham line; thence with said Gorham line to the main public road; thence with said road to the Clark and Brown line; thence with said Clark and Brown line to Tar River; thence up said river to the Edgecombe County line; thence with the Edgecombe County line to the beginning: *Provided*, the fence commissioners shall have the power to take into or leave out of the territory named in this act as a stock law territory lands adjacent thereto along the line, as they may deem best for the common interest. And that Tar River is hereby declared not a lawful fence so far as it is bordered by said stock law territory.

Proviso: power of fence commissioners.

Tar river not a lawful fence.

SEC. 2. That the word stock in the preceding section shall be construed to mean horses, mules, colts, sheep, goats, jennies, cows, calves and other cattle, swine, and geese.

The word "stock" defined.

SEC. 3. That D. J. Holland, Richard Harris, J. A. Bullock, O. A. Stancill and Charles Parker be and they are hereby appointed fence commissioners in said territory, with power to contract with any person or persons to erect and maintain a good and lawful fence along said boundaries from the beginning point on Conetoe Creek with its successive calls to Tar River, as described in section one (1) of this act, and to keep the same in good repair and have good and sufficient gates placed across the public roads where necessary. The said commissioners shall hold their offices for the term of one year from the fifteenth day of April, nineteen hundred and three (1903), and on the first Monday in April, nineteen hundred and four (1904), and every two years thereafter, the County Commissioners of Pitt County shall elect five fence commissioners for said stock law territory for the term of two (2) years from the fifteenth (15th) day of said month. The said fence commissioners before proceeding to act as such shall take an oath before some person qualified to administer oaths, that they will faithfully and impartially discharge the duties of their said offices, after which they shall proceed to organize by electing one of their number as chairman and one as secretary. They may meet at such times and places within said territory as they may deem best, and they shall, on or before the first Monday in June of each and every year, recommend to the County Commissioners of Pitt County the necessary tax to be levied upon the real estate in said territory for the erection, maintenance and repair of the fence and gates thereof, not exceeding the sum hereinafter specified.

Fence commissioners named.

Powers and duties.

Term of office.

Election of successors.

Oath of office.

Organization.

Meetings.

Recommendation of tax levy.

Erection of fences, gates, etc. SEC. 4. That for the purpose of erecting, maintaining and keeping in repair said fence and gates the Board of County Commissioners of Pitt County shall, on the first Monday in June of each and every year, levy a tax upon all real estate within said territory sufficient to raise the required amount, which tax shall in no case exceed . . . cents on the one hundred dollars in value; said tax shall be levied, collected and paid over to the County Treasurer or [as] other county taxes, and to be disbursed by order of said fence commissioners, with the approval of the County Commissioners, for the purposes contemplated in this act.

Impounding, etc., of live stock. SEC. 5. Any live stock as above defined that may be found running at large in said territory may be taken up, impounded and dealt with as provided in chapter twenty (20) of The Code, Volume II (2), and all laws amendatory thereto, and any person who shall willfully or maliciously burn, destroy, remove or otherwise injure the fence or gates of said territory, or leave open the gate, rescue or release any impounded stock, or obstruct the erection or repairing of such fence shall be guilty of a misdemeanor, and the provisions of chapter twenty (20), Volume II (2) of The Code are hereby made applicable to the above described territory in the same manner as if it had been established under said chapter: *Provided*, that the punishment for all offenses against this act and said chapter, so far as applicable to said territory, shall not in any case exceed a fine of fifty dollars or imprisonment for thirty days.

Code.

Penalty for injuring, etc., fences and gates.

Code.

Proviso: limit of penalty.

Burning of stock law fence. SEC. 6. If any person shall negligently or willfully permit fire to communicate to said stock law fence he or she shall be liable in a suit to be brought by the County Commissioners for all damages resulting therefrom.

Right of way condemned. SEC. 7. If the owner of any land shall object to the building of any fences herein provided for a right of way for said fence not exceeding twenty (20) [feet] in width shall be condemned for that purpose, upon application of the fence commissioners to any justice of the peace in Pitt County, which justice of the peace shall at once proceed to summon two disinterested freeholders, who shall, together with himself, proceed to lay off and condemn such fence way over said land, after giving the owner of the same, or their agent, two days' notice they shall then assess such damages as they think proper and just.

Procedure.

Adjacent lands. SEC. 8. That any person owning lands adjacent to the above stock law territory may have his lands included in said territory upon such terms as may be agreed upon between him and the fence commissioners.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 532.

AN ACT PROVIDING FOR WORKING THE PUBLIC ROADS
OF STOKES COUNTY BY TAXATION.

The General Assembly of North Carolina do enact:

SECTION 1. That on petition to the County Commissioners of Election, one-third of the qualified voters of any township in Stokes County the County Commissioners of said county shall order an election to be held at an early date in the township so petitioning, to decide whether the public roads in such township shall be worked by taxation or not. Working of roads by taxation.

SEC. 2. That if it shall appear that a majority of the qualified Result, voters at such election voted in favor of working public roads by taxation, then it shall be the duty of the County Commissioners Special tax. to levy a special tax in the township so voting of not exceeding Tax rate. fifty cents (50c.) on the poll and sixteen and two-thirds cents (16 2-3c.) on the hundred dollars valuation on property for road purposes; said tax shall be collected by the Sheriff at the same time and in the same manner as other taxes; said tax shall be Collection and custody. kept separate and shall be used on the public roads in the township voting the tax.

SEC. 3. That any township holding such an election shall nominate five suitable persons to be voted for for supervisors of roads: Election of supervisors. *Provided*, no person voting shall be allowed to vote for more than Proviso. three out of the five. The three receiving the highest number of votes shall be declared the board of supervisors for said township.

SEC. 4. The supervisors of the public roads of any such township shall meet at some convenient place in said township on the Meetings of supervisors. first Saturday in April and November in each year. They shall Chairman and Secretary. elect at their April meeting in each year one of their number Duties. chairman and one secretary. It shall be the duty of the chairman to preside at such meetings and to call others when necessary. The secretary shall keep a correct record of all their proceedings.

SEC. 5. The supervisors of the public roads of such township shall have full power and authority within said township to order the laying out and constructing of new roads when necessary; to discontinue such roads as are found useless and to alter roads so as to make them more useful. This may be done at the regular meetings or at any called meeting, upon petition of the parties interested, but in all cases it shall be made to appear that notice has been served on all parties over whose land the said road passes or intends to pass: In all cases where new roads are to be laid out the said supervisors shall assess the damage to be paid to the parties over whose land said road shall pass and shall determine how the same shall be paid, and any party not satisfied may appeal to the Superior Court of Stokes County. Duties and powers of supervisors. Assessment of damages by new roads.

- Roads divided into sections. SEC. 6. The supervisors of the public roads shall divide the public roads of said township into as many sections as they deem proper and designate specifically the work necessary to be done on said roads, and shall let the contracts for doing the same to the lowest bidder, with full right in said supervisors to reject any bids made by irresponsible parties and to reject all bids if the price is, in their judgment, too much to pay for said work.
- Contracts let to lowest bidder.
- Inspection and approval of work. SEC. 7. That after contracts have been let and the work done, that such roads or sections of road shall be inspected by at least one of the supervisors, and if said road or section of road is found to be worked as per contract it shall then be the duty of said supervisors to give an order on the County Treasurer for the work done; said order must be signed by the chairman and secretary of said board of supervisors.
- Payment for same.
- Payment for work out of township funds. SEC. 8. That the County Treasurer shall pay all orders properly signed as prescribed in section 7 of this act out of the moneys that may be to the credit of the public roads of said township.
- Compensation of supervisors. SEC. 9. That the supervisors shall receive two dollars (\$2) per day (each) for their regular meetings and all necessary called meetings.
- Applicable only to Stokes county. SEC. 10. That this act shall apply to Stokes County only.
- SEC. 11. That this act shall be in force from and after its ratification.
- In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 533.

AN ACT TO FIX AND REGULATE THE TIME FOR HOLDING THE SUPERIOR COURTS FOR THE FIFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

- Times of Superior Courts of Fifth Judicial District prescribed. New Hanover.
- SECTION 1. That the Superior Courts in the several counties of the Fifth Judicial District shall be opened and held at the times hereinafter set forth, to-wit: New Hanover County, sixth Monday before the first Monday in March, to continue one week; fifth Monday before the first Monday in March, to continue two weeks; fourth Monday after the first Monday in March, to continue one week; fifth Monday after the first Monday in March, to continue two weeks; twelfth Monday after the first Monday in March, to continue one week; sixteenth Monday after the first Monday in March, to continue one week; third Monday after the first Monday in September, to continue one week; sixth Monday after the first Monday in September, to continue for two weeks; twelfth Monday

after the first Monday in September, to continue one week. Pender Pender.
County, eighth Monday before the first Monday in March, to con-
tinue one week; first Monday before the first Monday in March,
to continue one week; first Monday in September, to continue one
week. Duplin County, seventh Monday before the first Monday in Duplin.
March, to continue one week; first Monday after the first Monday
in March, to continue one week; first Monday before the first
Monday in September, to continue one week; eighth Monday after
first Monday in September, to continue for two weeks. Onslow Onslow.
County, seventh Monday after the first Monday in March, to con-
tinue one week; thirteenth Monday after the first Monday in Sep-
tember, to continue for two weeks. Sampson County, third Mon- Sampson.
day before the first Monday in March, to continue for two weeks;
eighth Monday after the first Monday in March, to continue for
two weeks; fourth Monday after the first Monday in September,
to continue for two weeks. Lenoir County, second Monday after Lenoir.
the first Monday in March, to continue for two weeks; fourteenth
Monday after the first Monday in March, to continue for two weeks;
first Monday after the first Monday in September, to continue for
two weeks; tenth Monday after the first Monday in September, to
continue for two weeks.

SEC. 2. That all terms of said courts within said district estab- Former terms
lished by chapters 28 and 29 of the Public Laws of 1901, in con- abolished.
flict with this act, are hereby abolished, and all process now return- Return of process.
able to said terms of court abolished by this act shall be returnable
to the next succeeding term within said county.

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

SEC. 4. That this act shall be in force and effect from and after
the 30th day of March, 1903.

In the General Assembly read three times and ratified this the 6th
day of March, 1903.

CHAPTER 534.

AN ACT TO AMEND CHAPTER 28 OF THE PUBLIC LAWS
OF 1901, IN REFERENCE TO THE TIMES FOR HOLDING
THE COURTS OF THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 28, section 1 of the Public Laws of Former act
1901, be amended by striking out on page 167 of said Public Laws amended.
after the words "Sixth District" in the middle of line three down
to the words "Seventh District" in the middle of line 29 on the

Courts of Sixth Judicial District.

Wake.

Wayne.

Proviso.

Harnett.

Johnson.

same page, and insert in lieu thereof the following: "The Sixth District shall be composed of the following counties and the Superior Courts thereof shall be held at the following time, to-wit: Wake County, eighth Monday before the first Monday in March; third Monday after the first Monday in March; eighth Monday before the first Monday in September; third Monday after the first Monday in September, each to continue for two weeks, for the trial of criminal and civil cases, first Monday before the first Monday in March, to continue for two weeks, for the trial of civil cases exclusively; seventh Monday after the first Monday in March, to continue for three weeks, for the trial of civil cases exclusively; seventh Monday after the first Monday in September, to continue for three weeks, for the trial of civil cases exclusively. At the first four terms for the trial of criminal and civil cases above mentioned the criminal docket shall be disposed of before the civil docket is taken up. Wayne County, sixth Monday before the first Monday in March; first Monday after the first Monday in September, each to continue for two weeks; sixth Monday after the first Monday in March; twelfth Monday after the first Monday in September, each to continue one week: *Provided*, the civil docket shall not be called before Monday of the second week of the terms of court designated for the trial of civil and criminal cases; except that any case may be tried during the first week by consent. Should the criminal business be earlier disposed of it shall be the duty of the Judge to attend the second week for the trial of the civil calendar. Harnett County, fourth Monday before the first Monday in March, to continue for two weeks; eleventh Monday after the first Monday in March, to continue for one week; first Monday before the first Monday in September, to continue for one week; tenth Monday after the first Monday in September, to continue for two weeks. Johnston County, first Monday after the first Monday in March and thirteenth Monday after the first Monday in September, each to continue for two weeks; first Monday in September, to continue for one week."

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 535.

AN ACT TO IMPROVE THE ROADS IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Lincoln County be and they are hereby authorized and empowered to submit to the vote of the qualified voters of Lincoln County, on the first Tuesday in May, nineteen hundred and three, the question as to whether Lincoln County, North Carolina, shall issue seventy-five thousand dollars of its bonds, with interest coupons attached, to repair, make and improve the public roads in said county. The Board of County Commissioners shall, for at least thirty days preceding said election, give public notice of said election and the purposes thereof in one or more newspapers published in said county: *Provided*, if a majority of the qualified voters fail to vote for the bond issue at said election, or if said election is not held at said time, then the Commissioners may at any time submit the question to the voters within two years from and after the ratification of this act, after first giving the notice as already prescribed, said election to be held under the rules and regulations hereinafter prescribed.

Submission to vote.

Bond issue.

Notice of election.

Proviso.

Subsequent election.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the Board of County Commissioners shall appoint the registrars and judges of election and any and all other officers to conduct said elections, and the registration and challenge of voters shall be conducted in like manner as in elections of members of the General Assembly, and said Commissioners may or may not order a new registration for said elections. The votes shall be counted at the close of the polls and returned to the Board of County Commissioners on the Friday following the election, and the Board of County Commissioners shall tabulate said vote and declare the result of such election and record same in the minutes of said board, and no other recording or declaration of the result shall be necessary.

Election, how conducted.

Proviso: election officers.

New registration.

Returns and result.

SEC. 3. That at said election the ballots tendered and cast by the qualified voters shall have written or printed upon them the words "For Good Roads" or "Against Good Roads." All electors who favor the issuing of said bonds and the levying of the tax hereinafter provided for shall vote "For Good Roads," and all who do not favor same shall vote "Against Good Roads."

Ballots.

SEC. 4. In the event a majority of the qualified voters of said county shall vote "For Good Roads" at any of the said elections and the result shall be declared and recorded as aforesaid, the Board of Commissioners shall have prepared and issued bonds in denominations not exceeding one thousand dollars and not less than

If election favorable, bonds to issue.

Amount; denominations; interest.

Execution of bonds.	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 as fixed by the Board of Commissioners, not to exceed five per cent. per annum, with interest coupons attached, payable semi-annually on the first days of January and July during the time of their running, and the principal thereof shall be payable or redeemable at such time or times as designated in the bonds by the Commissioners, such time not to exceed thirty years from the date of their issuing, as the said Board of Commissioners may determine. The said bonds and coupons shall be payable at the office of the Treasurer of Lincoln County, and shall be signed by the chairman of the said Board of Commissioners and countersigned by the clerk of the said board; and said bonds shall have upon them the seal of the said county, and shall be styled Lincoln County Road Bonds, and issued under that name.
Bonds, how styled.	<p>SEC. 5. That none of the bonds authorized by this act shall be disposed of by sale, exchange, hypothecation or otherwise for a less price than their face value, nor shall said bonds or their proceeds be used for any other purpose or purposes than those declared by this act. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bonds to which they are attached. The bonds and coupons shall state on their face when they are due and where payable, and said bonds shall show by what authority they are issued. The Board of Commissioners shall have a record made of all their proceedings in respect to said bonds in the minutes of their meetings, and when any of same are issued the number of the bonds, its denomination, date of issue, to whom issued and the number of coupons attached must be recorded, in said minutes: <i>Provided</i>, that nothing contained in this section shall be construed as requiring the purchaser of any of the said bonds to see that money paid for any of said bonds is properly applied for the purposes designated in this act.</p>
Not to be sold under par.	
Record of bonds.	
Purchaser not to see to application of proceeds.	
Proceeds payable to County Treasurer.	<p>SEC. 6. When any of said bonds are sold the proceeds of such sale shall be turned over to the County Treasurer of Lincoln 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 cent. greater than the sum which may come into his hands by reason of this act, conditioned for his faithful safe-keeping of the same and rendering true account in respect thereto, and in all things holding and disbursing and accounting for the same as required by law; which bond shall be received by said County Commissioners as they pass upon,</p>
Separate account to be kept.	
Treasurer's bond.	

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.

Disbursement of funds.

SEC. 7. That in case the result of said election shall be in favor of issuing bonds as aforesaid the said Board of Commissioners of Lincoln County shall levy annually on the first Monday in June in each year a special road tax for said county on property and on polls in an amount sufficient to pay the interest on the bonds as the same becomes due, and to create a sinking fund which will be sufficient to pay off and discharge the principal of the bonds at their maturity, the subjects of taxation to be the same as the Board of Commissioners are now or may hereafter be authorized to levy taxes for general county purposes, the constitutional equation

Special tax.

Levy and collection.

at all times being observed between polls and property. The taxes herein provided for shall be collected under the same rules and regulations as govern in the collection of other taxes, and the same when collected shall be a separate fund, applied first to the payment of the interest on said bonds and then to the creation of a sinking fund for the redemption of said bonds. The Board of County Commissioners are authorized to invest the money set apart as a sinking fund in such manner as they may decide upon, and the interest collected shall be credited to said sinking fund: *Provided*, that the said Board of Commissioners may in their discretion from time to time use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act.

Application of proceeds of tax.

Investment of sinking fund.

Proviso.

SEC. 8. The said Board of County Commissioners shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public roads in said county, and for such purpose they may establish and maintain a chain-gang and work persons convicted of crime and sentenced by a court or courts to terms of penal servitude on said public roads; may purchase tools, machinery, appliances, materials, stock and all other things whatsoever deemed by them necessary for the purpose of working convicts or hired free labor on the public roads in said county.

Application of proceeds of bonds.

Road improvements.

Working of convicts.
Purchase of tools, machinery, etc.

SEC. 9. That immediately on the declaration of the result of said election, the same being favorable to the issue of bonds and the improvement of the roads as herein provided for, the Board of Commissioners of Lincoln County shall elect by ballot a road commissioner for said county, and enter the result of said election in their minutes and declare the same. The person so elected shall take and subscribe an oath for the faithful performance of his duties as road commissioner, and shall execute an official bond with sufficient surety in such amount as may be fixed by the Board of Commissioners for the faithful performance of all his duties and

Election of road commissioner.

Oath of office.

Official bond.

Term of office.	for the faithful accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by said County Commissioners and recorded as are other official bonds. Said road commissioner shall hold his office for two years from the first Monday in July after his election or until his successor is elected and qualified, except that said board may for good cause remove said road commissioner from his said office and elect a successor for his unexpired term. The Board of County Commissioners shall biennially, at their regular meeting on the first Monday in June, elect a road commissioner for the following two years, beginning with the first Monday in July following election, and he shall take oath and give bond as aforesaid. Said road commissioner shall enter upon his duties and work when directed by said Board of County Commissioners to begin. Said road commissioner shall have charge and direct the laying out of the road-way, with the aid of an engineer experienced in such work, and say when and where to work: <i>Provided</i> , that the work shall begin at the county-seat, and the full Board of Commissioners of Lincoln County shall designate which road leading out from Lincolnton shall first be worked and to what distance before beginning work on any other road. The Commissioners shall first work the roads which in their judgment is most important to public travel, and for such distance as they think best. The Board of Commissioners shall have the supervision of the work done by the road commissioner and shall require him to direct the working of convicts and all other laborers employed on said roads. It shall be the duty of the road commissioner to employ such overseers for convicts and other assistance as the Board of Commissioners of the county may agree to and direct, he may prescribe the duties of such employees and discharge same subject to the consent and approval of the County Board of Commissioners. The Board of County Commissioners shall fix the compensation of all officers and employees herein provided for, and the moneys raised under this act shall not be paid out except upon the order of the Board of County Commissioners. They shall require the County Treasurer to render them an account twice each year showing the status of the road fund, and may require reports from the road commissioner and other officers of roads as often as they may deem necessary about the general progress of the work or upon any particular feature of the work as they may direct.
Duties of road commissioner.	
Where road improvement to begin.	
County Commissioners to supervise work.	
Employment of overseers.	
Compensation of officers and employees.	
County Treasurer to report.	
Reports of road commissioner.	
General road law not repealed.	Sec. 10. That nothing in this act shall be construed as repealing the general road law now in force in Lincoln County as amended, and the powers therein granted are applicable to this act and may be exercised under it: <i>Provided</i> , that the Board of Commissioners may dispense with the use of the road supervisors over such roads as are being improved and worked under this act by means of the
Proviso.	

road commissioner, for such time as they decide upon, where in the general road law for Lincoln County powers to go on the lands adjacent to roads and remove trees and gravel, stones and other material is granted to the supervisor, the same is to be construed as being granted to the road commissioner under the direction of the Board of County Commissioners under this act, and in other respects the powers granted to the road supervisor shall be a part of the powers granted under this act to the road commissioner over the road worked under this act.

Duties of Road Commissioner.
Entry on lands for material, etc.

SEC. 11. That the Board of County Commissioners shall have authority to employ a physician to attend to the convicts worked on the public roads, provide for their care, safe-keeping and discipline, and shall have power and authority to do so and perform all things necessary to carry into effect the objects and provisions of this act.

Employment of physician, etc., for convict force.

SEC. 12. The provisions in the general road law for Lincoln County in regard to working of convicts on the public roads shall be construed as a part of this act; when said convicts are worked on the roads under this act they shall be under the charge of the road commissioner.

General road law relative to working convicts applicable.

SEC. 13. That the Board of Commissioners of Lincoln County shall audit and ascertain the accounts of the Sheriff for all taxes levied and collected under this act, and make settlement of the same between said Sheriff and the County Treasurer, and said Board of Commissioners may institute and prosecute any necessary action for the recovery of any such road taxes against any officer failing to account for the same.

Settlements with sheriff.

SEC. 14. That any road commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said road fund herein provided for shall be guilty of a misdemeanor, and any road commissioner or superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor, and fined not exceeding twenty dollars.

Penalty for making fraudulent order on road fund.

SEC. 15. That all expenses incurred by the County Commissioners on account of meetings held by reason of this act shall be paid on their order out of the funds provided for in this act.

Expense of meetings of County Commissioners, how paid.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 536.

AN ACT TO REGULATE LIFE INSURANCE COMPANIES AND
THEIR GOVERNMENT.*The General Assembly of North Carolina do enact:*Chapter 54, Public
Laws 1899, when
applicable.

SECTION 1. That life and health insurance companies and associations organized in this State to do or doing business on the mutual plan shall be governed as to the commencement of business, election of members, guaranty capital, dividends and assessments, as provided in sections 32, 33, 34, 35, 36 and 37, chapter 54, Public Laws 1899, where applicable.

POWER TO HOLD LAND AND RESTRICTIONS THEREON.

Power to hold land
regulated.

SEC. 2. Any company organized by special charter of this State, or under the provisions of the general insurance laws of this State, shall be permitted to purchase, hold and convey real estate for the purposes (and no other) and in the manner set forth, that is to say:

Such as is neces-
sary for transac-
tion of business.

1. Such as shall be requisite for its immediate accommodation in the transaction of its business; or

Such as has been
mortgaged.

2. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for moneys due; or

Such as is taken in
satisfaction of
debts.

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or

Such as is pur-
chased at fore-
closure sales, etc.

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts; and it shall not be lawful for any incorporated company as aforesaid to purchase, hold or convey real estate in any other case or for any other purpose; and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company in the convenient transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title to the same, and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the Insurance Commissioner that the interest for the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such a time as the Insurance Commissioner shall direct in said certificate: *Provided*, that nothing herein contained shall prevent any insurance company from improving and conveying its real estate, notwithstanding the lapse of five years as aforesaid, without having procured the certificate aforesaid.

Five years in
which to dispose
of land.

Extensuon of time.

Proviso.

WHEN DIVIDENDS FORBIDDEN. LIABILITY OF STOCKHOLDERS
FOR UNAUTHORIZED DIVIDENDS.

SEC. 3. No dividend shall be made by any company incorporated in this State when its capital stock is impaired, or when the making of such dividend would have the effect of impairing its capital stock; and any dividend so made shall subject the stockholders receiving the same to a joint and several liability to the creditors of said company to the extent of the dividend so made.

When dividends forbidden.

Liability of stockholders, etc.

LIFE INSURANCE COMPANIES TO MAKE ANNUAL RETURNS OF
POLICIES FOR VALUATION. FEES.

SEC. 4. It shall be the duty of every life insurance company incorporated by the laws of this State to make returns in January of each year to the Insurance Commissioner of this State, showing all its policies and annuity bonds in force on the first day of said month, with such particulars of the same as are necessary for the valuation thereof, as hereinafter directed; the Insurance Commissioner of this State shall thereupon compute, or cause to be computed, the value of such policies and bonds, or what is known as the re-insurance fund therefor, according to the American experience table of mortality and interest at the rate of four and a half per centum, or according to the actuaries' mortality and four per centum interest, or according to any other recognized standard of valuation as he may deem best for the security of the business and the safety of the persons insured; upon such valuation being made, a certificate thereof furnished by the Insurance Commissioner, each company shall pay to such officer, to defray the expense thereof, the sum of one cent for every thousand dollars of the whole amount insured by its policies so valued.

Annual returns to Insurance Commissioner.

Valuation of policies.

Fees to be paid by insurance companies.

DEPOSITS OF SECURITIES TO BE APPROVED BY THE INSURANCE
COMMISSIONER.

SEC. 5. The deposits of securities now required, or which may hereafter be required to be made by any insurance company of this State, shall be approved by the Insurance Commissioner of this State, and he shall have authority to examine the same at all times, and may order the same, or any part thereof, changed at his pleasure, and no change or transfer of the same shall be made without his assent.

Deposits of securities.

Approval of Insurance Commissioner.

COLLATERAL SECURITY FOR LOANS.

SEC. 6. Whenever it shall appear by examination, as now authorized by law, that any insurance company, organized under the laws of this State, holds as collateral security for the payment of any loan any stock, bond or security of whatever description which has not a cash market value of at least twenty-five per cent. more

Authority of Insurance Commissioner over loans.

than the amount of such loan, the Insurance Commissioner of this State shall have authority to require the reduction of such loan or an increase of collateral security, so that the security shall be at least twenty-five per centum in excess of the amount loaned as aforesaid.

DUTIES OF INSURANCE COMMISSIONERS AS TO LOANS.

Insurance Commissioner may disallow loans, when.

SEC. 7. If any insurance company shall not comply with the requirements of the foregoing section within ten days after receiving notice in writing from the Insurance Commissioner, it shall be his duty to disallow any loan, the security wherefor is less than twenty-five per cent. in excess of the amount loaned, and deduct the amount therefor from the assets of the company holding the same.

MORTGAGE SECURITY.

Authority of Insurance Commissioner over mortgage securities, etc.

SEC. 8. If it shall appear, upon examination as aforesaid, that any such insurance company holds any bond which is secured by mortgage upon real estate which is not a first lien, or that the value of such real estate is less than fifty per centum in excess of the bond which it is mortgaged to secure, the Insurance Commissioner shall have authority to disallow any such bond, and deduct the amount thereof from the assets of any such company holding the same, after having given the company at least twenty days' notice, in writing, to change or conform any such loan to the requirements of this act.

RECEIVERS OF LIFE INSURANCE COMPANIES MAY RE-INSURE THEIR RISKS SUBJECT TO APPROVAL OF INSURANCE COMMISSIONER.

Receivers.

SEC. 9. It shall be lawful for the receiver of any life insurance company organized under the laws of this State, whenever the assets of such company shall be sufficient for that purpose, and the consent of two-thirds of the policy-holders thereof shall have been had in writing, to re-insure all the policy obligations of such company in some other solvent life insurance company, or whenever the assets are insufficient to secure the re-insurance of all the policies in full, he may re-insure such a percentage of each and every policy outstanding as the assets will secure: *Provided*, that there shall be no preference or discrimination against any policy-holder, and that the contract for such re-insurance by the receiver shall be approved by the Insurance Commissioner of this State before it shall have effect.

Re-insurance.

Proviso.

Approval of Insurance Commissioner.

SURPLUS IN MUTUAL COMPANIES.

Mutual companies.

SEC. 10. Every life insurance corporation doing business in this State upon the principle of mutual insurance, or to the members of which are entitled to share in the surplus funds thereof, may make

distribution of such surplus as they may have accumulated annually, or once in two, three, four or five years, as the directors thereof may from time to time determine. In determining the amount of the surplus to be distributed there shall be reserved an amount not less than the aggregate net value of all the outstanding policies, said value to be computed by the American experience table of mortality, with interest not exceeding four and one-half per cent.

Distribution of surplus.

Amount of distribution, how determined.

RECIPROCAL LAWS.

SEC. 11. When, by the laws of any other State or nation, any taxes, fines, penalties, licenses, fees, deposits of moneys or of securities or other obligations or prohibitions are imposed upon insurance companies of this State doing business in such other State or nation, or upon their agents therein, so long as such laws continue in force the same taxes, fines, penalties, licenses, fees, deposits, obligations and prohibitions of whatsoever kind, shall be imposed upon all such insurance companies of such other State or nation doing business within this State and upon their agents here: *Provided*, that nothing herein shall be held to repeal or reduce the license, fees, taxes and other obligations now imposed by the laws of this State, or to go into effect with the companies of any other State or nation, unless some company of this State is actually doing or seeking to do business in said State or nation.

Reciprocal laws.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 537.

AN ACT TO REPEAL CERTAIN ACTS PASSED BY THE GENERAL ASSEMBLY AT ITS PRESENT SESSION.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to regulate the manufacture and sale of intoxicating liquors in Alamance County," and an act entitled "An act to establish a dispensary in Graham, in Alamance County," both of which acts were ratified on the fourth day of March, A. D. 1903, be and the same are hereby repealed.

Certain public laws of the present General Assembly repealed.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 538.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC
ROADS OF NORTHAMPTON COUNTY AND TO LEVY A
SPECIAL TAX THEREFOR.*The General Assembly of North Carolina do enact:*

Board of Road
Commissioners;
how constituted;
duties and powers.

SECTION 1. That for the purpose of constructing, repairing, improving and maintaining the public roads in Northampton County there shall be a special board of eight members, composed of one member from each township, who shall be known as the "Board of Road Commissioners" for said county, which board shall have the entire supervision and jurisdiction of all the public roads of said county, 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 or discontinuance of all public and private roads, cartways and other thoroughfares.

Road commis-
sioners named.

SEC. 2. That A. J. Conner, B. F. Martin, E. B. Lassiter, J. E. Moore, L. L. Taylor, M. R. Stephenson, W. D. Ellis and V. R. Valentine are hereby appointed and constituted the "Board of Road Commissioners" for said county, and they shall hold their office and perform its duties until the first Monday in December, 1906, and until their successors are duly elected or appointed and qualify; a majority of whom shall constitute a quorum.

Term of office.

Quorum.

Election of suc-
cessors.

SEC. 3. That at the regular election in November, 1906, and every two years thereafter, at the regular elections, the members of said Board of Road Commissioners shall be elected under the same rules and regulations as are or shall be prescribed for the election of other county officers.

Oath of office.

SEC. 4. That the members of said Board of Road Commissioners shall qualify before any officer authorized to administer oaths, on or before the 1st Monday in December immediately following their election, except those mentioned in section 2 above, and all vacancies on said board, caused by a failure to qualify or otherwise, shall be filled by said board by the appointment of a member from the same township from which the vacancy occurred, and said appointee, upon his qualification within a reasonable time, shall fill the unexpired term.

Vacancies.

Chairman and
secretary.

SEC. 5. That the members of said board, named in section 2 above, shall qualify on or before the 1st Monday in May, 1903, and they shall meet in Jackson on the 1st Monday in June, 1903, and organize by electing one of their number as chairman and by electing a secretary, who may be one of the board. The secretary shall, in a book suitable for the purpose, keep a full and perfect record of all the proceedings and actions of the board, which record shall be

Record of proceed-
ings.

open to inspection of the citizens of the county at reasonable times. The compensation of the secretary shall not exceed two dollars (\$2) per day for every day on which said board shall meet. The compensation of the members of said board shall be the same as that of members of the Board of County Commissioners. Said board shall meet quarterly, on the 1st Mondays in December, March, June and September, and oftener, if necessary or important, upon a call of the chairman or of any member, if requested by a majority of the members, and said board is authorized to purchase literature on the subject of roads, not to cost more than twenty-five (\$25) dollars. At all of their meetings, which shall be held in Jackson, they shall be authorized to transact any business and duties with reference to the roads of the county or within their jurisdiction.

Compensation of secretary and members of board.

Board to meet quarterly.

Purchase of road literature.

SEC. 6. At or before their meeting in June of each year said Board of Road Commissioners shall consult together as to the amount of money reasonably necessary to purchase suitable tools, machinery, teams and supplies for the proper working and improving and establishing the public roads in said county, and to pay all the expenses thereof and the expenses pertaining to the performance of their duties for one year, and shall fix and determine the rate of taxation on the property and polls of said county for the purposes of raising said amount, which rate shall not be less than ten (10c.) cents on the one hundred (\$100) dollars of valuation of real and personal property nor more than twenty (20c.) cents on the one hundred (\$100) dollars thereof, and not less than thirty (30c.) cents nor more than sixty (60c.) cents on the poll for any year. And said Board of Road Commissioners shall report the rate of taxation thus ascertained and determined by them to the Board of County Commissioners of said county on or before their June meeting in each and every year, and it shall be the duty of said Board of County Commissioners, at their meeting in June (or at such time as may be fixed by law) to levy a special tax, as determined by said Board of Road Commissioners, for said purposes; said taxes shall be collected as other taxes are collected, and shall be kept separate by the County Treasurer and paid out by him only upon proper orders of the Board of Road Commissioners. Such taxes shall be levied upon and collected out of the property and polls, whether in incorporated towns or otherwise. The constitutional equation between the tax on property and on the poll shall always be observed.

Board of road commissioners to recommend rate of tax, etc.

Limits of taxation.

County commissioners to levy said tax.

Collection.

Disbursed on orders of board of road commissioners.

SEC. 7. One-half ($\frac{1}{2}$) of the net proceeds of all dispensaries, now established or hereafter to be established in Northampton County, shall be paid to the Treasurer of said county for the use and benefit of the road fund, and shall be paid out by said Treasurer only upon the proper order of the Board of Road Commissioners. The Treasurers of the different towns having dispensaries shall pay over to the County Treasurer the amounts due to said road fund which may

Dispensary profits to go to road fund.

be in his hands, at least as often as every six months; the said Treasurers and other officers shall receive the same fees and commissions for receiving, collecting and disbursing any and all taxes and moneys as they are entitled to in other like cases.

Road age. SEC. 8. That after January 1st, 1904, every able-bodied male person between the ages of twenty-one (21) and forty-five (45) years, residing in said county, shall be liable annually to perform three days' labor upon the roads of said county, under the supervision and direction of the road supervisor, overseer or other officer appointed by the Board of Road Commissioners, who may assign such persons to any portion of the road in the township in which said person resides as said officer may think best: *Provided, however,* that any such persons shall be discharged from such labor for one year upon the payment to the proper officer of the sum of one (\$1) dollar *per annum* in lieu thereof: *Provided,* that such sum shall be paid on or before the first day of March of said year.

Road duty.

Proviso, payment of money in lieu of work.

Persons failing to pay poll tax liable to work on road.

SEC. 9. All persons who shall be liable to pay poll tax, and who fail to pay the same, shall be liable and compellable to work four days on the said roads under the direction and control of the road supervisor or officer in his township.

Sentence of convicts to public roads.

SEC. 10. That the Judges of the Superior and Criminal Courts of this State are hereby authorized and empowered to sentence convicts in said county or in other counties to work upon the public roads in Northampton County; and all the justices of the peace and Mayors of towns of said county are hereby authorized and empowered to sentence persons tried before them and found guilty of violating the criminal law within their jurisdiction, or of vagrancy, to sentence said persons so convicted to work upon the said public roads: *Provided,* that no person shall be required to work for a longer time than that for which he could have been imprisoned for the offense: *Provided further,* that the said Board of Road Commissioners and its authorized officers may shorten the time of labor in any individual case as much as one-fifth for good behavior and faithful performance of duty.

Proviso.

Commutation of sentence.

Care and guarding of convicts.

SEC. 11. That the Board of Road Commissioners shall be authorized to provide proper quarters for convicts and to employ suitable guards and overseers, and to provide means for their safe-keeping and control, out of the road funds.

General road fund.

How expended.

Disbursement of funds.

SEC. 12. That the taxes and other revenues raised under this act or under any law shall constitute a general road fund for the construction and improvement of the roads and bridges of said county, and for the purchase and maintenance of tools, machinery, teams and other supplies or equipments for the better prosecution of the work, and shall be expended according to the judgment and discretion of the Board of Road Commissioners; and said board shall, as often as they deem necessary, issue warrants or orders upon

the County Treasurer directing him to pay to the supervisor or other officer of roads the amount therein specified for the purpose of carrying on the provisions of this act.

SEC. 13. That said Board of Road Commissioners may annually elect one or more supervisors or superintendents of the roads (and at any time appoint overseers, if they should deem the same advisable, or authorize the supervisor to appoint said overseers).

Road supervisors
or superin-
tendents.

SEC. 14. Every supervisor or other officer may be required to execute a proper undertaking, in an amount to be fixed by said Board of Road Commissioners, for the faithful performance of his duties and for the proper accounting for the funds and property which may come into his hands as such, and shall always be subject to the orders and control of said board, and may be at any time removed by them for inefficiency, misconduct and other good cause, and a successor may be appointed by them.

Bonds required.

SEC. 15. The supervisor shall have charge and management of the hands, labor, teams, tools, apparatus and machinery used on the roads under his charge, and shall render an itemized statement on account of the number of hands or persons, including convicts, worked on the roads, the number of hours or days worked, the amount paid each hand and the amount of money received and how the same was disbursed, and a list of the tools, machinery, implements, dumps, carts, teams and other apparatus in his hands, and the condition thereof, and any other information in reference to his management that may be reasonably required. Said reports shall be made quarterly, or oftener, to said board. He shall have the teams and all apparatus properly cared for. In all matters he shall be subject to the control and direction of said board.

Duties of super-
visor.

Reports.

SEC. 16. That said Board of Road Commissioners shall have full power and discretion to adopt such methods and means and agencies for and in the management, improvement and working of said roads as they may determine to be wise and best, regardless of any seeming limitations or restrictions in this act; and they may also make such purchases of gravel pits, lands, timbers and machinery and teams as they may deem wise and important for the improvement of the roads.

Board of road
commissioners,
discretionary
powers of.

Purchase of lands,
machinery, etc.

SEC. 17. That the Board of Road Commissioners shall make an annual statement of all their doings and proceedings in the same manner and at the same time as is required of the Board of County Commissioners, which statement shall be recorded and preserved by the Register of Deeds in a suitable book, which shall be subject to the inspection of the public; and the Register of Deeds shall receive the same fees for such services as he receives in other like cases.

Said board to make
annual statement.

SEC. 18. All orders or warrants of said board on the County Treasurer, authenticated as is required for such orders of the Board of County Commissioners, shall be paid by said Treasurer out of the road funds in his hands.

Orders and war-
rants on road fund.

Powers of said board.

The Code.

Power to enter land cut timber, dig gravel, etc.

Penalty for obstructing road work, etc.

Road work during 1903 to be under what law.

Penalty for violating this act.

Conflicting laws repealed.

SEC. 19. That the Board of Road Commissioners shall have all the powers and jurisdiction given to the Board of County Commissioners and justices of the peace in chapter 50 of The Code and the amendments thereto, and may exercise the same, where not inconsistent with this act; and the provisions of said chapter and the amendments thereto, where not inconsistent herewith, are to remain in force.

SEC. 20. That for the purpose of repairing and constructing and improving the public roads, the supervisor or other officers employed by said board shall have authority to enter upon any uncultivated land near to or adjoining the roads or any improved or cultivated lands, when unencumbered by cultivated crops, to cut and carry away timber, except trees or groves left for ornament or shade, to dig or cause to be dug and carried away gravel, earth, sand or stone which may be necessary to repair or improve said road, to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person willfully obstructing or resisting the performance of these duties, or willfully obstructing such drains or ditches when made, shall be guilty of a misdemeanor. And any such supervisor, officer or employee maliciously or needlessly injuring or damaging any lands or timbers in the performance of his duties shall be guilty of a misdemeanor.

SEC. 21. That the roads of said county shall be worked, for and during the year 1903, under the laws in force on January 1st, 1903, except that they shall be under the direction and control of the Board of Road Commissioners instead of the justices of the peace.

SEC. 22. That any person willfully violating any of the provisions and requirements of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than fifty (\$50) dollars or imprisoned (or sentenced to work upon the roads) for not more than thirty (30) days.

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.

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 539.

AN ACT TO REGULATE THE WORKING OF THE CONVICTS
OF SWAIN COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Swain County are hereby authorized and empowered to hire out to any other county the convicts of Swain County now working the public roads, or the convicts and prisoners hereafter sentenced to work on the public roads of Swain County, at any time when in their judgment the number does not justify the county to employ supervisor and guard.

County commis-
sioners may hire
out convicts to
other counties.

SEC. 2. Said County Commissioners are further empowered to contract with County Commissioners of any other county or counties to let said convicts to said other county or counties, and may receive the convicts of any county or counties, after a time set by contract, as a consideration for the work done by the convicts of Swain County. And said convicts so received from any other county in consideration of the work of the convicts of Swain County shall be subject to work on the public roads of Swain County until the expiration of said contract, but may be returned at any time the County Commissioners of Swain County think best for the best interest of Swain County.

May hire convicts
from other
counties.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 540.

AN ACT TO REGULATE THE SALE OF MALT IN CABARRUS
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation, except licensed druggists, to sell malt or malt extracts, or so-called bitters or any kind of mixtures that will produce intoxication, within the county of Cabarrus. Any one violating the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned in the discretion of the court.

Sale of malt,
bitters, etc.,
regulated.

Penalty.

SEC. 2. No druggist shall sell or otherwise dispose of any malt or malt extracts except for *bona fide* medical purposes and upon the prescription of a practicing physician known to such druggist to be of reputable standing in his profession or recommended by a

Druggists allowed
to sell same, when.

- physician who is so known, which prescription shall be in writing, signed by such physician, and shall specify the name of the person to be supplied, and the quantity of dose. Any druggist who shall violate the provisions of this section, and any physician who shall give any prescription for malt or malt extracts in violation of this act, shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.
- Penalty.
- Applicable only to Cabarrus county. SEC. 3. That this act shall be in force from and after its ratification and apply only to the county of Cabarrus.
- In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 541.

AN ACT TO AMEND SECTION 2078 OF THE CODE OF NORTH CAROLINA, FIXING FEES OF SHERIFF OF HYDE COUNTY FOR SERVING PROCESS ON THE WATERS OF PAMLICO SOUND.

The General Assembly of North Carolina do enact:

- Code amended. SECTION 1. That section 2078 of The Code of North Carolina be amended by adding at the end of said section the words: "*Provided*, the Sheriff of Hyde County shall be allowed the sum of two dollars for serving all warrants or capiases or other criminal processes on the waters of Pamlico Sound or on the waters of any bay in Hyde County, whenever such Sheriff shall be compelled to go by boat or vessel more than two miles from any shore or landing in order to execute such process: *Provided further*, that whenever such Sheriff is compelled to go by boat or vessel a distance of more than two miles from any shore or landing in Hyde County to serve any civil process issuing from any of the courts of this State upon the waters of Pamlico Sound or any bay in Hyde County, such Sheriff, in addition to the fee prescribed by law for serving such process, may add the expense of hiring such boat or vessel, which cost or expense shall be taxed by the Clerk of the Superior Court of the county from which such process issued in the bill of costs in the action in which such process issued.
- Fees of sheriff of Hyde county.
- Expense of hiring boat.
- Proviso. SEC. 2. This act shall be in force from and after its ratification.
- In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 542.

AN ACT TO PROHIBIT THE HUNTING OF SQUIRRELS AND OPOSSUMS IN GREENE COUNTY BETWEEN THE FIRST DAY OF FEBRUARY AND THE FIRST DAY OF OCTOBER IN EACH YEAR.

The General Assembly of North Carolina do enact:

SECTION 1. That no person in Greene County shall hunt with dog or gun, shall kill or destroy any squirrel or opossum between the first day of February and the first day of October in each year, and the person so offending shall be guilty of a misdemeanor, and fined not exceeding ten dollars for each offense.

Squirrels and opossums protected.
Close season.
Penalty for violation.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 543.

AN ACT TO AMEND SECTION 1671 OF THE CODE.

The General Assembly of North Carolina do enact:

SECTION 1. That section 1671 of The Code be amended by adding after the word "estate" in line 5 of said section the following words: "or who shall render himself, by reason of the use of intoxicating liquors, dangerous to person or property, or who shall, by the frequent use of liquor, render himself cruel and intolerable to his family, or shall fail from such cause to provide his family with reasonable necessities of life."

Code amended.
Inebriates.

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 544.

AN ACT TO REGULATE THE TIME OF THE RETURN OF EXECUTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section four hundred and forty-nine (449) of The Code of North Carolina be and the same is hereby amended by striking out of lines two and three thereof the words "to the term of

Code amended.
Return of executions.

the court next after that from which they bear teste," and inserting in lieu thereof the words "to the next term of the court beginning not less than forty (40) days after the issuing thereof."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 545.

AN ACT TO AMEND CHAPTER 729, PUBLIC LAWS OF 1901, RELATIVE TO THE PUBLIC ROADS OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

Former act amended in regard to payment of money in lieu of working roads.

SECTION 1. That chapter seven hundred twenty-nine, Public Laws of 1901, section four, be and the same is hereby amended by striking out the word "two" between the words "of" and "dollars" in line twenty-five of said section, and insert in lieu thereof the word "three."

Applicable only to Stanly county.

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

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 546.

AN ACT TO AMEND CHAPTER FOUR OF THE PUBLIC LAWS OF 1901, RELATING TO THE PUBLIC SCHOOLS OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

Former act amended.

SECTION 1. That chapter four, section fourteen, of the Public Laws of 1901, be and the same is hereby amended by adding at the end of said section the following: and an appeal shall lie from the action of said county board to the State Board of Education.

Right of appeal to State Board of Education.

Election of committeemen.

SEC. 2. That section seventeen, chapter four of said Acts of 1901, be and the same is hereby amended by striking out the words "may if they deem best" in lines fifteen and sixteen of said section, and inserting in lieu thereof the word "shall": *Provided, however,* that said committeemen appointed by virtue of this act

Proviso.

shall serve without compensation other than for taking the census as provided in section 20 of said chapter four of said Acts of 1901.

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

Applicable only to
Stanly county.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 547.

AN ACT TO AMEND CHAPTER 551, PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter five hundred and fifty-one (551), Public Laws of 1899, be and the same is hereby amended by striking out the word Anson in section 2.

Local option law
made applicable to
Anson county.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 548.

AN ACT TO AMEND THE LAWS GOVERNING THE MILITIA AND THE STATE GUARD.

The General Assembly of North Carolina do enact:

SECTION 1. The active militia of the State shall be known and designated as the "North Carolina National Guard," and wherever the words "State Guard" now appear in chapter 374 of the Public Laws of 1893, and the acts amendatory thereof, the words "North Carolina National Guard" are substituted therefor.

Active militia,
how designated.

Chapter 374, Public
Laws 1893,
amended.

SEC. 2. The Commander-in-Chief shall appoint a brigadier-general to command the National Guard of the State as now organized, and whenever it shall become necessary to organize the same into more than one brigade the commanders of such brigades shall be appointed by the Commander-in-Chief.

Appointment of
officers.

SEC. 3. Field officers of regiments and battalions, and of corresponding grades in the naval brigades, shall be elected by the commissioned officers of the regiments and naval brigade, and company, battery, troop and naval division officers shall be elected by the enlisted men of such company, battery, troop and naval division at such time and place as may be fixed by the Commander-in-Chief, and such officers shall hold office until vacancies occur, either by promotion, resignation, removal or death.

Election of certain
officers.

Chapter 374, Public Laws 1893, section 26, amended.

SEC. 4. That section 26 of chapter 374 of the Public Laws of 1893 be amended to read as follows: That enlisted men shall be dishonorably discharged by order of the Commander-in-Chief: To carry out a sentence of court-martial; upon conviction of felony in a civil court; upon discovery of re-enlistment after previous dishonorable discharge.

Section 28 amended.

SEC. 5. That section 28 of chapter 374 of the Public Acts of 1893 be amended to read as follows: That the uniform, arms and equipment of the North Carolina National Guard shall be in accordance with the regulations governing the army.

Section 33 re-enacted.
Section 7, chapter 390, Public Laws 1899, repealed.

SEC. 6. That section 7 of chapter 390 of the Public Laws of 1899 is hereby repealed, and section 33 of chapter 374 of the Public Laws 1893 be re-enacted: *Provided*, that the word "expelled" in line 11 of said section be stricken out.

Allowance to officers

SEC. 7. There shall be allowed annually to each brigadier-general, commander of a regiment and of the naval brigade the sum of one hundred and fifty dollars, with which to defray the necessary expenses incurred in the discharge of the duties of his office. There shall be allowed annually to each battery of artillery the sum of two hundred and fifty dollars, and to each regimental band the sum of one hundred dollars, to be paid to the regimental adjutant for the benefit of such band, which said sums shall be paid only upon compliance by such batteries and bands with the laws and regulations governing like payments to companies of infantry and naval divisions. The Paymaster-General shall receive as compensation for his services an annual salary of five hundred dollars: *Provided*, the allowances and salary herein specified shall be paid from and out of the annual appropriation now provided by law.

Allowance to batteries and bands.

Paymaster-General, salary of. Proviso.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 549.

AN ACT TO ALLOW THE BOARD OF COUNTY COMMISSIONERS OF GREENE COUNTY TO USE FOR GENERAL COUNTY PURPOSES TAXES COLLECTED TO BUILD AND REPAIR COUNTY FENCES.

The General Assembly of North Carolina do enact:

Authority to transfer special taxes to general county fund.

SECTION 1. That the Board of Commissioners of Greene County are hereby authorized and empowered to turn into the general county

fund in their county treasury and use for general county purposes all taxes which have been levied and collected in said county for the purpose of building and repairing the county fence of the county, and which have not been used for such purposes.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 550.

AN ACT TO AUTHORIZE W. S. BARTLET, TAX COLLECTOR OF CAMDEN COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEARS 1899, 1900, 1901 AND 1902.

The General Assembly of North Carolina do enact:

SECTION 1. That W. S. Bartlet, Tax Collector of Camden County, is hereby authorized and empowered to collect arrears of taxes in said county for the years 1899, 1900, 1901 and 1902, under the rules and regulations provided by law for the collection of taxes: *Provided*, that no person shall be compelled to pay any tax under this act who shall first make oath before some officer authorized by law to administer oaths that the tax attempted to be collected has been paid, nor shall any guardian or administrator in his representative capacity be required to pay any tax under this act.

SEC. 2. That the authority to collect taxes under this act shall cease on December 31st, 1904.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 551.

AN ACT TO IMPROVE THE PUBLIC ROADS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Wake County, in order to provide for the proper construction, improvement and maintenance of the public roads of the county, shall, on or before January first, 1904, elect a superintendent of roads for the county, who shall hold office until December, 1904, and until

Authority to collect arrears of taxes.

Years.

Rules and regulations. Proviso.

Authority to expire, when.

Election of road superintendent.

Term of office.

Election of successor.	his successor has been elected and qualified, and at their regular meeting in December, 1904, and biennially thereafter, they shall elect a successor to said office. The superintendent of roads shall
Compensation.	be paid such compensation as shall be fixed by said board out of the county road fund, and hold office for two years and until his
Term of office.	successor has been elected and qualified. The said superintendent of roads shall at all times be under the direction and control of the
Under control of county commissioners.	Board of Commissioners of Wake County, and he may at any time be removed by them, after having been given ten days' notice and
Removal.	a hearing, when in the opinion of the board there exists a good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by them without notice other than may
Duties of superintendent.	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 County Board of Commissioners a monthly report concerning the work in progress and the moneys expended, and he shall submit a quarterly report on the condition of the public roads and bridges and plans for their improvement. 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 \$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. In case of the death, resignation or removal of said superintendent, it shall be the duty of the County Commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office for the balance of the unexpired term and until his successor has been elected and qualified.
To submit quarterly reports. Superintendent's bond.	
Vacancy, how filled.	
Division of county into road districts.	SEC. 2. That the Board of Commissioners shall divide the county into three road districts, to be known as the Raleigh, the Northern and the Southern road districts, respectively. The boundary of the Raleigh road district shall be the circumference of a circle, the radius of which shall extend eight miles from the Capitol Building, in the city of Raleigh, in every direction; and the boundaries of the other districts shall be fixed by the Board of County Commissioners, and said board shall have power to create new road districts whenever in their opinion there is necessity for the same, and to alter the boundaries of any district, except the Raleigh road district, when they may consider it advisable.
Boundaries of Raleigh district.	
Boundaries of other districts.	
New districts.	
Election of district supervisors.	SEC. 3. For each of the road districts the County Commissioners shall elect, at the time herein prescribed for the election of the road superintendent, a district supervisor, who shall hold office for
Term of office.	

the same term and in the same manner that he holds, and until their successors are elected and qualified. Each supervisor shall give bond in the sum of \$1,000 for the faithful performance of the duties of his office, the truthful accounting for all moneys coming into his possession and the proper care of all teams, wagons, machinery, tools and implements entrusted to his charge; and they shall furnish inventories of such material, tools, implements, machinery and utensils of every nature that shall come into their hands upon their entrance upon and retirement from office; they shall be paid such compensation as shall be fixed by the Board of County Commissioners, and may be removed from office in the same manner provided for the road superintendent. Each supervisor shall render a monthly report of all moneys coming into his hands, which shall be turned over to the Treasurer of the county, and of all the work done by him during the month. Such report shall be made to the road superintendent, and shall be embraced in his report to the board on the first Monday in each month. The report for each road district shall be kept separate from the reports of every other district.

Official bonds.

Compensation.

Supervisors' reports.

SEC. 4. The County Commissioners shall furnish each supervisor with a complete outfit of teams, carts, machinery, implements, tools and utensils for use by him upon the roads of his district, and the machinery, tools, implements and property now belonging to the Raleigh road district shall not be used upon the roads of any other district, but shall be kept for the exclusive use of that district.

County commissioners to furnish each supervisor with teams, etc.

Machinery, etc., of Raleigh district.

SEC. 5. The work of the supervisors in each district shall be under the direction and control of the superintendent of roads, and they shall faithfully conform to his directions and the requirements of this act. There shall be kept continuously employed upon the roads of each district a squad of not less than fifteen hired hands, whose compensation shall be fixed by the Board of Commissioners: *Provided*, that such number may be increased in any district in the discretion of the board: *And provided further*, that in order that as much money as possible may be spent on the roads of the other districts, the Commissioners may dispense with all hired labor in the Raleigh road district so long as they deem best. The Board of Commissioners shall allot to the Raleigh road district two-thirds of the convict force of the county, and the remaining third shall be kept at work to assist the hired labor in the other districts in building four or more thoroughfares leading from Raleigh to the county limits, one road to be completed at the time. Such convict force shall not be divided, but may be sent to assist the work in any district at the discretion of the board. In each district the supervisor shall, as soon as sufficient roads have been built to make it advisable, keep a part of his force employed for the sole purpose

Superintendent to have control.

Road hands, compensation.

Proviso.

Distribution of convict force.

Keeping of roads in repair.

of keeping such roads in as perfect repair and condition as possible. Such force may be composed of either hired or convict labor, and it shall be the duty of the superintendent of roads to see that this provision is enforced as soon as the same shall become necessary.

Road age.	SEC. 6. That all able-bodied male persons in the county between the ages of twenty-one and forty-five years, except residents of incorporated cities and towns, and such as by law are exempted or excused, shall work on the public roads of said county for six days in each and every year, at such time and place and in such manner as may be designated by the road superintendent or district supervisors: <i>Provided</i> , the said superintendent or the supervisor in each district shall give to each person who is subject to road duty at least three days' notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place when and where such work is to be performed: <i>Provided further</i> , 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 district in which such obstruction to travel may occur shall, upon properly being summoned by said superintendent or supervisor of roads, respond to such summons with reasonable promptness: <i>Provided further</i> , that any person may, in lieu of working six days on the public roads, pay on or before the first day of March of each year to the County Treasurer or road superintendent the sum of \$3, and it shall be the duty of said Treasurer or road superintendent, upon receipt of said money or any part thereof, to issue to such person a receipt for the same, stating in such receipt the amount and the year for which the same is paid. All moneys paid to the road superintendent as provided for in this act shall, within fifteen days after being received by him, be turned over to the County Treasurer and credited to the road fund. If the road superintendent fails to turn over to the County Treasurer the money so collected within fifteen days he shall be guilty of a misdemeanor: <i>Provided</i> , that no person liable for road duty under this act shall be required to work on the public roads outside of the township in which he resides, and every person who works upon said roads shall be paid fifty cents for each day's work out of the county road fund.
Road duty.	
Proviso.	
In case of emergency.	
Payment of money in lieu of work.	
Payment to superintendent to be turned over to county treasurer.	
Penalty for failure.	
Proviso.	
Failure to work or make payment instead a misdemeanor.	SEC. 7. That any person who shall, after being duly notified, fail to appear and work as required to do (after having failed to pay the sum of \$3), or any person who shall appear as notified and fail or refuse to perform good and reasonable labor as required by the said superintendent or supervisor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than six nor more than ten dollars, or sentenced to work on the public roads of the county for not less than twelve nor more than twenty
Penalty.	

days. Every person liable to road duty, when duly summoned, shall have the right of furnishing an able-bodied laborer in his place, at his own expense, and shall receive pay for the same as if he had performed the labor in person.

Right to furnish substitute for road work.

SEC. 8. That on the first day of March in each year the district supervisor of roads in each district shall furnish through the county road superintendent to the Treasurer of the county a complete list of the names of all persons liable for road duty in the district in which he resides. Said Treasurer of the county, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of three dollars as above provided, and shall within fifteen days and as often thereafter as may be necessary, furnish to the county road superintendent a correct revised list of all persons libale for road duty in each district for the year. A list of such persons liable to road duty in each district who have during the year failed to work on the public road after having been duly notified, or to pay as provided in this act, shall immediately be submitted by the county road superintendent or district supervisor to a justice of the peace in the district in which such persons reside, and it shall be the duty of said justice immediately to issue his warrant for such persons and proceed against them according to law: *Provided, however*, that the defaulting party may be prosecuted at any time and by any citizen of the county.

Supervisors to furnish list of persons liable to road duty.

Treasurer to correct list.

Prosecution of persons failing to work.

Proviso.

SEC. 9. That all prisoners confined in the county jail under a final sentence of the court for crime, or imprisonment for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of costs, and all persons sentenced in said county to the State Prison for a term less than ten years, shall be worked on the public roads of the county: *Provided*, that the Commissioners of the county may arrange with the Commissioners of any neighboring county or counties for such an exchange of prisoners during alternate months or years as will enable each such co-operating county to thereby increase the number of the prisoners at work on its public roads at any given time, and upon application of the said road superintendent of the county or that of the County Board of Commissioners the Judge of the Superior Court or the 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 said road superintendent for work on the public roads of said county; or 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 physi-

Convicts to be worked on roads.

Proviso.

Exchange of convicts with other counties.

Duty of trial judges, etc.

Proviso.

cian, persons convicted in said Superior, Criminal or inferior courts in the county may be sentenced to the Penitentiary or to the county jail.

Sentence of convicts from other counties.

SEC. 10. That when the Commissioners of Wake County shall make provisions for the expense of support and guarding while at work on the public roads, a larger number of prisoners than can be supplied from that county, upon the application of the Commissioners the Judges of the Superior and Criminal Courts presiding in adjoining counties, or any other county or counties in the same or adjoining judicial districts which do not otherwise provide for the working of their own convicts on their own public roads, may sentence such able-bodied male prisoners as are described in section 9 of this act, from such adjoining county or counties in the same and adjoining judicial district, to work on the public roads of said county, and the cost of transporting, guarding and maintaining such prisoners shall be paid by Wake 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 Wake County.

Expense of transporting, guarding, etc.

Rules and regulations.

SEC. 11. That the convicts sentenced for hard labor shall be under the control of the County Commissioners of said county, and said authorities shall have power to enact and enforce all needful rules and regulations for their successful working of all convicts upon the highways and public roads or public works, and commit to the superintendent or supervisor 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 or public roads, or any other works to which said convicts may be put by 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 Prison.

Use of county jail for convict force, etc.

Rules and regulations to conform to those of State Highway Commission.

SEC. 12. 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 or to build and keep a convict camp or camps for said purpose, and to provide for the 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 of convicts on public roads and highways, laid down and published by the State Highway Commission. The prisoners employed in working the public roads 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.

SEC. 13. 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 for any cause, the County Commissioners or road superintendent, if the case be urgent, are hereby authorized to contract with a physician to attend such convicts.

Duty of county superintendent of health.

SEC. 14. That the principal roads or highways to be improved or constructed according to the provisions of this act, prior to the inauguration of any such permanent improvements on the roads or highways 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 superintendent of roads, 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, and any person who shall obstruct the surveyor, engineer, road superintendent or other persons 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. All such public roads or highways when changed or hereafter located or re-located, shall be given a grade nowhere greater than three feet in one hundred feet; 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 pipes or other form of drain or culvert: *Provided*, that where in the opinion of an experienced and competent engineer the grade above described is impracticable it may be increased to the extent of one foot in the one hundred feet: *Provided further*, that the right of way of all public roads shall be forty feet wide, and the superintendent of roads, subject to the approval of the Board of Commissioners, shall determine how much of said right of way shall be used for road purposes, but no road shall be macadamized, graveled or otherwise improved less than sixteen feet in width.

Plan, scope and manner of road work.

Specifications.

SEC. 15. The supervisor of roads in the several districts shall warn in the persons liable to road duty for at least two days' work in the month of March in each year. The remaining days of road duty shall be performed in the months of July, August or September, as may be determined upon by the superintendent of roads. For the purpose of warning in persons liable to road duty and assisting the supervisor in the management and control of the hands when at work, the supervisor of each district may employ such overseers as the Board of Commissioners may direct, to be paid \$1 per day for each day's work, but who shall not be employed for a longer time than is necessary to warn in such persons as are liable to road duty and to supervise them when at work. All work done by the

When road duty to be performed.

Employment of overseers. Compensation.

supervisors in this district shall be done under the immediate direction of the superintendent of roads.

Right to enter upon land and carry off timber, gravel, etc.

SEC. 16. That for the purpose of carrying out the provisions of this act the superintendent of roads and supervisors are hereby authorized to enter upon any uncultivated lands near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands, planted or left for ornament or shade, to dig and carry 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 may be 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, water-course or waste ground, and shall be kept open by said superintendent or supervisor, and shall not be obstructed by the owner or occupant of such lands or any other person, under the penalty of forfeiting the sum of not less than \$5 or exceeding \$10, or imprisonment at work on the public roads of the county for not less than ten or exceeding twenty days for each and every offense, such penalty to be collected by said superintendent, and if in money, paid to the County Treasurer and applied to the road fund of the county. If the owner of any lands, or agent or agents of such owner having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid, shall present an account of the same through the county road superintendent at any regular meeting of the Commissioners within ninety 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, without any deduction for benefits; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the Board of Commissioners their decision for revision or confirmation: *Provided*, that said land owner or his agent shall have the right of appeal as provided for in section 18 of this act.

Penalty for obstructing work, etc.

Claim for compensation by owner of land for timber, gravel, etc.

Assessment of damages.

Right of appeal.

Power to locate, change, etc., roads.

Assessment of damages.

SEC. 17. That, subject to the approval of the Board of County Commissioners, the superintendent of roads is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, re-locate or change any part of any public road when in his judgment such location, re-location or change will prove advantageous to public travel. That when any person or persons on whose land the new road or part thereof is to be located claims damages therefor, and within ninety days petitions the Board of County Com-

missioners for a jury to assess the damages, the said Commissioners Procedure.
 within not less than fifteen nor more than thirty days, shall order
 said jury of three disinterested freeholders to be summoned by the
 Sheriff or Constable, as provided by law, who shall give said land
 owners or their local representatives forty-eight hours' notice of the
 time and place when and where said jury will meet to assess dam-
 ages; and said jury being duly sworn, in determining the question
 of damages shall first allow the owner of the land so taken a fair
 price for the same without any reduction for any cause, and if
 further damages be claimed by said owner they shall then proceed
 to assess and determine the same, and from such further damages
 shall be deducted such sum as in the opinion of said jury shall fairly
 represent the benefits arising to such owner by reason of said road,
 its re-location or improvement; but no sum for benefits shall be
 deducted from the price of the land actually taken from said owner.
 The said jury shall report in writing their finding to the Board of
 County Commissioners for confirmation or revision: *Provided*, that Proviso.
 if said land owner be a non-resident of the county and have no
 local representative, it shall be deemed sufficient service of said
 notice for said 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 post-office address of such owner, seven days in
 advance of such meeting, and also to post a notice of same at the
 court-house door of said county.

SEC. 18. That in case the land owner or his local representative Right of appeal.,
 shall be dissatisfied with the finding of the juries provided for in
 sections 16 and 17 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, all such appeals Appeal bonds.
 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 owner to give bond when
 the case is taken by appeal to the Superior Court.

SEC. 19. That any officer or employee appointed by virtue of this Officers, etc., failing
 act, or to whom duties are assigned in this act, who shall fail to to perform duties
 make complete returns within the time prescribed therein, or who guilty of misde-
 shall otherwise fail to discharge the duties imposed upon him by meanor.
 this act, shall in all cases, whether penalties for such failure are
 or are not prescribed in this act, be guilty of a misdemeanor.

SEC. 20. That the County Treasurer shall be and he is hereby County treasurer
 appointed treasurer of the road fund of the county, and for the to be treasurer of
 faithful keeping and disbursing of this money the bond of such road fund.
 treasurer shall be liable, and for his service in receiving and dis- Official bond liable.
 bursing such fund he shall receive a commission of 1 per centum Compensation.
 on all moneys disbursed hereunder. 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 road superintendent and approved by the County Board of Commissioners.

Separate account to be kept.

Annual reports to county commissioners.

Publication of same.

Petition necessary before establishing ferry or laying out public road.

Notice.

Discontinuance of ferry or road.

Conditions of granting or discontinuing road or ferry.

Sign-boards for bridges.

Penalty for fast driving over bridges.

Erection of guide-posts.

SEC. 21. The County Treasurer shall keep a separate account of the road fund of the county and of his disbursements of the same, and on the first Monday in January of each and every year he shall present to the said Board of Commissioners a written report, giving a statement of the disbursement from the road fund during the preceding year, which report or the substance thereof shall be published by said Commissioners in at least one newspaper published in Raleigh for at least one insertion.

SEC. 22. The County Commissioners shall not establish any ferry or order the laying out of any public road unless upon the petition in writing, signed by at least ten citizens, and unless it appear to the board that every person over whose land the said road may pass, or whose ferry shall be within two miles of the place at which another ferry is prayed to be established, shall have had twenty days' notice of the intention to file such petition. The same shall be filed in the office of the clerk of the board until the succeeding meeting of the Commissioners and notice thereof be posted during the same period at the court-house door, at which meeting the board shall hear all the allegations set forth in the petition, and if sufficient reason be shown, the board shall establish said ferry or order the laying out of said road. The Board of Commissioners may in its discretion order the discontinuance of such roads or ferries as may to them seem best for the public in the manner above provided. All roads laid out under the provisions of this section shall be laid out by the road superintendent, with the assistance of a competent civil engineer, to the best advantage, and after this has been done damages shall be assessed as hereinbefore provided.

SEC. 23. In all applications provided for in the preceding section the County Commissioners may direct how and by whom the cost shall be paid as a condition to the granting of said road or ferry, or the discontinuance of same, and said road or ferry shall not be granted or discontinued except upon compliance by the petitioners with the terms of the conditions.

SEC. 24. The County Commissioners shall have erected at each end of such bridges, as they may elect, sign-boards with the words "Go Slow" in large, legible letters, and any person who shall ride any animal or who shall drive any vehicle faster than a walk over such bridges shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifty dollars for each offense, or imprisoned not exceeding thirty days.

SEC. 25. The County Commissioners shall have guide-posts erected at the edge of the water at each entrance of dangerous fords on the

public roads. The depth of water in the ford at low water shall be marked at the water line on the post, and beginning at that figure each post shall be numbered to the top. Depth of water at fords to be marked.

SEC. 26. It shall be the duty of every person or corporation who shall construct any ditch, drain or canal 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 in said highways or roads, and shall construct and keep in repair the approaches to said bridges in a manner acceptable to the superintendent of roads. And any person or corporation who shall fail to perform the duties imposed by this section, having been warned by the superintendent of roads leaving a written notice at his residence or the residence of his agent, or having been notified verbally and failed to perform said duties acceptable to said superintendent, shall be guilty of a misdemeanor, and be fined not less than twenty-five dollars nor more than fifty dollars, and each three days such failure is continued shall be an additional offense against the provisions of the section. The penalty shall be collected at the suit of said superintendent and paid to the County Treasurer on account of the road fund. Persons, etc., constructing ditches, drains, etc., to keep same in repair, etc.

Penalty for failure.

SEC. 27. All railroad, turnpike 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 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 \$25 for each ten days they shall fail to perform the duties imposed by this section. Duties of railroads, turnpikes and other incorporated companies.

SEC. 28. The County Commissioners shall cause to be set up along the highways and principal thoroughfares of the county substantial mile-posts, on which shall be indicated the distance from the county-seat, and at important crossings and forks on said highways and roads the said Commissioners shall cause to be erected guide-boards on which are indicated the principal place or places to which these roads lead, and the distance to the same. And if any person shall willfully demolish, throw down, alter or deface any such post or guide-board, or any post or guide-board erected at any ford or bridge, every person so offending shall, upon conviction thereof before any justice of the peace, be fined in any sum not exceeding \$25 and costs, or imprisoned not exceeding thirty days, and the money shall be collected at the suit of the superintendent of roads and paid to the County Treasurer for the benefit of the road fund. Erection of mile-posts.

Penalty for destruction or injury of same.

SEC. 29. Whenever any persons shall meet each other on any bridge, highway or public road, traveling with carriages, wagons or Persons driving to turn to the right in meeting.

Penalty for violation.	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 carriage or vehicle 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 upon complaint before any justice of the peace of the county, and shall further be liable for all damages sustained by reason of such offense: <i>Provided</i> , 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 action shall have accrued.
Proviso.	
"Snaking logs" prohibited.	SEC. 30. Any person engaged in hauling or transporting saw-logs or other timber on any highway or public road who shall transport or cause to be transported by means of chains and grab-hooks or other means to be made to slide on the road-bed 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 more than thirty days. Such fines shall be for the benefit of the road fund, and shall be collected at the suit of the superintendent of roads.
Penalty.	
Special tax, tax rate.	SEC. 31. That the County Commissioners of Wake County are hereby authorized to levy at the June session of their board, annually for public road purposes, twelve and one-half cents on the one hundred dollars worth of property and thirty-seven and one-half 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 in the annual taxes.
Additional special tax for townships, when levied.	SEC. 32. When in any township in the county a petition is presented to the Board of County Commissioners, signed by a majority of the qualified voters of said township, asking that in that township an additional special tax be levied for road purposes, or when in any such township, an election being held in accordance with the laws of this State, and the majority of the votes cast at said election being in favor of such special tax, the County Commissioners in such county shall, at their next regular June meeting, levy in such township such additional special road tax as they have been requested to levy by said petition or vote, said tax to be levied and collected as provided for other road taxes in this act; and such taxes shall be used only on the roads in that township, under the direction of the Board of County Commissioners, or under the direction of three township road commissioners to be named in said petition or vote, if such be named.
Levy and collection.	
Application of same.	
Unlawful for railroads to obstruct drainage, etc.	SEC. 33. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its road-bed or other-

wise, or empty the water from its ditches into any public road or highway, and if any railroad being warned by the superintendent of roads by leaving a written notice with any station agent or informing any station agent of any railroad company personally, shall refuse or neglect to remedy same to the acceptance of the superintendent of roads, shall forfeit and pay any sum not exceeding \$50 nor less than \$20, to be recovered at the suit of the superintendent of roads before any justice of the peace 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. The money so collected shall be paid to the County Treasurer for the use of the road fund.

Penalty.

SEC. 34. It shall be the duty of the road superintendent to cause each railroad company to construct and to keep in good repair the road-bed of all public roads across the said railroad, and if any railroad company, being duly warned by the superintendent of roads, 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 road-bed to the acceptance of the superintendent of roads, it shall forfeit any sum not exceeding \$50 nor less than \$25, to be recovered at the suit of the superintendent of roads for the use of the county road fund, and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair said road-bed, shall be deemed an additional offense against the provisions of this act: *Provided further*, that in cities and towns each railroad company shall keep in good condition and repair all streets across the way occupied by said railroad company, so that the said railroad crossing will be firm, smooth and convenient for travel, and if any railroad company, being warned as above provided by any member of the Board of County Commissioners, shall neglect to repair said railroad bed to the acceptance of the superintendent of roads, it shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred nor more than two hundred dollars, and the money shall be collected at the suit of the road superintendent for the use of the county road fund, and every three days such railroad company, after being notified, shall neglect to remedy such offense, shall be deemed an additional offense against the provisions of this act.

Railroads to construct and keep in repair crossings of public roads.

Penalty for failure.

Proviso.

SEC. 35. And if any person or corporation, or any conductor of any train, or any other agent or servant of any railroad company shall unnecessarily obstruct any public road or highway by permitting any railroad car or locomotive to remain upon or across any public road or highway for a longer period than fifteen minutes, or shall permit any timber, wood or other obstruction to remain upon or across any such public road or highway to the hindrance or incon-

Unnecessary obstruction of public roads by railroad cars, etc.

Penalty. venience of travelers or any person passing along the same, every person or corporation so offending shall forfeit and pay any sum not exceeding \$25 nor less than \$5, and shall be liable for all damages arising to any person from such obstruction to such public road or highway, to be recovered at the suit of the superintendent 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.

Railroad companies, etc., liable for fines against their servants, etc. SEC. 36. That every railroad company and other corporation, the servants, agent or employees of which who shall in any manner obstruct any public road or highway, shall be liable to pay all fines which may be assessed against such servant, agent or employee for so obstructing such road or highway.

Unlawful to interfere with public travel by erection of poles and wires, etc. SEC. 37. It shall be unlawful for any person or corporation which have been granted license to erect poles and wires along the right of way of the public roads of the county to allow the same to interfere in any way with public travel, or to suffer the same to remain in a condition dangerous to the public, or to interfere with the drainage of said roads. And any person or corporation which shall fail or refuse to remedy such danger or injury shall be guilty of a misdemeanor, and upon conviction thereof fined not exceeding fifty dollars and their license to use the right of way of said road may be revoked by said board.

Penalty. SEC. 38. It shall be the duty of superintendent of roads to sue for all penalties imposed under the provisions of this act, not otherwise provided for, when in his opinion there has been a substantial violation of the law, and the same when recovered shall be paid to the County Treasurer for the benefit of the county road fund.

Duty of superintendent to sue for penalties, etc. SEC. 39. This act shall apply only to Wake County.

Applicable only to Wake county. Conflicting laws repealed. SEC. 40. That all laws and parts of laws in conflict with this act are hereby repealed, in so far as they relate thereto.

SEC. 41. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 552.

AN ACT TO ALLOW RAILROAD COMPANIES TO FILE PETITIONS AS TO RATE OF SPEED OF TRAINS IN CITIES AND TOWNS IN WHICH ORDINANCE REGULATING SPEED OF TRAINS IS THOUGHT TO BE UNNECESSARY.

The General Assembly of North Carolina do enact:

SECTION 1. That if any railroad company shall be of the opinion that an ordinance of a city or town through which a line of its railroad passes, regulating the speed at which trains may run while passing through said city or town, is unreasonable or oppressive, the said railroad company may file its petition before the North Carolina Corporation Commission, setting forth all the facts, and asking relief against said ordinance, and that the said Corporation Commission prescribe the rate of speed at which trains may run through said municipality. Upon the filing of said petition a copy thereof shall be mailed, in a registered letter, to the Mayor or chief officer of said town or municipality, together with a notice from the said Corporation Commission, setting forth that on a day named in said notice the petition of the railroad company would be heard, and that the city or town named in said petition could be heard at that time in opposition to the prayer of said petition. And upon the return day of said notice the Corporation Commission shall hear said petition: *Provided*, that any hearing granted by the Corporation Commission, as authorized by this act, shall be had at the town, city or locality where the conditions complained of are alleged to exist, or some member of the said Commission shall take evidence both for petitioners and against, at such city, town or locality, and report to the full Commission before any decision is made by the Commission.

SEC. 2. Either party, petitioner or respondent, shall have the right to introduce testimony and to be heard by counsel, and the Corporation Commission after hearing said petition, answer, evidence and argument, shall render judgment thereon. If the Commission shall find that the said ordinance is reasonable and just, the petition shall be dismissed, and the petitioner shall pay all the costs to be taxed by the Secretary to the Corporation Commission. If the Corporation Commission shall be of the opinion that the ordinance is unreasonable, it shall so adjudge; and in addition thereto it shall prescribe the maximum rate of speed for passing through said town. And thereafter the railroad company may run its train through said town or city at a speed not greater than that prescribed by said Corporation Commission, and the ordinance adjudged to be unreasonable shall not be enforced against said railroad company.

When railroad may file petition with Corporation Commission.

Contents of petition.

Copy and notice to be mailed mayor of town.

Contents of notice.

Where hearing to be.

Member of Commission may take the evidence at such city or town and report.

Hearing testimony, counsel, and rendering judgment by Commission.

If Commission find ordinance reasonable petitioner to pay costs.

If unreasonable Commission to prescribe rate of speed.

Speed at which railroad company may run trains after judgment of Commission.

Costs in case judgment in favor of petitioner.

SEC. 3. If the judgment of the Corporation Commission shall be in favor of the petitioner, it shall be lawful for the Corporation Commission to make such order as to the payment of the costs as shall seem just. It may require either party to pay the same or it may divide the same. And it shall have power to make any such order concerning the same as may best subserve the ends of justice and equity. The costs in such proceeding shall be the same as one fixed by law for similar services in the Superior Court.

Costs, how fixed.

Rules of procedure and practice, form, etc., under this act.

SEC. 4. The Corporation Commission shall have power to make all such rules of practice and procedure, and to prescribe all such forms as it may deem necessary or helpful in carrying into effect the purposes of the act: *Provided*, that this act shall not apply to Rockingham, Cumberland and Wayne Counties.

Not applicable to Rockingham, Cumberland and Wayne counties.

SEC. 5. That this act shall be in force and effect from and after July 1st, 1903.

In the General Assembly read three times and ratified this the 6th day of March, 1903.

CHAPTER 553.

AN ACT TO AMEND CHAPTER 581 OF THE PUBLIC LAWS 1899, RELATIVE TO WORKING THE PUBLIC ROADS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 32 amended.

SECTION 1. That section 22 of chapter 581 of the Public Laws of 1899 be amended by adding at the end thereof the following: *Provided*, that the provisions of this act as applied to Gaston

Act to apply to incorporated towns in Gaston county.

County shall be held and construed to apply to and include all incorporated towns within the said county, as well as the portions of said county outside of the corporate limits of said towns: *Provided further*, that not more than two roads shall be constructed through any of said towns.

Number of roads constructed through towns restricted. Road constructed through, must be kept and maintained by town.

SEC. 2. That when any permanent road is constructed through any town in said county under the provisions of this act the same shall be kept and maintained by the authorities of and at the expense of said town.

Section 19 amended, applicable to Gaston county only.

SEC. 3. That section 19 of said chapter be amended by striking out "may at the discretion of said board" and insert the word "shall" in lieu thereof: *Provided*, that the provisions of this act shall apply only to Gaston County.

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

In the General Assembly read three times and ratified this the 6th day of March, 1903.

CHAPTER 554.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO REPEAL THE STOCK LAW IN FEDERAL POINT TOWNSHIP IN NEW HANOVER COUNTY," RATIFIED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA ON THE 29TH DAY OF JANUARY, 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That the words "territory so fenced out," they being the 41st, 42d, 43d and 44th words from the end of section two (2) and between the word "said" and the word "and" of an act entitled "An act to repeal the stock law in Federal Point Township, in New Hanover County," ratified by the General Assembly of North Carolina on the 29th day of January, 1903, be stricken out and the word "County" inserted in lieu thereof.

41st, 42d, 43d and 44th words from end of section 2 stricken out and word "county" substituted.

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

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 555.

AN ACT TO EXTEND THE STOCK LAW IN RICHMOND AND SCOTLAND COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the acts of the General Assembly heretofore passed providing a stock law for certain portions of Richmond and Scotland Counties shall apply to the whole county of said counties.

Entire counties put under stock law.

SEC. 2. That the County Commissioners of said counties are hereby authorized and empowered to dispose of, at either public or private sale, as they may deem best, the public fences of said counties, the keeping up of which may be rendered unnecessary by this act.

Power of commissioners to dispose of unnecessary fences.

SEC. 3. That all moneys in the hands of the Treasurer or Sheriff of said counties belonging to the fence fund are hereby directed to be turned over to the general fund of said counties to be used and appropriated as are other moneys belonging to said general fund.

Fence funds in hands of treasurer to be turned over to general fund.

SEC. 4. That this act shall be in force and effect from and after the 1st day of January, 1904.

In the General Assembly read three times and ratified this 6th day of March, 1903.

CHAPTER 556.

AN ACT TO AMEND CHAPTER 519 OF THE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Relative to service of copy of complaint in quo warranto proceedings. "ninety."

Section 1, line 4 amended.
Line 3, section 2 amended

SECTION 1. Strike out the word "thirty" in line 4 of section 1 of chapter 519 of the Laws of 1901 and insert in lieu thereof the word "ninety."

SEC. 2. Strike out in section two of said act in line 3 the word "thirty" and insert in lieu thereof the word "ninety."

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

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

CHAPTER 557.

AN ACT TO AMEND SECTIONS THREE AND FOUR OF CHAPTER FIVE HUNDRED AND FIFTY OF THE PUBLIC LAWS OF 1901, RELATING TO THE PERMANENT REGISTRATION OF VOTERS.

The General Assembly of North Carolina do enact:

Election law.
Line 2, section 3, chapter 550, Public Laws 1901, amended.

SECTION 1. That section three of chapter five hundred and fifty of the Public Laws of nineteen hundred and one be amended by striking out the words "his registration" in line two and insert in lieu thereof the words "the election."

Line 3, section 4, amended.

SEC. 2. That section four of said chapter be amended by striking out the word "registration" in line three and insert in lieu thereof the word "election," and by adding at the end of said section the following words: "And for recording and indexing such names the Clerks of the Superior Court shall receive as compensation ten cents for each copy sheet, to be paid by the County Commissioners."

Compensation of Clerk Superior Court for recording names on permanent roll.

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

In the General Assembly read three times and ratified this the 6th day of March, 1903.

CHAPTER 558.

AN ACT PROVIDING A MODE OF PROCEDURE FOR HAVING
PROPER CREDITS ENTERED UPON JUDGMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That where any judgment or judgments are docketed in the office of any Clerk of Superior Court in the State of North Carolina requiring the payment of money by any party to such judgment, and such judgment has been paid in part or in whole, either to the party to whom said money is going or his or their agent or attorney, and the party to whom said money is going, his, their or its agent or attorney have failed to give the proper credit on such judgment, it shall be lawful and right for the party who is or was ordered and decreed to pay said money, his trustee, assign, administrator, executor or its (if it be a corporation, firm or company) assignee, trustee or receiver, or any surety or creditor of such party against whom said judgment was rendered, to show by affidavit or petition, duly verified and addressed to the Clerk of the Superior Court of the county in which said judgment was rendered, the amount or amounts so paid and ask that all credits be given on said judgment or judgments, and if the party filing such affidavit or petition claims that he is entitled to credit or credits upon any judgment or judgments, or that said judgment or judgments should be credited by reason of any payment or payments made by himself, themselves, itself or any one for them or either of them, or by reason of any sale or sales of his or their or its real or personal property made by any Sheriff, Commissioner or other officer on one or more executions on any one or more judgments, then it shall be lawful for such party filing such affidavit or petition to embrace, if he sees fit so to do, in his affidavit or petition all judgments and parties to the various judgments, so that the party filing said petition or affidavit may have the credits adjusted in the hearing of one affidavit or petition.

Procedure for parties or corporations against whom judgments docketed or their representatives to have credits entered where they have not been entered.

SEC. 2. That any person or persons, their administrator, executor or assignee or their trustee, and any firm, company or corporation, its trustee or receiver, who have purchased any real estate upon which any judgment or judgments were or are a lien or liens, may have the same right to file affidavit as is given and set forth in the first section of this act, and demand that all proper credits be given on any judgment or judgments that should be credited.

Right of purchasers of real estate upon which are judgment liens to have proper credits entered.

SEC. 3. That whenever any petition or affidavit is filed by any one, as set forth in sections one and two of this act, it shall be the duty of the Clerk before whom such petition or affidavit is filed to at once notify the party or parties to whom said money is or was going, or his, her, their or its attorney or agent, to appear before

Notice by clerk to party to whom money is due to appear and show cause why credits should not be entered.

Notice to non-residents.	such Clerk, not less than ten days from the date of issuing such notice, in his office and show cause, if any he. they, she or it can, why the judgment or judgments should not be credited as demanded by the party filing the petition or affidavit, or should not have the proper credits given on such judgment or judgments; if the party upon whom such notice is to be served is a non-resident of this State, and personal services cannot be had, then it shall be lawful to serve such notice by publication in some newspaper for four successive weeks, or have same served by the Sheriff of the county of the State in which such party lives: <i>Provided</i> , that when notice is to be served upon a firm, co-partnership or corporation, service upon any member (if it be a firm or co-partnership) or officer (if it be a corporation) shall be as sufficient as if personal service was had.
Sufficient service on firm, co-partnership or corporation.	And such Clerk shall, on the day so set for the hearing, proceed to hear the matters set forth in such petition or affidavit or continue the hearing, as the justice of the case may demand. At the hearing such Clerk may hear same upon affidavits or upon oral evidence, or upon both; and if oral evidence be offered, the Clerk shall take such evidence down in writing and require of the party giving
Proceedings and evidence on hearing.	such evidence to sign and swear to the same. And to this end that any party may have the benefit of the evidence of any person, the Clerk hearing the matter may issue subpoena or subpoenas for witnesses, directed to the Sheriff of the county in which said witness lives, as subpoenas are issued in any civil action, and compel the attendance of any witness or witnesses, or if for any reason such witnesses cannot attend the hearing before the Clerk, or that he is sick or lives more than fifty miles from the office of such Clerk, then said Clerk may issue a commission or commissions to take the depositions of such witness, which commission and the taking of such deposition or depositions shall be governed by the same rules, regulations and laws that now govern the taking of depositions in civil actions. If any person shall fail to obey the process or any order issued or made in the premises by such Clerk, then such Clerk shall have the power and authority to punish such party for contempt, as now provided by law in special proceedings or the general law governing contempt. After hearing the evidence in the matter the Clerk shall find the facts, and if such Clerk shall find that any judgment or judgments mentioned in the proceedings before him should be credited by any sum or sums, then such Clerk shall make an order directing the party who received the money and the party to whom the money is or was going to within three days after the finding of the Clerk, enter such credit and credits on judgment or judgments, as the Clerk may direct. And if it should be made to appear that any judgment on which the party filing the petition or affidavit is a judgment rendered in the Superior
Power to subpoena witnesses and compel attendance.	
Taking depositions.	
Failure to obey process punishable for contempt.	
Clerk to find the facts.	
If petitioner entitled to credits clerk to order them entered.	
Where judgment of Superior Court is upon appeal from justice's court and	

Court on any case or cases, whether singly or consolidated, that have come to such Superior Court by appeal from the judgment of any justice of the peace, and the judgment of the justice of the peace has been docketed in the Superior Court judgment docket, then it shall be the duty of such Clerk or Judge hearing the matter to order such credit or credits to be entered upon the judgment rendered in the Superior Court, and also upon the judgment and judgments of the justices of the peace so docketed in such Superior Court judgment docket, and if any party, agent or attorney to whom any order is directed in the matter refuses and fails to enter such credit or credits as are directed by the Clerk or Judge to be entered, and within the time given for such entry, then such party, agent or attorney shall be guilty of contempt, and may be punished as for contempt by such Clerk or Judge under the general law governing contempt. And if any party to such proceeding, or any party, agent or attorney who is adjudged in contempt, or any party against whom judgment is entered by such Clerk is aggrieved by any order made by such Clerk, such party, agent or attorney may pray an appeal to the Superior Court in term, and such Clerk hearing the matter shall, after he has fully heard and determined the whole matter, if any appeal be taken, transfer all the papers and evidence, together with his findings and orders, to the civil issue docket for the next term of the Superior Court for his county, and the Judge holding such term or any subsequent term may proceed to hear and determine the matter: *Provided*, that if an appeal be taken to the Superior Court, and an issue of fact arises between the parties, then either party shall be entitled to have the issue or issues of fact heard before a jury, under the same rules, regulations and law as other civil cases are tried; and on the final hearing of the matter, either before the Clerk or the Judge, the Clerk shall, if the party, agent or attorney fails to enter the credit or credits ordered to be entered, proceed to enter such credit or credits on the judgment docket where such judgment is entered, showing why such entry is made by such Clerk. And if any such judgment so ordered to be credited has been docketed in any other county in the State, it shall be the duty of the Clerk of the county in which the judgment is first docketed to certify said credit or credits to the Clerks of the several counties where such judgment is docketed under his hand and official seal, and direct that such entries of credit or credits be made in such other county or counties. And if after the hearing of the matter by such Clerk or Judge there should be found to be a balance due on any such judgment or judgments, the Clerk may issue execution or other final process for such balance so found due.

SEC. 4. That after such affidavit or petition is filed, and until the final determination of the matter, no Clerk shall issue any

justice's judgment has been docketed in Superior Court, credits to be entered on both.

Party directed to enter credits refusing or failing, guilty of contempt.

Right of party adjudged in contempt to appeal to Superior Court.

On appeal, clerk to transfer all papers, orders, etc., to civil issue docket.

Judge may hear and determine matter.

If issue of fact arises, to be heard by jury.

On final hearing clerk shall enter credits if party, agent or attorney fails.

Duty of clerk where judgment has been docketed in other county.

If balance due after credits entered, clerk may issue execution.

No final process or order to issue after affidavit or petition filed.

Duty of clerk where execution or order of sale already issued.

Duty of sheriff or other officer after notice by clerk.

Failure of sheriff or other officer to obey notice, penalty.

Effect of proceeding on statute of limitations.

Costs and clerk's fee; by whom paid.

Judgments for costs to be docketed.

Lien and enforcement thereof.

When petitioner to pay costs.

Costs lien against property of party.

Act applicable to all Superior Court judgments.

final process or order on any judgment sought to be credited by such affidavit or petition, and if any Clerk before whom any affidavit or petition, as provided for in sections one and two of this act, has been filed, has before the filing of such affidavit or petition issued any execution *venditioni exponas* or order of sale to any Sheriff, Commissioner or other officer on any judgment or judgments sought to be credited by such affidavit or petition, it shall be the duty of such Clerk to at once notify such Sheriff, Commissioner or officer of the filing of such affidavit or petition, and upon such notice being given, it shall be the duty of such Sheriff, Commissioner or other officer to stop all proceedings to enforce such execution *venditioni exponas* or order or other final process while the matter is in hearing, and if before the final hearing and determination of the same any Sheriff, Commissioner or other officer failing to obey such notice shall forfeit and pay to the party who may sue for the same the sum of one thousand dollars. The running of the statute of limitation against any judgment shall cease during the pendency of any proceeding under this act, and the party against whom the same is running shall not be prejudiced as to such statute by any such proceeding.

SEC. 5. That all costs, including pay of witnesses as now provided for when they attend the Superior Court, and five dollars per day to the Clerk for each day he may sit in hearing upon the matters involved in said petition or affidavit, shall be paid by the party or parties who have received the money and have failed to give the proper credit or credits; and if any attorney or agent who was or is representing any party to whom the money is or was going has received any money or thing of value as a payment on any judgment or judgments, and has failed to give credit for same, and such credit is given after the proceedings provided for in this act have been begun, then the Clerk or Judge hearing the matter may adjudge that the entire costs be paid by such attorney or agent, and any such judgment for costs so made by any Clerk or Judge shall be docketed as other judgments and be a lien against the property of such person who is adjudged to pay same and be enforced by execution as other judgments are. If, however, upon the final hearing of the matter it should be determined by the Clerk or Judge that the party filing such affidavit or petition has failed to establish any right to any credit, then the party filing such affidavit or petition shall pay all costs of the proceedings, which said costs shall be a lien upon the property of such party and shall be collected as other judgments are collected.

SEC. 6. That this act shall apply to all judgments that have been or may hereafter be docketed in any Superior Court judgment docket of the State.

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

In the General Assembly read three times and ratified this the 6th day of March, 1903.

CHAPTER 559.

AN ACT TO DRAIN THE LOWLANDS OF STEWART'S CREEK, IN DUPLIN AND SAMPSON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That M. J. Carlton, J. L. Carlton, Bill Corbett, Jeff Barden, Mack Johnson, Lake Mathis, L. C. Carlton be and are hereby appointed commissioners whose duty it shall be, on or before the first day of December, 1903, to lay off Stewart's Creek, in Duplin and Sampson Counties, from where the W. & W. R. R. crosses said creek in Duplin County to where it empties into Six Runs in Sampson County, in sections of convenient length and appoint one overseer to each section, who shall hold his office for a term of two years, and who shall be a land owner in the section to which he is appointed overseer.

Drainage commissioners.

To lay off portion of Stewart's creek in sections and appoint overseers.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number or that of overseers, and in case they fail or neglect to fill vacancies occasioned by failure to act, by death or otherwise, the Board of County Commissioners of the respective counties of Duplin and Sampson shall, on application being made, appoint commissioners and overseers for the purposes herein mentioned.

Chairman and filling vacancies.

Duplin and Sampson county commissioners may appoint commissioners or overseers.

SEC. 3. That said commissioners shall, by committee or committees appointed of their number, ascertain the number of acres of bottom land owned by each individual on the stream mentioned between the points designated in section one of this act, and shall furnish each overseer with a copy of the estimate of his section of which these lands lie, and upon notice of ten days to land owner by said overseer or overseers, said land owner shall furnish one sufficient hand, not less than eighteen years of age, with tools such as shall be designated by overseer to furnish for every fifteen acres, and one for every fraction over fifteen acres and in the meaning of this act; and on failure so to do shall forfeit and pay two dollars per day [to] overseer in an act before a justice of the peace, and which judgment, when obtained, shall be a lien upon the land of the party against whom the judgment is rendered, the proceeds when collected by the overseer to be used by him in work upon said stream.

Person owning bottom land on creek to furnish hand for every 15 acres.

Penalty per day for failure.

Proceeds, how used.

Labor of draining to be distributed among adjacent land owners proportionate to number of acres of bottom land.

Allotment of hands.

Separate overseers and sections for each county.

Number of days required to work per year.

Powers of overseers and hands relative to work on said creek. Commissioners may direct where work shall be done.

Misdemeanor to fell trees or obstruct water in creek.

Penalty.

Disposal of money derived from failure to work.

Overseer neglecting duty, misdemeanor.

Penalty.

Term of service.

Contracts with land owners to clean out channel.

Not to affect supervision.

SEC. 4. It shall be the duty of the commissioners in laying off sections as provided for in section one of this act along the stream aforesaid, to distribute the labor among the land owners in proportion to the number of acres of bottom land owned by them within the estimate provided for in section three of this act as equally as may be, and allot to the overseer of each section the hands required of the owners of the land embraced in this section.

SEC. 5. The said commissioners, in dividing the stream aforesaid into sections, selecting overseers and ascertaining the number of acres of bottom land along said stream, shall as near as possible have separate and distinct overseers and sections for the counties of Duplin and Sampson respectively; no parties owning land in Duplin or Sampson county exclusively shall be compelled to work upon the creek in the counties in which they do not own land, or to contribute toward the expense of the same.

SEC. 6. It shall be the duty of each overseer with the hands so provided to work in each and every year within the bounds of their respective sections not less than two or not more than five (5) days, at the discretion of the overseers of said stream, with the power to straighten, remove obstructions and improve the banks thereof: *Provided*, that said commissioners may, in their discretion, order any and all overseers with their respective hands, when deemed necessary to work at any point of said stream not outside of their respective counties.

SEC. 7. That any person or persons who shall willfully and knowingly fell timber into or otherwise obstruct the water in the channel of the said stream between the point mentioned in section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars.

SEC. 8. That all money arising from failure to work on said stream, and all penalties collected under the provision of this act, shall be paid over to the overseer of the section of which it may arise, and by him shall be expended in improving the channel of the said stream, and any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than ten dollars: *Provided*, that no person shall be required to serve more than one term of two years at one time without his consent.

SEC. 10. That said commissioners shall have the power, if they deem expedient, to contract or arrange with the land owners along the said stream to clean out the channel of the creek within a certain time to be agreed upon between the land owners and the commissioners; but this section shall not deprive the commissioners

and overseer of the supervision and control as to the manner of cleaning out this creek.

SEC. 12. This act shall be in full effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 560.

AN ACT TO PROTECT THE FISH IN SMITH'S MILL-POND, IN HALIFAX COUNTY, DURING SPAWNING SEASON.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any and all persons to fish with hook and line, net, seines or any other appliances in Smith's Mill-pond, in Halifax County, from April (20) to June (1) in each and every year. When unlawful to fish.

SEC. 2. Any person or persons violating this act shall be guilty of a misdemeanor, and fined not less than five (\$5) dollars nor more than ten (\$10) dollars for each and every offense. Violation of act a misdemeanor. Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 561.

AN ACT FOR THE RELIEF OF THE LATE COL. S. McD. TATE, STATE TREASURER.

THAT WHEREAS, Col. S. McD. Tate, while acting as Treasurer of the State of North Carolina had, in pursuance of the laws of the State, deposited in the Bank of New Hanover of Wilmington, N. C., to the credit of the State, for the safe-keeping of the funds thereof, as was customary with his predecessors in office, this bank having been a depository of former State Treasurer, and that in the year 1893 said bank failed, at which time the sum of \$15,000 was standing to the credit of Col. Tate as State Treasurer, and since that time \$10,380.07 has been collected, leaving a balance still due of \$4,619.93: Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Auditor of the State is hereby directed to credit on the books of his office this amount, to-wit, \$4,619.93, and that the Auditor and Treasurer ordered to credit their books with \$4,691.93.

State Treasurer is directed to make a like credit on the books of his office.

Future dividends paid on deposit in Bank of New Hanover to be paid to State Treasurer.

SEC. 2. That any dividends hereafter paid on said deposit shall be paid to the State Treasurer.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 562.

AN ACT TO AMEND CHAPTER FORTY-NINE OF THE CODE AND CHAPTER SIXTY-FOUR OF THE PUBLIC LAWS OF 1899 AMENDATORY THEREOF.

The General Assembly of North Carolina do enact:

Sections 2007, 2008 and 2009 of The Code as amended by chapter 64, Public Laws 1899, amended.

SECTION 1. That section two thousand and seven, two thousand and eight, two thousand and nine, two thousand and ten and two thousand and twelve of The Code eighteen hundred and eighty-three, as amended by chapter sixty-four (64) of the Public Laws of eighteen hundred and ninety-nine, be amended by inserting the words "or electric power or lighting" after the words "telegraph or telephone" wherever same are used in said section as amended.

Made applicable to electric power and lighting companies.

Section 2008 further amended. Such companies not required to erect offices for public accommodation. To what not applicable.

SEC. 2. That section two thousand and eight of The Code be further amended by adding at the end thereof the clause: "*Provided*, that this section shall not be construed as requiring electric power or lighting companies to erect offices for public accommodation": *Provided*, that act shall not apply to existing actions.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 563.

AN ACT TO REGULATE THE DUTIES AND LIABILITIES OF INN-KEEPERS.

The General Assembly of North Carolina do enact:

Inn-keeper required to provide suitable accommodations for guests.

SECTION 1. Every inn-keeper shall at all times provide suitable food, rooms, beds and bedding for strangers and travelers whom he may accept as guests in his inn or hotel.

- SEC. 2. Inn-keepers shall not be liable for loss, damage or destruction of the baggage or property of their guests except in case such loss, damage or destruction results from the failure of the inn-keeper to exercise ordinary, proper and reasonable care in the custody of such baggage and property, and in case of such loss, damage or destruction resulting from the negligence and want of care of the said inn-keeper he shall be liable to the owner of the said baggage and property to an amount not exceeding one hundred dollars: *Provided, however*, any guest may at any time before a loss, damage or destruction of his property notify the inn-keeper in writing that his property exceeds in value the said sum of one hundred dollars, and shall upon demand of the inn-keeper furnish him a list or schedule of the same, with the value thereof, in which case the inn-keeper shall be liable for the loss, damage or destruction of said property because of any negligence on his part for the full value of the same: *Provided further*, that proof of the loss of any such baggage, except in case of damage or destruction by fire, shall be *prima facie* evidence of the negligence of said hotel or inn-keeper.
- SEC. 3. It shall be the duty of inn-keepers, upon the request of any guest, to receive from said guest and safely keep money, jewelry and valuables to an amount not exceeding five hundred dollars; and no inn-keeper shall be required to receive and take care of any money, jewelry or other said valuables to a greater amount than five hundred dollars: *Provided*, the receipt given by said inn-keeper to said guest shall have plainly printed upon it this section of this act. No inn-keeper shall be liable for the loss, damage or destruction of any money or jewels not so deposited.
- SEC. 4. No inn-keeper shall be liable for loss, damage or destruction of any baggage or property caused by fire not resulting from the negligence of the inn-keeper or by any other force over which the inn-keeper had no control: *Provided*, that nothing herein contained shall enlarge the limit of the amount to which the inn-keeper shall be liable as provided in preceding sections of this act.
- SEC. 5. Every inn-keeper shall keep posted in every room of his house occupied by guests, and in the office, a printed copy of this act and of all regulations relating to the conduct of guests; and in case of failure to do so he shall not be entitled to take advantage of any of the provisions of this act.
- SEC. 6. That this act shall not apply to inn-keepers or their guests when the inn-keeper shall not comply with the provisions of section five of this act.
- SEC. 7. Any inn-keeper against whom claim is made for loss sustained by guests may show that such loss resulted from the negligence of such guests or of his failure to comply with the reasonable and proper regulations of the inn.

When inn-keeper liable for loss.

Where value of property not over \$100.

Where value of property over \$100.

Proof of loss *prima facie* evidence of inn-keeper's negligence except in case of fire.

Safe-keeping of money or valuables on request.

Maximum amount.

Form of receipt.

Inn-keeper not liable for loss, etc., when not deposited.

Loss by fire, not result of negligence, inn-keeper not liable.

Proviso as to amount of liability.

Printed copy of act and other regulations to be posted in each room.

Failure, not entitled to provisions of act.

Not applicable when inn-keeper fails to comply with section 5.

Right of inn-keeper to show that loss occurred from negligence of guest, etc.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 564.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF
WILKES COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Wilkes county
commissioners
authorized to levy
special tax.
Amount of tax.

Purposes and use
of tax.

Levy and collection
of tax.

Application.

SECTION 1. That the County Commissioners of Wilkes be and they are authorized to levy a special tax not to exceed fifteen cents on the one hundred dollars worth of real and personal property nor forty-five cents on the poll, at such time as they may deem best, for the purpose of raising money to pay the balance due for building the new court-house and repairing the jail in Wilkes County, N. C. Said taxes to be levied on all subjects of taxation in the way that taxes for State and county purposes are levied, and shall be collected under the same penalties but applied to the payment of said court-house and jail debt above mentioned.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 565.

AN ACT FOR THE RELIEF OF W. C. NELSON OF PITT
COUNTY.

WHEREAS, W. C. Nelson of the town of Bethel, Pitt County, did pay to the Sheriff of said county a license tax of twenty dollars for the State for the privilege of running a pool table from May 1st, 1899, to May 31st, 1900, which tax has been duly paid into the State Treasury; and

WHEREAS, by reason of an ordinance passed by the Board of Commissioners of said town of Bethel on the 16th day of May, 1899, prohibiting the running of pool tables in said town, the said W. C. Nelson only had the benefit of said license for fifteen days:

The General Assembly of North Carolina do enact:

State Treasurer to
refund part of pool
table tax to W. C.
Nelson.

SECTION 1. That the State Auditor be and he is hereby authorized and directed to issue to the said W. C. Nelson a warrant upon the

State Treasurer for the sum of nineteen dollars and seventeen cents, the excess of tax for fifteen days paid by him as aforesaid.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 566.

AN ACT RELATING TO SPECIAL PROCEEDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases of partition sale of land for assets and other special proceedings which have been or may hereafter be commenced before the Clerk of the Superior Court it shall be competent for any defendant or other party thereto to plead any equitable or other defense, or ask any equitable or other relief in the pleadings which it would be competent to ask in a civil action originally commenced in Superior Court and returnable in term time.

In special proceedings before clerk defendant may plead equitable defense or ask equitable relief.

SEC. 2. In such proceedings when such pleas are pleaded the Clerk shall transfer the cause to the civil issue docket for trial during term upon all issues raised by the pleadings. It shall be competent for the trial Judge to allow amendments to the pleadings and interpleas in behalf of any person claiming an interest in the property with a view to substantial justice between the parties.

Clerk to transfer cause to civil issue docket.

Amendments to pleadings and interpleas.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 567.

AN ACT TO ESTABLISH A STATE LITERARY FUND TO BE USED AS A LOAN FUND FOR BUILDING PUBLIC SCHOOL-HOUSES.

The General Assembly of North Carolina do enact:

SECTION 1. That all funds of the State heretofore derived from the sources enumerated in section four, Article nine of the State Constitution, and all funds that may be hereafter so derived, together with any interest that may accrue thereon, shall be a fund separate and distinct from the other funds of the State, to be known as the State Literary Fund.

Certain State funds to constitute literary fund.

Loans from said fund for building school-houses.

SEC. 2. That the State Board of Education, under such rules and regulations as it may deem advisable, not inconsistent with the provisions of this act, may make loans from such fund to the County Board of Education of any county for the building and improving of public school-houses in such county.

Loans, how payable and interest. How evidenced.

SEC. 3. That loans made under the provisions of this act shall be payable in ten installments, and shall bear interest at four per cent., payable annually, and shall be evidenced by the note of the County Board of Education, executed by the chairman and secretary thereof, and deposited with the State Treasurer. The first installment of such loan, together with the interest on the whole amount then due, shall be paid by said County Board on the 10th day of February after the 10th day of August subsequent to the making of such loan, and the remaining installments, together with the interest, shall be paid one each year, on the 10th day of February of each subsequent year till all shall have been paid.

Installments and interests, when due.

Provisions for payment of each installment and interest.

SEC. 4. That at the January meeting of the County Board of Education, before any installment shall be due on the next 10th day of February, the said County Board shall set apart out of the school funds an amount sufficient to pay such installment and interest to be due, and shall issue its order upon the Treasurer of the county school fund therefor, who, prior to the 10th day of February, shall pay over to the State Treasurer the amount then due. And any amount loaned under the provisions of this act shall be a lien upon the total school funds of such county in whatsoever hands such fund may be, and upon failure to pay any installment or interest, or part of either when due, the State Treasurer may deduct a sufficient amount for the payment of the same out of any fund due any county from any special State appropriation for public schools, or he may bring action against the County Board of Education of such county, any person or persons in whose possession may be any part of the school funds of the county, and the Tax Collector of such county. And if the amount of school fund then on hand be insufficient to pay in full the sum so due, then the said State Treasurer shall be entitled to an order directing the Tax Collector of such county to pay over to the State Treasurer all moneys collected for school purposes until such debt and interest shall have been paid.

Loans under this act, lien on school fund.

Power of State Treasurer upon failure to pay any installment.

Loans by County Board of Education to districts out of money so borrowed.

SEC. 5. That the County Board of Education, from any sum borrowed under the provisions of this act, may make loans to any district in such county for the purpose of building school-houses in such district, and the amount so loaned to any district shall be payable in ten annual installments, with interest thereon at four per cent., payable annually. At the January meeting of said County Board it shall deduct from the apportionment made to any district which has borrowed under the provisions of this act, the install-

Payable in installments. Provisions for collecting installments.

ment and interest then due, and shall continue to deduct such amount at each annual January meeting until the whole amount shall have been paid, together with interest.

SEC. 6. That the sum of one thousand dollars annually shall be set aside and is hereby appropriated out of this fund for the employment of an additional clerk to be appointed by the State Superintendent of Public Instruction to aid in the proper execution of the provisions of this bill and in the proper execution of the bill making a special appropriation for a four months school term in every public school.

Appropriation for additional clerk to Superintendent Public Instruction.

Duties.

SEC. 7. The State Board of Education and its successors in office is hereby created a body politic and corporate, and by that name may receive bequests and gifts of every description and have power to hold real and personal property and be vested with all other powers conferred upon corporations under the general law relating to corporations.

State Board of Education incorporated.
Corporate powers.

SEC. 8. No warrant for the expenditure of any money under this act shall be issued by the Auditor except upon the order of the State Superintendent of Public Instruction, with the approval of the State Board of Education.

Auditor's warrant for expenditures under this act, how issued.

SEC. 9. This act shall be in force from and after its ratification, and all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 568.

AN ACT FOR THE RELIEF OF M. O. DICKERSON, CLERK OF THE SUPERIOR COURT OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Marcus O. Dickerson, Clerk of the Superior Court of Rutherford County, be allowed to absent himself from his office of Clerk on the last Monday in September and on the first, second, third and fourth Mondays in October, in the year one thousand nine hundred and four, and to be exempt from the provisions, penalties and liabilities mentioned and prescribed in sections one hundred and fourteen (114) and one hundred and fifteen (115) of The Code: *Provided*, said Clerk shall leave a competent deputy to perform all duties authorized to be performed by said deputy.

May be absent from office on certain Mondays.

Exempt from penalties.

To leave competent deputy.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 569.

AN ACT TO PROVIDE FOR BETTER ROADS IN MORVEN TOWNSHIP, ANSON COUNTY.

The General Assembly of North Carolina do enact:

What declared
public roads.

Justices of the
peace to have con-
trol.
Incorporated
under what name.

Powers.

Meetings.

Chairman and
secretary.

Record of pro-
ceedings.

Powers of super-
visors.

Laying out and
discontinuance of
roads.

Assessment of
damages.

Right of appeal.

Contracts for
bridges.

SECTION 1. That all roads in Morven Township in Anson County that have heretofore been laid out or appointed, by virtue of any act of Assembly or the order of any court, are hereby declared to be public roads. The justices of the peace of said township shall have the supervision and control of the public roads of said township, and they are hereby incorporated under the name of the "Supervisors of Public Roads of Morven Township," and in such name they shall have the right to sue and be sued, plead and be impleaded, contract and be contracted with, and be entitled to the privileges given to other corporations by the General Assembly of North Carolina.

SEC. 2. That the said board of supervisors shall meet in the town of Morven, or such other place as they may select in said township, on the first Saturday in February, May, August and November in each year. They shall elect at their August meeting in each year one of their number chairman and one secretary. It shall be the duty of the chairman to preside at such meetings and to call others when necessary. The secretary shall keep a correct record of all their proceedings.

SEC. 3. The supervisors of the public roads of Morven Township shall have full power and authority within said township to order the laying out and constructing of new public roads where necessary, to discontinue such roads as are found to be useless, and to alter and change roads so as to make them more useful. This may be done at any regular called meeting upon the petition of the parties interested, but in all cases it shall be made to appear that notice has been served upon the parties over whose land said road is intended to pass, and that public notice has been posted at three or more public places in said township for ten days by the petitioners, stating that such petition would be filed with the board of supervisors. In all cases where new roads are laid out the said supervisors shall assess the damages to be paid to the parties over whose land the said road shall pass, and shall determine how the same shall be paid, and any party dissatisfied with their decision may appeal to the Superior Court of Anson County.

SEC. 4. When a bridge shall be necessary, and the supervisors, with the road hands, cannot conveniently make it, the township board of supervisors, with the concurrence of the Board of County Commissioners, shall contract for the building, keeping and repairing thereof, and the same shall be a charge on the county and not

to the road fund of Morven Township hereinafter provided for. Every contract and order by the board of township supervisors and County Commissioners entered into or made as authorized by this act for or concerning the building, keeping or repairing bridges in such manner as to them may seem proper, shall be valid against the county.

SEC. 5. If any person be settled upon or cultivating any land, or shall own any standing timber to which there is leading no public road, and it shall appear necessary, reasonable and just that such person should have a private way to a public road over the lands of other persons, he may file his petition before the board of supervisors, praying for a cart-way to be kept open across such other persons' land leading to some public road, and upon his making it appear to the board that the adverse party has had ten days' notice of his intention, the board shall hear the allegations of the petitioner and the objection of the adverse party or parties, and if sufficient reason be shown, shall order the Constable to summon a jury of five freeholders to view the premises and lay off a cart-way not less than fourteen feet wide, and assess the damages the owner of such land may sustain thereby, which, with the expense of making the way, shall be paid by the petitioner, and the cart-ways so established shall be kept open for the free passage of all persons on foot or horse-back, carts or wagons: *Provided*, that if the notice aforesaid shall not have been given, the board shall cause such petition to be filed with their chairman until the next meeting, when they shall proceed to hear and determine the same, and the petitioner or the adverse party may appeal from the order of the supervisors to the Superior Court of Anson County.

SEC. 6. Cart-ways laid off according to the provisions of this act may be changed or discontinued upon application by any person concerned, under the same rules of proceeding as they were first laid off, and upon such terms as the board of supervisors may deem equitable and just, and any person through whose land a cart-way may pass may erect gates across the same, and if any person shall leave open, break down or otherwise injure such gates, he shall forfeit and pay for every such offense ten dollars to the person erecting the same, or his assigns of the land, and if the offense shall be maliciously done he shall be guilty of a misdemeanor.

SEC. 7. The board of supervisors is authorized to order the laying out of any and all necessary roads to and from any church or other place of public worship in the township, to discontinue such roads when they may be found useless, and to alter the same so as to make them more useful, and the right of way herein provided for shall terminate whenever the church or place of worship shall cease to be used as such.

Opening of cart-ways.

Procedure.

Specifications.

Proviso.

Change and discontinuance of cart-ways.

Penalty for leaving gates open, etc.

Roads to churches, etc.

Roads laid out,
changed only on
petition.

Notice to inter-
ested party.

Right of appeal.

Procedure on lay-
ing out roads.

Assessment of
damages.

Penalty for wilful
change, obstruc-
tion, etc., of roads.

Special tax.

Levy and collec-
tion.

Custody and dis-
bursement.

SEC. 8. The board of supervisors shall not order the laying out of any such road, or discontinue or alter the same, except upon petition in writing, nor shall they hear any such petition unless it may be made to appear that every person over whose lands the said road may pass shall have 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 posted up at the court-house door of the county of Anson and at two public places in the township for the space of ten days, and upon the hearing of the petition, if sufficient reason 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 to the Superior Court of the county.

SEC. 9. All roads provided for in the two preceding sections shall be laid out to the greatest advantage of the inhabitants and with as little prejudice as may be to lands and enclosures, within twenty days from the notification of their appointment, by five disinterested freeholders, to be appointed by the said board of supervisors, and such damage as any individual may sustain shall be ascertained by the said freeholders, and a report thereof, with the proceedings had by them, shall be made to the said board of supervisors, and all damages so assessed by the freeholders shall be paid by the petitioners, and until paid there shall be no confirmation of the report of the freeholders, and such laying out shall be of no effect.

SEC. 10. If any person shall wilfully alter, change or obstruct any highway, cart-way, mill-road or road leading to and from any church or other place of public worship, whether the right of way thereto be secured in the manner herein provided for or by purchase, donation or otherwise, such person shall be guilty of a misdemeanor, and fined or imprisoned, or both. Any person who shall hinder, or in any manner interfere with the making of any road or cart-way laid off according to this chapter, shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, at the discretion of the court.

SEC. 11. The Board of Commissioners of Anson County shall annually levy a special road tax for Morven Township, at the same time of the levy made by them for general county purposes, upon all the taxable property and polls of said Morveh Township, whether such property belong to citizens of incorporated towns or otherwise, and whether such property be taxed to repair streets in such towns or otherwise, which taxes shall be included in a separate column of the tax books, and shall be collected by the Sheriff at the same time and in the same manner as the taxes for general State and county purposes, and paid over to the Treasurer of Anson County, who shall keep the same separate and apart from all other taxes, and shall

be paid out by him only on the order of the supervisors of public roads of Morven Township, signed by their chairman and secretary: *Provided*, that taxes levied under this section shall not in any one year exceed fifteen cents on the one hundred dollars worth of property subject to general taxation in said township and forty-five cents on such polls as are subject to taxation in said township. In all such levies of taxes the constitutional equation between polls and property shall be observed.

Proviso: tax rate.

SEC. 12. The Board of Commissioners of Anson County shall, at the time of the levy of taxes made by them for general county purposes in the year 1903, levy a special road tax for Morven Township in accordance with the preceding section of fifteen cents on the one hundred dollars worth of property and forty-five cents on each poll, and annually thereafter the amount levied shall be such as the board of supervisors of said Morven Township shall request, but in no one year to exceed the limit stated in the preceding section.

Levy and collection of special road tax.

SEC. 13. The board of supervisors of Morven Township at their May meeting in each year shall make an estimate of the amount of money necessary to be expended on the roads of said township for the ensuing year, exclusive of the free personal labor hereinafter provided for, which estimate shall be furnished to the County Commissioners of Anson County on or before the regular time for levying the general taxes in each year, and the County Commissioners shall levy a special tax, as provided in the two preceding sections, for an amount to cover such estimate.

Supervisors to report amount of special tax necessary.

Duty of County Commissioners to levy.

SEC. 14. That the Board of County Commissioners, within thirty days after their June session, shall notify the chairman of the board of township supervisors of the amount levied and assessed for road purposes in said township, and shall, within sixty days from said June session, make out a list of the names of each tax payer, of the amount of the road tax with which each stands charged, and transmit the same to the said board of township supervisors.

County Commissioners to report amount levied, etc.

SEC. 15. The said board of supervisors shall annually at their August meeting divide the roads of their township into districts and sections—a road district to consist of such number of road sections as the board may determine. They shall appoint superintendents for each district and overseers for each section. They shall at the same time allot the road hands to each overseer, and shall also designate the boundaries of each district, and shall within ten days after such meeting certify to each overseer and superintendent written notice of his appointment, with list of the hands assigned to his section, and shall give to each superintendent such written instructions as they may deem necessary as to the mode or manner of working the roads of his district: *Provided*, that the board of supervisors may at any time alter the districts and sections or allotment, but shall give notice thereof to the overseer.

Division of roads into sections.

Appointment of superintendents and overseers.

Allotment of road hands, etc.

Proviso.

Duties, etc., of
superintendents
and overseers.

SEC. 16. The superintendents and overseers shall serve and be liable for neglect of duty until he shall be relieved by the board, which shall be done only upon his showing that his road is in good condition and that he has complied with the instructions given him by the board of supervisors. That said superintendents and overseers may serve as such for as many terms as they may be elected whilst within the age of road service. The superintendents and overseers may resign after the expiration of twelve months: *Provided*, his district or section of road shall be in good repair, and the board of supervisors shall so find. Any person appointed either as superintendent of a road district or overseer of a road section, as provided herein, and shall refuse or neglect to qualify and serve as such, shall forfeit and pay the sum of ten dollars and costs, to be collected by the supervisors in an action for debt, and the offender shall be guilty of a misdemeanor. Money so collected shall go into the road fund of the township and be credited to the proper road district. That when any vacancy shall occur in the office of district superintendent or overseer by death, resignation or otherwise, the supervisors shall, as soon as notified, appoint some suitable person to fill the vacancy.

Neglect of duty.

Vacancies.

Duties of
superintendents.

SEC. 17. The superintendent of road districts shall superintend the working of the roads in his district by the overseer and road hands. He shall give such instructions to the overseer as may be required by the board of supervisors. He shall notify the overseer of the time when and place where his road shall be worked, and he shall personally look after such working and see that it is properly done in accordance with his instructions and the instructions given him by the board of supervisors. He shall meet with the board of supervisors at each of their regular meetings and make report to them of the condition and needs of his road districts, and receive such instructions as said board may deem necessary to give him.

Supervisors to
furnish material,
tools, etc.

SEC. 18. The board of supervisors are hereby empowered and authorized to furnish such blasting material, blasting tools, road plows, scrapes and such other tools and material as in their judgment the road interests of the township require, and pay for the same out of the road fund herein provided for. The supervisors shall furnish to each superintendent of a road section such implements, tools and material as they may deem of service on such division, and shall take a receipt from each superintendent for such implements, tools and material as they may furnish to him, showing the number, kind and condition thereof, and such superintendent shall be liable for any injury or damage that may result to such implements or tools or to any of them by improper use thereof or by unnecessary exposure to the weather during the time the same may be in his possession. And he shall annually, at the August meeting of the super-

visors, return the same or deliver them to his successor, as the board may direct. The amount for which such superintendent shall be liable for such improper use or neglect may be recovered by action in the name of the township supervisors.

SEC. 19. That all able-bodied male persons between the ages of eighteen years and forty-five years shall be required annually to perform four days' labor on the public roads, under the directions and control of the overseer of the section to which he is assigned, except in case of damage to road resulting from storms, and in such cases he may be required to work as many as six days during the year: *Provided*, that any such person may be discharged upon payment to the superintendent of the road section whereon 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 superintendent receiving the same to the improvement of the roads of his district and accounted for in his settlement with the board of supervisors.

Road age.

Road duty.

In case of emergency.

Proviso.

Payment of money in lieu of work.

SEC. 20. No person between the ages prescribed shall be exempted from working upon the public roads of Morven Township, except the members of the board of road supervisors and such others as are exempted by this act, and such as shall be exempted by the General Assembly or by the board of supervisors on account of personal infirmity, of which the said board shall be the sole judge.

Who exempt from road duty.

SEC. 21. The superintendents of road districts shall, as often as the roads of his district may require, subject to limitations contained in this act, notify the road overseer to warn out his hands and work his section, and he shall furnish said overseer with such tools as he may have on hand that are required to do the necessary work.

Notice to overseer to warn out hands.

SEC. 22. The overseers of road sections shall, as often as the district superintendent may require, subject to the limitations herein contained, summon the hands of his section to work on the road, but said hands shall not be required to work continuously for a longer time at any one time than two days, and at least fifteen days shall intervene between workings, except in case of special damage to the road resulting from a storm. The notice shall be at least two days before the day named for the work, and shall state the hour and the place of the meeting of the hands, and what implement the hand shall bring with him. Every person liable to work on the road who has been so summoned shall appear at the time and place named and with the implement directed, and shall work on the road under the direction of the overseer until discharged by him: *Provided*, that no hand shall be required to work for a less time than seven hours nor a longer time than ten hours in any one day: *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 requirement.

Summoning of hands to work.

Procedure.

Proviso.

Penalty for refusal to work, etc.

SEC. 23. Any person liable to work on the roads, being personally warned by the overseer 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 overseer, with such tool as the overseer may direct, or, having attended, shall refuse to obey the directions of the overseer or superintendent, or shall spend the time in idleness or any inattention or neglect of the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every such offense, and shall further be liable in all cases of non-attendance to the amount of four days' work, to be recovered by action before any justice of the peace of said township at the suit of the superintendent within whose district he may reside, and also be guilty of a misdemeanor, and fined not exceeding five dollars nor less than two dollars, and all costs of action, or imprisoned not exceeding ten days nor less than two days, and the money so collected shall be applied by said superintendent to the improvement of the roads in his district and accounted for by him in his annual settlement with the township supervisors: *Provided*, that no person shall be released from the performance of labor on the public roads and highways by reason of the neglect of any overseer to order out such person.

Proviso.

Persons removing from one district to another.

SEC. 24. That in case any person shall remove from one district to another who has, prior to such removal, performed the whole or any part of the labor aforesaid, or in any other way the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the overseer or superintendent of the proper district, such certificate shall be a complete discharge for the amount therein specified.

Residence defined.

SEC. 25. That for the purposes provided for in this act the residence of any person who has a family shall be held to be where his family reside, and the residence of any other person shall be held to be where he boards in any road district.

Prosecution of road hands failing to perform duties.

SEC. 26. Every overseer shall immediately, on default being made by any road hand of any of the duties herein required of said hand, shall report the same to the superintendent of his district, who shall at once make complaint to the nearest supervisor, who shall issue a warrant for the arrest of any such hand and put him upon trial for the offense. All fines or forfeitures collected shall be applied by said superintendent to the improvement of the roads of his district and accounted for by him in his annual settlement with the board of supervisors.

Overseers' reports.

SEC. 27. Every overseer shall, at the August meeting of the supervisors, make written report of the present condition of his road, of the number of days worked on his section during the year, of the number of hands who attended and worked each day, of the number and names of hands who failed to attend and work; whether or not

they were legally summoned, and whether or not they paid the three dollars as provided. Such report shall be duly sworn to before some person authorized to administer an oath.

SEC. 28. If any overseer shall fail to discharge any one of the duties imposed by this act he shall be guilty of a misdemeanor, and on conviction shall be fined seven dollars, and in default of payment of fine and costs be imprisoned not exceeding ten days. In case of failure of any overseer to make report to the board of supervisors as provided, it shall be the duty of the chairman of such board to immediately upon such failure to issue his warrant for the arrest of the said overseer and proceed to try him for the offense.

Overseer failing to discharge duties guilty of misdemeanor. Penalty. Failure to report.

SEC. 29. All roads, except such as are causewayed or through cuts shall not be less than eighteen feet wide between ditches, clear of trees, logs, stumps and other obstructions to the passage of ordinary vehicles where by the superintendent it may be deemed expedient to make or repair causeways on the same. They shall be at least fourteen feet wide, and earth necessary to raise or cover them shall be taken from either hand, so as to form a drain on each side of the causeway, and they shall make of the same width necessary bridges through swamps or over streams of water, and may lawfully cut poles and other necessary timber for repairing and making bridges and causeways.

Specifications for roads.

SEC. 30. It shall be the duty of each and every superintendent to open or cause to be opened all public roads and highways which have been or may hereafter be laid out and established in his road district, to keep the same in repair and remove or cause to be removed all obstructions that may from time to time be found thereon, for which purpose the superintendents are hereby authorized to enter upon any uncultivated lands, or improved lands unencumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to make, improve or repair said road, and to enter on any lands adjoining or lying near the road to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and timber as the nature of the case and the public good will permit, and the drains and ditches so made shall be kept open by such superintendent, and shall not be obstructed by the owner or occupier of said lands or any other person or persons having the same in charge, under the penalty of forfeiting the sum of ten dollars for each and every offense, to be collected by the superintendent and used by him for the improvement of the roads, and accounted for in his annual settlement with the supervisors.

Duty of superintendent to open and keep in repair roads.

Power to enter lands and remove timber, gravel, etc.

Drains and ditches.

Penalty for obstructing, etc.

SEC. 31. That each and every superintendent who shall cut and take any timber or stone for the purpose of making or repairing

Superintendent to give certificate to land owner of material, etc., taken.

any road, bridge or cross-way within his district shall, on demand of the owner of the lands, their agents or other legal representatives having lands in charge, from which timber or stone was taken as aforesaid, shall give a certificate showing the quantity of such timber or stone, with the presumptive value thereof respectively, and the time and purpose for which same was taken.

Presentation of certificate to supervisors and claim for compensation.

SEC. 32. That any person or persons who shall receive a certificate as in the foregoing section provided shall, within sixty days from the date thereof, present the same to the board of supervisors, who, being satisfied that the amount claimed is just and equitable, shall cause the same to be paid out of any moneys of the road fund of the township not otherwise appropriated, but if not satisfied they shall determine what sum in their judgment would be just and fair, and order the same paid as hereinbefore provided.

Foot-ways, etc.

SEC. 33. Every superintendent shall cause to be made and kept in repair good and sufficient foot-ways over all swamps and streams of water that may cross the roads of his district, and when the supervisors shall so direct shall also erect and keep hand-rails on each side of all hollow bridges situated on such part of his road.

Sign-boards.

SEC. 34. Each overseer, by the direction of the district superintendent, shall cause to be set up at the forks of their respective roads a post or posts, with arms pointing the way of each road, with plain and durable directions to the most public places to which they lead, and with the number of miles from that place as near as may be computed, and every overseer or superintendent who shall fail for ten days after notice of his appointment, neglect to do so and keep the same in repair, shall forfeit and pay for every such neglect ten dollars. That it shall be the duty of the overseer, by direction of the superintendent, to establish high-water marks or signals on both sides of all creeks or streams which is used as a ford for a public highway, and to fix the same and keep the same in repair. That any superintendent or overseer failing to carry out this provision shall be guilty of a misdemeanor.

High water-marks and signals.

Penalty.

Mile-posts.

SEC. 35. Every overseer, by direction of the superintendent, shall cause his road to be exactly measured, where it has not already been done, and at the end of each mile shall mark in a plain, legible and durable manner, on substantial posts, the number of miles, beginning, continuing and marking the numbers in such manner and form as the board of supervisors shall direct. And every overseer shall keep up and repair such marks and numbers of his road. If an overseer shall neglect any of the duties prescribed in this section for the space of thirty days after his appointment he shall forfeit and pay four dollars, and the like sum for every thirty days thereafter the said duty may be neglected.

Penalty.

Overseer neglecting duty subject to penalty.

SEC. 36. Every overseer who shall neglect to do any other duty by this act directed to be done, or who shall not comply with the in-

structions of the superintendent of his district, or the orders of the board of supervisors, shall forfeit and pay four dollars for every such offense.

SEC. 37. That if any person shall wantonly or wilfully remove, knock down, demolish, alter or deface any guide or finger-board, mile-post or high-water mark, every person so offending shall, upon conviction thereof before any justice of the peace of said township, be fined in a sum not exceeding ten dollars and costs of suit, and may be deemed guilty of a misdemeanor and imprisoned not more than ten days, and the money when collected shall be by the justice of the peace collecting the same paid over to the superintendent in whose district the offense was committed, and be by him applied to the improvement of the roads and accounted for by him in his settlement with the board of supervisors.

Persons destroying, etc., sign-boards, mile-posts, etc., how punished.

SEC. 38. It shall be the duty of every owner of a water-mill which is situated on any public road, and also of every person who, for the purpose of draining his lands or for any other purpose, shall construct any ditch, drain or canal across a public road, respectively, to keep at his own expense, in good and sufficient repair, all bridges that are or may be erected or attached to his mill-dam immediately over which a public road may run, and also to erect and keep in repair all necessary bridges over such ditch, drain or canal on the highway so long as they may be needed by reason of the continuance of said mill or mill-dam, ditch, drain or canal: *Provided*, that nothing herein shall be construed to extend to any mill which was erected before the laying off of such road unless the road was laid off by the request of the owner of the mill: *Provided further*, that the duty hereby imposed on the owner of the mill and on the person cutting the ditch, drain or canal, shall continue on all subsequent owners of the mill or other property for the benefit of which such ditch, drain 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 been or may hereafter be enlarged by the owner of adjacent lands to drain his lands, it shall be the duty of such owner to keep up and in repair all bridges crossing such ditch, drain or canal, and that such charge shall be imposed upon all subsequent owners of the land so drained; and that any person throwing a bank of dirt in the main road shall be compelled to spread the same: *Provided, also*, that when any ditch or drain is cut in such way as to turn water into any public road, the person cutting such ditch or drain shall be compelled to cut such other ditch or drain as may be necessary to take the water from said road.

Bridges, etc., when to be kept up by private parties.

Proviso.

Proviso.

Drains, ditches, etc.

SEC. 39. Every person who shall fail to perform the duties imposed on him by the preceding section, or shall leave out of repair any such bridge for the space of ten days, unless prevented by

Failure to perform duties imposed in preceding section, how punished.

unavoidable circumstances, shall be liable for such damages as may be sustained, and moreover shall be guilty of a misdemeanor, and fined not exceeding fifty dollars.

Obstruction, etc.,
of public roads by
railroads, etc.

SEC. 40. It shall be unlawful for any railroad company or other corporation by its servant or servants, agent or agents, employee or employees, to in any manner obstruct any public road or highway, or the drainage of any public road or highway, by its road-bed or otherwise, or empty the water from its ditches into any public road or highway, and such railroad company shall construct and keep in good repair the road-beds of all public roads across the road-bed of said railroad company. And if any railroad company, being duly warned by the superintendent of the proper road district by leaving a written notice with any agent or informing any station agent of the said railroad company personally, shall refuse or neglect to remedy the, or to construct or to repair said, road-bed to the acceptance of the superintendent, 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 district superintendent before any justice of the peace of the township. And every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offense shall be deemed an additional offense against the provisions of this section, and the money so collected shall be paid to the superintendent of the district in which the provisions of this section were violated, and the money so paid over shall be used by said superintendent for the improvement of the roads of his district and accounted for in his annual settlement with the supervisors.

Penalty.

Superintendents to
prosecute for pen-
alties, forfeitures,
etc.

SEC. 41. That the several superintendents within their respective districts shall collect by suit or otherwise all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for, and they are hereby authorized and required, before their annual settlement with the township supervisors, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act from whom such fines, forfeitures or penalties in the opinion of the superintendent can be collected by execution, and the said judgment if not paid, together with the costs thereon, shall remain and be in force against the judgment debtor as other judgments of law.

Superintendents to
account, etc.

SEC. 42. That the several district superintendents shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts, and every superintendent is hereby required to account to the township supervisors at the annual settlement in August of each and every year for all moneys received or expended under this act.

Fines, etc., payable
to superinten-
dents, who shall
account for same.

SEC. 43. All fines and forfeitures sued for and recovered under the provisions of this act shall be paid over on demand by the justice of the peace or Constable collecting the same to the superintendent

of such road district wherein such fines or forfeitures accrued, and the several superintendents shall also render an account to the township supervisors at the annual settlement of all moneys that remain in their hands at the time of the settlement, also all judgments that remain unpaid and the name of the judgment debtor, and the justice of the peace before whom such judgments were rendered, with the amount thereof, and the board of supervisors shall make such order as to the prosecution of the suits by the superintendent of the proper district against such delinquents as in their judgment the interests of the township may require or demand.

SEC. 44. That each superintendent of a road district, in addition to the free labor on the roads by the overseer and road hands as herein provided for, shall, by the direction and subject to the approval of the board of township supervisors, whenever the same is necessary to keep his road in good repair and condition, employ any and all the hands assigned to his district, or such other persons as he can, giving preference to his hands, to work on the roads of his district as hired laborers, at such compensation per diem as the board of supervisors may direct, and he shall draw his order on the board of supervisors for the payment of the amount due each hand, which order when presented to the said board shall be paid out of the road fund provided for in this act.

Employment of
road hands, etc.

Compensation.

SEC. 45. That every superintendent of a district shall, in the hiring of teams, securing material and in other ways expending the fund to which his district may be entitled under this act, divide the same, as far as possible, fairly and justly among the hands assigned his district, and any superintendent who shall discriminate in favor of himself or his friends, or show any favoritism in said expenditures, shall be guilty of a misdemeanor.

Hiring of teams,
expenditure of
funds, etc., to be
without discrimi-
nation.

SEC. 46. The board of supervisors of the township in determining the division of the road fund herein provided for shall be governed not by the rules of road in each district, but by the necessities of the roads, the cost of making repairs, the convenience of obtaining material, the quality of material necessary to make substantial repairs, and make a just and equitable division of said fund between the several districts in the township.

Apportionment of
road funds by
supervisors.

SEC. 47. That 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, by attending at the time and place and with such tools as may be designated by the superintendent of the road district. Any person performing labor as herein provided, in payment of road taxes, shall be allowed such compensation per diem as the board of supervisors may determine, for labor performed acceptably to the superintendent, and a ratable allowance per day for any team, implement or material furnished by any such person under the direction of the superintendent of such district, who shall give to

Payment of road
tax in labor.

Per diem, etc.

such person a certificate specifying the amount of tax so paid and the district wherein such labor was performed, which certificate shall in no case be given for any greater sum than was charged against such person, and the county Sheriff shall receive all such certificates as money in the discharge of said road tax, but the superintendent of any road district provided for in this act shall not be required to accept or superintend labor in payment of any road tax, as in this section provided, unless said labor shall be performed prior to the 15th day of November of the year in which said road tax was levied and assessed.

Superintendents neglecting, duty, etc., or guilty of malfeasance, etc., how punished.

SEC. 48. That each and every superintendent who shall neglect or refuse to perform the several duties required of him by this act, or who shall, under any pretense whatever, give or sign any receipt or certificate purporting to be 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 of such receipt or certificate, or shall fail or refuse to account to the township supervisors for any money which may have come into his hands belonging to the road fund of the township, or shall enter into any collusion or combine with any person or persons who shall be liable to perform labor on the public roads or pay road tax whereby the interest and purpose of this act may be evaded or defeated, or permit or allow any person in the performance of road labor in payment of the four days required by this act, or in the discharge of road tax, to spend the time in idleness or any inattention to duties assigned him, or permit the use of worthless and insufficient tools, may be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of said township shall forfeit and pay for every such offense the sum of not less than \$5 nor more than \$50, and may be imprisoned not less than five days nor more than thirty days, and in the discretion of the supervisors may be removed and the vacancy filled by the said supervisors: *Provided*, that if either party conceives himself aggrieved by the judgment of said justice of the peace he may, on giving bond with sufficient security to said justice of the peace for the payment of costs, appeal to the Superior Court of the county of Anson, who shall make such orders therein as may appear just and reasonable. It is hereby made the duty of the township supervisors to strictly enforce the provisions of this act and to prosecute all offenses against this provision of the same.

Right of appeal.

Duty of supervisors to enforce this act.

Compensation of overseers.

SEC. 49. That each overseer, as compensation for the services herein required of him, shall be relieved of all road tax charged against him.

Compensation of superintendents.

SEC. 50. That each district superintendent shall, as compensation for the services herein required of him, be relieved of all road tax charged against him, and be paid by the supervisors out of the road fund of the township the sum of one dollar per day for the time

actually employed on the roads: *Provided*, the board of supervisors may allow greater compensation to superintendents in case of damage to roads resulting from natural causes, or when in their judgment the public interests will be best subserved, but in no case shall a greater compensation than one dollar per day be allowed to any superintendent for his ordinary services for the time he was actually and diligently employed on the roads of his district. Proviso.

SEC. 51. The board of township supervisors of said Morven Township shall keep a true and accurate account of all funds, and the purpose for which the same is expended, in a book kept for that purpose, and the same shall at all times be open to the inspection of any person desiring to see the same. They shall also keep a correct inventory of all the tools and other property bought for road purposes, and shall require a receipt from every superintendent receiving the same, and such superintendent shall be individually liable for any property turned over to him, and shall receive no pay for his services until he has satisfactorily accounted for all such property or funds that may have come into his hands.

Record of expenditure of funds.

SEC. 52. The board of supervisors shall, within ten days after their August meeting, furnish the Constable with two copies of each order appointing superintendents and overseers, that may have been made during the said meeting, and the Township Constable shall apply to the secretary of said board within ten days after said meeting of the board for such orders, and on receiving them shall, within the next ten days serve the same by delivering a copy to the superintendent and overseer or leaving the same at his usual habitation, and the other copy shall be returned to the next meeting of the board of supervisors, with the date of the service endorsed thereon, or the date when it was left at the residence of said superintendent or overseer. And if the board of supervisors or Township Constable shall fail to perform any duty enjoined by this section he shall pay ten dollars, to be recovered at any time for the use of the road fund of the township: *Provided*, the delivery to the overseer or superintendent of the copy of orders shall be deemed and held to be a legal service of the same. The cost of serving such orders shall be paid by the board of supervisors out of the township road fund.

Notice of appointment of superintendents and overseers.

SEC. 53. The board of supervisors shall, at least once in each year, during the week of their August meeting, or at such other time as they may deem best, go over and personally examine all the roads of their township.

Supervisors to examine roads personally.

SEC. 54. The board of supervisors shall cause their secretary to make a copy, for each district superintendent, of the lists of the names of each tax payer, of the amount of road tax with which each stands charged in his district, from the lists hereinbefore required

List of road tax payers, etc., to be furnished each superintendent.

to be furnished by the Commissioners of Anson County to the board of supervisors.

Annual settlement of supervisors with county treasurer and superintendents.

SEC. 55. The board of supervisors shall, annually during the month of August, and prior to their August meeting, by their chairman and secretary, make final settlement with the County Treasurer of the road fund, together with a list of the certificates of each road superintendent, for labor performed on the roads in payment of road tax, as provided for in this act. They shall carefully compare such certificates with the tax list in possession of the Sheriff or Tax Collector and note any discrepancy therein, and shall file the same. They shall also make annual settlements with the road superintendents of the township, and, when approved by the board, pay to each of said superintendents such sums as may be due them, taking receipt therefor.

Record books, etc., for secretary.

SEC. 56. That said board of supervisors shall procure the necessary books, in which they shall require the secretary to record the minutes and correct accounts of all their orders and transactions, as well as a record of all the moneys received and disbursed on account of the road tax herein provided for. They shall disburse such fund only by an order on the County Treasurer, signed by the chairman and secretary.

Funds, how disbursed.

Supervisors to make annual report.

SEC. 57. The said board of supervisors shall annually make report to the first term of the Superior Court of Anson County, after the first Monday in August, of the condition of the roads of their township, of the meetings held by said board, together with the amount of road tax collected and disbursed.

Compensation of supervisors.

SEC. 58. That said board of supervisors shall be paid for the services herein required of them the sum of one dollar per day for the time they are actually engaged in road work, not to exceed twelve days in any one year, and shall be exempted from all road tax or other road duty. But the said board may pay the secretary such additional sum as may be fair and just for the services required of him.

Compensation of secretary.

Supervisors failing, etc., to perform duties, how punished.

SEC. 59. Any board of supervisors or any member thereof refusing or failing to perform the duties imposed by this act shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, to be recovered for use of the road fund of said township.

Expenses of County Commissioners, how paid.

SEC. 60. That all expenses incurred by the County Commissioners of Anson County by reason of the duties imposed by this act shall be paid on their order out of the road fund of said township.

Board of County Commissioners to order election.

SEC. 61. That the Board of Commissioners of Anson County shall, immediately after the ratification of this act, order an election to be held in Morven Township on the first Tuesday in May, 1903, said election to be held under the same rules and regulations as prescribed by law for elections of county officers. At which said elections the qualified voters of said township shall vote a written or

How governed.

printed ticket. Those voting for the adoption of this act shall vote a ticket with the words on it "For Road Law," and those voting against the adoption of this act shall vote a ticket with the words on it "Against Road Law." If a majority of the votes cast shall be "For Road Law," then this act shall constitute the road law of Morven Township, Anson County, and if a majority of the votes cast shall be "Against Road Law," then this act shall be null and void, and the road law now in force in said township shall remain operative: *Provided*, that if a majority of the votes cast are "For Road Law," then the Board of Commissioners shall proceed to levy the road tax for the year 1903 as hereinbefore provided.

Ballots.

Result, how to affect this and former acts.

Proviso.

SEC. 62. That the Secretary of State shall furnish two hundred copies of this act to the board of supervisors of said Morven Township, Anson County.

Secretary of State to furnish 200 of this act.

SEC. 63. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 64. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 570.

AN ACT TO PREVENT FELLING TREES IN UWHARIE RIVER, IN MONTGOMERY AND RANDOLPH COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to fell any timber trees in the Uwharie River, in the counties of Montgomery and Randolph, and let them remain so as to obstruct the stream or cause any damage to foot-logs or mill-dams.

Unlawful to fell trees in Uwharie river, etc.

SEC. 2. That all persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall pay a fine of ten dollars or be imprisoned not exceeding twenty days.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 571.

AN ACT SUPPLEMENTAL TO AN ACT PASSED BY THIS GENERAL ASSEMBLY ENTITLED "AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS IN RUTHERFORD COUNTY."

The General Assembly of North Carolina do enact:

Former act
amended.

SECTION 1. That House Bill 1156, Senate Bill 993, entitled "An act to provide for the working of the public roads in Rutherford County," be and the same is hereby amended by inserting in line two of section 18 thereof, between the words "March" and "order," the wordes "or as soon thereafter as practicable."

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 572.

AN ACT TO CHANGE THE TIME OF HOLDING COURTS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Chapter 28, Public
Laws 1901,
amended.

SECTION 1. That section one of chapter twenty-eight of Public Laws of nineteen hundred and one be amended by striking out of the clause fixing the time of holding the courts of the Seventh District the last two lines of said clause, and inserting in lieu thereof:

Time fixed for
holding courts of
Brunswick county.

Brunswick County—Third Tuesday after the first Monday in March, and fourth Tuesday after the first Monday in September: *Provided*, that the terms of said court shall not extend beyond the last day of the week upon which they begin, except as otherwise provided by law.

Return of process

SEC. 2. All process heretofore issued and made returnable to the Superior Courts of Brunswick County shall be construed to be returnable to the times herein fixed.

When in force.

SEC. 3. That this act shall be in force from and after the first day of April, 1903.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 573.

AN ACT TO AMEND CHAPTER 409 OF THE PUBLIC LAWS OF 1899, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF WASHINGTON."

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the city of Washington is hereby required to submit to the qualified voters of said city, within nine days after the ratification of this act, the question whether the annual tax now levied in said city for the support of the public schools of said city shall be increased over and above twenty cents on the one hundred dollars worth of property and sixty cents on the poll as herein provided; and the said election shall be held under the same rules and regulations as govern the election of municipal officers in said city.

Question of tax
levy for schools
submitted to vote.

Tax rate.

Election, how
governed.

SEC. 2. That at the election held under the provisions of this act those favoring the levying of such increased tax shall vote a written or printed ballot with the words "For Schools" upon it, and those opposed to the levying of such increased tax shall vote a printed or written ballot with the words "Against Schools" upon it; that said election shall be advertised by the said Board of Aldermen for thirty days prior to the day of election in one or more newspapers published in said city, and the said election shall be held under the supervision of inspectors and poll holders or judges of election appointed by the said Board of Aldermen, and the returns of the result of said election shall be made and certified by the said election officers to the Board of Aldermen, and the result thereof shall be canvassed by said Board of Aldermen and duly declared. That there shall be a new registration of the voters of the city of Washington for the purpose of this election, unless a new registration shall also be ordered for the regular municipal election of nineteen hundred and three, in which event such new registration shall be deemed sufficient; that when the result of said election shall be canvassed and declared as aforesaid, the same shall be taken as *prima facie* evidence of the regularity of said election, and shall be deemed conclusive of the fact therein stated as to whether a majority of the qualified voters of said city shall have voted in favor of said proposition; that the result of said election shall be certified by the Mayor and the clerk of said Board of Aldermen under the corporate seal, to the Secretary of State, which shall be received and filed by the Secretary of State in his office.

Ballots.

Notice of election.

Election officers.

Returns, etc.

Registration.

Result, how de-
clared and
certified.

SEC. 3. That if a majority of the qualified voters in said city shall vote at said election in favor of levying such increased tax for the support of the public schools in said city, it shall be the duty of the Board of Aldermen of said city and their successors to levy

If result favorable,
aldermen to levy
tax.

Rate of tax.	for the year 1903, and annually thereafter, a special tax of not less than twenty-five cents nor exceeding thirty cents on the one hundred dollars valuation of real and personal property and other property taxed by the laws of North Carolina in said city, and upon the poll not less than seventy-five cents nor exceeding ninety cents, observing the constitutional equation; and said taxes shall be levied and become due and collectible annually by the City Tax Collector as and at the same time as other general taxes are levied and are due and collected.
Levy and collection.	
Subsequent election on petition of voters.	SEC. 4. That if at such election the majority of the qualified voters of said city shall not vote in favor of said increased tax for schools, then the Mayor and Board of Aldermen shall, upon the petition of one-fourth of the qualified voters of said city, order an election to be held on the first Monday in May, 1904, under the same rules and regulations as herein prescribed or prescribed by law for the election of Mayor and Aldermen of said city, and shall give thirty days' public notice thereof, and at such election the ballots shall be as hereinbefore provided; and if at such election a majority of the qualified voters of said city shall vote in favor of such increased tax for public schools as aforesaid, and the result shall be declared as aforesaid, then the said increased tax shall be levied and collected as herein provided.
How conducted, etc.	
Custody and disbursement of proceeds of tax.	SEC. 5. That the said tax shall be paid over by the said Tax Collector of said city to the Treasurer of said city, who is hereby made <i>ex officio</i> treasurer of the board of school trustees of the town of Washington, and shall be disbursed by said treasurer as provided in chapter 409, Public Laws of 1899, entitled "An act to establish graded schools in the town of Washington."
Chapter 409, Public Laws 1899.	
Public school district.	SEC. 6. That all the territory embraced within the corporate limits of the city of Washington, as now or may be hereafter defined by law, shall be constituted a public school district. That wherever in this act the Board of Aldermen of the city of Washington are referred to as the corporate name of the municipal authorities of said city the same shall be deemed to include the proper municipal authorities of the said city of Washington, by whatever name they may be now or hereafter designated.
Chapter 409, Public Laws 1899, how affected.	SEC. 7. That chapter 409, Public Laws of 1899, entitled "An act to establish graded schools in the town of Washington," and ratified on the 6th day of March, 1899, shall be and remain in full force and effect, except as modified by this act.
Conflicting laws repealed.	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 its ratification.
	In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 574.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS
AND CONSTABLES AT DUKE, HARNETT COUNTY, AND TO
PROHIBIT PUBLIC DRUNKENNESS THERE.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of any Deputy Sheriff in Harnett County, living and resident at Duke, in said county, or appointed by the Sheriff of said county for that section of said county in which the village of Duke is situated, and the Constables of Averasboro and Grove Townships 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 Duke and on the premises of The Erwin Cotton Mills Company in said county, and to arrest all offenders against the same, and to prevent, as far as possible, all injury to property in said village and on the above mentioned premises. Said Deputy Sheriff and Constables shall have authority and power, if resisted in the execution of his or their official duties, to summon a sufficient number of men to aid him or them in enforcing the law; and if any person so summoned shall refuse to assist, the said 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. Said Deputy Sheriff and Constables shall have power to enter the enclosure and house of any person in the aforesaid village and on the aforesaid premises without warrant when he or they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and if necessary to summon a posse to aid him or them, and all persons so summoned shall have like authority of entry and arrest. Any person arrested by said Deputy Sheriff or Constable for any offense shall, as soon as practicable, be taken before some justice of the peace of Harnett 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 guard-house or calaboose provided for that purpose by any of said officers, unless bail is given as provided for by law.

Deputy sheriff and constables to have police powers, where.

Village of Duke.

The Erwin Cotton Mills Co.

Power to summon sufficient aid to enforce law.

Power to arrest without warrant, when.

Trial.

SEC. 2. That such Deputy Sheriff and Constable shall have the same power and authority in said village and on the said premises as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

Deputy sheriff and constables to have power of policemen.

SEC. 3. That such Deputy Sheriff and Constable when on duty shall wear a metallic shield with the word "Policeman" inscribed

Badges to be worn, when.

thereon, and said shield shall always be worn in plain view except when employed as a detective.

Every person found drunk, etc., guilty of misdemeanor.

SEC. 4. That every person found drunk on the streets or roads or in any public place in said village of Duke, or in any public place of said premises, or staggering along said streets or roads, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than ten dollars, or imprisoned not more than ten days.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 575.

AN ACT TO PROHIBIT THE FISHING OF LITTLE RIVER IN WAKE COUNTY WITH HAND OR DRAG SEINES.

The General Assembly of North Carolina do enact:

Unlawful to fish with seines in Little River.
Proviso.

SECTION 1. That it shall be unlawful for any persons to use hand or drag seines for the purpose of catching fish in Little River in Mark's Creek and Little River Townships in Wake County: *Provided*, any persons owning a mill-pond on said river in aforesaid townships may permit same to be fished with seines for the purpose of removing the large fish that may be in said ponds.

Penalty for violation.

SEC. 2. That any person violating the provisions of section 1 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten (10) dollars or imprisoned not more than ten days.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 576.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE PUBLIC ROADS OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Question of bond issue for road improvements submitted to vote.

SECTION 1. That for the purpose of building, improving and maintaining the public roads of Sampson County the Board of Commissioners of said county are hereby authorized and empowered and directed to submit to the qualified voters of said county, on such

day of the current year as may be fixed by them, after thirty days' notice, as hereafter provided, the question of issuing twenty thousand dollars in bonds for the building, improvement and maintenance of said roads.

SEC. 2. That the said election shall be advertised for thirty days in some newspaper published in Sampson County, and the election so ordered shall be held under the laws and regulations governing the election of members of the General Assembly. Notice of election.

SEC. 3. That the voters who are in favor of issuing the bonds for the purposes aforesaid shall vote a written or printed ballot with the words "For Bonds" thereon, and those who are opposed to issuing said bonds for the purposes stated shall vote a ballot on which shall be written or printed the words "Against Bonds." Ballots.

SEC. 4. If a majority of the qualified voters at said election shall vote for bonds, the result shall be declared and entered of record by the said Board of Commissioners of Sampson County. Then the said Commissioners for said county shall issue, as needed for the purposes herein expressed, bonds not to exceed in total amount the sum of twenty thousand dollars, in denomination of not less than one hundred dollars and not more than five hundred dollars, bearing interest from date at the rate of 6 per cent. per annum, payable semi-annually at such place or places as said Board of Commissioners appoint, payment of interest to be made on the first day of January and July of each year. Result, how declared and recorded.

SEC. 5. That the said bonds shall be made payable thirty (30) years from the date of their issue, and shall bear on their face the purpose of their issue, with coupons attached, and shall be numbered consecutively beginning at No. 1, and shall be signed by the chairman of the Board of Commissioners and attested and countersigned by the Register of Deeds for Sampson County, and shall be impressed with the corporate seal of said county. Amount of bonds.

SEC. 6. A record shall be kept by the said board in a book to be provided for that purpose, of all bonds sold, to whom sold, the amount and the date of the sale and the date of the maturity of each bond so sold, along with its number. They shall also keep a record, to be likewise provided for that purpose, of all bonds by them paid off or redeemed, which said bonds when so redeemed shall be destroyed by the said Board of Commissioners or the clerk to such board by their order and in their presence. Rate of interest.

SEC. 7. In order to pay the interest on the bonds so issued the Board of Commissioners shall annually compute the interest on the bonds by them sold, and at the time of levying other State and county taxes levy a sufficient special tax upon all the real and personal property in said county and upon all taxable polls subject to taxation for county purposes, at all times observing the constitutional Term of bonds.

Execution of bonds.

Bond record to be kept.

Special tax to pay interest.

equation between the property and poll taxes to pay such interest as will accrue for the year in which such levy is made.

Custody and application of proceeds of tax.

SEC. 8. That said taxes when collected shall be kept separate and apart from all other taxes, and shall be used only for the purposes for which it was levied and collected. Any Commissioner who shall by any means cause said taxes to be used for any other purpose than that for which they were levied and collected shall, upon conviction, be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court: *Provided*, that if the taxes collected in any one year shall exceed the sum required to pay the interest accrued and due on said bonds so issued, the same may be applied to the purchase of any of the bonds issued under this act.

Misdemeanor to misapply same.

Proviso.

Special tax levy for sinking fund.

SEC. 9. For the purpose of creating a sinking fund with which to pay the principal of said bonds when due, the said Board of Commissioners shall, at and after the expiration of ten years from the date of said election, annually levy and collect a special tax in addition to the interest tax hereby authorized to be collected, a sum not to exceed one-twentieth (1-20) of the total amount of the bonds authorized to be issued under this act, and shall continue to levy such tax until said bonds are paid.

Tax rate.

Investment of sinking fund.

SEC. 10. That it shall be the duty of the said Board of Commissioners to annually invest any and all of said moneys arising from the special tax for sinking fund in the purchase of any of said bonds at not more than their par value, but in case none of the said bonds can be so purchased, the said Commissioners shall deposit such fund in any safe bank or banks at such rate of interest as they may be able to secure, and no bond shall be signed or sold until actually needed for the purposes stated in this act. The said bonds shall be deposited in some bank designated by the said Board of Commissioners, and only drawn out and sold when needed for the building, improving and maintaining the public roads of said Sampson County, and shall be issued to pay only for the cost of the work on said roads for the year in which they are issued. Said bonds shall not be sold for less than par, and no purchaser shall be liable for the application of the money paid by him for the purchase of any bond by him.

Depository for bonds.

Bonds not to be sold under par.

Election of trustee.

SEC. 11. That for the purpose of receiving and paying out the moneys received from the sale of said bonds, the Board of Commissioners for said county shall elect a suitable person as trustee to receive and pay out said money upon the order of the chairman of the said Board of Commissioners, said order to be countersigned by the Register of Deeds of said county. The trustee herein provided for shall, before entering upon his duties, execute a good and sufficient bond to be approved by the said Board of Commissioners, conditioned for the faithful performance of his duties, and he shall

Duties.

Official bond.

receive as a total compensation for his services the sum of one per cent. of all moneys coming into his hands. Compensation.

SEC. 12. For the purpose of carrying this act into effect the Board of Commissioners shall have the power to lay out and change the location and grade and otherwise improve the public roads of said county. They may buy and hold any and all property necessary for the permanent improvement and construction of said public roads. They may employ all necessary labor, either of a skilled or unskilled nature, and do all things necessary to organize and conduct an effective system of permanent road-building. Power to lay out, change, etc., roads. Employment of labor, etc.

SEC. 13. All persons confined in the county jail, either under sentence of the court for crime or imprisonment for the non-payment of costs or fines, shall be available to the County Commissioners for the purpose of working them upon the highways or public roads of the county. And upon the application of any supervisor of public roads having an order from the County Commissioners it shall be the duty of the Sheriff or jailor having such prisoner in his custody to deliver them to the supervisor, who shall be responsible for their safe-keeping and return, and in the case of the escape of any of the said prisoners the Sheriff of said county or the jailor shall be exonerated from liability therefor. Working of convicts.

SEC. 14. That the County Commissioners are hereby authorized to accept convicts from other counties sentenced by the Superior Court Judges, when in their judgment it is deemed expedient to do so. Convicts from other counties.

SEC. 15. That upon the supplication of the County Commissioners of any county it shall be lawful for and the duty of the Judges holding courts in said county to sentence to imprisonment and hard labor on the public roads, highways and bridges, or any of them 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 otherwise be wholly or in part imprisonment in the common jail, also all persons convicted of crimes the punishment whereof would otherwise be wholly or in part imprisonment in the Penitentiary for a term not exceeding five years. Duty of judges to sentence to work on roads, etc.

SEC. 16. That the convicts sentenced to hard labor shall be under the control of the County Commissioners of said county, and said authorities shall have power to enact and enforce all needful rules and regulations for the successful working of all convicts upon the highways and public roads or public works, and they may appoint a superintendent or superintendents for said convicts and such guards and other employees as may be necessary and commit to the superintendent or superintendents 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 workings of the highways or public roads or Convicts under control of County Commissioners. Rules and regulations. Superintendents. Custody and discipline of convicts.

Working of convicts on other public works.

public works 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. And the Board of County Commissioners in their discretion may work said convicts upon any other public works in said county whenever it may seem best for the public interest. They shall also have the right to hire out to any firm, person or corporation in said county the entire body of said convicts, or any part thereof, to be used in building bridges, culverts or fills in any highway or public road, and may use said convicts to do any work they may deem necessary for the improvement of the County Home, or the place where the poor of the county are kept.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Applicable only to Sampson county.

SEC. 18. That this act shall apply only to Sampson County.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 577.

AN ACT TO INCLUDE CERTAIN TERRITORY IN PAMLICO COUNTY IN CERTAIN OTHER STOCK LAW TERRITORIES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Stock law territory.

SECTION 1. That the territory embraced within the following boundary lines, namely: Beginning at the mouth of Vandemere Creek at Wind-mill point, running up said creek with its various courses to Shingle Landing above the bridge at or near the glade, then with the glade westwardly to the line of the corporation stock law territory in Pamlico County, then with the east line of said corporation stock law territory to the main road, leading from Bayboro to Jones' Bay, then with said corporation stock law fence and the main road to Raccoon Creek bridge, then with the said Raccoon Creek to Bay River, then down Bay River to Wind-mill point, the beginning, is hereby declared to be a stock law territory, and that the laws governing stock law districts in this State shall be in force and apply to the territory above described, especially chapter 26, Volume II, Code of North Carolina, and laws amendatory thereto.

Governed by what law.
The Code.

SEC. 2. That the territory described in section 1 of this act and the corporation stock law territory and the Bayboro stock law district are hereby declared to be consolidated and made into one district, and the line fence between the new territory and the corporation stock law territory and the Bayboro district may be removed, and all of said districts be kept under one boundary fence.

Consolidation of stock law territories.

SEC. 3. That Raccoon Creek, Bay River and Vandemere Creek and the glade from the head of Vandemere Creek to the county line where the Core Point road and the Wilkinson's Point road cross the head of the northwest prong of Bay River, for the purposes of this act are hereby declared to be a lawful fence.

Certain creeks declared lawful fence.

SEC. 4. *Provided*, that this act shall not be in force or take effect until eight months after its ratification by a majority of the qualified voters of the said new territory described in section one of this act, at an election to be held in said new territory; and such election shall be called by the Board of County Commissioners of Pamlico County whenever one-half of the qualified voters of the said new territory shall sign a petition and present it to them (the Board of Commissioners asking for the same), and shall be conducted and governed by the same laws and regulations governing other stock law elections in this State.

Proviso: this act to take effect, when.

Election.

How conducted.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 578.

AN ACT TO AUTHORIZE AND DIRECT THE COUNTY BOARD OF EDUCATION OF UNION COUNTY TO CONVEY CERTAIN SCHOOL PROPERTY TO THE TRUSTEES OF THE MONROE GRADED SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. WHEREAS, the lot and building now used for graded school purposes for the colored race of the city of Monroe is situated a few feet outside the corporate limits of said city on the lot given by the late John D. Stewart, in that section of the said city known as Brown Town; and whereas, the trustees of the Monroe Graded School have made permanent improvements on said property with the undersanding that said property shall become the property of the town of Monroe, to be used for the benefit of the colored children within the incorporation of said city; and whereas, the trustees of the Monroe Graded Schools are anxious that the legality of the use of said lot and building for such purposes be set at rest: Now, therefore,

Preamble.

The General Assembly do enact:

Conveyance of
school property
authorized.

That the County Board of Education of Union County be authorized and directed to convey said lot and property to the trustees of the Monroe Graded School, to be used as the graded school property for the colored race within the corporate limits of the city of Monroe.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 579.

AN ACT TO PROTECT THE OPERATIVES OF THE CLIFFSIDE MILLS IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Manufacture and
sale of liquor pro-
hibited, where.

Profane language,
firing of pistols,
etc., prohibited.

Penalty.

SECTION 1. That it shall be unlawful for any person or persons to manufacture, sell, dispose of, directly or indirectly, any spirituous or malt liquors on the lands of the Cliffside Mills in Rutherford County, or to use profane or vulgar language, or to use words calculated to disturb the peace or disturb the operatives of said cotton mills, or to fire off any gun, pistol or other fire-arms, or to congregate on the bridge or the approaches thereto across the river at said mill, or in the public road running through said lands; and any person or persons so offending shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisoned not over thirty days, in the discretion of the court.

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

In the General Assembly read three times and ratified this 9th of March, 1903.

CHAPTER 580.

AN ACT TO AMEND CHAPTER 581 OF THE PUBLIC LAWS OF 1899, SO FAR AS IT AFFECTS ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Former act
amended.

SECTION 1. That section 4 of chapter 587 of the Public Laws enacted by the General Assembly at the session of 1899 be amended by inserting in line 28 of said section between the word "paid" and

the word "all" the following words: "*Provided further*, that the liability of any person for payment of the sum prescribed in lieu of working the public roads, should he choose to pay said sum, shall be determined by his place of residence on the 1st day of February in each and every year."

Payment of money
in lieu of work on
roads.

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

Applicable to
Rockingham
county only.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 581.

AN ACT AMENDING CHAPTER 715 OF THE LAWS OF 1901,
PROVIDING FOR THE PAYMENT OF ONE-HALF FEES TO
WITNESSES AND OFFICERS IN WAKE COUNTY, WHEN
"NOT A TRUE BILL" SHALL BE FOUND.

The General Assembly of North Carolina do enact:

SECTION 1. That section 2 of chapter 715 of the Laws of 1901 be and the same is hereby amended by inserting between the words "Sheriff" and "Constable" in line three of said section the words "justices of the peace."

Former act
amended relative
to fees of justices
of the peace.

SEC. 2. That section 3 of said chapter 715 be and the same is hereby amended by adding at the end of same "Wake County."

Former act appli-
cable to Wake,
county.

SEC. 3. That said chapter 715 of the Laws of 1901, as amended, be and the same is hereby re-enacted.

Re-enacting
clause.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 582.

AN ACT TO ENLARGE THE WESTERN BOUNDARIES OF THE
CROSS CREEK STOCK LAW TERRITORY IN CUMBERLAND
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Cross Creek stock law territory, as created by the act of General Assembly, Laws of 1897, chapter 420, as amended by Laws of General Assembly 1899, chapter 318, be enlarged so as to include the lands of W. M. Morgan, W. L. Holt,

Former acts
amended.

Stock law terri-
tory extended.

J. B. Huske, Nathaniel McArthur, Mrs. L. M. McArthur, John G. Shaw, W. N. Williams, Reddick Harris, J. R. Luther, Herbert Lutterloh, E. L. Utley, E. L. Clark, C. W. Broadfoot, W. A. Huske, John McDuffie, Mrs. Neill McQueen, The Bank of Fayetteville, John McKay, W. M. Martin, John Darach, Thomas Bennett, Mr. Odom, James Martin and others.

Boundaries of territory.

SEC. 2. That to embrace the lands mentioned in section 1 of this act the boundaries of said stock law territory be and the same are enlarged and defined as follows:

Beginning at the present stock law fence on the south side of the Morganton road, and running with or near said road to Mrs. McArthur's line; thence southward with Mrs. McArthur's line to her corner; thence westward by the most available route to the southwest corner of W. N. Williams' "Skye Place"; thence westward in the most available route to the southeast corner of Isaac Bethune's place; thence westward to the southwest corner of the McPhail place, belonging to W. N. Martin; thence up the eastern hill of Bones Creek to the northwest corner of the Odom place; thence in the most available route to R. L. Williams' Cottonade residence; thence by the road to the branch at the intersection of the Monroe road and the Western Plank road; thence down said branch to the line of W. L. Holt's Bonnie Doone land; thence westwardly and northwardly with the various courses of said Bonnie Doone land to the line of the Lakewood lands; thence with the various courses of said Bonnie Doone land to Little Cross Creek; thence to the south edge of Western Plank road at the northern side of the Jim Knott place; thence with the Western Plank road to the present stock law fence near the Mrs. McQueen place.

Duty of commissioners to enclose said territory.
May borrow money.

SEC. 3. That the commissioners of the Cross Creek stock law territory shall enclose the beforementioned boundaries by good and sufficient fence as soon as practicable, and to that end may borrow money as they in their judgment may deem best.

Certain stock law commissioners named.

SEC. 4. That W. L. Holt, W. M. Morgan, Reddick Harris, Nathaniel McArthur, J. B. Huske and Herbert Lutterloh be added as stock law commissioners of Cross Creek stock law territory.

Rules and regulations.
Rate of taxation.

SEC. 5. That all properties within the boundaries of said law be subject to the same rules and regulations and to the same rate of taxation for the purpose of maintaining the fences around the stock law territory as the territory now embraced within the said Cross Creek stock law territory.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 583.

AN ACT TO REGULATE FISHING IN THE WATERS OF
CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to fish for or catch any mullets with any purse seine or purse net in any waters within the limits of Carteret County, extending to the extreme limits of the State's jurisdiction in and over such waters; and for the purposes of this act the following boundaries be and the same are hereby declared to be the boundaries to which the waters of said county extend, to-wit: A distance of three nautical miles measured from the outer beach or shores of Carteret County out and into the waters of the Atlantic Ocean; and any portions of any water within a distance of three miles from said waters of the Atlantic Ocean to any beach or shore of said county shall be deemed the waters of said county for the purposes of this act.

Unlawful to fish for mullets with seine or net.

Prohibited territory.

SEC. 2. That it shall be unlawful for any person, firm or corporation to catch any menhaden or fat-backs within the waters of said county, as set forth in the preceding section, in any purse net or purse seine with a bar of less than one inch and with a mesh of less than two inches.

Fishing for menhaden and fat-backs regulated.

SEC. 3. That it shall be unlawful for any person, firm or corporation to knowingly manufacture into fish scrap any menhaden or fat-backs caught in any net or seine having bars of less than one inch or having meshes of less than two inches.

Unlawful to manufacture certain fish into fish scrap.

SEC. 4. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and fined not less than five hundred dollars or imprisoned for one year, or both, in the discretion of the court.

Penalty for violation.

SEC. 5. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 584.

AN ACT TO INCORPORATE THE SOUTHERN ELECTRIC
POWER COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That John Henry Swicegood, John Andrew Ramsay, John Hamilton Swicegood and Stephen Lemuel Swicegood, together

Body politic.	with all other persons and corporations that shall be associated with them and become stockholders in the corporation hereby incorporated, and their successors or assigns, be and they are hereby cre-
Corporate name.	ated and constituted a body politic and corporate by and under the name and title of The Southern Electric Power Company, by which
Powers.	name the said corporation may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever and in all suits and actions, may contract and be con-
Term.	tracted with, and shall have all the privileges and rights hereby specially granted and such as may be necessary to the full exercise and enjoyment of the same; the said corporation shall exist for a term of sixty years, and enjoy all the rights and privileges, liberties and immunities, franchises and powers conferred upon and pertaining to other corporate bodies and not forbidden by the laws of the United States and of the State of North Carolina.
Common seal.	SEC. 2. That said corporation shall have the right to make and use a common seal, and may alter or change the same at pleasure.
Power to hold property, etc.	SEC. 3. The said corporation, its successors or assigns, is hereby authorized and empowered to buy or own, lease or deal in or otherwise acquire lands, tenements, hereditaments and all manner of personal and real property, including cotton mills, factories, houses, water-powers, mineral rights, quarries of all kinds, roads, bridges, railroads, tram-ways and all and every other kind of personal property and real property whatsoever, to such an extent as the corporation may deem proper and as fully as citizens of the State may do, and may sell and convey or lease the same to other persons or corporations, and said corporation is authorized to pay for such real estate and personal property as it may purchase or otherwise acquire with and by its capital stock, and may issue bonds and execute mortgages to secure the payment thereof. It may also subscribe to the stock of any other corporation.
May hold stock in other corporations.	
Power to erect dams across Yadkin river and tributaries.	SEC. 4. That the said corporation shall have the right and authority to build, erect and maintain one or more dam or dams across the channel of the Yadkin River at or near A. & H. H. Swicegood's Mill, or at any point on said river or its tributaries in the counties of Surry, Yadkin, Davie, Forsyth, Rowan and Davidson, in the State of North Carolina, or any other place on the Yadkin River or its tributaries that may be selected for the purpose of utilizing water, steam or pneumatic power, and may also build, construct, maintain and operate canals, bridges, aqueducts, waterways, waste-ways, wells and reservoirs as shall be needful for its mills and manufactories, water systems, power plants or other works or for any other purpose found necessary or expedient for the proper operation of any one of the plants said corporation may construct; and the amount of land which the company may at any time hold within the State of North Carolina for any one dam or
Canals, waterways, etc.	
May flood what amount of land.	

water-power and its other works, as well as the land flowed or submerged with the water accumulated by any one of the dams, shall not exceed seven thousand acres exclusive of the right of way. It shall have the right to lay water mains for the purpose of supplying water to any town, village or city in the State; to construct, maintain and operate either above, on posts or poles, or under ground, in tubes or otherwise, suitable wires, conductors or tubes for the conducting or transmitting electricity to any city or town or village within the State for the purpose of lighting such city or towns or for any other purpose, such as heating or any use that electricity may be put to, and to construct railways. The said corporation, when unable to purchase at an agreed price, may enter upon and condemn private property for railroads, right of way and for necessary stations, by paying a reasonable price therefor; and in case such price cannot be agreed upon the said corporation may have the same condemned, as is provided under the general law for the condemnation of private property for said purpose.

Water-mains, etc.

Electric wires, etc.

Right to condemn land.

SEC. 5. It shall be lawful for the president and directors, their agents, superintendents, engineers or any others in the employ of the corporation, to enter at all times, with the consent of the owner, upon all lands or water for the purpose of exploring and making surveys of the works and lines for the transmission of power of the company and locating the same, doing no unnecessary damage to private property.

Right to enter land to explore and make surveys.

SEC. 6. That said corporation shall have the right, power and authority, as soon as they deem practicable, to proceed to locate the works of the said company, and may change the said location from time to time if they consider it expedient to do so; also, to construct and maintain canals, railroads, tram-ways, plank roads, stone roads or turnpikes and bridges, and to equip them with boats, rolling stock, and to operate boats and vehicles by electricity, water motors or compressed air, on the water or any or all of said roads, or to use the traction engine and automobile; also, to construct, maintain and operate telegraph or telephone lines on poles or under ground, as may be most expedient and with such apparatus as may be necessary, and shall likewise have the right, power and franchise to charge such tolls, fares or fees or compensation as is reasonable for the use, service or travel over the said canal, roads, turnpikes or bridges, telegraph or telephone lines as it may erect, construct or operate.

Location of works.

Right to construct railroads, tram-roads, etc.

Other powers.

SEC. 7. That the corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the manufacture of any kind of material they shall choose, either wood-working, silk, cotton, linen, hemp, woolen or any other textile industry they may see fit; also steel, iron, leather or any other material, and sell its merchandise at will or pleasure, or may create, maintain or

Right to manufacture.

lease any flouring mill, saw-mills or any kind of mills or buildings, machine shops or private dwellings and other business premises, and may maintain them as may be necessary to carry on its business.

Right to supply power, etc.

SEC. 8. That said company is authorized and empowered to supply to the public, including both individuals, companies and corporations within the counties of Davie, Forsyth, Rowan and Davidson, and at any other point in the State of North Carolina and elsewhere power in the forms of electric current, hydraulic, pneumatic and steam pressure, or any of the said forms, and in any or all other forms for use in driving machinery and for light, heat and all other uses to which the power so supplied can be made applicable, and to fix, charge, collect and receive payment therefor, and the said company is authorized and empowered to establish distributing points at any place in the State of North Carolina, and to construct and equip lines for the transmission of power by the most practicable route, either above or under the ground, as the company may determine, from the company's plant to the place of distribution.

Capital stock.

SEC. 9. That the capital stock of the corporation shall not be less than ten thousand dollars, and may be increased from time to time to any additional amount by the issue and sale of shares of preferred or common stock, or both, upon such terms and conditions and under such regulations as the board of directors, with the approval of a three-fourths majority of the stockholders, whose stock is paid up in full and who have received a full paid-up certificate of stock, shall prescribe, to an amount not exceeding one hundred and twenty-five thousand dollars, and the company is authorized to increase its capital stock from time to time as may be desired by amending its charter in the office of the Secretary of State by paying the taxes and fees as prescribed in section 96, chapter 2, Public Laws 1901, of the State of North Carolina. The par value of every share of stock shall be one hundred dollars; and the

Par value of shares.

Payment of subscriptions.

corporate first and after the election of directors, then the directors, with like approval of the stockholders, may receive cash, labor, material, bonds, stock, contracts, personal and real property in payment of subscriptions to the capital stock in such manner or amounts and at such times as may be agreed upon with the subscribers, and whenever one hundred shares shall have been subscribed to, and the sum of one hundred dollars paid in cash or property, the subscribers under the direction of a majority of the corporate hereinbefore named, who themselves shall be subscribers, and should any of the corporate heretofore named, after receiving written notice for five days, refuse to subscribe, then one or more of the corporate who do subscribe, with the subscribers beforementioned, may organize the said company by electing a board of directors that shall consist of not less than three or more than nine, and the directors shall

Organization

Directors.

elect a president, vice-president, secretary, treasurer, general manager, and such other officers as may be necessary for the control and management of the business of the said company, and therefrom they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this State. Every subscriber to or holder of the stock of the said company shall be liable for the debts of the company only to an amount equal to the amount unpaid on the stock subscribed for and held by him in said company, and no more.

Officers.

Individual liability.

SEC. 10. A part of the works of the said company may be constructed without completing its entire works, and the said works may be operated and electric current may be transmitted and delivered, and charges may be collected therefor, notwithstanding the entire works of the company have not been completed.

Operation of part of works.

SEC. 11. That the directors and stockholders and incorporators, their successors or assigns, shall not be individually or personally liable or responsible for the acts, debts, liabilities, contracts, engagements, defaults, commission or torts of the corporation, or for any claim, payment, loss, injury, transaction, matter or thing whatsoever related to or connected with the company, and no stockholder shall be liable to pay for more than he subscribed for.

Individual liability.

SEC. 12. That the principal place of doing the business of said company shall be in Salisbury, North Carolina. All the annual meetings of the stockholders shall be held at that place, unless the stockholders shall unanimously agree on another place, and all the regular meetings of the board of directors.

Principal place of business.

SEC. 13. That all property of the company shall be liable for taxes under the general law of the State of North Carolina.

Taxation.

SEC. 14. Any one or more of the corporators may call a meeting of the corporators and subscribers at Salisbury, North Carolina, for the purpose of organizing the corporation, electing directors, etc., etc., as soon as the terms stated under section 9 of this chapter have been complied with, giving at least five days' notice in writing to the corporators and subscribers of the time and place and purpose of the meeting. At this meeting the corporators who are shareholders, with all the other shareholders, may choose not more than nine or less than three persons from among the shareholders as directors of the company, three of whom shall always constitute a quorum. The directors shall be elected annually thereafter by ballot at some stated time agreed upon at the organization of the company, and the action of no called meeting of the board of directors shall be binding upon the company unless all the directors receive five days' notice of said meeting. All vacancies in the board of directors shall be filled by the remaining directors until the next annual meeting. At all stockholders' meetings each share shall be entitled to one vote, and no person not a shareholder shall be per-

First meeting.

Election of directors.

Voting power.

- mitted to vote as a proxy the shares of a shareholder. The stockholders of the corporation shall have full power to make all by-laws, rules and regulations, not provided by law for the government of the affairs of the company, for meetings, calls upon stock subscribed and for the enforcement of such calls by forfeitures of stock or otherwise. The board of directors shall fix the salaries of all of the elected officers of the company and the amount of the bond to be given by the treasurer.
- By-laws.
- Salaries.
- Public act.
- Prima facie evidence.
- Conflicting laws repealed.
- SEC. 15. That this act shall be deemed and taken as a public act, and a copy of any by-laws or regulations of the corporation, under its corporate seal and purporting to be signed by the president and vice-president, shall be received as a *prima facie* evidence for or against the corporation in any judicial proceeding.
- SEC. 16. That all laws or parts of laws in conflict with this act are hereby repealed, and this act shall be in force from and after its ratification.
- In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 585.

AN ACT TO REPEAL CHAPTER 462, PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

Chapter 462, Public Laws 1899, repealed. Relative to drainage of lands in Rutherford county.

SECTION 1. That chapter 462 of the Public Laws of eighteen hundred and ninety-nine, entitled "An act to amend section six of chapter two hundred and thirty-five, Laws of eighteen hundred and eighty-nine," be and the same is hereby repealed.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 586.

AN ACT TO AMEND CHAPTER 214 OF THE LAWS OF 1893, RELATIVE TO THE DUTIES OF CORONERS.

The General Assembly of North Carolina do enact:

Chapter 214, Public Laws 1893, relative to coroners amended.

SECTION 1. That chapter 214 of the Public Laws of North Carolina, passed at its session of 1893, be amended by inserting between the word "inquests" and the word "and" in line 16 of section 5, "Except in counties in this State where the Coroner is a physician and surgeon."

Applicable only to Buncombe county.

SEC. 2. This act shall apply only to Buncombe County.

SEC. 3. That this act shall be in effect from and after date of ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 587.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WAYNE COUNTY TO MAKE APPROPRIATION FOR THE RELIEF OF MRS. ROSALIA COHN.

WHEREAS, the late Samuel Cohn, a citizen of Wayne County, came to his death by reason of a defective bridge across Stevens' Mill-pond in said county, on the 9th day of April, 1902, leaving surviving him Rosalia Cohn, his widow, and a number of children in needy circumstances: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the county of Wayne be and they are hereby authorized and empowered to pay out of the funds of the said county to the said Rosalia Cohn such sums as in their judgment would relieve the necessities of the said Rosalia Cohn and her children.

Board of county commissioners authorized to make payment to Rosalia Cohn out of county funds.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 588.

AN ACT TO CHANGE THE TIME OF HOLDING COURT IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one (1) of chapter twenty-eight (28) of the Public Laws of 1901 be also amended by striking out all reference to the time of holding courts in Burke County, as found on page 174 of the Public Acts from the eleventh (11) to the sixteenth (16) lines, both inclusive, and inserting in lieu thereof the following words: "Burke County on the fifth Monday after the first Monday in March, and the thirteenth Monday after the first Monday in September, each to continue for two weeks, and to be for the trial of both criminal and civil cases, and there shall be a grand jury at

Chapter 28, Public Laws 1901, amended.

Time of holding courts in Burke county changed.

Separate terms for civil and criminal cases.

each of said terms; and on the thirteenth Monday after the first Monday in March and the fifth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil causes exclusively, and there shall be no grand jury at either of said terms.

This act in effect,
when.

SEC. 2. That this act shall be in force on and after the first day of July, A. D. 1903.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 589.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF SPIRITUOUS, VINOUS OR MALT LIQUORS WITHIN TWO MILES OF THE MOUNT AIRY GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Unlawful to manu-
facture or sell
liquor.

Prohibited
territory.

Penalty for viola-
tion.

Proviso, druggists.

Place of delivery
deemed place of
sale.

Conflicting laws
repealed.

SECTION 1. That it shall be unlawful for any person or persons to manufacture, sell or give away, directly or indirectly, any spirituous, vinous or malt liquors within two miles of the graded (public) schools in the town of Mount Airy, Beulah M. E. Church, the Primitive Baptist Church at Crooked Oak, Edmonds' School-house near S. L. Edmons', Union Primitive Baptist Church, Oak Grove Baptist Church, School-house at Union Hill, Pine Hill Friends' Church, White Rock School-house, Martin's School-house in Franklin Township, Copeland Baptist Church. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at the discretion of the court: *Provided*, that this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors by druggists for sickness, upon the written prescription of a legally qualified physician having such sick person under his charge.

SEC. 2. That the place of delivery shall be adjudged to be the place of sale.

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.

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

CHAPTER 590.

AN ACT TO PREVENT OVERCHARGES AND CERTAIN OTHER ABUSES OF RAILROADS AND OTHER CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That no railroad company, steam-boat company, express company or other transportation company or corporation engaged in the carriage of freight, no telegraph company or telephone company doing business in this State shall demand, collect or receive from any person, firm or corporation, for any service rendered or to be rendered in the transportation of property or transmission of messages, more than the rates appearing in the printed tariff of said company in force at the time such service is rendered, or more than is allowed by law.

Charges of railroad, steam-boat, express companies, etc., and telegraph and telephone companies regulated.

SEC. 2. That in case of any overcharge, contrary to section one (1) of this act, the person, firm or corporation aggrieved may file with any agent of the company collecting or receiving greater compensation than the amount allowed in section one (1), a written demand, supported by a paid freight bill and an original bill of lading or duplicate thereof for refund of overcharge, a maximum period of sixty days shall be allowed any company or corporation to pay claims filed under this section. That any company or corporation failing to refund such overcharge, within the time allowed for such refundment, shall forfeit to the party aggrieved the sum of twenty-five (\$25) dollars for the first day and five (\$5) dollars per day for each day's delay thereafter until said overcharge is paid, together with all costs incurred by the party aggrieved: *Provided*, the total forfeiture shall not exceed one hundred (\$100) dollars.

Procedure in case of overcharge.

Penalty for failure to refund overcharge.

Proviso.

SEC. 3. That it shall be unlawful for any railroad company, steam-boat company, express company or other transportation company doing business in this State, to omit or neglect to transport any goods or merchandise received by it and billed to or from any place in this State for shipment, for a longer period than four days after the receipt of same, unless otherwise agreed upon between the company and the shipper; or unless the same be burned, stolen or otherwise destroyed, or to allow any such goods or merchandise to remain at any intermediate point more than forty-eight (48) hours, unless otherwise provided for by the Corporation Commission. Each and every company violating any provision of this section shall forfeit to the party aggrieved the sum of twenty-five (\$25) dollars for the first day and five (\$5) dollars for each and every day of such unlawful detention thereafter, in case such shipment is made in car-load lots, but in less quantities the forfeiture shall be \$12.50 for the first day and \$2.50 for each succeeding day: *Provided*, the forfeiture shall not be collected for more than thirty days.

Unlawful to fail to ship or to delay en route.

Penalty.

Proviso.

Railroad or other transportation company appropriating coal, etc., to notify owner, etc.

Penalty for failure to notify.

Conflicting laws repealed.

SEC. 4. That if any railroad or other transportation company doing business in this State finds it necessary, in order to prevent delays in the transportation of freight or passengers, to take possession of coal, wood or other fuel not its own property and convert it to its own use without an agreement with the owner thereof, it shall notify such owner within three days of such taking and shall, within a period of thirty days, pay for such coal, wood or other fuel at the invoice price at place of shipment, plus ten per cent. (10 per cent). Should the transportation company fail to notify the consignee within such three days or pay for said coal, wood or other fuel at the invoice price at place of shipment, plus ten (10) per cent. as above provided, within thirty (30) days after converting the same to its own use, it shall forfeit to the party aggrieved the sum of twenty-five (\$25) dollars for the first day of failure to notify such consignee of such appropriation of said fuel, or their failure to pay for the same, and five (\$5) dollars for each day thereafter in which they shall fail to notify such consignee or pay for the same.

SEC. 5. That all laws in conflict herewith are hereby repealed, and that this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 591.

AN ACT TO PROTECT THE WILD DEER IN CLAY AND OTHER COUNTIES.

The General Assembly of North Carolina do enact:

Misdemeanor to chase wild deer with dog.

Prima facie evidence.

Applicable only to Clay, Graham, Macon and Swain counties.

SECTION 1. That it shall be a misdemeanor, punishable in the discretion of the court, for any person or persons to chase wild deer with dog or dogs.

SEC. 2. That it shall be *prima facie* evidence of the guilt of the person whose dog or dogs are found in pursuit of any wild deer: *Provided*, this act shall apply to the counties of Clay, Graham, Macon and Swain only.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 592.

AN ACT TO REPEAL CHAPTER FIVE HUNDRED AND SIXTY-THREE, PUBLIC LAWS NINETEEN HUNDRED AND ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and sixty-three (563), Public Laws of North Carolina nineteen hundred and one (1901), be and is hereby repealed.

Chapter 563, Public Laws 1901, relative to board for selection of list-takers for Camden county repealed.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 593.

WHEREAS, in the extension of one of the streets of the town of Spring Hope, county of Nash, State of North Carolina, one of its streets crosses an old graveyard or burial ground, leaving two or three graves in said street; and whereas, the said town of Spring Hope has located a nice cemetery for the burial of its dead; and whereas, it is necessary to remove the dead bodies from the graves in said street to said cemetery:

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the town of Spring Hope shall have power to cause the dead bodies located in said street to be removed to said cemetery at the cost of said town.

Removal of dead bodies authorized.

SEC. 2. That the said board shall provide that the said graves, when the bodies have been removed to said cemetery, shall be properly marked.

New graves to be properly marked.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 594.

AN ACT TO SECURE PROPER SUPERVISION OF AND PAYMENT OF TAXES BY ALL INSURANCE COMPANIES, ASSOCIATIONS AND ORDERS.

The General Assembly of North Carolina do enact:

Every insurance company, association, order, etc., to pay certain fees, etc., to Insurance Commissioner.

SECTION 1. That every insurance company, association or order, as well as every bond, investment, dividend, guarantee, registry, title guarantee, debenture or such other like company (not strictly an insurance company as defined in the general insurance laws) shall be licensed and supervised by the Insurance Commissioner and pay all licenses, taxes and fees as prescribed in the insurance laws of the State for the class of company, association or orders to which they may belong.

Special provisions, exemptions, etc., in charters, when repealed.

SEC. 2. That no provision in any act or charter, public or private, shall have the effect of relieving any company, association or order of any such supervision as is prescribed for the class of companies, associations or orders of like character, or of releasing them from the payment of such licenses, taxes and fees as are prescribed for companies, associations and orders of the same class; and all such special provisions or exemptions are hereby repealed and suspended.

Unlawful for Insurance Commissioner to license companies, when.

SEC. 3. It shall be unlawful for the Insurance Commissioner to grant or issue [a license] to any company, association or order, or agent for them claiming such exemption from supervision by his department and release for the payment of license, fees and taxes.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 595.

AN ACT TO AMEND CHAPTER 55 OF THE LAWS OF 1901, ABOLISHING THE OFFICE OF STANDARD-KEEPER IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Chapter 55, Public Laws 1901, amended, Standard-keeper for Gaston county abolished.

SECTION 1. That section one of chapter 55 of Public Laws of 1901 be and is hereby amended by adding after "Northampton" in line 4 of said section the word "Gaston."

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 596.

AN ACT TO AMEND CHAPTER 419, PUBLIC LAWS OF 1899,
RELATING TO COTTON SEED WEIGHER FOR TOWN OF
FRANKLINTON.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and nineteen (419) of the Public Laws of 1899 be amended by striking out in line one of section three the word "six" and inserting in lieu thereof the word "ten." Former act amended.

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

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

CHAPTER 597.

AN ACT TO CREATE A NEW TOWNSHIP IN NASH COUNTY,
TO BE KNOWN AS DRYWELLS TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township [be] and the same is hereby created in the county of Nash, to be known as Drywells Township, to be formed of a part of Ferrals and Baileys Township, in said county. Drywells township created.

SEC. 2. That the boundary lines of said Drywells Township shall be as follows: Beginning at the Wake-Franklin-Johnston and Nash County line, thence down Walkerson Creek to the Wilson County line to Turkey Creek, thence up said Turkey Creek to the Franklin line, thence with the Franklin line to the beginning. Boundaries.

SEC. 3. That the said Drywells Township shall have all the powers, rights and privileges now granted to townships by law. Powers and privileges.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 598.

AN ACT TO REPEAL CHAPTER 341 OF THE PUBLIC LAWS OF 1891, CHAPTER 431 AND CHAPTER 439 OF THE PUBLIC LAWS OF 1897, RELATIVE TO FISH-WAYS IN THE CATAWBA RIVER.

The General Assembly of North Carolina do enact:

Former laws repealed so far as they affect Mecklenburg and Gaston counties.

SECTION 1. That chapter three hundred and forty-one (341) of the Public Laws of eighteen hundred and ninety-one (1891) and chapter four hundred and thirty-one (431) and chapter four hundred and thirty-nine (439) of the Public Laws of eighteen hundred and ninety-seven (1897) be and the same are hereby repealed, in so far as they apply to the Catawba River in Mecklenburg and Gaston Counties.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 599.

AN ACT TO PROTECT TELEPHONE MESSAGES.

The General Assembly of North Carolina do enact:

Persons wrongfully obtaining knowledge of telephone message and clerks, etc., wilfully divulging same guilty of misdemeanor.

SECTION 1. That any person who wrongfully obtains, or attempts to obtain, any knowledge of a telephonic message by connivance with a clerk, operator, messenger or other employee of a telephone company; or, being such clerk, operator, messenger or other employee, wilfully divulges to any but the persons for whom it was intended, the contents of a telephonic message or dispatch intrusted to him, for transmission or delivery, or the nature thereof, shall be guilty of a misdemeanor.

Penalty.

SEC. 2. That any person so convicted shall be fined or imprisoned, or both, in the discretion of the court having jurisdiction thereof.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 600.

AN ACT TO PROVIDE FOR THE BUILDING AND EQUIPMENT
OF AN AGRICULTURAL BUILDING AT THE A. & M. COL-
LEGE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Agriculture appropriate, from time to time, such amounts as can be spared from its funds, which may not be needed for the legitimate purposes of the department under existing laws and regulations, for the erection and equipment of a suitable agricultural building for the use of the Agricultural and Mechanical College and said department, and, if necessary, to procure additional land adjoining or near the present lands of said College; and if the said board cannot procure such land by purchase, on reasonable terms, it shall have the power to condemn a sufficient quantity of land for said purpose by like proceedings as are now provided by law for condemning land for right of way of railroads. Said building and equipment and land shall not exceed in cost \$50,000: *Provided*, there shall be paid from the State Treasury for maintenance of the Agricultural and Mechanical College no greater sum than ten thousand dollars per annum for two years. And the Agricultural Department, before erecting said building, shall first complete the buildings now begun under their direction: *Provided further*, that this proviso shall not exclude the annual payment of the annual interest on the land scrip fund, which has heretofore been paid to the Agricultural and Mechanical College.

Board of Agriculture authorized to make appropriation for building at A. and M. College.

Right to condemn land

Cost of building.

Proviso.

Building now begun to be first completed.

Proviso.

SEC. 2. That the said agricultural building shall be used for conducting investigations and instructions in respect to milk and beef cattle, diseases of animals, trucking, fruit-growing, commercial fertilizers, diversified farming and other subjects pertaining to practical agriculture.

For what purpose building to be used.

SEC. 3. That erection of said building shall be commenced during the current year, and completed not later than July 1st, 1905.

Beginning and completion of building.

SEC. 4. That said board be and it is hereby authorized to borrow such sums as it may find advisable and necessary for the more speedy erection and equipment of said building, the sums so borrowed to be repaid as soon as practicable from such surplus funds as may accrue to it from time to time: *Provided*, that nothing in this section shall be construed to authorize the Board of Agriculture to pledge the faith and credit of the State for the payment of any sum borrowed under this section.

Authority to borrow money.

Proviso.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 601.

AN ACT TO PROTECT STOCK IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Use of wire fences regulated.

Proviso.

Discretionary power of road supervisors.

Penalty for refusal to comply with this act.

SECTION 1. That every person owning, using or constructing a wire fence along any of the public roads in Caswell County shall place or cause to be placed on the tops of such fence a scantling or piece of timber 2 inches by 4 inches: *Provided*, the provisions above shall not be in force in any township in said county unless so ordered by the board of road supervisors in such township, who are hereby empowered to enforce this act, and such board of road supervisors shall have the discretion and the power to order same on any of the public roads therein, or any part or parts thereof, requiring the placing of such scantling or timber on such fences along or by the side of such roads or parts of roads as in their opinion may be necessary for the protection of stock or the traveling public.

SEC. 2. That any person refusing to so place such scantling or timber and to keep the same as above required, after being notified by such order, shall be guilty of a misdemeanor.

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

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

CHAPTER 602.

AN ACT TO REGULATE THE SALE OF LIQUOR AT JONESBORO AND VASS, IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Prohibition in town of Jonesboro and within one mile of depot at Vass.

Place of delivery construed place of sale.

Any place within above prohibited limits to which any person or company, etc., shall ship or convey liquor construed place of sale.

SECTION 1. That it shall be unlawful for any person, company or corporation to manufacture or barter or sell any spirituous, vinous, malt, fermented or other intoxicating liquors within the corporate limits of the town of Jonesboro, or within two miles thereof, or within one mile of the railroad depot at Vass, in Moore County.

SEC. 2. That the place where delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors is made within the corporate limits of the town of Jonesboro, or within one mile of the railroad depot at Vass, in said county, shall be construed and held to be the place of sale thereof; and any station or other place within the corporate limits of the town of Jonesboro, or within one mile of the railroad depot at Vass, in said county, to which any person, company, firm or corporation shall ship or convey any spirituous, malt, vinous, fermented or other intoxicating liquors, for

the purpose of delivery or carrying the same to a purchaser, shall be construed to be the place of sale: *Provided*, this section shall not be construed to prevent the delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors to druggists in sufficient quantities for medical purposes only, or to legally organized dispensaries.

Delivery to druggists for medical purposes excepted.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 603.

AN ACT TO AMEND SECTION THREE THOUSAND SEVEN HUNDRED AND TWENTY-SEVEN OF THE CODE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and twenty-seven of The Code of North Carolina be and the same is hereby amended by striking out the word "fifteen" therein and inserting the words "two thousand" thereof.

Salary of Superintendent Public Instruction increased.

SEC. 2. This act shall be in force from and after the expiration of the present term of office of the Superintendent of Public Instruction of North Carolina.

When act in force.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 604.

AN ACT TO AMEND SECTION 3315 OF THE CODE, THE SAME BEING THE SHERIFF'S OATH.

The General Assembly of North Carolina do enact:

SECTION 1. That section 3315 of The Code, oath number thirty-five, be amended by striking out all after the word "directed" in line six "thereto."

Line 6 amended.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 605.

AN ACT TO AMEND CHAPTER 150 OF THE PUBLIC LAWS OF 1883 IN REGARD TO THE TIME OF CERTAIN SHERIFFS SETTling WITH THE STATE TREASURER.

*The General Assembly of North Carolina do enact:*Rockingham
county stricken
out.

SECTION 1. That chapter 150 of the Public Laws enacted by the General Assembly at the session of 1883 be amended by striking out the word "Rockingham" whenever it occurs in said chapter.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 606.

AN ACT FOR THE RELIEF OF N. T. DRAKE OF WILSON COUNTY.

*The General Assembly of North Carolina do enact:*Allowed to peddle
things of his own
manufacture
without license.

SECTION 1. That N. T. Drake, an aged and infirm ex-Confederate soldier of Wilson County, be and he is hereby allowed to peddle goods, wares and merchandise and drugs and medicine of his own manufacture, without paying the license tax required by law.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 607.

AN ACT TO AMEND CHAPTER TWENTY-EIGHT, LAWS OF 1901, IN RELATION TO THE SUPERIOR COURT OF COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*March term made
two weeks term.

SECTION 1. That the Superior Court provided for by chapter twenty-eight, Laws of 1901, for the county of Columbus, beginning on the sixth Monday after the first Monday in March, shall be a two weeks term and shall continue for two weeks, unless the business is sooner disposed of.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 608.

AN ACT TO FACILITATE THE TAKING OF DEPOSITIONS
WITHIN THE STATE IN AID OF SUITS WITHOUT THE
STATE.*The General Assembly of North Carolina do enact:*

SECTION 1. That in addition to the remedies already prescribed by law, a party to an action, suit or special proceeding, civil or criminal, pending in a court without the State, either in the United States or any of the possessions thereof, or any foreign country, may obtain, by the proceedings prescribed by this act, the testimony of a witness, and in connection therewith the production of books and papers within the State to be used in the action, suit or special proceedings.

Right to obtain testimony and evidence within the State to be used in suits pending without.

SEC. 2. That where a commission to take testimony within the State has been issued from the court in which the action, suit or special proceeding is pending, or where a notice has been given, or any other proceeding has been taken for the purpose of taking the testimony within the State pursuant to the laws of the State or country wherein the court is located, or pursuant to the laws of the United States or any of the possessions thereof, if it is a court of the United States, any Justice of the Supreme Court or Judge of the Superior Court shall, in a proper case, on the presentation of a verified petition, issue a subpoena to the witness, commanding him to appear before the commissioner named in the commission, or before a commissioner within the State, for the State, Territory or foreign country in which the notice was given or the proceeding taken, or before the officer designated in the commission, notice or other paper by his title or office, at a time and place specified in the subpoena, to testify in the action, suit or special proceeding. If the witness shall fail to obey the subpoena, or refuse to have an oath administered, or to testify or to produce a book or paper pursuant to a subpoena, or to subscribe his deposition, the Justice or Judge issuing the subpoena shall, if it is determined that a contempt has been committed, prescribe punishment as in case of a recalcitrant witness under chapter 14 of The Code of North Carolina and any amendments thereto.

Proceedings to procure the testimony of a witness within the State or the production of papers to be used as evidence in cases without the State.

Penalty for failure or refusal of subpoenaed witness to do any act required for above purpose.

SEC. 3. The petition prescribed by this act must state generally the nature of the action or proceeding in which the testimony is sought to be taken, and that the testimony of the witness is material to the issue presented in such action or proceeding, and shall set forth the substance of or have annexed thereto a copy of the commission, order, notice, consent or other authority under which the deposition is taken. In case of an application for a subpoena to

Petition prescribed in this act, what necessary and requisite therein and thereto.

compel the production of books or papers, the petition shall specify the particular books or papers, the production of which is sought, and show that such books or papers are in the possession of or under control of the witness and are material upon the issues presented in the action or special proceeding in which the deposition of the witness is sought to be taken. Unless the Justice or Judge is satisfied that the application is made in good faith to obtain testimony within the provisions of this act, he shall deny the application. Where the subpoena directs the production of books or papers, it shall specify the particular books or papers to be produced, and shall specify whether the witness is required to deliver sworn copies of such books or papers to the commissioner or to produce the original thereof for inspection, but said books and original papers shall not be taken from the witness. This subpoena must be served upon the witness at least two days, or, in case of a subpoena requiring the production of books or papers, at least five days before the day on which the witness shall be commanded to appear. A party to an action or proceeding in which a deposition is sought to be taken, or a witness subpoenaed to attend and give his testimony, may apply to the court issuing said subpoena to vacate or modify such subpoena. Upon proof by affidavit that a person to whom a subpoena was issued has failed or refused to obey such subpoena, to be duly sworn or affirmed, to testify or answer a question or questions propounded to him, to produce a book or paper which he has been subpoenaed to produce, or to subscribe to his deposition when correctly taken down, the said Justice or Judge shall grant an order requiring such person to show cause before him, at a time and place specified, why he should not appear, be sworn or affirmed, testify, answer a question or questions propounded, produce a book or paper, or subscribe to the deposition, as the case may be. Such affidavit shall also set forth the nature of the action or special proceeding in which the testimony is sought to be taken, and a copy of the pleadings or other papers defining the issues in such action or special proceeding, or the facts to be proved therein. Upon the return of such order to show cause, the said Justice or Judge, as the case may be, shall, upon such affidavit and upon the original petition and upon such other facts as shall appear, determine whether such persons should be required to appear, be sworn or affirmed, testify, answer the question or questions propounded, produce the books or papers, or subscribe to his deposition, as the case may be, and may prescribe such terms and conditions as shall seem proper. Upon proof of a failure or refusal on the part of any person to comply with any order of the court made upon such determination, Justice or Judge, as the case may be, shall make an order requiring such person to show cause before him, at a time and place therein specified, why such person should not be

Denial of application.

Subpoena for production of books or papers, what to specify.

When subpoena must be served.

Application to vacate or modify subpoena.

Proceedings in case person subpoenaed fails to do anything requisite to furnish evidence under subpoena.

Affidavit that such person has failed or refused, what to contain.

Proceedings upon return of order of Judge to person to appear and show cause why he shouldn't do what he failed or refused to do.

Upon proof of failure or refusal, proceedings.

punished for the offense as for a contempt. Upon the return of the order to show cause, the questions which arise must be determined as upon a motion. If such failure or refusal is established to the satisfaction of the Justice or Judge before whom the order to show cause is made returnable, the Justice or Judge, as the case may be, shall enforce the order and prescribe the punishment as hereinbefore enacted.

Questions arising upon return of order, how determined.

Justice or Judge to enforce order and prescribe punishment.

SEC. 4. That the commission herein provided for shall not proceed to act under and by virtue of his appointment until the party seeking to obtain such deposition has deposited with him a sufficient sum of money to cover all costs and charges incident to the taking of the deposition, including such witness fees as are allowed to witnesses in this State for attendance upon the Superior Courts, and from such deposit said commission shall retain whatever amount may be due him for services, pay such witness fees and other costs that may have been incurred by reason of taking such deposition, and if any balance remains in his hands he shall pay the same to the party by whom it was advanced.

Provisions for payment of costs.

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

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

CHAPTER 609.

AN ACT TO REGULATE ATTENDANCE UPON PUBLIC SCHOOLS IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all the white children of Camden County between the ages of eight and fourteen years shall attend school for at least twelve weeks during each scholastic year.

Compulsory attendance of white children between 8 and 14 years.

SEC. 2. Any parent or guardian who permits a child to violate the foregoing section shall be guilty of a misdemeanor, and upon conviction shall be fined one dollar for every week said child lacks of attending school for the prescribed time.

Misdemeanor for parent or guardian to permit violation. Penalty.

SEC. 3. All public school-teachers shall, at the end of their school terms, report to the County Board of Education, through the County Superintendent, the names of all children in their respective districts who fail to comply with the provisions of this act.

Public school teachers to report names of children failing to attend as required.

SEC. 4. That the County Board of Education may bring action before any justice of the peace for recovery of fine mentioned in section two.

Fine (Sec. 2), action for, by whom brought.

SEC. 5. That this act shall be in force from and after July 1st, 1903.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 610.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SWAIN COUNTY TO APPLY SURPLUS TAX MONEY TO THE PAYMENT OF OUTSTANDING DEBTS.

The General Assembly of North Carolina do enact:

Application of surplus collected under chapter 107, Public Laws 1897, and chapter 351, Public Laws 1899.

SECTION 1. That the County Commissioners of Swain County are hereby authorized and empowered to use any moneys collected under chapter 107, Public Laws of 1897, or chapter 351 of Public Laws of 1899, remaining in the treasury, if any, after outstanding debts and interest coupons, as prescribed in said acts, have been paid, for the discharge of any debts created since the passage of said acts.

Not applicable to taxes of 1902 and 1903.

SEC. 2. That this act shall apply to the taxes levied for the years 1902 and 1903.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 611.

AN ACT TO SELL THE STATE'S INTEREST IN THE BOONE AND BLOWING ROCK TURNPIKE COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Interest to be sold and proceeds invested.

SECTION 1. That the interest of the State of North Carolina in the Boone and Blowing Rock Turnpike Company be sold as hereinafter provided, and the sum realized from such sale be invested as herein directed.

Commissioners to represent State, make sale, receive and invest moneys.

SEC. 2. That for the purpose of making such sale, W. C. Coffey, T. P. Adams and John C. Jones of Watauga County be and they are hereby appointed commissioners to represent the State and to make the sale of the State's interest in said Turnpike Company, and to receive the moneys arising from such sale and invest the same as hereinafter provided.

SEC. 3. That said commissioners shall, on or before the first day of July, 1904, cause to be advertised in the "Watauga Democrat," a newspaper published in said county of Watauga, a notice setting forth that said commissioners will, on the day fixed, not to be more than thirty days nor less than twenty days from the first advertisement, sell for cash the State's interest in said company as herein provided, said notice to appear at least in three issues of said paper, and name the place, hour and condition of such sale.

Advertisement of sale.

SEC. 4. That on the day of sale pursuant to the advertisement made, said commissioners shall sell at public auction, to the highest bidder or bidders, for cash, the State's interest in said Turnpike Company; such sale shall be made as follows: Five shares of the State's interest in said company to be sold at a time until the same shall be exhausted, but if the stock is not exhausted by sale of five shares at a time, and there should be a residue of less than five shares, then the commissioners to sell such residue as the other stock.

Provisions and regulations for sale.

SEC. 5. That said commissioners shall, on receiving the purchase money of stock sold above, issue to such purchaser a certificate of sale, which shall entitle such holder to an interest in the Boone and Blowing Rock Turnpike Company, and such person shall become a stockholder in said company to the extent of the shares he owns by virtue of his purchase, and be entitled to the same privileges and advantages enjoyed by any of the other stockholders in the same, and at the next meeting of the company after such sale the president and other proper officers of the company shall, upon presentment by the purchaser of his certificate aforesaid from the commissioners, issued to such purchaser or purchasers, certificates of stock to the extent of shares he shall be entitled to under the same.

When purchase money paid commissioners to issue certificate of sale.

Powers and rights of purchaser.

SEC. 6. That the commissioners provided for in section two of this act are hereby directed to invest the proceeds of the sale of the State stock in the said Boone and Blowing Rock Turnpike Company in stock of any turnpike company that may be organized under the laws of the State of North Carolina for building a turnpike road from the town of Boone, in Watauga County, to the Tennessee line at Zionsville, in said county: *Provided*, that before the said commissioners shall pay the money arising from the sale herein provided for, there shall be subscribed and secured to the new company stock to the amount of one thousand dollars.

Certificates of stock, when to issue to purchasers.

Proceeds of sale of State stock, how invested.

SEC. 7. That upon the payment of the money herein provided for by this act to the new company, the said company shall issue to the State of North Carolina the amount of stock that it may be entitled to according to the amount paid.

Upon investment as provided, company to issue proportional amount of stock to State.

SEC. 8. That if no new company is formed, as contemplated in this act, for the purpose of building a turnpike road from Boone to Zionsville, in the County of Watauga, for the space of twelve months

If new company not formed as contemplated within 12 months money

to be turned into
State treasury.

from the said sale of the State's interst in said road, the money arising from the sale provided for in this act shall be turned into the Treasury of the State by the commissioners hereinbefore mentioned.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 612.

AN ACT TO AMEND CHAPTER 558 OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

Lines 10 and 11,
section 3, amended.

SECTION 1. That chapter 558 of the Public Laws of 1901, entitled "An act to provide for the sale of property for taxes," be amended by striking out the words "which shall make the lowest bid for such advertising" in lines ten and eleven in section 3.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 613.

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND FIFTY OF THE PUBLIC LAWS OF NINETEEN HUNDRED AND ONE IN REGARD TO TOWN ELECTIONS.

The General Assembly of North Carolina do enact:

Line 6, section 5,
amended relative
to holding town,
city or special
elections.

SECTION 1. That section five of chapter seven hundred and fifty of the Public Laws, enacted by the General Assembly at the session of nineteen hundred and one, be amended by adding after the word "selected" and before the word "at" in line six the words "and of the time of the election."

Line 1, section 12,
amended.

SEC. 2. That section twelve of said act be amended by inserting after the word "printed" and before the word "upon" in line one the words "or written."

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 614.

AN ACT TO LEGALIZE ALL SPECIAL SCHOOL ELECTIONS
IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all special school tax elections held in North Carolina under and by authority of section 72, chapter 4, Acts 1901, Public Laws of North Carolina, be and the same are hereby declared to be valid and legal in all respects. Elections under section 72, chapter 4, Public Laws 1901, validated.

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

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

CHAPTER 615.

AN ACT TO PREVENT THE DEPREDACTION OF DOMESTIC
FOWLS IN WINSTON TOWNSHIP, FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and forty-five of the Public Laws of nineteen hundred and one be and the same is hereby amended as follows: Add between the words "County" and "Edgecombe," in line four of said chapter, the words "and Winston Township, in Forsyth County." Chapter 645, Public Laws 1901, made applicable to Winston township, Forsyth county.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 616.

AN ACT TO PROTECT TELEPHONE AND ELECTRIC LIGHT
WIRES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to negligently and carelessly cut or fell any tree or any limb or branch therefrom in such a manner as to cause the same to fall upon and across any telephone wire or electric light wire, and from which any injury to such wire shall be occasioned. That all persons Misdemeanor to injure telephone or electric light wire by felling tree across.

Penalty.

Disposition of
penalty.

guilty of the violation of this section shall be guilty of a misdemeanor, and shall also be liable to a penalty of \$50 for each and every offense, and the same, upon collection, shall be paid to the county school fund.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 617.

AN ACT TO PROHIBIT THE SHOOTING OF RIFLES ACROSS THE WATERS OF DARE COUNTY.

The General Assembly of North Carolina do enact:

Shooting rifle
across Dare
county waters un-
lawful.
Exception.
Violation a mis-
demeanor.
Penalty.

SECTION 1. That it shall be unlawful for any person to shoot a rifle across the waters of Dare County, except East Lake Township.

SEC. 2. Any person violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10) dollars and not exceeding fifty (\$50) dollars, or imprisoned not less than ten days and not exceeding thirty days.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 618.

AN ACT TO AMEND "AN ACT FOR THE BETTER GOVERNMENT OF CATAWBA COUNTY," RATIFIED ON THE 17TH OF FEBRUARY, 1903.

The General Assembly of North Carolina do enact:

Line 1, section 1,
amended.

SECTION 1. That H. B. 1024, S. B. 662, ratified February 17th, 1903, be amended by striking out the name "A. A. Shuford" in line one of section one thereof and inserting instead the name "J. D. Elliott."

Secretary of State
to certify copy of
amendment.

SEC. 2. That within ten days after the ratification of this act the Secretary of State, under the Great Seal of State, shall certify and send copy of same to J. U. Long, chairman of the Board of Commissioners of Catawba County, who shall, as soon thereafter as practicable, cause notice of same to be served on J. D. Elliott by the Sheriff of said county.

Notice from chair-
man County Com-
missioners to J. D.
Elliott.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 619.

AN ACT TO ESTABLISH LIBRARIES IN THE PUBLIC SCHOOLS OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The County Board of Education of Edgecombe County shall have power to purchase books to the value of ten dollars, each year for not more than three years, for any school in the county having funds sufficient to run it for five or more months during those years in which purchase for said books is made.

Board of Education, power to purchase books, annual amount, for what schools, etc.

SEC. 2. Books purchased under the provisions of this act shall be selected by the County Superintendent and paid for out of the funds of the school for which they are purchased, by an order drawn on said school fund by the chairman and secretary of said Board of Education.

Books, by whom selected and how paid for.

SEC. 3. Libraries established under this act shall be subject to the rules and regulations governing libraries for the public schools in rural districts under the Acts of 1903.

Rules and regulations governing libraries under this act.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 620.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-ONE, PUBLIC LAWS OF 1901, RELATING TO WORKING OF PUBLIC ROADS IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section six, chapter two hundred and eighty-one, Public Laws of 1901, be amended as follows: After the word "repair" in line three of said section add the words "*Provided*, that no overseer shall work the hands allotted to him more than twelve days in any one year, unless in case of great damage by floods or otherwise, rendering the roads impassable."

Number of days overseer may work hands.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 621.

AN ACT IN RELATION TO WORKING THE PUBLIC ROADS
OF CLAYTON TOWNSHIP, JOHNSTON COUNTY, AND IN-
CREASING THE TAX FOR THAT PURPOSE.*The General Assembly of North Carolina do enact:*

Johnston County
Commissioners au-
thorized to levy
special road tax
for Clayton town-
ship.

Amount of tax.

Payment of tax
exempts from lia-
bility to work
roads.
Employment of
labor by super-
visor.

SECTION 1. That the Commissioners of Johnston County are hereby authorized and empowered to levy a tax upon the property and polls in Clayton Township, Johnston County, for the purpose of maintaining the public roads in said township, of thirty-three and a third (33 1-3) cents upon the one hundred dollars valuation of property and one dollar upon the poll; and every person paying the tax so levied upon his property and poll, if liable for poll tax, shall be exempt from liability to work upon said roads.

SEC. 2. That the road supervisor having charge of the roads of Clayton Township may, in case he deems it advantageous to do so, employ free labor to work upon said roads.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 622.

AN ACT TO PROHIBIT THE PLACING OF OBSTRUCTIONS IN
CONTENTNEA CREEK, IN THE COUNTIES OF WILSON AND
GREENE.*The General Assembly of North Carolina do enact:*

Unlawful to ob-
struct more than
one-third distance
across Contentnea
creek against
passage of fish or
rafts.

Same applicable
to fishing devices.

SECTION 1. That it shall be unlawful for any person, persons, firm or corporation to place, keep or maintain in Contentnea Creek, and may be known as Moccasin River, in the counties of Wilson and Greene, any obstruction whatever to the free passage of fish and water, and the rafting of timber which shall extend more than one-third of the distance across the stream.

SEC. 2. That it shall be unlawful for any person, persons, firm or corporation to place in said stream any fish traps, reel or any other fishing device now existing or may hereafter exist that would cause the obstruction referred to in section 1 to extend more than one-third the distance across said stream. This act further provides that no fish trap, reel, nor any other fishing device shall be placed in said creek at any place where now exists a complete or partial obstruction until a portion of same be removed, the remain-

ing obstructions not to extend more than one-third the distance across said stream. This act provides further that on removal or abandonment of any fish trap, reel or any other fishing device, that the hedgings and fastenings for same be or caused to be removed immediately by the party constructing same.

On abandonment of fishing device, hedgings or fastenings to be removed.

SEC. 3. That this act nor any part thereof shall interfere with any one fishing in said creek with gill nets: *Provided*, that same shall not extend more than two-thirds the distance across said creek and not to be attached to any other obstructions.

Not applicable to gill nets extending across two-thirds of creek.

SEC. 4. Any one violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction therefor shall be fined not less than five nor more than twenty-five dollars, one-half of which shall go to the informer, the other half to the public school fund of the county in which the offense was committed.

Violation of act a misdemeanor. Penalty.

One-half to informer, other to school fund.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 623.

AN ACT TO AMEND SECTION 3841 OF THE CODE.

The General Assembly of North Carolina do enact:

SECTION 1. That section 3841 of The Code be amended as follows: Strike out the word "two" in line 7 of said section and insert in lieu thereof the word "four."

Weights and measures to be tested every four years instead of two.

SEC. 2. That this act shall apply to Camden and Currituck Counties only.

Where applicable.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 624.

AN ACT IN RELATION TO THE POWERS OF THE COMMISSIONERS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of New Hanover County are hereby authorized and empowered, upon the payment of the State and county license tax required by law, to

Provisions for issuing liquor license to resort hotels.

Period covered by license.

Conflicting laws repealed.

issue to the resort hotels in said county a liquor license or licenses for the period of six months at the rate named by law, said license to be good for and to cover the period from May first to October first.

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.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 625.

AN ACT FOR THE RELIEF OF V. B. DAVIS, REGISTER OF DEEDS OF MADISON COUNTY.

WHEREAS, V. B. Davis, Register of Deeds of Madison County, North Carolina, did on or about the 22d day of November, 1902, issue a marriage license for the marriage of a girl under the age of eighteen years, after making inquiry, though possibly not so fully as required by sections 1814 and 1816 of The Code, which marriage license was issued for the marriage of Daniel Corn to Carrie Smith, daughter of David Smith; and whereas, the said license was issued by the said Register of Deeds after having duly administered the proper oath to the said Daniel Corn, the applicant therefor: Now, therefore,

The General Assembly of North Carolina do enact:

Released from penalties for issuing marriage license to persons under age.

SECTION 1. That V. B. Davis, Register of Deeds of Madison County, North Carolina, be and he is hereby released from any and all penalties that may attach to him for failure heretofore to comply with the requirements of any one or more or all of said sections of The Code.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 626.

AN ACT TO PROVIDE FOR HOLDING MUNICIPAL ELECTIONS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Appointment of municipal registrars and judges by boards of election.

SECTION 1. That the several boards of elections shall, in their respective counties, have the same power and authority to appoint registrars and judges of election in the incorporated cities and towns

of North Carolina that they now have and exercise in the appointment of registrars and the appointment of registrars and judges for the several election precincts of their respective counties; and it shall be the duty of said board on or before the first day of April preceding every succeeding municipal election, to appoint registrars and to provide, when in their discretion they shall deem it necessary, for a new registration of voters in every voting precinct of said municipalities for the elections to be held on the first Monday or Tuesday in May of each year, and before said day or days to appoint judges of elections for each of said precincts under the same rules and regulations as judges are now appointed for the election precincts of the various counties.

New registration.

When to appoint judges.

SEC. 2. That the qualifications of voters in all cities and towns for participation in municipal elections shall be the same as are now required for participation in the election of members of the General Assembly, independent of any provisions to the contrary in the charter of any such town or city.

Qualifications of electors.

SEC. 3. That the provisions of this act shall only apply to Chowan County.

Applicable to Chowan county only.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 627.

AN ACT TO AMEND CHAPTER 453 OF THE PUBLIC LAWS OF 1899 RELATING TO THROWING SAWDUST IN THE WATERS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and fifty-three of the Public Laws of eighteen hundred and ninety-nine be and the same is hereby amended by adding at the close of section one the words: *Provided*, that this act shall not apply to No. 11 Township, in Madison County.

Section 1 amended.

Not applicable to No. 11 township, Madison county.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 628.

AN ACT FOR THE RELIEF OF MRS. C. M. McLEAN, ADMINISTRATRIX OF C. M. McLEAN, LATE SOLICITOR OF THE 7TH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

State Treasurer to
pay Mrs. C. M.
McLean \$180.

For what purpose.

SECTION 1. That the Auditor audit and draw his warrant on the State Treasurer in favor of Mrs. C. M. McLean, administratrix of C. M. McLean, for the sum of one hundred and eighty dollars, and that the Treasurer pay the same out of any money in the Treasury not otherwise appropriated, in payment of the compensation allowed by law for attendance upon the Criminal Courts held for the counties of Robeson and Cumberland during the years 1900 and 1901, as shown by the certificates of the Clerks of the said Criminal Courts.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 629.

AN ACT TO ABOLISH NEEDLESS TERMS OF THE SUPERIOR COURT IN MITCHELL COUNTY

The General Assembly of North Carolina do enact:

Chapter 28, Public
Laws 1901,
amended.

Part relating to
Mitchell county
struck out.
Times for holding
courts in Mitchell
county changed.
Length of terms.

SECTION 1. That chapter 28, Public Laws 1901, be amended by striking out under the heading "Thirteenth District," all of that part as relates to Mitchell County, and insert in lieu thereof the following, viz.: Mitchell County, eleventh Monday after the first Monday in March and the tenth Monday after the first Monday in September.

SEC. 2. That each term of the said Superior Court shall continue for a period of *two weeks* for the trial of both criminal and civil cases, unless the dockets are sooner cleared or disposed with under the order of the Court.

SEC. 3. This act shall be in force from and after March 30th, 1903.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 630.

AN ACT TO PREVENT FAST RIDING OR DRIVING OVER THE
PUBLIC BRIDGE ACROSS THE CAPE FEAR RIVER AT LIL-
LINGTON, IN HARNETT COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to ride or drive at a greater speed than a walk over the public bridge across the Cape Fear River at Lillington, in Harnett County.

Unlawful to drive faster than a walk over bridge.

SEC. 2. It shall be the duty of the Board of Commissioners of Harnett County to post a notice of this act at each end of said bridge.

Commissioners to post notices.

SEC. 3. 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.

Violation a misdemeanor. Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 631.

AN ACT TO AMEND CHAPTER 589, PUBLIC LAWS OF 1901,
RELATING TO FISHING IN CAMDEN COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter 589, Public Laws of 1901, be amended by striking out all of said section after the word "river." in line four of said section, and insert in lieu thereof the words "between the fifteenth day of April and the first day of November following in each year: *Provided*, that this act shall not prohibit the catching of eels and herrings in the waters of Camden County at any time."

All after word river in line 4, section 1, stricken out.

Time fishing prohibited changed except as to eels and herrings.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 632.

A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND TWENTY-NINE, LAWS NINETEEN HUNDRED AND ONE, RELATING TO PUBLIC ROADS IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Provides for payment of money in lieu of four days' work required on public roads.

SECTION 1. That chapter seven [hundred] and twenty-nine, Laws of nineteen hundred and one, be and the same is hereby amended as follows: That proviso three in section four shall read "That any person may, in lieu of working four days on the public roads, pay on or before the first day of April of each year to the County Treasurer or road supervisor such a sum of money as the Board of County Commissioners may agree upon, not to exceed \$2, and it shall be the duty of said Treasurer or supervisor, upon the receipt of said money or any part thereof, to issue to such person a receipt for the same, stating the amount and year for which the same is paid."

Duty of treasurer or road supervisor on receipt of money.

Section 5 amended.

SEC. 2. That the words "sentenced to work on the public roads of the county for not less than ten nor more than twenty days" be and the same is hereby stricken from the end of section five of said act.

Line 21, section 7, amended.

SEC. 3. That line twenty-one of section seven be amended to read "to any justice of the peace in the county in which such persons reside."

Section 11 amended.

SEC. 4. That section eleven be amended by striking out all from the word "by" in the fifth line in said section to the word "by" in sixth line.

Section 15 amended.

SEC. 5. That section fifteen be amended by striking out all from the word "power" in third line to the word "to" in the fourth line.

Applicable to Warren county only.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 633.

AN ACT TO PROHIBIT HUNTING AND FISHING IN CERTAIN TOWNSHIPS IN THE COUNTY OF JOHNSTON WITHOUT THE CONSENT OF THE OWNER.

The General Assembly of North Carolina do enact:

Unlawful to hunt or fish on lands of another in certain

SECTION 1. That it shall be unlawful to hunt with or without gun or dog or fish in any manner on the lands of another in the

townships of Banner, Meadow, Bentonsville and Ingrams, in the townships without consent of owner.
county of Johnston, without the consent of the owner.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five (\$5) dollars, said fine to go to the public school fund of said county. Violation a misdemeanor.
Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 634.

AN ACT SUPPLEMENTAL TO AN ACT TO AUTHORIZE THE TRUSTEES OF LEXINGTON TOWNSHIP TO ISSUE BONDS, RATIFIED THE FIFTH DAY OF MARCH, A. D. ONE THOUSAND NINE HUNDRED AND THREE.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled An act to authorize the trustees of Lexington Township to issue bonds, ratified on the fifth day of March, Anno Domini one thousand nine hundred and three, be and the same is hereby amended as follows: Strike out section seven-
Section 17 stricken out and new section inserted.
teen and insert in lieu thereof the following:

SECTION 17. That said board of trustees may and they are hereby authorized and directed to extend the building of macadamized roads herein provided for from the court-house of Davidson County in four different directions over four leading highways, but no one of said roads shall be built further than three and one-half miles from said court-house until all other main thoroughfares proposed to be so worked are macadamized an equal distance, unless such road or roads touch the township line within a shorter distance. This does not prohibit the board from omitting to macadamize any part of said roads which in their judgment does not need macadamizing, or the working of same might with benefit be deferred until roads more urgent are macadamized; nor shall it prohibit said board from beginning the work on any of said roads at any point within said three and one-half miles from said court-house, where in their judgment it is most practicable and will facilitate and cheapen the work. All highways diverging from said four public roads leading from the court-house shall not be improved out of the funds herein provided for within the corporate limits of Lexington, nor shall others be extended or built therein out of said funds. Macadamizing roads from court-house.
Directions in which macadamized.
Distance limit of macadamizing each road.
Discretion of trustees in macadamizing and point of beginning.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903. Provision as to diverging highways.

CHAPTER 635.

AN ACT TO CHANGE THE JULY TERM OF SUPERIOR COURT
FOR SWAIN COUNTY.*The General Assembly of North Carolina do enact:*

Section 18, chapter
29, Public Laws
1901, amended.

Drawing grand
jury for July term
discretionary.

SECTION 1. That section eighteen (18) of chapter twenty-nine (29) of Public Laws 1901 be and the same is hereby amended by striking out all of said section after the word "weeks" in line five and insert in lieu thereof the following: *Provided*, that the Board of County Commissioners of Swain County may, when the public interest requires it, decline to draw a grand jury for the July term.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 636.

AN ACT TO AMEND CHAPTER 28 OF THE ACTS OF 1901.

The General Assembly of North Carolina do enact:

What cases stand
for trial at the one
week's term in
Nash county.

SECTION 1. That at the one week's term provided for the county of Nash in said act, no civil suit shall stand for trial except divorce cases and appeals from justices' judgments: *Provided*, that these shall not prevent the submission of any issue to the jury by consent, or whether there is no objection thereto.

Conflicting laws
repealed.

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

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 637.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND NINETY-
SIX (696), PUBLIC LAWS 1899.*The General Assembly of North Carolina do enact:*

Incorporation of
Beaver Dam and
Asbury churches,
Beaufort county,
repealed.

SECTION 1. That chapter 696, Public Laws of 1899, be amended by striking out all of line eleven in said chapter.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 638.

AN ACT TO AMEND CHAPTER 763, PUBLIC LAWS OF 1901, RELATING TO THE COMPULSORY SCHOOL LAW IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section 2, chapter 763 of the Public Laws of 1901, entitled "An act to compel attendance in the public schools in Mitchell County," be and the same is hereby amended by adding at the end of said section the following words: "And it shall be the duty of the teacher or the principal of the public school to make report at the end of each month to the school committee of the district in which he or she is teaching, the names of all parents or persons *in loco parentis* who wilfully refuse to send their children to school, and it shall be the duty of the school committee of the district to take immediate steps to enforce the penalty prescribed in said section against any parent or person *in loco parentis* found guilty of wilfully refusing to send their children to school."

Section 2 amended.
Teacher to report to district school committee monthly names of parents or persons "in loco parentis" refusing to send children to school.

Committee to enforce penalty.

SEC. 2. That section 3 of said chapter be and the same is hereby amended by inserting after the word "fund" and before the word "Provided," in line 8 the following words: "The County Superintendent of Public Schools of Mitchell County, on the second Monday in July in each year, shall furnish to the various school committees of said county 'blanks' for the census reports, required in section 20 of the general school law, and the school committees are required to furnish said reports, sworn to, to the Superintendent of Schools on or before the first Monday in August of each year. And it shall be the further duty of the several school committees of said county, at the time of taking the census of the children as aforesaid, to personally visit each family, by one or more of their number, and ascertain the name, age and sex of each child whose parents are too poor to purchase the necessary school books, and report the same to the County Superintendent on or before the first Monday in August of each year." And it shall be the duty of said County Superintendent at once to proceed to comply with section 3, chapter 763, Public Laws 1901.

Line 8, section 3, amended.

Blanks for census report.

Committees to furnish superintendent sworn reports.

Personal visits to families by committees. What to ascertain and report.

Duties of superintendent on receipt of report.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 639.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO REGULATE PUBLIC ROADS IN CRAVEN COUNTY."

The General Assembly of North Carolina do enact:

Act to apply to any township on application of majority of qualified voters.

SECTION 1. That whenever a majority of the qualified voters of any township in said county shall petition the Board of Commissioners of the county to adopt for said township chapter 50 of the Public Laws of 1901, entitled "An act relating to highways, public roads, bridges, ferries and fords," the said Commissioners shall forthwith cause said law to apply to said township in manner provided in an act ratified on the 23d day of January, 1903, by the General Assembly of North Carolina; and said chapter 50 of the Laws of 1901 shall, upon the filing of said petition and adoption of said act, apply with all laws amendatory thereto to such township.

Any of original act in conflict with above section repealed.

SEC. 2. That so much of an act entitled "An act to regulate public roads in Craven County," ratified January 23d, 1903, in conflict with the provisions of section one hereof in allowing the adoption of said law on petition of twenty-five freeholders, be and the same is hereby repealed. And said words "twenty freeholders" are hereby stricken out and the words "majority of the qualified voters of any township" inserted in lieu thereof.

Original act amended as to number of petitioners.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 640.

AN ACT TO PROTECT FISH IN WATAUGA RIVER AND ITS TRIBUTARIES IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to catch fish in certain portions of Watauga river or tributaries for three years.

SECTION 1. That it shall be unlawful for any person or persons to catch any fish in Watauga River, in Watauga County, or any of its tributaries anywhere above the ford of said river just above Valle Crucis Methodist Church, on White Oak Flat road, for a period of three years from the ratification of this act. And after the expiration of said three years it shall be unlawful for any one person to catch more than fifteen fish in any one day, and no rainbow trout under 8 inches long and no mountain trout under 7 inches long shall be kept out of water when caught.

Restrictions on daily catch and size of fish after three years.

SEC. 2. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined ten dollars for each and every offense, two dollars to go to the informer and the balance to the public school fund of the county, or imprisoned not less than ten days.

Violation a
misdemeanor.

Penalty.

Part to informer.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 641.

AN ACT TO PROVIDE FOR THE RESTORATION AND PRESERVATION OF THE CASWELL MONUMENT AT KINSTON, NORTH CAROLINA.

WHEREAS, the Caswell Monument at Kinston, N. C., has been greatly damaged by fires, and will in short time, unless restored and preserved, fall into absolute ruin: Therefore, be it resolved, and

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of one thousand dollars be and the same is hereby appropriated, to be paid by the Treasurer of the State of North Carolina, to the Caswell Memorial Association, to be used in repairing, restoring and preserving the Caswell Monument at Kinston, N. C.

\$1,000 appropriated
to repair, restore
and preserve Cas-
well monument.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 642.

AN ACT TO AMEND CHAPTER 666, LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 666 of the Public Laws of 1901 be and the same is hereby amended by adding to section 1 thereof the following: *Provided*, that in all cases where the title to any timber or tree, or the right to cut and remove the same during a term of years, is claimed by any party to such action, and the fee of the soil or other estate in the land by another or others, whether party to the action or not, the time within such timber or trees may be

Former act
amended.

Cutting of timber
trees pending
action to try title.

cut or removed by the party claiming the same, and all other rights acquired in connection therewith, shall not be affected or abridged, but the running of the term shall be suspended during the pendency of such action.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 643.

AN ACT TO APPROPRIATE ONE HUNDRED (\$100) DOLLARS TO REPAIR AND FURNISH THE CROATAN NORMAL SCHOOL BUILDING, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Appropriation for
Croatan school
building.

SECTION 1. That the sum of one hundred (\$100) dollars be and the same is hereby appropriated, from any funds in the State Treasury, for the purpose of ceiling and providing seats for the Croatan normal school building, in Robeson County.

Expenditure of
same.

SEC. 2. That the expenditure of the money appropriated in this act shall be under the discretion of the school board of Robeson County.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 644.

AN ACT TO SECURE COMPULSORY SCHOOL ATTENDANCE IN THE CITY OF WASHINGTON.

The General Assembly of North Carolina do enact:

Compulsory school
attendance.

SECTION 1. All parents, guardians or other persons in the city of Washington, situated in the county of Beaufort, who lawfully have the care, custody or control of children between the ages of seven and sixteen years, shall cause such children regularly to attend a school where instruction is given at least in the common school branches, defined in section 37 of the Public School Law of North Carolina, as follows:

Every such child between the ages of seven and twelve years shall attend some school as many days annually as the public graded schools of the city of Washington are in session, at the same period. Every such child between the ages of twelve and fourteen years shall attend annually some school at least one hundred days during the school year then current, which shall be consecutive, except for the holidays, vacations and detentions by sickness, which holidays, vacations and detentions shall not be counted as a part of the one hundred days; and every such child shall, in addition to the one hundred days, attend some school, when not regularly and lawfully engaged in some useful employment or service, as hereinafter provided for. Every such child between the ages of fourteen and sixteen not regularly and lawfully engaged in useful employment or service, as hereinafter provided for, shall attend some school as many days annually as the public graded schools of the city of Washington are in session. The superintendent of the public graded schools of the city of Washington, upon the application of a parent or guardian, shall have authority to excuse a child from the required attendance upon a satisfactory showing by the parent or guardian either that the bodily or mental condition of the child does not permit his or her attendance, or that the labor of the child is absolutely necessary to the support of some one having a just and lawful claim upon the child, or that the child has completed satisfactorily to the said superintendent the above mentioned common school branches, or that the child is being instructed at home by a person qualified, in the opinion of the said superintendent, to teach the said common school branches. Upon the refusal of the said superintendent to grant such excuse, appeal may be made to the Board of School Trustees of the City of Washington, whose decision in the matter shall be final. Every person having under his or her control a child, as described in this section, who fails for twenty daily sessions within any period of five months to cause such child, while under his or her control, to attend school as is required of such child, shall, upon the complaint of the superintendent of the public graded schools, or of an attendance officer hereinafter provided for, and upon conviction thereof be punished by a fine of not less than one dollar and not more than twenty dollars for each and every offense, which fines shall be paid into the school fund of the city of Washington. Whoever induces or attempts to induce a child to absent himself or herself unlawfully from school, or employs or harbors a child who is absent unlawfully, shall be punished by a fine of not less than two dollars and not more than fifty dollars for the benefit of the school fund of the city of Washington.

SEC. 2. Every person who engages in the business of teaching school in the city of Washington shall keep an accurate record of the name, residence, age, sex and daily attendance of every pupil

School ages and attendance required.

Superintendent may excuse children, when.

Appeal from action of superintendent.

Person having control of child failing to send him to school punished, when.

Penalty.

Person inducing child to absent himself punished.

Accurate record to be kept.

Reports to be made to superintendent.	under his or her instruction, and also an accurate record of the name of the parent or guardian of every such pupil. Such record shall at all times be open to the inspection of the superintendent of the public graded schools or of the Board of School Trustees of the City of Washington. Every such person shall report in writing to the said superintendent the name, residence, age, sex of every child under his or her instruction, and also the name of the parent or guardian of every such pupil, immediately upon the enrollment of the pupil, and shall also report in writing to the said superintendent on the first and fifteenth day of each month from the first day of October to the first day of June in each year, unless oftener required by him, the names of the absentees with the dates of the absences. Blank forms for such reports shall be prepared by the superintendent, furnished by the Board of School Trustees of the City of Washington. Failure or refusal to comply with the requirements of this section shall be punishable by a fine of not more than twenty dollars, which shall be paid into the school fund of the city of Washington.
Blank forms, how prepared and furnished.	
Penalty.	
Police force may be used.	SEC. 3. To aid in the enforcement of this act the services of the regular police force of the city of Washington, or of any one or more of them, shall be used as designated by the Board of School Trustees of the City of Washington, and, while acting in this capacity, they shall be known as attendance officers. The attendance officers shall have authority to enter work-shops, stores, factories and all other places where children may be employed, and do whatever may be necessary in the enforcement of this act. The attendance officers are authorized to arrest, upon warrant issued by the Mayor of the city of Washington, upon verified complaint, any child who, according to the provisions of section one of this act, is unlawfully absent from school, and to conduct such child to the school which he or she has been attending, or which his or her parent or guardian wishes him or her to attend, or deliver him or her into the custody of his or her parent or guardian. The attendance officer shall institute proceedings against any parent, guardian, person, firm or corporation violating any provision of this act, and shall perform such other services as the Board of School Trustees of the City of Washington may deem necessary to secure the good conduct and good attendance of the school children of the said city and to enforce this act. The Board of School Trustees of the City of Washington shall determine how many and what members of the regular police force of the said city shall act as attendance officers, shall determine whether compensation shall be paid for such service and shall fix the amount. The superintendent of the public graded schools is hereby vested with the authorities of an attendance officer, which he may exercise at his pleasure or at the direction of the Board of School Trustees of the City of Washington.
Police force to be known as attendance officers. Authority and duties of attendance officers.	
School trustees to select attendance officers.	
Compensation.	
Authority of superintendent.	

SEC. 4. Any child between the ages of seven and sixteen years who is wilfully absent from school contrary to the requirements of section one of this act shall be deemed a truant, and shall be arrested upon warrant by an attendance officer and dealt with as provided in section three of this act.

Arrest of truants.

SEC. 5. It shall be unlawful for any person, firm or corporation to employ any child under sixteen years of age while the public graded schools of the city of Washington are in session, unless his or her employer first procures and keeps on file, accessible to the inspection of the attendance officers, an age and schooling certificate. This said age and schooling certificate shall include a statement by the parent or guardian of such child, under sixteen years of age, who desires employment, showing the age of such child, and a statement by the superintendent of the public graded schools of the city that the child can read and write legibly simple sentences in the English language. The form for the age and schooling certificate shall be prepared by the said superintendent and furnished in blank by the Board of School Trustees of the City of Washington. Whenever such child under sixteen years of age leaves employment the age and schooling certificate shall be returned to him or her by the person, firm or corporation employing him or her. Whoever employs a child under sixteen years of age while the public graded schools of the city of Washington are in session shall keep on record the name, age, sex and residence of each such child, and the day on which such employment begins, and shall, on or before that date, file a copy of such record with the superintendent of the public graded schools. The attendance officers shall have authority to enter and inspect factories, work-shops and mercantile establishments for the purpose of ascertaining whether the provisions of this act and the following sections are being violated. Any person, firm or corporation who violates any provision of this section, or fails to perform any act herein required of such person, firm or corporation, or refuses to aid a lawful officer in carrying out the provisions of this act, shall be fined not less than one dollar nor more than twenty dollars, for the benefit of the school fund of the city of Washington.

When unlawful to employ children under sixteen years old

Age and schooling certificate.

Form for same.

Duty of employees.

Attendance officers may enter and inspect factories, etc.

Penalty for violation.

SEC. 6. Upon sworn complaint by the superintendent of the public graded schools of the city of Washington, or by the chairman or any member of the Board of School Trustees of the City of Washington, or by an attendance officer, before the Mayor of the said city, that any person, firm or corporation is employing or receiving the services of any child, which child under the provisions of this act is required to attend some school at such time; or that any person, firm or corporation is employing or using the services of a child under the age of sixteen years who cannot write legibly and read intelligently simple sentences in the English language; or that any per-

Persons etc., improperly using child labor, how proceeded against.

Child labor
regulated.

son, firm or corporation is employing or using the services of any child under twelve years of age in any factory, work-shop or mercantile establishment; or that any person, firm or corporation is employing or using the services of any child under fourteen years of age, between the hours of seven in the evening and six in the morning; or that any parent or guardian is permitting his or her child or ward to be employed contrary to the provisions of this act, the said Mayor shall issue his warrant against such person, firm or corporation and place the same in the hands of an attendance officer; and if, upon the hearing of the same the said Mayor shall find and adjudge the defendant person, firm or corporation guilty, such person, firm or corporation shall pay a fine of not less than two nor more than fifty dollars for the benefit of the school fund of the city of Washington, and shall be guilty of a misdemeanor.

Penalty.

Fines and
misdemeanors.

SEC. 7. All acts herein prohibited are made punishable by a fine, and all failures to perform acts herein required of any officer, person, firm or corporation are adjudged unlawful, and the performance of such prohibited acts and the failure to perform such required acts is made a misdemeanor.

Jurisdiction of
mayor.

SEC. 8. The Mayor of the city of Washington is hereby vested with jurisdiction to issue warrants and processes for the apprehension and trial of all offenders under this act.

SEC. 9. This act shall be in force from and after the 1st day of July, nineteen hundred and three.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 645.

AN ACT TO PROHIBIT FISHING IN YADKIN ELK CREEK, IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to fish,
etc.

SECTION 1. That it shall be unlawful for any person or persons to catch any fish in any of the waters of Yadkin Elk Creek or any of its tributaries in Watauga County, for a period of three years.

Penalty for viola-
tion.

SEC. 2. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined fifteen dollars, two dollars of said fine to be paid to the informer, and in case of failure to pay said fine shall be imprisoned not exceeding ten days.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 646.

AN ACT TO AUTHORIZE A COURT STENOGRAPHER FOR
CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the resident Judge of the Third Judicial District is authorized to appoint for the Superior Courts of Craven County a stenographer, whose duty it shall be, after having been duly sworn as an officer of the court, to take down stenographically all evidence orally given before the courts in the trials of all actions, criminal and civil, and the charge of the court to the jury, and all other matters and things which, under the order and direction of the court may be, in the discretion of the court, pertinent and material to all proceedings pending in said court; and said stenographer shall cause such evidence to be forthwith transcribed and type-written in time to furnish such type-written matter to the Judge, and, if requested, to the counsel of each side of such actions, in time and in order that the evidence so transmitted may be used by the Judge in his charge and by counsel in their argument. And all such type-written notes shall be verified and signed by the stenographer; and that the Judge may direct such stenographer to read such evidence to the jury in lieu of the charge upon the facts, and in lieu of stating such evidence as now required by Judges in their charge to the jury; that so soon as said action shall be disposed of, in all cases the notes of said stenographer shall be filed with the Clerk of said Court, and the type-written evidence and charge deposited with the record of such action; and in event of an appeal from any such action the evidence, exceptions of counsel and charge of the Court, after being verified by the said stenographer and signed by him, after being approved and signed by the Judge, shall constitute the case on appeal: *Provided*, the same rules of practice and procedure as to making up cases on appeal as now provided by law. That all copies of any matter taken by such stenographer as may be required by Judge or counsel shall be furnished free of charge.

Appointment of stenographer for Superior Courts of Craven county authorized.
Oath of office.

Duties.

Reading of evidence by stenographer in lieu of the charge upon the facts.

Stenographer's notes, etc., to be filed with clerk.

Appeal.

Proviso.

Salary of stenographer.

SEC. 2. That the salary of such stenographer shall not exceed twenty-five dollars per week, or fractions thereof, for the time actually employed in such service, and said fees shall be taxed in all cases as other fees are now taxed, and the Clerk shall apportion to each case a just and proper proportion of such salary, in order that the cases heard in each week shall contribute sufficient costs in excess of all insolvent or pauper cases, to pay such salary in full and the cost due the Clerk for his services, which shall be 10 per cent. on receipts and 10 per cent. for disbursing said fund, which shall be held and distributed by him to said stenographer as allowed upon voucher of the Judge presiding.

Compensation of clerk.

Duty of
stenographer.

SEC. 3. That said stenographer shall employ, out of the salary allowed, a type-writer or type-writers sufficient to transcribe all stenographic notes, in order to meet the requirements of this act.

Use of a jury room.

SEC. 4. That one of the jury rooms now used in the court-house may be used by such stenographer and type-writer during the sessions of said courts.

Applicable only to
Craven county.

SEC. 5. That this act shall apply only to the county of Craven, and shall become operative from and after the ratification of this act.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 647.

AN ACT TO PROVIDE FOR THE ATTENDANCE OF CHILDREN IN THE SCHOOLS OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Compulsory school
attendance.

SECTION 1. That any parent, guardian or other person in Macon County having the control of any child or children between the ages of eight (8) and sixteen (16) years shall be required to send such child or children to some public or private day or night school for children, annually for a period equivalent to at least three-fourths of the public school term in the district in said county wherein said child or children may reside, subject to such exceptions as to children, places of attendance and schools as are provided for in section five of this act.

Parent, etc., failing
to comply, etc.,
guilty of a
misdemeanor.

SEC. 2. That any parent, guardian or other person in said county failing to comply with the provisions of section one of this act shall be guilty of a misdemeanor, and shall, upon conviction, be fined or imprisoned in the discretion of the court.

Teachers to keep
record of school
attendance.

SEC. 3. That it shall be the duty of every public school-teacher in Macon County to keep a strict record of the attendance of all children between the ages of eight and sixteen years residing within the bounds of his or her school district who shall be enrolled upon the census report as students in said district, and to report the same to the Board of Education of said county annually at the close of the public school term. Said report shall be made out upon blanks to be furnished the teachers by the Board of Education of said county, and shall include:

Reports to board
of education.
Contents of report.

(1) The name of every child between the ages of eight and sixteen years, residing within said district, who shall fail to attend some public or private day or night school for the length of time

provided for in section one of this act, together with the name of the parent, guardian or other person having control of such child or children.

(2) A statement of the actual length of time during which said child shall have failed to attend school as required by this act.

(3) A statement as to whether said parent, guardian or other person having control of said child or children shall have been excused from the penalties of this act as provided in section five of this act. Every report made by a teacher by virtue of this act shall be duly verified upon oath by the teacher making the same.

Report to be
verified.

SEC. 4. That it shall be the duty of the Board of Education of Macon County to certify said reports each year to the next ensuing term of the Superior Court of said county for the trial of criminal cases after said reports are so made and the Clerk of said Court shall furnish the Solicitor with said reports, and it shall be the duty of the Solicitor of the district to draw and send bills to the grand jury against all persons who shall violate any of the provisions of this act.

Duty of board of
education to certify
to Superior Court.

SEC. 5. That this act shall not apply in any case where the child has been or is being taught at home in such branches as are taught in the public schools for the length of time required in section one of this act, or whose physical or mental condition renders his or her attendance impracticable, or who shall be excused by the public school committee of the township or district in which the parent, guardian or other person having control resides, upon its being shown to their satisfaction that the parent, guardian or other person having control was not able, on account of poverty, to clothe such child properly, or that he or she has already acquired the ordinary branches required by law, or that there is no white school, in the case of white children, or colored school, in the case of colored children, within two miles by the nearest traveled road.

This act not appli-
cable in what
cases.

SEC. 6. That any parent, guardian or other person in Macon County having control of any child or children who, with intent to evade any of the provisions of this act, shall wilfully make any false statement as to the age of such child or children, or as to the reasons why such child or children fail to attend school, shall be guilty of a misdemeanor, and shall, upon conviction, be fined or imprisoned in the discretion of the court.

Evasion of this
act by parent, etc.,
how punished.

SEC. 7. That the Board of Education of Macon County are hereby authorized to appropriate annually for each township in said county, out of the public school fund of said county, the sum of twenty (\$20) dollars, or so much thereof as may be necessary, to provide books for any child or children in said township in cases where the parent, guardian or other person having control of such child or children shall, on account of poverty, be unable to provide such child or children with the necessary books. Said appropriation shall

Appropriation for
books.

be made upon the recommendation of the school committee of the township or district wherein the parent, guardian or other person having control resides, endorsed by the County Superintendent of Schools.

The foregoing not to take effect until ratified by vote.

SEC. 8. That the provisions of sections one, two, three, four, five, six and seven of this act shall not go into effect until a majority of the voters voting at an election to be held by virtue of section nine of this act shall declare themselves in favor of the said provisions of this act.

Petition for election on compulsory attendance.

SEC. 9. That upon the written petition of as many as one hundred of the qualified voters of Macon County, asking that an election be called to vote on the question of compulsory attendance upon the schools of said county, it shall be lawful for and the duty of the Board of Commissioners of said county to call an election according to the prayer of the petition, at such time as said board may designate, and submit the question of compulsory attendance on the schools, as provided for in this act, to the qualified voters of Macon County.

Petition, etc., to be recorded.

SEC. 10. That the aforesaid petition, together with the names of all the signers thereof, shall be recorded in the minutes of the said board, and the original petition or petitions shall be filed in the office of the Register of Deeds of Macon County.

Notice of election.

SEC. 11. That it shall be the duty of the Board of Commissioners of said county to have published for four weeks previous to said election, in some newspaper published in said county, a notice giving the day on which said election shall be held and the principal provisions of sections one, two, three, four, five, six and seven of this act.

Election officers.

SEC. 12. That the said Board of Commissioners are hereby authorized and empowered to appoint the registrars and judges to hold said election, and the said board is further authorized and empowered to canvass the returns and declare the result of said election, and the result thereof shall be spread upon the minutes of the said board.

Returns, how certified, etc.

SEC. 13. That it shall be the duty of the registrar and judges of each voting precinct, or a majority of them, to count the votes and cast their respective precincts, and certify to said board the number of votes cast For Compulsory Attendance and the number of votes cast Against Compulsory Attendance.

Election, how conducted.

SEC. 14. That said election shall be held according to the laws and regulations provided for the election of members of the General Assembly, except as herein otherwise provided.

Ballots.

SEC. 15. That at said election each qualified voter of Macon County who shall be in favor of the provisions of sections one, two, three, four, five, six and seven of this act shall be permitted to cast one ballot, upon which shall be written or printed the words For

Compulsory Attendance; and each qualified voter of said county who shall be opposed to the provisions of sections one, two, three, four, five, six and seven of this act shall be permitted to cast one ballot, upon which shall be written or printed the words Against Compulsory Attendance; and no ballot so cast at said election shall fail to be counted by reason of the fact that the paper on which the vote is written or printed is not of any specified color, size or quality.

SEC. 16. That if at said election a majority of the votes cast shall be for compulsory attendance, then the provisions of sections one, two, three, four, five, six and seven of this act shall be in force from and after the first day of July next succeeding the holding of said election; but if a majority of the votes cast shall be Against Compulsory Attendance, then the provisions of sections one, two, three, four, five, six and seven of this act shall be null and void.

Effect of result on this act.

SEC. 17. That any persons who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Violation of this act a misdemeanor.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 648.

AN ACT TO ALLOW THE COMMISSIONERS OF CRAVEN COUNTY TO ALLOW EXTRA COMPENSATION FOR EXTRA SERVICES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Craven County are authorized and empowered to make reasonable allowance for extra and special services rendered the said county under the order and direction of said board by any member of said board, in addition to the compensation allowed such member by law, such allowance to be paid as other expenses of said county.

Extra compensation of members of board.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 649.

AN ACT TO REPEAL THE LAWS CREATING COTTON-WEIGH-
ERS FOR THE CITY OF RALEIGH.*The General Assembly of North Carolina do enact:*Former acts re-
pealed.

SECTION 1. That chapter 372, Laws of 1899, and chapter 151, Laws of 1897, be and the same are hereby repealed.

SEC. 2. This act shall be in force from and after April 6th, 1903.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 650.

AN ACT TO PROTECT DIAMOND-BACK TERRAPINS AND TO
PREVENT THE DIGGING FOR OR SELLING OF SEA-TURTLE
EGGS IN BRUNSWICK COUNTY.*The General Assembly of North Carolina do enact:*Unlawful to catch
diamond-back
terrapins, etc.

SECTION 1. That it shall be unlawful for any person to take, catch or pen diamond-back terrapins in the county of Brunswick, at any time, of a less size than five inches in length upon the bottom shell.

Unlawful to dig
for, etc., sea turtle
eggs.

SEC. 2. That it shall be unlawful for any person to destroy, dig for or sell any sea-turtle eggs in said county.

Penalty for viola-
tion.SEC. 3. 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: *Provided, however,* that none of the provisions of this act shall apply to parties empowered by the State to propagate diamond-back terrapins.

Proviso.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 651.

AN ACT TO ALLOW GEORGE M. LEWIS TO PEDDLE GOODS,
WARES AND MERCHANDISE WITHOUT A LICENSE.*The General Assembly of North Carolina do enact:*George M. Lewis
authorized to ped-
dle without license.

SECTION 1. That George M. Lewis, an ex-Confederate soldier of Pamlico County, be and is hereby allowed to peddle goods, wares

and merchandise in any of the counties of the State without a license therefor.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 652.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BURKE AND CALDWELL COUNTIES TO LEVY A SPECIAL TAX TO CONSTRUCT AN IRON BRIDGE ACROSS THE CATAWBA RIVER BETWEEN SAID COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of Burke and Caldwell Counties may levy a special tax, observing the constitutional equation, if said tax be necessary, to construct a bridge across Catawba River between said counties, at their meeting on the first Monday in May, 1903, and if either or both of said counties have sufficient funds on hand to construct said bridge that they are hereby authorized to use the same for this purpose.

Commissioners of both counties may levy special tax.

May use funds on hand to construct bridge.

SEC. 2. That the above named bridge shall cost not exceeding six thousand (\$6,000) dollars, and that each of said counties of Burke and Caldwell shall divide the cost of constructing the same equally.

Cost of bridge.

To be divided equally between counties.

SEC. 3. That all laws in conflict with this are hereby repealed, and this act shall be in force from and after its ratification.

Conflicting laws repealed.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 653.

AN ACT TO INCORPORATE THE M. E. CHURCH, SOUTH, HATTERAS, N. C.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of the essence of Jamaica ginger, except by druggists who are authorized to sell the same upon prescription of a regular practicing physician, also wines, bitters of all kinds and all

Prohibition within one mile of church.

other intoxicants, within one mile of Hatteras, N. C., M. E. Church, South.

Violation a
misdemeanor.

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

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 654.

AN ACT TO AMEND THE CALLS OF LAND GRANT NUMBER FOURTEEN THOUSAND FOUR HUNDRED AND SIXTY-FOUR (14,464).

The General Assembly of North Carolina do enact:

Authorizing cor-
rection of grant
No. 14464, Rich-
mond county, (not
Scotland.)

SECTION 1. That land grant number fourteen thousand four hundred and sixty-four (14,464), in Richmond County, now that portion of said county that is Scotland County, be and the same is hereby corrected so as to make the calls therein agree with the plat, and the same shall read as follows:

Corrected
boundaries.

A tract of land containing eight and seven-tenths (8.7) acres, lying and being in the county of Richmond, now Scotland, on the waters of Little Shoe Heel Creek, and adjoining the lands of Martha Bullard, Flora McLean and others. Beginning at a light-wood stake, the beginning corner of the Daniel McKay upper one hundred-acre tract and said Martha Bullard's line, it runs with said McKay's line north eighty-five degrees east eleven chains to a stake, the fifth corner of the Gilchrist fifty-acre tract, thence with said Gilchrist line south seventy-six degrees east eight chains to its corner, then as its sixth line south sixteen degrees west twelve chains and thirty links to a corner, then north forty-nine degrees east four chains to the last line of the lower Daniel McKay one hundred-acre tract, then as its line reversed north sixteen degrees east six chains and fifty links to its fourth corner, then with its second line reversed north seventy-six degrees west fourteen chains and forty links to a corner in said line, then north five degrees west to the beginning.

Secretary of State
and Scotland
county register of
deeds to correct
grant on record.

SEC. 2. That the Secretary of State is hereby authorized to correct said grant upon the records of his office, and the Register of Deeds of the county of Scotland, upon presentation to him of a duly certified copy of this act, is hereby authorized to correct said grant upon the records in his office in accordance with this act.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 655.

AN ACT TO PROTECT THE FISH IN LITTLE RIVER, IN JOHNSTON AND WAYNE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or corporation, mill company or any one else to erect or put in any obstruction, such as hedges, wire fences, seines of any kind, hitching up of rafts of saw-logs for more than seventy-two hours at any one time, except when low water makes it impossible for them to be moved, or any obstruction whatever that will hinder the running of white shad or any other fish in the waters of Little River, in the counties of Johnston and Wayne, between J. W. Baker's mill, in Johnston County, to the mouth of said Little River, in Wayne County. Unlawful to obstruct passage of fish in Little river in Johnston and Wayne counties.
Where applicable.

SEC. 2. That any person or persons, firms or corporation violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court. Violation a misdemeanor.
Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 656.

AN ACT TO AMEND CHAPTER 28, SECTION 1 OF THE PUBLIC LAWS OF 1901, RELATING TO THE TIME OF HOLDING THE COURTS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 28, section 1 of the Public Laws of 1901, Section 1 amended. be amended as follows:

After the word "March," in line 1, page 172, add the following: Terms shortened.
 "To continue for one week only for the trial of criminal cases only."
 "Eighth Monday after the first Monday in March, to continue for one week only for the trial of civil cases only." After the word "only"

and before the word "and" in line 2, page 172, insert the following: "To continue for two weeks." After the word "September," and before the word "each" in line three (3), on page 172, insert the following: "To continue for one week only for the trial of criminal cases only, and the twelfth Monday after the first Monday in 'September,' to continue for one week only, for the trial of civil cases only"; and that the words "each to continue for two weeks," in line 3d, on page 172, be stricken out.

Civil and criminal terms divided.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 657.

AN ACT TO INCORPORATE BEULAH HILL BAPTIST CHURCH, IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Corporate name.

SECTION 1. That Beulah Hill Baptist Church, in Mineral Springs Township, Moore County, be and the same is hereby incorporated under the name and style of "Beulah Hill Baptist Church."

Prohibition within three miles.

SEC. 2. That it shall be unlawful to manufacture, sell or otherwise dispose of for gain, any vinous, malt or other liquors or intoxicating bitters within three miles of said church, and 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.

Violation a misdemeanor.

Pénalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 658.

AN ACT TO PROTECT OYSTERS, CLAMS AND TERRAPINS IN THE WATERS OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Unlawful for non-residents to catch shell-fish in Brunswick county.

SECTION 1. That it shall be unlawful for any non-resident to take or catch oysters, clams or terrapins in the waters of Brunswick County.

SEC. 2. That any person or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

Violation a misdemeanor.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 659.

AN ACT TO REGULATE THE KILLING AND TAKING OF PARTRIDGES AND QUAIL IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to trap, net, snare, take or kill partridge or quail by any other means than shooting.

Unlawful to take or kill partridges by other means than shooting.

SEC. 2. It shall be unlawful to shoot partridge or quail or hunt them with a dog or gun from March 1st to November 1st of same year.

Time when unlawful to shoot.

SEC. 3. That all persons who are not *bona fide* residents and citizens of said county are forbidden and prohibited to hunt with dog or gun on the lands of any person in said county without first obtaining the written consent of the owner.

Non-residents of county forbidden to hunt without written consent of owner.

SEC. 4. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars and no more than fifty dollars, one-half to go to the informant.

Violation a misdemeanor.

Penalty.

Half to informant.

SEC. 5. This last act shall apply to county of Beaufort, and shall be in force from and after its ratification.

Applicable to Beaufort county.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 660.

AN ACT TO AMEND CHAPTER 2 OF THE PUBLIC LAWS OF 1901, THE CORPORATION LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That section 2 of chapter 2 of the Public Laws of 1901 be and it is hereby amended by inserting after the word "trustee"

Line 4, section 2, amended.

Line 8, section 2, amended.

Section 19, from "stock" in line 7 to "and" in line 9, stricken out.

Section 55 amended.
Power of one corporation to hold stock, property, and securities of another.

Lines 4 and 5, section 19, amended.
Lines 18 and 19 section 19, amended.

in line four (4) the words "or by any vice-president," and by inserting in line eight (8), after the word "trustee," the words "or by any vice-president."

SEC. 2. That section 19 of said chapter 2 be amended by striking out all after the word "stock" in line seven (7) down to the word "and" in line nine (9).

SEC. 3. Add between sections 55 and 56 of said chapter the following new section: "SEC. 55a. Any corporation may purchase, hold, assign, transfer, mortgage, pledge or otherwise dispose of the shares of the capital stock of, or any bonds, securities or evidences of indebtedness created by any other corporation or corporations of this or any other State, and while owner of such stock may exercise all the rights, powers and privileges of ownership, including the right to vote thereon." Strike out in line four (4), section 19 of said act all the words after the word "he" down to the word "and" in line 5, and add in the line thereof the following: "prescribed by those holding two-thirds of its capital stock outstanding." Strike out all the words in line 18 of said section down to and including the word "provide" in line 19,

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 661.

AN ACT AUTHORIZING THE APPOINTMENT OF A SPECIAL CORONER IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Where vacancy and coroner needed, clerk may appoint special coroner.

SECTION 1. Whenever there is a vacancy existing in the office of Coroner in any county in the State, and it shall be made to appear by the affidavit of some responsible person that the deceased probably came to his death by the criminal act or default of some person or persons, it shall be the duty of the Clerk of the Superior Court before whom the affidavit is made to appoint some suitable person as special Coroner to hold an inquest over the body of the deceased.

Powers, penalties and liabilities of special coroner.

SEC. 2. The special Coroner appointed under the provisions of this act shall be and he is hereby invested with all the powers and duties conferred upon the several Coroners of the State in respect to holding inquest over deceased bodies, and shall be subject to the penalties and liabilities imposed on the said Coroners.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 662.

AN ACT FOR THE PROTECTION OF THE HARBOR-MASTER
OF THE PORT OF WILMINGTON AND FOR THE REGULA-
TION OF VESSELS ENTERING OR LEAVING SAID PORT.*The General Assembly of North Carolina do enact:*

SECTION 1. That the harbor-master of the port of Wilmington be and he is hereby required to keep the channel-way of the Cape Fear River and the track of vessels clear; to berth vessels at appropriate wharves or docks; to change the berth of any vessel at request of owner of wharf or dock; to move such vessels to some other wharf or to a safe anchorage in the stream; and he is further authorized and required to determine in all cases how far and in what instances it is the duty of masters and others having charge of vessels, flats, rafts or crafts to accommodate each other in their respective berths and situations.

Duties of harbor-master.

SEC. 2. That no flats or steam-boats or other craft shall be put in any of the street docks to be repaired, or grounded for the purpose of repair in any of the public docks on the east side of the said Cape Fear River between Church street dock and Red Cross street dock, in the city of Wilmington.

Where vessels forbidden to be put in or grounded for repairs.

SEC. 3. That the owner or owners of any rafts, flats, vessels or other craft lying alongside of any wharf or wharves or before the entrance of any public dock, his or their agents or servants shall, upon notice from the harbor-master, immediately remove the same, and upon his or their refusal so to do, it shall be the duty of the harbor-master, and he is hereby authorized and directed, after notice as aforesaid to the owner or owners thereof, their agents or servants, forthwith to cause all such rafts, flats, vessels or other craft to be removed at the cost and expense of such owner or owners or their agent or agents; and whenever in his judgment it shall be necessary, he shall cast loose any such rafts, flats, vessels or other craft by untying or cutting the lines by which they are made fast.

Provisions for removal of rafts or vessels upon order of harbor-master.

Upon refusal, procedure.

Power to cast loose rafts or vessels.

SEC. 4. That all vessels arriving in the port of Wilmington shall pay to the harbor-master the following fees and no others, to-wit:

Harbor-master's fees.

If over 100 tons and under 300 tons, \$3; if over 300 tons and under 500 tons, \$5; if over 500 tons and under 700 tons, \$7; if over 700 tons, \$10.

SEC. 5. That the harbor-master of the said port of Wilmington be and he is hereby empowered to arrest any person or persons violating this act or any clause or clauses thereof, and in the event of any such arrest it shall be the duty of said harbor-master to immediately bring any such offender or offenders before some justice of the peace of the county in which any such offense may be committed for trial.

Power of harbor-master to arrest violators of this act and bring to trial.

Power of harbor-master to appoint substitute.

SEC. 6. That the harbor-master of said port be and he is hereby empowered to designate and appoint in writing some competent person to act in his place and stead during the temporary absence of the harbor-master, or at such times as the harbor-master is unable to attend to the duties of his said office, and such person so named and designated shall, while acting for such harbor-master, have all the power and authority conferred upon and vested in the harbor-master by this or any other law or laws of the State of North Carolina.

Power and authority of substitute.

Encumbering public docks of Wilmington.
Misdemeanor.
Penalty.

SEC. 7. Any person or persons encumbering either of the public docks of the city of Wilmington with logs, hulks, flats or barges, trash or garbage shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars, and if not removed immediately upon notice from the harbor-master, shall be fined ten dollars for each and every day thereafter such nuisance shall remain. And when the offending person or persons cannot conveniently be found, the harbor-master shall take the most speedy methods to clear the docks.

Provisions for clearing docks.

Interference with or delay of harbor-master in discharge of duty a misdemeanor.
Penalty.

SEC. 8. That any person or persons who shall hinder, delay, obstruct or in any manner wilfully interfere with the harbor-master in the discharge of his duty shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor to violate any part of this act.

SEC. 9. That any person or persons offending against this act or violating any clause or part thereof shall be guilty of a misdemeanor, and upon conviction thereof, where the punishment is not otherwise mentioned or expressed herein, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty.

Conflicting laws repealed.

SEC. 10. That all laws or clauses of laws in conflict with this act are hereby repealed: *Provided, however,* that nothing herein shall be construed or shall act to prevent the commissioners of navigation and pilotage of the port of Wilmington from making and adopting such additional rules and regulations as they may deem necessary, nor shall in any way curtail the general powers granted to them by the laws of this State.

Operation relative to commissioners of navigation and pilotage.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 663.

AN ACT TO INCORPORATE THE STECOAH BAPTIST CHURCH.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to manufacture or sell any spirituous, vinous or malt liquors within a radius of two miles from the Stecoah Missionary Baptist Church and the Free-will Baptist Church, in Stecoah Township, in Graham County.

Prohibition within two miles.

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

Violation a misdemeanor.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 664.

AN ACT TO IMPROVE THE PUBLIC ROADS IN MT. GILEAD TOWNSHIP, IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Montgomery County be and they are hereby authorized, empowered and directed to submit to a vote of the qualified voters of Mt. Gilead Township, in said county, on the first Thursday in August, Anno Domini nineteen hundred and three (1903), the question, "Shall Mt. Gilead Township, in the county of Montgomery, State of North Carolina, issue ten thousand (\$10,000) dollars of its bonds, with interest coupons attached, to repair, make and improve the public roads in said township?" Said Board of Commissioners shall, for at least thirty (30) days preceding said election, give public notice of said election and the purpose thereof by publication in some newspaper published in said county.

Provisions for election on bond issue for road improvement.

Notice of election.

SEC. 2. That said election shall be held and be conducted in the manner prescribed for the election of members of the General Assembly by chapter five hundred and seven (507) of the Public Laws of North Carolina, passed by the General Assembly at its session of eighteen hundred and ninety-nine (1899), ratified the sixth (6th) day of March, 1899: *Provided, however,* that said Board of Commissioners shall appoint the registrars and judges of election and any other officers necessary to said election, and said Board of Commissioners may or may not order a new registration of the voters of said township, and the registration books of the said township

Election, how held.

Appointment of registrar and judges.

New registration. Registration books.

	shall be delivered by the Register of Deeds of said county to the registrars appointed under this act as soon after their appointment
Revision of books.	as practicable, and said registrars shall so revise said registration books as that they may show only the names of persons who are
Registration of voters.	entitled to vote in said townships and shall register all duly qualified voters in said township who may have become entitled to register or vote since the last general election in said county. The
Return of vote and declaration of result.	vote shall be counted at the close of the polls and returned to the said Board of Commissioners on Monday next following said election, and said Commissioners shall tabulate and declare the result of
Record.	said election, all of which shall be recorded in the minutes of said Board of Commissioners, and no other recording and declaration of the result of said election shall be necessary.
Form of ballots.	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 said ballots may be of any size and in any type and on any sort of white paper; all qualified voters who favor the issue of said bonds shall vote "For Good Roads," and all qualified voters who oppose the issue of said bonds shall vote "Against Good Roads."
If election favorable county commissioners to issue bonds.	SEC. 4. In the event that the majority of the qualified voters in said township shall vote "For Good Roads" at said election and the result shall be declared and recorded as aforesaid, the Board of Commissioners of said county shall have prepared and issued bonds
Denominations. Amount.	in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed ten thousand (\$10,000) dollars, and said bonds shall bear the rate of five (5)
Interest.	per centum per annum interest, with interest coupons attached, payable annually on the first day of January during the time of their running, and the principal thereof shall be payable or redeemable at such time or times, not exceeding fifteen (15) years from the date of their issue, as said Board of Commissioners of Montgomery
Maturity.	County may determine. Said bonds and coupons shall be payable at the office of the Treasurer of said county. Said bonds and coupons shall be signed by the chairman of said Board of Commissioners and countersigned by the clerk of said Board of Commissioners, and said
Where payable. How executed.	bonds shall have upon them the seal of said county. Said bonds shall be styled "Mt. Gilead Township Road Bonds," and issue as
Name and style of bonds.	such, and liability for the payment thereof, with the interest as aforesaid, and any other interest on the bonds or coupons, shall be attached to and imposed upon the political division of said county known as Mt. Gilead Township, as constituted at the aforesaid
Mt. Gilead township liable for payment.	election. If any holder of any of said bonds or coupons shall bring any suit on account of the same, said suit shall be against the Board of Commissioners of Montgomery County, and if any holder of such
Suit on bonds, how brought.	shall recover judgment against said Board of Commissioners, said
Judgment, who liable for.	

political division known as Mt. Gilead Township, or that part of said county embraced in said township, shall be liable for any recovery or judgment so obtained, and levies of taxes for the payment of said bonds and coupons and interest accruing upon either, and costs and judgments concerning or about the same shall be made by proper tax levies upon property and subjects of taxation within said township, as constituted at the time of the aforesaid election. And said Board of Commissioners may bring and maintain any such action touching such bonds or in respect thereto as they might do if said bonds were issued by them for the whole of the county of Montgomery.

Tax levy to pay bonds, interest, judgment, etc.
Power of commissioners to maintain action relative to bonds.

SEC. 5. That none of the bonds authorized by this act shall be disposed of in any way for less price than their face value, nor shall said bonds or their proceeds be used for any other purpose than those declared by this act. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bond to which they are attached, the bonds and coupons shall state on their face when they are due and payable, and said bonds shall show by what authority they are issued and what territorial and political division of said county they are issued on account of. The said Board of Commissioners shall have all of their proceedings in respect to said bonds entered in the minutes of their meetings and when any of the same are issued the number of the bond, the denomination, date of issue, to whom issued and the number of the coupon attached must be recorded in said minutes.

Price of bonds at sale.

Bonds and coupons to be numbered consecutively.

Face of bonds, what to state.

Proceedings relative to bonds to be recorded.

SEC. 6. When any of said bonds are sold the proceeds of sale shall be turned over to the County Treasurer of Montgomery 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 a separate account of the same, and said County Treasurer, before any fund provided for in this act shall be paid over to him, shall execute an official bond, payable in the usual manner in a sum at least fifty per cent. greater than the sum which may come into his hands by reason of this act, conditioned for his faithful and safe keeping of the same and rendering true accounts in respect thereto, and in all things holding and disbursing and accounting for the same as required by law, which bond shall be received by said Board of Commissioners as they pass upon and receive other like bonds. And all orders directed to said County Treasurer for payments of money under this act shall state on their face that they are road orders and to what account they are chargeable.

Proceeds, how and by whom kept.

Treasurer's bond.

Requirements for orders on treasurer under this act.

SEC. 7. That in case the result of said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Montgomery County shall levy annually on the first Monday in June of each year a special road tax for said Mt. Gilead Township, in said

Provisions for levy and collection of special tax to pay interest and create sinking fund.

Investment of sinking fund.	county, not exceeding forty (40) cents on the one hundred dollars worth of property and one dollar and twenty (\$1.20) cents on each poll (the constitutional equation of property and poll tax to be observed always), the subjects of taxation and levy of taxes to be the same on which the said Board of County Commissioners now or may hereafter be authorized to lay and levy taxes upon for general county purposes, and the levy herein provided for be limited to said township. The taxes so levied shall be collected as other taxes and paid to the County Treasurer aforesaid as other taxes are paid, and the same shall be a separate fund and applied first to the payment of the interest on said bonds and then to the creation of a sinking fund for the redemption of said bonds. And the Board of County Commissioners may invest said sinking fund and with the same purchase any of said bonds, and when they purchase the same they shall be cancelled and record made of the same.
Use of proceeds from sale of bonds.	SEC. 8. The 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 country roads in said township, the purchase of said material and implements as may be found necessary in the proper carrying out of this work: <i>Provided, however,</i> that the moneys derived from the sale of said bonds shall, as far as possible, be used for permanent improvements.
Proviso.	
Supervisor of roads for Mt. Gilead township.	SEC. 9. That after the said election and the issue of any of the aforesaid bonds there shall be elected by said Board of Commissioners a supervisor of roads for Mt. Gilead Township, who shall hold office until their next regular meeting in January thereafter,
Annual election of.	and at their regular meeting in January of each year thereafter a supervisor of roads for Mt. Gilead Township shall be elected by
Where to reside.	them, who shall be a resident of said township, and who shall be
Compensation.	paid such compensation as may be fixed by said Board of Commissioners out of the road fund of said township, and who shall hold
Term of office.	office for one year or until his successor shall be elected and qualified,
Removal.	as provided for in this act: <i>Provided,</i> that the said supervisor of roads may at any time be removed by said 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 actions, and for malfeasance or misconduct in office he may be removed by them without further notice than may be
Duties of supervisor.	necessary to give him a hearing. It shall be the duty of said supervisor 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 Mt. Gilead Township,
Monthly report.	and he shall submit to the County Commissioners a monthly report concerning the work in progress and the moneys expended, and he
Quarterly report.	shall submit quarterly a report on the condition of the public roads and bridges in said township and plans for their improvement, and

he shall include in this quarterly report an inventory of the tools, implements and other equipments on hand. Said supervisor of roads, before entering upon the duties of his office, shall deposit with the Board of County Commissioners a bond to be approved by the said Board of Commissioners, in the sum of one thousand (\$1,000) dollars, as a guarantee of the faithful and honest discharge of the duties of his office. In case of the death, resignation or removal of said supervisor it shall be the duty of the County Commissioners to elect his successor, who shall hold office at their discretion, or until their regular January meeting thereafter.

Bond.

Vacancy, how filled, etc.

SEC. 10. That proper implements and tools for use in working the public roads of said township may, with the consent of the Board of Commissioners of said county, be procured by the supervisor of roads for said township.

Procurement of tools.

SEC. 11. That for the purpose of carrying out the provisions of this act the said supervisor of roads of said township is hereby authorized to enter upon any uncultivated lands near to or adjoining such roads, to cut and carry away timber (except trees or groves on improved 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 such road, and to enter upon any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, and the drains or ditches so made shall not be obstructed by the owner or occupant of such lands or any other person, and any person who shall obstruct said drains or ditches shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or be imprisoned not exceeding thirty days. If the owner of any lands from which timber, stone, gravel, sand or clay were taken as aforesaid shall present an account of the same through the supervisor of roads at any regular meeting of the Board of Commissioners within thirty days after the same has been taken and carried away 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 supervisor of roads, 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 said county their decision for revision or confirmation: *Provided*, said land owner may appeal from the final decision.

Power to enter lands for r. ad. material and to make drains or ditches.

Obstruction of drains or ditches a misdemeanor. Penalty. Provisions for payment of land owner.

Right of appeal.

SEC. 12. That, subject to the approval of the Board of County Commissioners, the supervisor of roads of Mt. Gilead Township is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, re-locate or change any part of any public road in said township when in his judgment the same will prove advantageous to public travel. That when any person on

Power to locate or change public roads.

Provisions for assessment of damages to land owner when new road located.

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 a jury of three disinterested freeholders to be selected and summoned by the Sheriff as provided by law, who shall give said land owner forty-eight hours' notice of the time and place when and where said jury will meet to assess his 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 in case the land owner shall be dissatisfied with the finding of the jury and final decision of the County Commissioners, he may appeal to the Superior Court of the county. The Judge may in his discretion require said land owner to give bond when the case is taken by appeal to the Superior Court.

Right of appeal.

Failure of officer to discharge duty a misdemeanor.

SEC. 13. That any officer appointed by virtue of this act who shall fail to discharge any of the duties of this act shall be guilty of a misdemeanor.

SEC. 14. That this act shall be held and construed to relate to and include the township of Mt. Gilead only.

If bonds issued and sold, Mt. Gilead township exempt from operation of chapter 581, Public Laws 1899.

SEC. 15. That in the event the bonds hereinbefore provided for shall be issued and sold as herein provided for, then Mt. Gilead Township, in Montgomery County, shall be exempted from the operations of chapter five hundred and eighty-one (581) of the Public Laws of North Carolina, passed by the General Assembly at its session of 1899, ratified the 7th day of March, 1899, and the taxes provided for in said chapter shall no longer be levied upon property and other subjects of taxation in said township: *Provided*, that any taxes already levied against said township shall be collected and paid into the general road fund of said county.

Taxes already collected, disposition of.

Bonds exempt from county and municipal taxes.

SEC. 16. That the bonds herein provided for shall be exempt from taxation for county and municipal purposes.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 665.

AN ACT TO AMEND SECTION 985 OF THE CODE, RELATING
TO THE CRIME OF ARSON.*The General Assembly of North Carolina do enact:*

SECTION 1. That section 985 (subsection 2) of The Code be and the same is hereby amended by inserting after the word "mule" and before the word "shall" in line four the words "or cattle," and by striking out the word "five" in line five and by inserting in lieu thereof the word "two."

Arson to burn stable containing cattle.

Minimum punishment reduced.

SEC. 2. That subsection 6 be and the same is hereby amended by striking out in line twelve the word "five" and by inserting in lieu thereof the word "two."

Line 12, subsection 6, amended.

Minimum punishment reduced

SEC. 3. That another subsection be added to said section 985, as follows:

Subsection 8 added

"(8) Whoever being the occupant of any building used as a dwelling-house, whether such person be the owner thereof or not, or, being the owner of any unoccupied building designed or intended as a dwelling-house, shall wilfully and wantonly or for a fraudulent purpose set fire to such building, shall be guilty of a felony, and shall be punished by imprisonment in the Penitentiary or county jail for a term, and may also be fined in the discretion of the court."

Person not owner setting fire to dwelling he lives in, or owner setting fire to building intended as dwelling, guilty of felony.

Penalty.

SEC. 4. That this act shall go into effect upon its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 666.

AN ACT TO REGULATE THE PROCURING AND DISTRIBUTION OF DEAD BODIES FOR THE PROMOTION OF MEDICAL SCIENCE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Professors of Anatomy of the several medical schools of the State shall be a board for the distribution of dead human bodies for the purpose of promoting the study of anatomy in this State, and shall have power to make proper rules for its government and the discharge of its functions under this act.

Board of distribution.

SEC. 2. That all officers, agents or servants of the State of North Carolina, or of any county or town in said State having charge or control of the dead body of any person who at the time of death was under the sentence of death, imprisonment or hard labor for the violation of the criminal laws of the State, shall, upon the request

Provisions for delivery of dead bodies to medical schools, of those who at time of death were prisoners under sentence for crime.

- Bodies must be unclaimed by relatives. of said board or its authorized agent, deliver such dead body to any one designated by said board for the purpose aforesaid: *Provided*, such body be not claimed by any relative within the second degree of consanguinity, or by the husband or wife of such deceased person: *Provided further*, that the body of a Confederate soldier or of the wife of a Confederate soldier to be excepted from the provisions of this act, and that the body of no white person shall be delivered to any school for colored race: *Provided*, that this act shall only apply to persons who have been convicted of and are serving a sentence as aforesaid for a felony.
- Bodies of Confederate soldiers or their wives excepted. SEC. 3. That the bodies obtained under this act shall be distributed among the several medical schools in proportion to the number of students studying anatomy in said schools.
- Must be serving sentence felony. SEC. 4. That the bodies obtained hereunder shall be embalmed before being used for the purposes of dissection.
- Bodies, how distributed. SEC. 5. That all expenses for the delivery, distribution and embalming of said dead bodies shall be borne by the medical school receiving same, and in no case shall the State or any county or town be liable therefor.
- To be embalmed. SEC. 6. That any person failing or refusing to perform any duty imposed by this act shall be guilty of a misdemeanor, and fined in the discretion of the court not to exceed one hundred dollars.
- Expenses for delivery. SEC. 7. That this act shall be in force from and after its ratification.
- Failure to perform duty imposed by this act a misdemeanor. Penalty. In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 667.

AN ACT TO LIMIT THE DUTIES OF COMMISSIONERS OF LENOIR COUNTY IN REGARD TO STOCK LAW.

The General Assembly of North Carolina do enact:

- Supervision and control of stock law territory adjacent and outside of Lenoir county, to whom it belongs. SECTION 1. That the supervision and control of all stock law territory situated north of the Neuse River and outside of the limits of the county of Lenoir (said supervision and control now belonging to the Commissioners of Lenoir) shall, from and after the ratification of this act, belong to the Commissioners of the county or counties in which such stock law territory is now situated: *Provided, however*, no assessment or levy shall be made by said Commissioners upon any person, land or other property in Lenoir County for the support and maintenance of the fences in said outside territory.
- Maintenance of fences in outside territory. SEC. 2. That all laws and clauses of laws in conflict with this act are, to the extent of such conflict, hereby repealed.
- Conflicting laws repealed.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 668.

AN ACT TO PROTECT CERTAIN KINDS OF FISHING IN DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person or persons setting or operating Dutch or pad nets in the navigable waters of Dare County shall have placed and caused to burn each night on the outward end of such nets such lights as will not be easily extinguished: *Provided*, that such lights shall not be of such a nature as to interfere with navigation.

Lights to be burned on end of Dutch or pad nets at night.

Proviso as to kind of light.

SEC. 2. That any one violating section 1 of this act shall be guilty of a misdemeanor, and punishable in the discretion of the court.

Violation a misdemeanor. Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 669.

AN ACT TO PREVENT HUNTING ON THE LANDS OF ANOTHER IN BEAUFORT TOWNSHIP, CARTERET COUNTY, WITHOUT THE CONSENT OF THE OWNER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt with gun, dog or otherwise on the lands of another in Beaufort Township, Carteret County, without the consent of the owner.

Unlawful to hunt on lands of another without owner's consent.

SEC. 2. Any person violating this act shall be fined not more than ten dollars or imprisoned not more than five days.

Penalty for violation.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 670.

AN ACT FIXING THE TIME FOR THE SETTLEMENT OF THE
COUNTY TAX OF McDOWELL COUNTY FOR THE YEAR
1902.*The General Assembly of North Carolina do enact:*Tax collector al-
lowed to Novem-
ber 1st to settle.

SECTION 1. That W. McD. Burgin shall have until November 1st, nineteen hundred and three, in which to make final settlement with the County Treasurer or other proper officer for all taxes due to McDowell County by said W. McD. Burgin, Tax Collector for said county, for the fiscal year of nineteen hundred and two.

Conflicting laws
repealed.

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

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 671.

AN ACT FOR THE RELIEF OF J. G. HUGHES, LATE TREAS-
URER OF CAMDEN COUNTY.*The General Assembly of North Carolina do enact:*Allowed to settle
with late treasurer
according to
finance commit-
tee's report.

SECTION 1. That the Treasurer of Camden County be and is hereby authorized to settle and compromise with J. G. Hughes, late Treasurer of Camden County, and his sureties, according to the report of the finance committee of said county.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 672.

AN ACT TO CONFER CERTAIN POWERS ON THE COMMIS-
SIONERS OF ROBESON COUNTY.*The General Assembly of North Carolina do enact:*Provisions for
establishing stock
law.

SECTION 1. That authority is hereby conferred upon the Board of Commissioners of Robeson County, on receiving a petition signed by two-thirds of the qualified freeholders of any described terri-

tory in said county, to, in their discretion, allow such petition[ers] to fence themselves from the other parts of the county: *Provided*, said territory shall be fenced off and suitable gates erected across all public highways at the expense of said petition[ers].

SEC. 2. That this act shall not repeal any law now in force in said county. Effect on law now in force.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 673.

AN ACT TO PREVENT THE FELLING OF TREES IN LITTLE SWIFT CREEK, CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm or corporation to cut or fell any trees or the limbs therefrom into the runs of Little Swift Creek, in Craven County, or into any of its tributaries, and after having cut or felled the same therein to allow the same or any part thereof to remain in the runs of said creek for a space of time exceeding five days from the cutting thereof. Unlawful to fell trees, limbs, or allow them to remain in said creek.

SEC. 2. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and fined five dollars or imprisoned ten days, or both. Violation a misdemeanor. Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 674.

AN ACT TO ALLOW JAMES Y. REID, A CONFEDERATE SOLDIER OF CASWELL COUNTY, TO PEDDLE WITHOUT LICENSE.

The General Assembly of North Carolina do enact:

SECTION 1. That James Y. Reid, a Confederate soldier of Caswell County, be and he is hereby authorized to peddle without the payment of a license tax to the State or to any county in this State. May peddle without license.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 675.

AN ACT TO AMEND CHAPTER 344 OF THE PUBLIC LAWS OF 1901, ENTITLED "AN ACT TO REGULATE THE KILLING OF BIRDS IN THE COUNTY OF CABARRUS."

The General Assembly of North Carolina do enact:

Time when birds may be killed changed.

Amend by striking out "fifteenth day of November" in line 3, section 2 and inserting "first day of December" in lieu thereof, and striking [out] "fifteenth day [of] November" in section 3, line 3, and insert "first day [of] December" in lieu thereof; and amend further by adding the following sections:

Unlawful to hunt on another's land without written permission.

SECTION 1. That it shall be unlawful for any person to hunt any game upon the lands of another without the written permission of the land owner or his or her agent, and if a person shall go upon the land of another with a gun it shall be *prima facie* evidence that such person is hunting within the meaning of this section.

What *prima facie* evidence.

Unlawful for non-resident of State to hunt without license.

SEC. 2. That it shall be unlawful for any non-resident of this State to hunt quail, partridges or wild turkeys with gun or otherwise in Cabarrus County, unless such person shall have paid to the Sheriff of said county a license tax of twenty dollars, which shall go to the public school fund of said county. Said license issued under this act shall be good only for the annual season in which such birds are allowed to be killed or trapped.

Amount of license.

Disposition of fund.
Expiration of license.

SEC. 3. That it shall be unlawful for any person, firm or corporation to ship or transport, or assist in doing so, any partridges or quail beyond the limits of Cabarrus County at any time during the year.

Unlawful to ship partridges out of Cabarrus county.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 676.

AN ACT TO PROHIBIT THE SALE AND MANUFACTURE OF AND THE SHIPPING OF LIQUOR INTO COLFAX TOWNSHIP, RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to sell, manufacture or ship liquor into said township.

SECTION 1. That it shall be unlawful for any person or persons to manufacture or sell by subterfuge or otherwise or ship any malt, spirituous or vinous liquors into Colfax Township, in Rutherford

County. And under this act it shall be deemed and adjudged that the place of delivery shall constitute the place of sale.

SEC. 2. That any person or persons who shall violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined or imprisoned, or both, at the discretion of the court.

Place of delivery deemed place of sale.

Violation a misdemeanor.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 677.

AN ACT PROVIDING FOR AN ELECTION ON THE QUESTION OF STOCK LAW FOR THE COUNTY OF NORTHAMPTON.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Northampton County may order an election to be held at the various precincts in said county on the first Thursday in August, one thousand nine hundred and three, on the question of stock law or no stock law in said county, under the same rules and regulations as prescribed by chapter twenty of the second volume of The Code.

Commissioners to order election August 6th, 1903, on stock law question.

Election rules and regulations.

SEC. 2. The County Commissioners of Northampton County shall appoint registrars and judges of elections and make all necessary publication, canvass the returns and declare the result as prescribed by law for holding stock law elections: *Provided*, that if a majority of the voters are in favor of stock law at said election, the law shall not take effect before January the first, one thousand nine hundred and four.

Judges, registrars, publication, canvass of returns, declaration of result, etc.

When to take effect.

SEC. 3. That if a majority of the votes cast at said election be in favor of "Stock Law," then it shall be so declared by the County Commissioners of said county, and said county shall be required to keep up or build such fence as borders on other counties that have not adopted the stock law: *Provided*, that if a majority of the votes cast at said election in any township of said county be in favor of "Stock Law," then it shall be so declared by the County Commissioners of said county, and said township shall be required to keep up or build such fences as border on other townships that have not adopted the stock law, the tax for and building of such fences shall be as is now prescribed by law for counties or townships adopting the stock law, chapter twenty, second volume of The Code.

Provisions for fences if "stock law" carries.

Provision where majority vote for stock law in any township.

Tax for building fences.

SEC. 4. If a majority of the votes cast at said election be against "Stock Law," in said county, then said county shall not be as a whole under the law governing stock law territory: *Provided*, that

Effect if majority against stock law.

any portion of said county now having the stock law shall not be affected by a majority of the votes of said county being cast against the stock law, but shall remain as if no stock law election had been held in said county.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 678.

AN ACT TO AMEND CHAPTER 600, LAWS OF 1901.

The General Assembly of North Carolina do enact:

Relative to collection of taxes by executor of Stephen Venable, deceased, in Surry county.

SECTION 1. That section 3 of said act be amended as follows: That 1903 be substituted for 1902, and that the following section be added to said act: That the executor of said Stephen Venable may appoint deputies for the collection of said taxes.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 679.

AN ACT TO AMEND CHAPTER 439, PUBLIC LAWS OF 1901, IN SO FAR AS SAME APPLIES TO JONES COUNTY.

The General Assembly of North Carolina do enact:

Former acts repealed in so far as they affect Jones county.

SECTION 1. That section 1, chapter 439, Public Laws 1901, be amended by adding at the end of said section the following: *Provided further*, that no fence shall be constructed within the boundaries of Jones County under the provisions of this act or under the provisions of chapter 70, Laws of 1883, and that chapter 439, Public Laws 1901, and chapter 70, Laws of 1883, are hereby repealed, in so far as the same affects Jones County.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 680.

AN ACT TO AMEND SECTION 68 OF THE INSURANCE LAW
RELATIVE TO BROKERS PLACING INSURANCE IN COMPANIES NOT DOING BUSINESS IN NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That section 68, chapter 54, Public Laws of 1899, known as the North Carolina Insurance Act of 1899, be amended by adding to the end of said section the following: "Any broker licensed under this section may, upon application to the Insurance Commissioner, be allowed to place policies of insurance with any mutual fire insurance company or companies not doing or licensed to do business in this State and not paying commissions upon business and not having agents to solicit business, and doing only one class of fire insurance business: *Provided*, he shall file with the Insurance Department a certified copy of the charter of each such company and a statement of its financial condition on a blank of the said department, a certificate of its authority to do business at its home office, and receive from said Insurance Commissioner a license for each of said companies to do business through him on the payment by him of the license taxes and fees as required by law. All such contracts of insurance placed through any such broker shall be valid and legal, and the risks upon which said policies are placed may be examined and inspected by regular agents or inspectors licensed by the Insurance Department, upon the application of the broker writing said insurance."

Placing of insurance policies with unlicensed companies regulated.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 681.

AN ACT FOR THE RELIEF OF THE NORTH CAROLINA INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB AND THE BLIND.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Directors of the North Carolina Institution for the Education of the Deaf and Dumb and the Blind are hereby authorized to dispose of or exchange the farm of one hundred acres, now belonging to the said Institution, lying some three miles west of the city of Raleigh, for the purpose of securing

Board of Directors authorized to sell or exchange land.

land more convenient for teaching the deaf boys of the Institution farming, gardening and dairying.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 682.

AN ACT TO PROVIDE FOR THE PAYMENT OF MONEY DERIVED FROM LIQUOR LICENSE IN SCOTLAND NECK INTO THE GRADED SCHOOL FUND OF SAID TOWN.

The General Assembly of North Carolina do enact:

Proceeds of liquor license to be used for support of graded school.

SECTION 1. That all money charged and received by the town of Scotland Neck for the privilege of retailing liquor in said town shall hereafter be paid by the authorities of said town into the fund for the support of the graded school of said town, and shall be expended for the use of said school in such manner as the board of trustees thereof may direct.

Dispensary profits, how apportioned and applied.

SEC. 2. That if said town should hereafter establish a dispensary under the general provisions of the act passed at this session of the General Assembly, known as the "Watts Bill," the profits arising from such dispensary so established in said town shall be divided as follows: One-third thereof to the general school fund of Halifax County and two-thirds thereof to the fund for the support of the graded school of said town, and anything in said act in conflict with this section is hereby repealed, in so far as it applies to the town of Scotland Neck, but no further.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 683.

AN ACT TO AMEND SECTION 2 OF CHAPTER 164 OF THE PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

Corporation Commission act amended.

SECTION 1. That subsection six (6) of section two (2) of chapter one hundred and sixty-four (164) of the Public Laws of 1899 be and the same is hereby amended by adding to said subsection. after

the word "passengers," the clause "and also to make, require or approve what is known as 'milling-in-transit' rates on grain, lumber to be dressed and shipped over the line of the railroad company on which said lumber freight originated." Milling-in-transit rates.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 684.

AN ACT FOR THE RELIEF OF C. H. HAYNES, CLERK OF THE SUPERIOR COURT OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That C. H. Haynes, Clerk of the Superior Court of Surry County, be allowed to absent himself from his office of Clerk on the first, second, third and fourth Mondays of September, 1904, and that he be exempt from the provisions, penalties and liabilities mentioned and named in sections one hundred and fourteen and one hundred and fifteen of The Code: *Provided*, that said Clerk shall leave a competent deputy to perform all duties authorized to be performed by said deputy. Leave of absence granted Clerk Superior Court.
Proviso: deputy.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 685.

AN ACT TO CHANGE THE TIME FOR HOLDING THE TERMS OF CERTAIN COURTS OF THE FIRST JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. *Fall term.*

The fall term of Hyde Superior Court, which now convenes on the twelfth Monday after the first Monday in September, is changed so as to convene on the eleventh Monday after the first Monday in September. Fall term Hyde Superior Court changed.

The fall term of Pasquotank Superior Court, which now convenes on the eleventh Monday after the first Monday in September, be Fall term of Pasquotank Superior Court changed.

changed so as to convene on the twelfth Monday after the first Monday in September.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 686.

AN ACT TO PREVENT THE MANUFACTURE AND SALE OF ANY SPIRITUOUS, VINOUS OR MALT LIQUORS WITHIN THE COUNTY OF WATAUGA.

The General Assembly of North Carolina do enact:

Unlawful to manufacture or sell liquors in Watauga county.

Proviso.

Place of delivery deemed place of sale.

Proviso.

Duplication of prescription deemed retailing.

Penalty for violation of this act.

SECTION 1. That it shall be unlawful for any person, persons, firm or corporation to manufacture, sell or otherwise dispose of for gain any spirituous, vinous or malt liquors or intoxicating bitters within the county of Watauga: *Provided*, that this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors for sickness upon the written prescription of a regular practicing and duly licensed physician having such sick person under his charge: *Provided further*, that no person shall fill any such prescription (without a renewal of same by a said regular practicing or duly licensed physician) more than one time.

SEC. 2. That the place of delivery of any spirituous, vinous or malt liquors or intoxicating bitters within the county of Watauga shall be so construed as to mean the place of sale, and that any station or other place within the aforesaid county of Watauga to which any person, firm or corporation shall ship or convey any spirituous, vinous or malt liquors or other intoxicating bitters for the purpose of carrying the same to a purchaser shall be construed to be the place of sale: *Provided*, this section shall not be construed to prevent the delivery of any spirituous, vinous or malt liquors to a druggist in a sufficient quantity for medical purposes only.

SEC. 3. That any person or druggist who shall duplicate the prescription mentioned in section one of this act without the written direction of the physician who gave the same, shall be guilty of retailing within the meaning of this act.

SEC. 4. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty dollars nor more than two hundred dollars, or imprisoned for each and every offense not less than twenty days nor more than twelve months, or both, at the discretion of the court.

SEC. 5. That any physician who shall make any prescription except in case of sickness for the purpose of aiding and abetting any person or person who are not *bona fide* under his charge to purchase any intoxicating liquors contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and fined not less than twenty dollars nor over two hundred dollars, or imprisoned not less than twenty days nor more than twelve months, in the discretion of the court.

Regulation of
physicians' pre-
scriptions.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 687.

AN ACT TO APPOINT A JUSTICE OF THE PEACE FOR PAMLICO COUNTY AND TO VALIDATE THE OFFICIAL ACTS OF THE SAID APPOINTEE ALREADY PERFORMED.

WHEREAS, Calvin Mills was appointed a justice of the peace in No. 2 Township, Pamlico County, by the Clerk of the Superior Court of said county to fill the unexpired term of Joshua T. Mills, who was duly elected a justice of the peace [in] No. 2 Township, Pamlico County, at an election held on the 4th day of November, 1902, for a term of two years, and who refused to qualify; and whereas, there has been raised a question as to the legality of the said appointment: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the aforesaid Calvin Mills be and is hereby appointed a justice of the peace for No. 2 Township, Pamlico County, for a term of two years from the first Monday in December, 1902, and that all his official acts performed by him since and by virtue of his appointment by the Clerk of the Court of Pamlico County are hereby validated, legalized and ratified.

Calvin Mills appointed a justice of the peace.
Term.

Former official acts validated.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 688.

AN ACT TO AUTHORIZE THE TREASURER OF THE SCHOOL FUND OF SURRY COUNTY TO PAY OFF THE OUTSTANDING CLAIMS AGAINST THE COUNTY BOARD OF EDUCATION OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Treasurer of
county school
fund authorized to
pay outstanding
claims.

SECTION 1. That the treasurer of the county school fund of Surry County is hereby authorized and directed to pay off and discharge, out of any unapportioned school funds now on hand, or that may hereafter come into his hands, all the legal valid claims against the county school fund or the County Board of Education of said county, upon the same being signed by the school committeemen of the respective school districts and countersigned by the County Superintendent of Schools.

Vouchers, how
signed, etc.

In the event of an
insufficiency of
funds.

SEC. 2. That in the event there shall not be sufficient unapportioned funds to pay off said claims, then the amount for each district may be paid out of any funds due or that may hereafter become due said district, at such time as may be agreed upon by the holders of said valid claims and said County School Board of Education.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 689.

AN ACT TO AMEND CHAPTER 667, PUBLIC LAWS, SESSION EIGHTEEN HUNDRED AND NINETY-NINE.

The General Assembly of North Carolina do enact:

Former act
amended.

Supreme Court
Reports for Su-
preme Court
Library.

SECTION 1. That sections one and two of chapter six hundred and sixty-seven, Public Laws, session eighteen hundred and ninety-nine, be and the same are hereby amended by striking out the word "nine" in the third line of section one and the word "five" in the second line of section two and inserting in lieu thereof the word "twelve."

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 690.

AN ACT TO AMEND SECTION THIRTEEN, CHAPTER TWO HUNDRED AND FOURTEEN, ACTS EIGHTEEN HUNDRED AND NINETY-THREE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fourteen, section thirteen, Laws of eighteen hundred and ninety-three, be amended by adding after the word cholera, in line six, section thirteen, the words mumps and itch.

Former act regulating public health amended.
Attendance of children at school.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 691.

AN ACT TO AMEND CHAPTER ONE OF THE PUBLIC LAWS OF 1901, RELATING TO THE ESTABLISHMENT OF A TEXT-BOOK COMMISSION.

The General Assembly do enact:

SECTION 1. That section 13 of chapter one of the Public Laws of 1901 be and the same is hereby amended by striking out all after the word "State" in line two and all in line three thereof down to the word "for," and inserting in lieu thereof the following: "not less than one and as many more agencies as the Text-book Commission, upon recommendation of the County Board of Education, shall order, to be located at such points as said County Board may recommend."

Former act relating to Text-book Commission amended.

SEC. 2. That section 13 of said chapter 1 of the Public Laws of 1901 be and the same is hereby further amended by inserting after the word "advance," in line fourteen, the following: "Every contractor shall be required to keep on hand at all times at every established agency in every county an ample supply of books to meet all demands of patrons and purchasers, and upon failure to do so, or upon failure to establish agencies when ordered to do this by the Commission as directed herein, said contractor shall be liable to a penalty of five hundred dollars for each and every failure to comply with the provisions of this section, to be sued for by the Attorney-General in the name of the State in the Superior Court of the county of Wake, for the benefit of the school fund of the county injured by such failure, and if any contractor against whom judg-

Supply of text-books, etc.

Penalty.

ment shall be obtained for said penalty shall fail to pay the same within thirty days of the docketing thereof he shall forfeit his said contract, and the Text-book Commission shall so declare, and shall thereupon proceed to make a new contract for books with some other contractor: *Provided, however,* that the County Superintendent shall notify the contractors annually of the date of opening of the public schools at least thirty days before they open.

SEC. 3. This act shall be in force from and after its ratification.
In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 692.

AN ACT TO ALLOW THE COMMISSIONERS OF LENOIR, JONES AND ONSLOW COUNTIES TO CONSTRUCT A PUBLIC ROAD FROM KINSTON, IN LENOIR COUNTY, TO JACKSONVILLE, IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Construction of public highway authorized.	SECTION 1. That the Boards of Commissioners of the counties of Lenoir, Jones and Onslow be and they are hereby authorized to construct a public highway or road from Kinston, in Lenoir County, to Jacksonville, in Onslow County, by a route as nearly direct as practicable, and running when practicable along and with the present public roads connecting the said towns of Kinston and Jacksonville. Said road to run through portions of said counties of Lenoir, Jones and Onslow.
Route.	
Townships may issue bonds.	SEC. 2. That the several townships through which the route for said proposed road or highway shall pass are hereby authorized to issue bonds for the construction of the proposed road or highway, not to exceed for any one of said townships the sum of one thousand dollars, the amount which any one of said townships shall be authorized to issue to be determined and fixed by the Board of Commissioners of the county in which said township is situated. That the said bonds shall be in denominations of twenty-five and no one-hundredth dollars each, and shall draw interest at a rate not to exceed six per centum, and shall run for a period not to exceed twenty years, and shall be made payable at such time or times and at such place or places as the Board of Commissioners of the respective counties in which any township or townships issuing such bonds are situated shall determine. Such bonds shall be coupon bonds, and the interest on the same shall be payable annually. That the Board of Commissioners of any county in which any township issuing such bonds is situated shall be the corporate agents for such
Amount, etc.	
Rate of interest.	
Term.	
Power and duty of County Commissioners.	

township, with full power and authority to issue and execute such bonds, have custody of same, sell and collect proceeds of sale of such bonds and disburse the amounts realized on sale, as in this act provided. That for the purpose of this act the townships which shall make said subscriptions or issue said bonds shall be deemed and considered as acting jointly and not severally, both in the matter of the liability for the bonds issued hereunder and in any election held under this act to levy taxes for the payment of such bonds. Each of said townships are hereby created bodies politic and corporate, with power to carry out the provisions of this act.

Townships created
bodies politic.

SEC. 3. That to provide for the payment of interest on said bonds and for the purpose of creating a sinking fund for the payment of said bonds as they become due, the Board of County Commissioners in any of the said counties of Lenoir, Jones or Onslow shall, in addition to other taxes each year, compute and levy upon the proper subjects of taxation in any township issuing said bonds a tax not exceeding ten (10) cents on the one hundred dollars valuation of property and thirty (30) cents on each taxable poll. Said taxes shall be collected by the Sheriff or Tax Collector of the county in which such township is situated, under the same rules and regulations as are provided for the collection of other taxes. Said taxes shall be paid over by said Sheriff or Tax Collector to the County Treasurer of the county in which the township issuing such bonds is situated, as other taxes are paid. Such Sheriff or Tax Collector and Treasurer and the sureties on their several bonds shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over, accounting for and disbursing other taxes to the State and county.

Special tax.

Tax rate.

Collection, custody, etc.

SEC. 4. That the provisions of sections 2 and 3 of this act shall be submitted to the qualified voters of any township through which the proposed road shall run, at an election which shall be called by the Commissioners of any county in which such township is situated, whenever one-fourth of the aggregate of the qualified voters of such township shall petition for the same. At such election those in favor of the issue of said bonds and levying of such special tax shall deposit a ballot on which shall be written or printed the words "For Bonds," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Bonds." Such election shall be held under the same regulations as now provided by law for election of members of the General Assembly, except the said Board of Commissioners shall appoint all election officers necessary for such election and shall canvass the returns and declare the result of said election and have the result properly recorded. Such election shall be advertised for thirty days, at three public places in the township in which such election is to be held, prior to the day fixed for such election.

Submission of
question to vote.

Ballots.

Election, how
governed.

Canvass of re-
turns, result.

Notice of election.

Boards of County Commissioners to appoint joint committee.

Duties of joint committee.

Specifications for road.

Condemnation of land.

Sentence of convicts to work on said road.

Expense of convicts.
Proviso.

When plans approved, joint committee to be body politic.

Corporate name.
Powers.

Compensation.

SEC. 5. That whenever a sufficient number of the townships through which the proposed road will pass have voted a bond issue sufficient to construct such road, the Boards of Commissioners of each of the counties of Lenoir, Jones and Onslow shall, at the first session or meeting of their respective boards, appoint one of their number on a joint committee, which shall meet by appointment at some convenient place along the route of such proposed road and proceed to make such rules and regulations as may be necessary to carry out the purposes of this act. Such joint committee shall submit such plan or plans as they may agree upon to the Boards of Commissioners of the counties mentioned in this act, for ratification or approval.

SEC. 6. The width of said road shall be twenty feet in the clear, and, if macadamized, to be twelve (12) feet in the center of the bed of said road.

SEC. 7. That should it be necessary to condemn land for the purpose of providing a right of way for said road, the Board of Commissioners of the county in which the land necessary for such purpose lies shall proceed in their discretion to buy said land or to have the same entered and condemned in the manner now prescribed by the general public road law of the State.

SEC. 8. That the Judges and justices of the peace of the several courts of the counties named in this act shall sentence all convicts that would otherwise be sentenced to the county jail or to the State Prison, except convicts whose terms exceed ten (10) years, or who have been convicted of murder, rape, arson and burglary, to work on said road whenever work on said road shall be commenced. The expense for feeding and guarding such convicts shall be paid out of the fund provided for in this act: *Provided*, no female convict shall be sentenced to work on said road.

SEC. 9. That the joint committee provided for in section 5 of this act shall, when the plans submitted by them to the Boards of Commissioners of the counties named in this act have been approved and ratified, be and they are hereby created a body corporate and politic under the name and style of the "Lenoir, Jones and Onslow Road Commissioners," and as such may exercise all the powers incident to similar corporations under the general law that may be necessary to carry out the purposes of this act. Said commission shall receive such compensation as the several Boards of Commissioners of the counties named in this act shall decide.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 693.

AN ACT TO AMEND SECTION 1964 OF THE CODE.

The General Assembly of North Carolina do enact:

SECTION 1. That section 1964 of The Code shall be and is hereby amended by adding after the word "landing" and before the word "and" in line 5 of said section, the words "and also every loaded car or cars tendered at a side-track or any warehouse connected with the railroad track by a siding: *Provided*, if such loaded car or cars be tendered at any siding or work-house at which there is no agent, notice shall be given to an agent at the nearest regular station at which there is an agent, that such car is loaded and ready for shipment."

Section 1964 of Code amended.

Receipt and forwarding of freight by railroads.
Proviso.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 694.

AN ACT TO PROHIBIT THE KILLING OF DEER IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to hunt, chase or kill any deer in Wilkes County for five years, and any person who shall violate this act shall be guilty of a misdemeanor, and be fined not less than one hundred dollars or imprisoned in the State Prison not less than one year, or both, in the discretion of the court.

Unlawful to hunt, etc., deer for five years.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 695.

AN ACT TO PREVENT THE IMPORTATION OF LIQUOR INTO THE TOWN OF DUNN, IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors within the town of Dunn, in Harnett County, to any purchaser shall be construed and held to be

Place of delivery deemed place of sale.

- Penalty. the place of sale thereof, and that any person, company, firm or corporation who shall ship or convey any spirituous, malt, vinous, fermented or other intoxicating liquors to the town of Dunn, in Harnett County, to be delivered to any person or persons, shall be
- Proviso: druggists guilty of a misdemeanor: *Provided*, this act shall not apply to regular druggists who may order liquor for medical purposes.
- In effect, when. SEC. 2. That this act shall be in force from and after May 1st, 1903.
- In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 696.

AN ACT TO PREVENT DISCRIMINATION AMONG DIRECTORS
AND TRUSTEES OF STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

Chapter 540, Public
Laws 1899,
amended.
Trustees, etc., of
Institution for
Deaf, Dumb and
Blind, at Raleigh,
not to have pecu-
niary interest in
supplying goods to
the institution.

SECTION 1. That chapter 540 of the Public Laws of 1899 be and the same is hereby amended by striking out the proviso in section one of said chapter.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 697.

AN ACT TO DEFINE THE PRACTICE OF MEDICINE AND
SURGERY.

The General Assembly of North Carolina do enact:

Section 3122 of
Code amended.

Practice of medi-
cine and surgery
defined.

SECTION 1. That section three thousand one hundred and twenty-two of The Code be amended by adding thereto the following words: For the purposes of this act the expression practice of medicine or surgery shall be construed to mean the management or treatment for fee or reward of any case of disease, physical or mental, real or imaginary, with or without drugs, surgical operation, surgical or mechanical appliances or by any other method whatsoever: *Provided*, that this shall not apply to midwives nor to nurses: *Provided further*, that applicants not belonging to the regular school of medicine shall not be required to stand an examination except upon the branches taught in their regular colleges, to-wit,

Proviso: mid-
wives.
Proviso.

the osteopaths shall be examined only upon descriptive anatomy, Osteopaths.
 general chemistry, histology, physiology, urinalysis and toxicology,
 hygiene, regional anatomy, pathology, neurology, surgery, applied
 anatomy, bacteriology, gynecology, obstetrics and physical diagnosis:
 "Provided, this act shall not apply to any person who ministers Proviso: ministers
 of the gospel.
 to or cures the sick or suffering by prayer to Almighty God, without
 the use of any drug or material means."

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 698.

AN ACT TO PROTECT FISH IN THE WATERS OF WHITE MARSH SWAMP, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to Unlawful to de-
 destroy, etc., fish in
 certain waters.
 destroy fish by dynamite, shooting or muddering the waters by
 seining or setting nets so as to prohibit the free passage of fish in
 the waters of the White Marsh Swamp between the Wilmington
 and Columbia and Augusta Railroad and the Bladen County line.

SEC. 2. Any one violating the provisions of this act shall be guilty Penalty for viola-
 tion.
 of a misdemeanor, and punished within the discretion of the court.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 699.

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF RICHMOND COUNTY TO PAY FOR KEEPING COURT RECORDS, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Court of Allowance to
 clerk of court
 authorized.
 Richmond be and they are hereby given the power to make such an
 allowance to the Clerk of the Superior Court of said county for
 keeping the records of the court and transcribing the minutes as in
 their opinion may be a just and fair compensation therefor; said

allowance to be paid out of the taxes of said county levied for county purposes.

Conflicting laws
repealed.

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

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 700.

AN ACT TO EXTEND TIME FOR COLLECTION OF TAXES TO JOSEPH KINSEY, TAX COLLECTOR CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Collection of taxes
in arrears au-
thorized.

SECTION 1. That Joel Kinsey, special Tax Collector of Craven County, be and he is hereby authorized to collect and receive all unpaid taxes due and payable upon the tax list placed in his hands by the County Commissioners of Craven County until the 1st day of May, 1904.

Authority of Joel
Kinsey, special
tax collector.

SEC. 2. That all laws applicable to collection of taxes by Sheriffs are hereby made to apply to the said tax list now in the hands of the said Joel Kinsey, and he is authorized in all respects to collect and receive said taxes as the Sheriff of said county is authorized by law to collect county and State taxes.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 701.

AN ACT TO FIX THE TIME FOR HOLDING THE SUPERIOR COURTS OF NORTHAMPTON AND WARREN COUNTIES.

The General Assembly of North Carolina do enact:

Times for Superior
Courts of North-
ampton county
fixed.

SECTION 1. That the Superior Courts of Northampton County shall be held at the following times:

On the sixth Monday before the first (1st) Monday in March, to be for the trial of civil actions exclusively, except jail cases on the criminal docket, and to continue one week; on the third (3d) Monday after the first (1st) Monday in March, to continue two weeks; on the first Monday in August, to be for the trial of civil cases

exclusively, except jail cases on the criminal docket, to continue one week; and on the eighth (8th) Monday after the first (1st) Monday in September, to continue two weeks.

SEC. 2. That the Superior Courts of Warren County shall be held at the following times: Times for Superior Courts of Warren county fixed.

On the third (3d) Monday before the first (1st) Monday in March; on the fifteenth (15th) Monday after the first (1st) Monday in March; on the second (2d) Monday after the first (1st) Monday in September, to continue for two weeks.

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

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 702.

AN ACT TO AUTHORIZE THE WIDOW OF CHARLES SMITH, DECEASED, TO COLLECT HIS PENSION WARRANT.

The General Assembly of North Carolina do enact:

SECTION 1. That the pension warrant of (\$14.50) fourteen dollars and fifty cents, now in the hands of Mrs. Loretta Smith, a resident of the town of Roanoke Rapids, North Carolina, said pension warrant being No. 2674, and being a pension allowed Charles Smith, now deceased, shall be paid to said Mrs. Loretta Smith, she being the widow of said Charles Smith. Payment of pension warrant authorized.

SEC. 2. That when said pension warrant shall have been endorsed by said Mrs. Loretta Smith, in the same manner and form as it was originally intended to have been endorsed by said Charles Smith, now deceased, it shall become the duty of the State Treasurer to pay said pension warrant. Endorsing and payment.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 703.

AN ACT FOR THE RELIEF OF S. S. LUPTON AND S. L. SAWYER.

WHEREAS, S. S. Lupton and S. L. Sawyer of Hyde County, some time prior to 1st day of January, 1900, paid to Secretary of State, Preamble.

Cyrus Thompson, the sum of twelve dollars upon an entry for a tract of land in Hyde County; and

WHEREAS, no grant was ever issued to said Lupton and Sawyer, because the land described in their entry was covered by a former grant; and

WHEREAS, the money advanced for said entry was turned by the Secretary of State into the State Treasury: Now, therefore,

The General Assembly of North Carolina do enact:

Refunding of
amount paid for
land grant.

SECTION 1. That S. S. Lupton and S. L. Sawyer, of the county of Hyde, in the State of North Carolina, are authorized and empowered to draw on the Treasurer of the State of North Carolina for the sum of twelve dollars, it being the amount paid by them for a grant on land in Hyde County, which was covered by a previous grant.

Duty of treasurer
to pay.

SEC. 2. That the Treasurer of the State of North Carolina is authorized and directed to pay to S. S. Lupton and S. L. Sawyer the sum of twelve dollars out of any moneys paid into the Treasury by the Secretary of State on account of unfinished grant applications.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 704.

AN ACT TO AMEND CHAPTER 435 OF THE PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

Former act
amended.

SECTION 1. That chapter 435 of the Public Laws of 1899 be and the same is hereby amended as follows, namely: Strike out the word "five" in section one, line seven, and insert the word "fifteen" in lieu thereof. By adding after the words "said waters" in section one, line eight, the following: "or in any other waters of Pamlico County." Amend further by striking out the word "refuse" in line two of section two of said act and inserting the word "fail" in lieu thereof.

Regulation of
fishing.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 705.

AN ACT TO CHANGE THE NAME OF EAST BROWN AND WEST BROWN AND PLEASANT GROVE TOWNSHIPS, IN RANDOLPH COUNTY, AND TO CHANGE THE BOUNDARY LINES BETWEEN EAST BROWN AND PLEASANT GROVE TOWNSHIPS.

The General Assembly of North Carolina do enact:

SECTION 1. That the name of Pleasant Grove Township, in Randolph County, be and the same is changed to the name of Coleridge, and that all the officers heretofore elected or appointed in said township be and they are hereby given full power to fill and hold the same in Coleridge Township as fully as if the name of said township had never been changed.

Names of townships changed.
Pleasant Grove.
Officers.

SEC. 2. That chapter five hundred and eighty-four, Laws of 1901, be and the same is hereby amended by striking out the words East Brown whenever it occurs and inserting in lieu thereof the words Pleasant Grove.

Chapter §84, Public Laws 1901, amended.
East Brown.

SEC. 3. That whenever the words West Brown occur in said act the same is hereby stricken out and the word Brown inserted in lieu thereof.

West Brown.

SEC. 4. That all the officers heretofore appointed or elected in East and West Brown Townships shall hold, exercise and enjoy the same in Pleasant Grove and Brown Townships as fully as if the names of said townships had not been changed.

Officers.

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

In the General Assembly of North Carolina read three times and ratified this 9th day of March, 1903.

CHAPTER 706.

AN ACT TO AMEND CHAPTER 424 OF THE LAWS OF 1887, IN REGARD TO THE PUBLIC SCHOOLS OF REIDSVILLE SCHOOL DISTRICT, IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 424 of the Laws of one thousand eight hundred and eighty-seven, entitled "An act in relation to the public schools of Reidsville School District, Rockingham County, North Carolina," be and the same is hereby amended as is provided in the following sections:

Former act amended.

Appointment of
tax-lister.

SEC. 2. That the school committee of Reidsville School District, Reidsville, North Carolina, are hereby authorized and empowered to appoint a tax lister each and every year for said school district, whose duty it shall be on the first day of June of each and every year to station himself at some convenient and suitable place in said school district, and for the period of thirty days thereafter list all property and polls in said school district which are subject to taxation for county and State purposes, under the same rules, regulations and penalties as are prescribed by law for the listing of property and polls for county and State purposes.

Duties.

Computing of
taxes and prepara-
tion of abstract.

SEC. 3. That after the said list shall have been taken in manner and form as prescribed in the next preceding section, it shall be the duty of said school committee and they are hereby authorized and empowered to appoint some suitable and proper person to complete the taxes upon property and polls so listed according to the levy made by the County Commissioners of Rockingham County for the support of the schools of said district, as provided by said chapter 424 of the Public Laws of 1887, and make an abstract of the same, which abstract shall be by said school committee placed in the hands of the Sheriff of Rockingham County on the first Monday in September of each and every year, who shall receipt to said school committee for the same, and proceed to collect said taxes under the same rules, regulations and penalties as are prescribed in chapter 424 of the Public Laws of 1887 for their collection.

Duty of sheriff to
collect.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 707.

AN ACT FOR THE RELIEF OF PUBLIC SCHOOL DISTRICT
No. 5, IN FRANKLIN TOWNSHIP, KNOWN AS CLARK'S
CHAPEL PUBLIC SCHOOL.

Preamble.

WHEREAS, the Board of Education of Macon County, N. C., in the apportionment of the public school fund for said county for the year 1901, apportioned to Public School District No. 5, in Franklin Township, said school being known as Clark's Chapel Public School, out of the general school fund for said county for said year, the sum of one hundred and forty-eight dollars and sixty cents; and

WHEREAS, on account of measles only the sum of \$88.75 of said amount was applied for school purposes, leaving a balance on hand to the credit of said district the sum of \$59.91; and

WHEREAS, the County Board of Education for the year 1902 apportioned the said sum of \$59.91 to the general public schools in said county at the time prescribed by law for them to make said apportionment of said school fund, which said amount had already been legally apportioned to said District No. 5 as aforesaid, and thereby defeats the said district of the aforesaid amount:

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Macon County shall, at the times prescribed by law for the apportionment of the public school fund among the various districts or school precincts in said county for the year 1903, appropriate out of the general public school fund for the year 1903, and, if necessary, for the year 1904, the sum of \$59.91 to School District No. 5, in Franklin Township, in said county, and known as Clark's Chapel Public School.

Apportionment of school funds.

Appropriation for school district No. 5, in Franklin township.

SEC. 2. That said sum shall not be charged to said district by said board in making the general appropriation of the school funds for the year 1903.

Same not to be considered in general apportionment.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 708.

AN ACT TO AMEND CHAPTER 296 OF THE PUBLIC LAWS OF THE YEAR 1901, RELATING TO THE MANUFACTURE OF WHISKEY IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and ninety-six of the Public Laws of the year one thousand nine hundred and one, relating to the manufacture and sale of spirituous liquors in Buncombe County, be amended by striking out the word "vinous" in the third line and inserting at the end of said section the following: "but no person, firm or corporation or manufacturer of vinous liquors shall sell the same except in original packages of not less than five gallons; and said liquors shall not be drunk on the premises where manufactured or sold."

Former act amended.

Manufacture and sale of vinous liquors regulated.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 709.

AN ACT TO AMEND SECTION TWENTY-FIVE (25) OF CHAPTER TWO HUNDRED AND EIGHTY-SIX (286), PUBLIC LAWS OF 1899, RELATING TO THE PUBLIC ROADS IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Former act amended.

Petitions for new roads, how advertised, etc.

SECTION 1. That section twenty-five (25) of chapter two hundred and eighty-six (286) of the Public Laws of 1899 be and the same is hereby amended as follows: By striking out all in said section after the word "writing" in line three (3), down to and including the words "such petition" in line six (6) of said section, and insert the following in lieu thereof: "And the said Commissioners shall advertise all petitions asking for new roads or amendments to old roads for at least thirty (30) days at the court-house door and in two public places in each township through which any such new road or amendments shall pass, and that said notice shall be sufficient notice to all persons over which such new roads or amendments shall pass."

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

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

In the General Assembly of North Carolina read three times and ratified this 9th day of March, 1903.

CHAPTER 710.

AN ACT TO CHANGE THE TIME OF HOLDING THE SECOND FALL TERM OF JOHNSTON SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Chapter 28, Public Laws 1901, amended on page 107 as to Johnston county.

SECTION 1. That that part of chapter 28, Laws of 1901, relative to holding the Court of Johnston County, in the Sixth District, page 167, subdivision "Johnston County," be and the same is hereby amended by striking out the word "thirteenth" and inserting in lieu thereof the word "twelfth."

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 711.

AN ACT TO PROHIBIT THE THROWING OF SAWDUST IN
NORTH AND SOUTH MUDDY CREEKS, IN McDOWELL
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That no owner or lessee of a saw-mill shall throw or dump or cause to be thrown or dumped any sawdust into the streams known as North and South Muddy Creeks, in the county of McDowell.

Misdemeanor to throw or dump saw-dust in said creeks.

SEC. 2. That any owner or lessee of a saw-mill offending against section one of this act shall be guilty of a misdemeanor, and fined a sum not exceeding ten dollars for each offense or imprisoned, at the discretion of the court.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 712.

AN ACT TO PREVENT THE FELLING OF TREES IN THE RUN
OF THE BIG NORTHEAST, A BRANCH OF NEW RIVER, IN
ONslow COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to obstruct the waters of the Big Northeast, in Onslow County, by felling trees in the run of said Big Northeast or by any other means whatever.

Unlawful to obstruct Big Northeast.

SEC. 2. That any person so obstructing the waters of said Big Northeast and permitting the obstruction to remain in the run of said stream for the space of five days shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days for each offense.

Misdemeanor.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 713.

AN ACT TO CORRECT STATE GRANT No. 2507, IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Grant No. 2507, to
N. S. Jarrett,
Macon county,
corrected.

SECTION 1. That State Grant Number (2507) two thousand five hundred seven, in Macon County, to N. S. Jarrett, be and the same is hereby corrected and amended by adding after the word "stake" at the end of the first call, and before the word "then" at the beginning of the second call, the words "thence south (20) twenty degrees east (100) one hundred poles to a stake."

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

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

CHAPTER 714.

AN ACT TO AMEND CHAPTER 368 OF THE PUBLIC LAWS OF 1899, CONCERNING THE SEABOARD DISPENSARY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 368 of the Public Laws of 1899 be amended as follows:

Lines 9 and 10,
section 2,
amended.

That section 2 be amended by striking out all between the word "Commissioner," in line 9, and the word "shall," in line 10, and insert in lieu thereof the words "the Mayor and Town Commissioners"; strike out all between the word "and," in line 12, and the word "he," in line 13; strike out all between the word "years," in line 14, and the last "the" in line 18, and insert the words "and said Mayor and Town Commissioners shall fill all vacancies occurring in the office of dispensary commissioners"; strike out all of said section after the word "commissioners," in line 23.

Lines 12 and 13
amended.
Vacancy in office
of Dispensary
Commissioner,
how filled.
All after word
"Commissioners,"
in line 25, stricken
out.
Section 4
amended.
Provision for an-
alysis before pur-
chase of brandy or
whiskey costing
less than \$1.75 per
gallon.

SEC. 2. That section 4 be amended by adding at the end thereof the words: "And no brandy or whiskey costing less than one and 75-100 (\$1.75) dollars per gallon, at wholesale price, shall be sold until an analysis shall have been made of a sample of the same by some competent chemist and until said chemist shall certify to the dispensary commissioners that said sample is unadulterated with injurious ingredients and that it is suitable for medicinal purposes."

Section 7
amended.
Purchase per day
restricted.

SEC. 3. That section 7 be amended by adding after the word "sealed," in line 5, the words "and no person shall be allowed to make more than one purchase during any day."

SEC. 4. That section 14 be amended by striking out the words "two-thirds (2-3)," in line 2, and inserting the words "one-half ($\frac{1}{2}$)" in lieu thereof; strike out all between the words "dispensary," in line 3, and the last "the" in line 4, and insert in lieu thereof the words "and the remaining one-half ($\frac{1}{2}$) thereof shall be paid to the Treasurer of Northampton County for the improvement and maintenance of the public roads of said county"; add at the end of said section the words "may be applicable to schools."

Section 14
amended.

SEC. 5. That section 15 be amended by striking out the word "less," in line 3, and inserting the word "more" in lieu thereof.

Section 15
amended.

SEC. 6. That section 17 be amended by striking out the words "the prohibition of" in line 1.

Section 17
amended.

SEC. 7. That said chapter be amended by adding the following words after section 16, to be known as section 16 $\frac{1}{2}$, to-wit: "That the Treasurer of the town of Seaboard, before receiving any of the funds derived from said dispensary, shall enter into bond sufficient to cover the amount of funds received by him, which bond shall be in an amount of not less than one thousand (\$1,000) dollars, to be received and approved by the Mayor and Board of Town Commissioners of Seaboard. That said Treasurer shall receive for his services one-half ($\frac{1}{2}$) of one per centum on receipts and one per centum on the amount of disbursements."

Section 16 $\frac{1}{2}$ added.

Treasurer's bond.

Compensation.

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

Conflicting laws
repealed.

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

In the General Assembly of North Carolina read three times and ratified this 9th day of March, 1903.

CHAPTER 715.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF THE PEOPLE OF THE STATE WHERE CORPORATIONS ACT AS TRUSTEES, GUARDIANS, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 54 of the Public Laws of 1899, section 46, subsection 5, as amended by chapter 706, Public Laws of 1901, be amended by striking out in line thirteen of said subsection the word "fifty," and inserting in lieu thereof the words "one hundred."

Subsection 5, section 1, Public Laws 1901, amended.
Bonding and Surety Companies must have certificate of Insurance Commissioner that they are solvent to an amount not less than \$100,000.

SEC. 2. All acts in conflict with this act are hereby repealed, and this act shall be in force from and after its ratification.

In the General Assembly of North Carolina read three times and ratified this 9th day of March, 1903.

CHAPTER 716.

AN ACT TO PROHIBIT HUNTING AND FISHING IN LILLINGTON AND STEWART'S CREEK TOWNSHIPS, IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to hunt or fish in said townships without written consent of land owner.

SECTION 1. That it shall be unlawful for any person to hunt any game with gun or dogs, or fish or trap any fish in Lillington and Stewart's Creek Townships, in the county of Harnett, without first obtaining the written consent of the land owner or owners or legally constituted agent thereof, and any person or persons violating the provisions of this act shall, upon conviction, be fined not less than five nor more than ten dollars for each and every offense; one-half of said fine shall go to the informer and the other half to the public schools of the aforesaid county.

Penalty. One-half to informer.

One-third of main channel of stream to be left open where fish trap built.

SEC. 2. That any person or persons building any fish trap or traps, either on his own land or, by permission, on the land of another, shall leave open and unobstructed one-third of the stream in the main or deepest channel.

Penalty for violation of same as in section 1.

SEC. 3. That any person or persons violating any of the provisions of this act shall be fined in accordance with the provisions of section one (1) of this act.

Conflicting laws repealed.

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

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

In the General Assembly of North Carolina read three times and ratified this 9th day of March, 1903.

CHAPTER 717.

AN ACT FOR REGULATING THE ESTABLISHMENT OF STOCK LAW IN NORTHAMPTON COUNTY, AND TO AMEND SECTIONS 2812, 2813 AND 2814 OF THE CODE IN REFERENCE THERETO.

The General Assembly of North Carolina do enact:

Powers of County Commissioners as to stock law.

SECTION 1. That the Board of County Commissioners are hereby invested with full power and authority to regulate the stock law in their respective counties.

When County Commissioners authorized and required to establish stock law in any territory.

SEC. 2. That said Board of County Commissioners, upon a written application of a majority of the qualified voters of said county, or of a majority of the qualified voters of any township, or of a ma-

jority of the qualified voters of any territory in said county having well defined boundaries, are hereby fully empowered, authorized and required to declare the stock law to be in force in and to put the same into full force and effect in said county or in said township or in said territory, as the case may be.

SEC. 3. That when any county, township or territory as aforesaid shall be so declared subject to the stock law and its regulations, it shall be subject to all the general laws now in force, not inconsistent herewith, touching and regulating those matters peculiar to stock law territory, and the said Board of County Commissioners shall have the same control and supervision over territory by them subjected to stock law regulations as over territory where stock law has been established by a vote of the people.

Territory declared subject to stock law subject to general laws regulating same.

Control and supervision of such territory.

SEC. 4. That any person allowing stock to run at large within territory declared to be subject to stock law regulations in the chapter provided, shall be subject to all the pains and penalties prescribed for violating in territory already having such law.

Penalties for allowing stock to run at large in such territory.

SEC. 5. That sections 2812, 2813 and 2814 of The Code be amended by striking out the word "one-fifth" wherever they occur and inserting in lieu thereof the word "one-third."

Sections 2812, 2813 and 2814 amended.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That whenever contiguous townships or territories shall adopt the stock law or shall be declared so declared subject to the stock law, all of the real property embraced therein shall be liable to taxation for the building of fences around the whole thereof as is prescribed by the general law regarding the same.

Tax liability of contiguous territory declared subject to stock law.

SEC. 8. That the Roanoke River and the Meherrin River are hereby declared lawful fences.

Roanoke and Meherrin rivers lawful fences.

SEC. 9. That this act shall apply to Northampton County only.

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

In the General Assembly of North Carolina read three times and ratified this 9th day of March, 1903.

CHAPTER 718.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF COLUMBIA.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory in the town of Columbia embraced within the following boundaries, viz.:

Columbia graded school district, boundaries.

Beginning on the east side of the Scuppernong River, at the mouth of a ditch or canal, known as the Wm. McClus ditch, running south-westwardly up and along the margin of the Scuppernong River 110 poles to a large cypress bearing two chops on the south side and two chops on the north side; thence south 56 degrees east 15 poles to a cluster of three small marked cypresses; then north 82 degrees east $49\frac{1}{2}$ poles to the corner of the lot whereon Thomas J. Davenport now lives; then north $13\frac{1}{2}$ poles to the northeast corner of said lot; then a straight course to the southeast corner of the lot whereon Leonard Armstrong now lives; then along his line to his northeast corner; then westwardly along the line of the Browning Manufacturing Company to John S. Davenport's line; then northwardly along the line of the Browning Manufacturing Company to Combs street; then along Comb street to the road or street leading from Southside to Jenkins' corner; then the road or street to Dora S. Alexander's southwest corner; then eastwardly along her line and continuing the course thereof to the Martha Fonso road; then north to the Wm. McClus canal; then westwardly along the canal to river, the place of beginning, shall be and the same is hereby constituted the Columbia Graded School District for the white race.

Provisions for election on question of school tax, amount of tax, etc.

SEC. 2. The Board of Commissioners of the town of Columbia are hereby authorized and are directed to submit to the qualified voters of the said town the question whether an annual tax shall each year hereafter be levied within said town for the support of said school for said district, said tax not to exceed thirty-three and one-third cents (33 1-3 cts.) on each one hundred dollars of real and personal property and one dollar (\$1) on the poll. Said election shall be held at the election for regular town officers for said town May, 1903, under the same rules and regulations as are now prescribed by law for holding municipal elections as said town. At said election those in favor of the levy of said tax shall vote a ticket having thereon the words "For School," and those opposed shall vote a ticket having thereon the words "Against School."

If election favorable, tax to be levied and collected.

SEC. 3. The Board of Commissioners of said town of Columbia shall declare the result of such election, and if at the election so held a majority of the qualified voters of said town of Columbia shall vote in favor of the levy of said taxes, the Board of Commissioners shall so declare, and at their 1903 [meeting] levy a tax for the support of the graded school within said district, which said tax shall be levied and collected as a special tax and kept separate and apart from the other taxes levied and collected in said town, and paid out by the Treasurer of said town only upon the warrant of the board of trustees of said graded school.

How paid out.

Disbursement and expenditure of school funds.

SEC. 4. That the special taxes so levied and collected, and all other funds which may be paid over to the trustees of said graded school or to the Treasurer of said town for educational purposes,

shall be expended only on the warrant of the said board of trustees in the erection of graded school buildings, and in the conduct and operation of graded schools for the education of the children in said town between the ages of six and twenty-one years.

SEC. 5. That the Board of Commissioners of the town of Columbia shall appoint, at their regular June meeting following the ratification of this act, six sober and discreet men, who are known to be in favor of public education, who, when so appointed, shall constitute a board of trustees of and for said graded school; two of the said trustees shall hold their office for two years, two for four years and two for six years, as may be determined by said Board of Commissioners, and duly entered on the minutes of said Board of Commissioners.

Appointment of graded school trustees.

Terms of office.

SEC. 6. That all trustees of said graded school elected thereafter shall hold their office for six years. That at the regular meeting of the Board of Commissioners of the town of Columbia in June, 1905, and every two years thereafter, the said Board of Commissioners of said town shall elect two trustees in place of those whose terms shall have expired. In case of vacancy on account of the resignation or death of any trustee, or his removal from town, the trustees shall elect to fill the unexpired term.

Terms of office of successors.

Subsequent elections of trustees.
Vacancy, how filled.

SEC. 7. That the said board of trustees shall provide suitable building or buildings for conducting the said school, either by erecting or leasing same, as they may from time to time deem it best for the interest of the school. The said trustees shall have the right to engage, employ, pay and discharge teachers at any time, fix the amount of their compensation and salaries and have general oversight and control of said school, the concurrence of at least four of their number being necessary to decide all points of interest or dispute.

School buildings.

Trustees to employ teachers, fix compensation and control school.

Number necessary to decide any question.

SEC. 8. That all public school funds which may from time to time be collected under the general school law for general school purposes and apportioned to the children within the said district shall, upon the requisition of the Board of Trustees of said graded school, be paid by the County Treasurer into the treasury of the town of Columbia for the sole use and benefit of the said graded school, and to be expended by the said trustees as are the moneys arising from the special tax herein provided for.

General school funds for said district to be turned over to graded school.

SEC. 9. The board of trustees herein provided for shall meet at least once each month for the purpose of attending to all matters pertaining to said school, but may meet oftener if deemed necessary. No teacher shall be employed or vouchers signed for the disbursing of funds of the school except at a regular monthly meeting. The trustees herein provided for shall receive as salary the sum of one dollar each per annum, the same to be paid out of the funds belonging to the school.

Meetings of trustees.

Certain business restricted to regular meeting.
Salary of trustees.

Conflicting laws repealed.

SEC. 10. That all 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.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 719.

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE PUBLIC LAWS OF 1899 RELATING TO THE INVESTIGATION OF FIRES.

The General Assembly of North Carolina do enact:

Line 8, section 1, chapter 387, Public Laws 1901 amended.

Provisions for preliminary investigation of fires.

Line 12, section 1 amended.

Line 9, section 2 amended.

Line 16, section 2 amended.

Line 2, section 4 amended.

Line 5, section 2 amended.

Annual inspection of buildings in incorporated cities and towns. Quarterly inspections within fire limits Report to Insurance Commissioner.

SECTION 1. That chapter 58 of the Public Laws of 1899, as amended by chapter 387, Public Laws of 1901, be amended by striking out in section 1, line eight, the words "such investigation" and inserting in lieu thereof the words "A preliminary investigation shall be made by the chief of the fire department or chief of police (where there is no chief of fire department) in incorporated cities and towns and by the Sheriff of the county where such fire occurs outside of an incorporated city or town, and." Amend said section by inserting in line twelve after the word "making" and before the word "investigation" the word "such." Amend section two of said chapter by adding after the word "shall" in line nine and before the word "when" the words "in person, by deputy or otherwise, fully investigate all circumstances surrounding said fire, and." Amend said section by inserting after the word "offense" and before the word "and" in line sixteen the words "prosecuted and bound over to the Superior Court." Amend section 2 of said chapter 58 by adding in line 16 after the word "arson" and before the word "he" the words "or other wilful burning."

SEC. 2. Amend section 4 of the said act by inserting in line two after the word "department" and before the word "shall" the words "or local inspector of buildings in cities and towns where such officer is elected or appointed." Amend said section by inserting in line five after the word "jurisdiction" and before the word "when-ever" the words "It shall be the duty of the Insurance Commissioner to require, in all incorporated cities and towns of the State, that the said officers shall make in their respective cities and towns annual inspections of the buildings in said cities and towns and quarterly inspections of all premises within the fire limits, and report in detail the results of their inspections to the Insurance Commissioner upon blanks furnished by him." Amend said section

4 by striking out the words in lines fourteen and fifteen "fire chief or fire committee," and insert in lieu thereof the word "officer." Amend said section four by adding in line twenty-two after the word "thereto" the words "The Insurance Commissioner may, in person or by deputy, visit any city or incorporated town and make such an inspection alone or in company with the local officer. The local inspector shall be paid by the city or town a reasonable salary or proper fees, to be fixed by the governing board of said city or town." And amend said section in line twenty-three by adding at the end thereof after the word "be" the words "guilty of a misdemeanor, and."

Lines 14 and 15,
section 4 amended.

Line 22, section 4
amended.

Line 23, section 4
amended.

SEC. 3. Amend section five of the said act by striking out in line one the words "section one" and inserting in lieu thereof the words "this act." Amend section six of said act by striking out in line five after the word "of" the words "one-tenth" and insert in lieu thereof the words "one-fifth."

Section 5 amended.

Line 5, section 6
amended.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 720.

AN ACT FOR THE BETTER DRAINAGE OF THE LOWLANDS IN DEEP RIVER TOWNSHIP, GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Deep River, in Guilford County, N. C., from J. M. Brown's and Willborn Mill-pond up the different prongs, viz., the three that run through J. F. Ballinger's and J. A. Davis' lands and all tributaries, are hereby constituted a drainage for the purposes mentioned in this act, to the Forsyth line.

Location for
drainage.

SEC. 2. That J. A. Davis, W. F. Gray, Seward, B. F. Stock, Maskey Willard, Green Stafford are hereby appointed commissioners who shall, on or before June 1st, 1903, appoint an overseer or overseers, who shall hold office for two years.

Drainage
commissioners.

Overseers.

SEC. 3. That said commissioners shall estimate the amount of bottom land to be drained in said district, making up a list of the owners and the number of acres owned by each as nearly as may be practicable by estimate. They shall likewise determine the number of acres for which a land owner shall be required to furnish a hand to work: *Provided, however*, that each land owner shall furnish the overseer with the number of hands required from each land owner.

Provisions for
estimating land to
be drained and
prorating number
of hands required
of owners.

SEC. 4. Any land owner may pay the overseer one dollar per day in lieu of each hand that he is required to furnish: *Provided*, payment is made at least three days before the day appointed to work.

Money payment in
lieu of hands.

Powers of overseers as to laborers offered. **SEC. 5.** The overseer may accept laborers offered or substitutes for the land owners, if he approves the same; he shall also apply all money paid in lieu of work or collected as penalties in hiring hands to work on streams.

Misdemeanor to fail to furnish hand or pay money in lieu. **SEC. 6.** Any person owning land in said drainage district who shall fail, when notified by the overseer, to work or furnish the hand or hands required of him to work, or to pay the one dollar per day for each day and hand required of him, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars, or imprisoned not more than twenty days.

Penalty.

Penalties on overseer. Collection of other penalties. **SEC. 7.** Overseer shall be liable to same penalties as prescribed by law for overseers of public roads; all penalties from those liable for non-compliance with the provisions of this act shall be collected by and paid to the overseer.

Notice to land owners. **SEC. 8.** Overseers shall give five days' notice to land owners as above prescribed, of the time and place of working and the hand and tool required of each hand. All land owners are required to dam and keep sand out of the streams.

Owners required to dam sand.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 721.

AN ACT TO PREVENT THE FLOATING OF SAWDUST IN STREAMS IN BLACK RIVER TOWNSHIP, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to float sawdust in Black river or tributaries. **SECTION 1.** That it shall be unlawful for any person, firm or corporation to float sawdust in Black River or any of the small streams running into Black River, within the limits of the township of Black River, in the county of Harnett.

Violation a misdemeanor. **SEC. 2.** That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalty.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 722.

AN ACT TO AMEND CHAPTER TWENTY-EIGHT OF THE PUBLIC LAWS OF 1901, RELATIVE TO THE HOLDING OF COURT IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-eight of the Public Laws of nineteen hundred and one, in so far as it is applicable to Rutherford County, be and the same is hereby amended by inserting between the words "September" and "and" in line six, on page 174, the words "for civil causes only." September term for trial of civil causes only.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 723.

AN ACT TO AUTHORIZE BYRON STURGILL, LATE SHERIFF OF ASHE COUNTY, TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That Byron Sturgill, late Sheriff of Ashe County, be and he is hereby authorized and empowered to collect arrearage of taxes due by persons in said county for the year eighteen hundred and ninety-five and ninety-six, under the laws existing such years, with full power to levy and distrain for taxes, under the law in force in said years, in all respects as if the said taxes were now due. Empowered to collect arrears of taxes.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 724.

AN ACT TO PROTECT THE FISHING INTEREST OF BROWN SOUND, IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to fish with seines or nets of any description in the waters of Bear Inlet or Brown's Inlet, or within one mile of Bear Inlet or Brown's Inlet, on the eastern or western beach of said inlets, and it shall Restrictions on fishing with seines or nets in certain waters of Brown sound.

Not applicable to established fisheries.

Violation of section 1 a misdemeanor. Penalty.

be unlawful to fish with seines or nets on the inside of said inlets within one-fourth mile of said inlets between the first day of October and the first day of April: *Provided*, this act shall not be construed so as to prevent fishing at the regularly established fisheries on said beach, either inside or outside.

SEC. 2. Any person or persons violating section 1 of this act shall be guilty of a misdemeanor, and fined or imprisoned, or both fined and imprisoned, at the discretion of the court.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 725.

AN ACT TO FACILITATE THE SALE OF CERTAIN SWAMP LANDS IN JONES AND ONSLOW COUNTIES.

WHEREAS, some doubt may exist as to whether the entire right, title and interest of the State of North Carolina in certain lands in the counties of Onslow and Jones, known as the Allison or Vedder lands, is vested in the State Board of Education, which doubt may hamper said State Board of Education in effecting a sale or sales of said lands: Now, therefore, in order to remove such doubts,

The General Assembly of North Carolina do enact:

All right, title, interest, claim and demand of the State to certain lands in said counties, granted, conveyed to and vested in State Board of Education.

Power to sell said lands.

SECTION 1. That all the right, title and interest, claim and demand of the State of North Carolina in and to all those certain tracts, parcels or bodies of land in the counties of Onslow and Jones, known as the Allison or Vedder lands, being all the lands in said counties of Onslow and Jones which were heretofore granted by the State of North Carolina to David Allison by sundry grants of said State, be and the same is hereby granted and conveyed to and vested in said State Board of Education, to be held and disposed of by said State Board of Education pursuant to chapter fifteen of Volume II of The Code of North Carolina and the laws amendatory thereof, and with full power to sell all said right, title, interest, claim and demand of the State of North Carolina, and of said State Board of Education in and to said lands, upon such terms and at such prices as to said board seems best.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 726.

AN ACT TO AMEND CHAPTER 324 OF THE PUBLIC LAWS OF
1891, CONCERNING FEES OF THE REGISTER OF DEEDS
OF PITT COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter 324 of the Public Laws of 1891 be amended by striking out the word "seven" in line 12 and inserting in lieu thereof the word "ten"; and by striking out the "seventy-five cents" at the end of said section and inserting in lieu thereof the words "one dollar."

Line 12, section 1,
chapter 324, Public
Laws 1891
amended.

Fee of register
raised.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 727.

AN ACT TO AMEND SECTION 3604 OF THE CODE.

The General Assembly of North Carolina do enact:

SECTION 1. That section 3604 of The Code be amended in line one by striking out "biennially" and inserting therein the word "quadrennially."

Librarian appointed
quadrennially.

SEC. 2. That chapter 351, Public Laws of 1895, be and the same is hereby repealed.

Chapter 351, Public
Laws 1895 repealed.

SEC. 3. That all laws in conflict with this act are repealed, and that this act shall be in force from and after its ratification.

Conflicting laws
repealed.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 728.

AN ACT TO AMEND CHAPTER 7, VOLUME II OF THE CODE
OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 7, Volume II of the Code of North Carolina, be and the same is hereby amended by adding a subsection after section 2294 and before section 2295, as follows:

"2294 (a) That married women, and minors of the age of twelve years and upwards, are hereby authorized and empowered to become

Section 2294 (a)
added.

Allowing married women and minors to deal in stock of building and loan associations.

stockholders in and buy, sell, hold, pay dues on, withdraw, transfer and otherwise deal in stock in any such association in the same manner and with the same powers, rights and liabilities, force and effect as though such minors or *feme covert*s were of full age or unmarried."

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

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1903.

CHAPTER 729.

AN ACT TO AMEND CHAPTER 38 OF THE CODE OF NORTH CAROLINA, AUTHORIZING THE GOVERNOR TO HAVE THE BOARD OF INTERNAL IMPROVEMENTS INVESTIGATE AFFAIRS OF TURNPIKES, CANALS AND OTHER PERMANENT IMPROVEMENTS IN WHICH THE STATE HAS AN INTEREST.

The General Assembly of North Carolina do enact:

The Code amended.

SECTION 1. That section (1719) seventeen hundred and nineteen of The Code of North Carolina be and the same is hereby amended by adding in line three (3) of said section, after the word "railroad" and before the word "in" the words "turnpike, canal and public institutions," and that section sixteen hundred and eighty-nine (1689) of said chapter 38 be and the same is hereby amended by striking out of said section 1689 the word "three" wherever it appears in said section, and inserting in lieu thereof the word "five."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 730.

AN ACT SUPPLEMENTARY TO AN ACT TO PROVIDE COURT STENOGRAPHERS FOR UNION AND BUNCOMBE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the act passed by the General Assembly of North Carolina at its present session, providing for the appointment of a

court stenographer for Union and Buncombe Counties, be amended by adding a new section thereto, as follows:

That the Board of County Commissioners of Union County are authorized and empowered to employ the official court stenographer for Union County at a stated sum as his per diem for his services as such court stenographer, to be agreed upon between said stenographer and the Board of County Commissioners, and to pay him the price so agreed upon for his services in lieu of fees to be taxed in each case tried in the Superior Court of said county of Union, and in case such agreement is made, then all fees due the court stenographer for said county, or that may become due him under said act providing for his appointment, for services in reporting any case or any other service required by said act, shall belong to the said county of Union, and shall be taxed up in the bill of costs in each case and paid into the treasury of said county for the benefit of said county.

Provisions for commissioners of Union county to pay court stenographer per diem instead of fees and for disposal of fees.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 731.

AN ACT FOR THE RELIEF OF MRS. VIRGINIA E. BUNTING OF NEW HANOVER.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of the State of North Carolina be and he is hereby directed to pay to Virginia E. Bunting, administratrix of S. R. Bunting, deceased, the sum of fifty-nine and 30-100 dollars, the amount of the direct war tax which escheated to the State of North Carolina by reason of the failure of the said Virginia E. Bunting to qualify in due time as required by law to have the same paid to her under the act of the United States government refunding said direct war tax.

State Treasurer authorized to pay Virginia E. Bunting amount of direct tax.

SEC. 2. That the said Treasurer of the State of North Carolina, immediately upon the filing of the affidavit of the said administratrix of Samuel R. Bunting, setting out the facts as they truly exist, pay to the said Virginia E. Bunting, administratrix, the said sum of fifty-nine and 30-100 dollars.

Affidavit to be filed.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 732.

AN ACT FOR BETTER PROTECTION OF CLAMS IN THE
WATERS OF NEW HANOVER COUNTY.*The General Assembly of North Carolina do enact:*

Unlawful to catch
clams in certain
waters at certain
times.

SECTION 1. That it shall be unlawful for any person or persons to catch any clams in the waters of New Hanover County for sale or to pound or to bed between the first of April and the first day of November of any year.

Penalty for viola-
tion.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars, or imprisoned not exceeding thirty days, or both, at the discretion of the court.

Conflicting laws
repealed.

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

SEC. 4. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 733.

AN ACT TO SECURE THE BETTER DRAINAGE OF WATER-
COURSES IN CABARRUS COUNTY.*The General Assembly of North Carolina do enact:*

Land owners
required to remove
obstructions from
water-courses.

SECTION 1. That all persons owning or leasing lands on any of the water-courses in Cabarrus County shall be required to cut and remove all logs and rafts from the channels of such water-courses and all trees and shrubbery growing on the banks that obstruct the free passage of water shall be cut and removed from such banks.

Unlawful to leave
logs in streams,
etc.

SEC. 2. That it shall be unlawful for any person to cut and leave in or within twenty feet of the channel of any water-course any logs, brush or other obstruction which may in time of freshet be carried into the channel of any water-course.

When water-course
is dividing line.

SEC. 3. That when a water-course is the dividing line between two or more persons, and logs or rafts lodge therein, the person owning bank to which the butt end of log is nearest shall remove the log, and in case of rafts the parties jointly shall remove the same, and if either party shall refuse to perform his part for ten days after notice, without lawful excuse, shall be guilty of a violation of this act.

Penalty for failure
to perform duties.

SEC. 4. That any person failing to perform the duties required by this act shall be guilty of a misdemeanor, and fined not exceeding ten dollars for each and every offense upon conviction before any

justice of the peace of said county, said fines to be applied to the public school fund of said county.

SEC. 5. That this act shall apply only to the county of Cabarrus, and shall be in force from the time of its ratification. Applicable only to Cabarrus county.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 734.

AN ACT TO AMEND THE LAW REGULATING NOTARIES' FEES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 296, Public Laws 1895. being entitled "An act to amend section 3749 of The Code," be and the same is hereby repealed. Chapter 296, Public Laws 1895 repealed.

SEC. 2. That section 3749 of The Code be amended so as to read as follows: Notaries public and other persons acting as such shall be allowed the sum of fifty cents for protesting for non-acceptance or non-payment, or for both when done at the same time, any order, draft, note, bond or bill or any other thing necessary to be protested, and the sum of ten cents for each notice sent in connection therewith. For other necessary services, where no fee is fixed they shall be allowed twenty cents for every ninety words: *Provided*, that cases of protest concerning vessels or their cargoes shall not be affected by this chapter. Section 3749 of The Code amended.
Fees of notaries public, etc.

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

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 735.

AN ACT FOR THE RELIEF OF EX-SHERIFF J. M. MARSHBURN OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. WHEREAS, ex-Sheriff J. M. Marshburn of Sampson County has paid in to the Treasurer of the State five hundred and

thirty dollars and fifty seven cents (\$530.57) of insolvent taxes from 1895 to 1900, inclusive; and whereas, he has applied to the State

Auditor for a return of said taxes, and the Auditor has referred his

Preamble.
Sheriff's settlement of taxes.

application to the Attorney-General, who has decided that under the law the Auditor is only permitted to return to the ex-Sheriff seventy-two dollars and eighteen cents (\$72.18) of the said sum so paid, upon the grounds that the said Sheriff should have had the application passed upon on or before the settlement with the State Treasurer in January of each of the said years, when section thirty-two of chapter five hundred and fifty-eight, Laws of 1901, required said Sheriff to hold these taxes for two years before he applied to the Board of Commissioners of his county for relief; and whereas, it appears that the Commissioners of said county have relieved the Sheriff of said county of these insolvent taxes, the Auditor of the State of North Carolina is hereby directed to refund to the ex-Sheriff, J. M. Marshburn, the balance of the said sum not allowed by the Auditor, to-wit, four hundred and fifty-eight dollars and thirty-nine cents (\$458.39).

Auditor authorized
to refund.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 736.

AN ACT AMENDING CHAPTER 28, PUBLIC LAWS 1901, RELATING TO TIME OF HOLDING COURTS IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Former act
amended.

SECTION 1. That chapter 28, Public Laws 1901, be amended by striking out on page 165, in line seven from the bottom of said page, in the paragraph relating to Wilson, the words "for the trial of civil cases exclusively."

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 737.

AN ACT TO PREVENT THE DEPREDAATION OF DOMESTIC FOWLS IN THOMASVILLE TOWNSHIP, DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Unlawful for
certain domestic
fowls to run at
large.

SECTION 1. That it shall be unlawful for any person in the township of Thomasville, in the county of Davidson, to permit any tur-

keys, geese, ducks or guineas to run at large after being notified, as in section 2 of this act, on any lands that may be cultivated in wheat, oats or rye, or used for gardens.

SEC. 2. That any person so permitting any such fowls of his own to run at large, after such person has been notified to keep them up two days prior thereto, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding three dollars or imprisoned not exceeding three days. Notice.
Penalty for violation.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 738.

AN ACT TO AMEND SECTION 3361 OF THE CODE.

The General Assembly of North Carolina do enact:

SECTION 1. That section 3361 of The Code is hereby amended by adding to the end of same the following: "The said Commissioners shall also examine the warrants drawn on the State Treasurer by the officials of the various public institutions of the State, whose duty it is to draw said warrants, and the Commissioners shall have the same authority over the warrants drawn by the officials of all public institutions as over the warrants drawn by the Auditor of the State." Section 3361 of The Code amended.
Legislative committee to examine warrants on State Treasurer drawn by officials of State institutions.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 739.

AN ACT FOR THE RELIEF OF S. H. HARRIS OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of H. B. 573, S. B. 460, passed at this session of the General Assembly, shall not apply to S. H. Harris of Cleveland County, and shall not operate to prevent him from practicing mind or suggestive treatment for fee or reward: *Provided*, he shall prescribe no medicine. An act to define the practice of medicine and surgery, passed at this session, not to apply to S. H. Harris.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 740.

AN ACT TO AMEND CHAPTER 565, PUBLIC LAWS OF 1901,
RELATING TO COLORED NORMAL SCHOOLS.

The General Assembly of North Carolina do enact:

Chapter 565, Public
Laws 1901
amended.
Power of State
Board of Educa-
tion.
Board of directors
for colored normal
schools.

SECTION 1. That section 3 be stricken out and the following be inserted in lieu thereof: "That the State Board of Education shall have power to appoint a board of five directors, not more than three of whom shall reside in the county in which the school is located, for each of the remaining colored normal schools, and that said board shall have the general management of said schools and shall have power to elect the teachers of the same and such other powers for the management of said schools as are not vested in the State Board of Education and in the State Board of Examiners. Said directors shall receive no compensation for their services other than actual expenses while attending meetings of the board.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 741.

AN ACT RELATING TO PUTTING SAWDUST IN STREAMS IN
GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Putting of sawdust
in streams, how
forbidden.

SECTION 1. That the chairman of the Board of County Commissioners of Graham County, acting with and under the advice of the Board of Health of the said county, may forbid any person, firm or corporation engaged in manufacturing lumber in said county, or the agent of any such person, firm or corporation, to allow any sawdust from their mills to get in any stream or water-course in said county other than the Tennessee River, by delivering to such person, firm or corporation or their agent a written notice so forbidding them, and any person, firm or corporation, or the agent of any person, firm or corporation, who, after being so forbidden, shall let any sawdust into any stream or water-course in said county other than the exception above named, shall be guilty of a misdemeanor, and upon conviction shall be fined and imprisoned, in the discretion of the court.

Penalty.

No one guilty
unless as above
provided.

SEC. 2. That no person or persons, firm or corporation, or their agents, doing business in said county shall be guilty of or convicted of any offense for letting sawdust in any stream in said county

except as above provided, and all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 742.

AN ACT TO PROTECT THE GAME IN LITTLE RIVER TOWNSHIP, IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, with or without gun or dogs, to hunt upon the lands of another in Little River Township, Montgomery County, without first obtaining the written permission of the owner of said lands. Unlawful to hunt on land without permission of owner.

SEC. 2. That any person or persons violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five dollars or imprisoned more than ten days. Penalty for violation.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 743.

AN ACT FOR THE RELIEF OF W. L. OWENS AND J. E. BARNARD, MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY.

WHEREAS, W. L. Owens and J. E. Barnard, who were members of the Board of County Commissioners of Currituck County, North Carolina, for the term ending on the first Monday in December, nineteen hundred and two; and whereas, W. L. Owens is now serving as such by re-election, during their term of office now expired by inadvertence and oversight may have audited certain accounts for services and disbursements without requiring that the said accounts should be made out in items and without requiring that the said accounts should have attached to and filed with them the affidavits of the claimants that the services therein charged had been in fact made and rendered, and that no part thereof had been paid or satisfied, and without requiring that each account should state the nature of the services and the time necessarily devoted to the performance Preamble.

Sections 754 and
711 of The Code.

thereof, as required by section 754 of The Code of North Carolina; and whereas, the said W. L. Owens and J. E. Barnard, by such inadvertence and oversight as aforesaid, may have incurred the penalties imposed by section 711 of The Code of North Carolina; and whereas, the said W. L. Owens and J. E. Barnard, members of the Board of Commissioners of Currituck County, North Carolina, may have failed in other respects to comply strictly with section 754 of The Code of North Carolina, and by such failures and omissions may have incurred the penalties prescribed by said section 711 of The Code of North Carolina; and whereas, no harm has come to any one or to the county of Currituck, North Carolina, because of any such failure or omission; and whereas, actions have been brought by William H. Bray against said W. L. Owens and J. E. Barnard to recover of them the penalties prescribed by said section 711 of The Code of North Carolina, aggregating a large sum, which actions are now pending in the Superior Court of Currituck County, North Carolina, but in which no judgments have been rendered: Therefore,

The General Assembly of North Carolina do enact:

W. L. Owens and
J. E. Barnard
discharged from
penalties.
Sections 711 and
754 of The Code.

SECTION 1. That W. L. Owens and J. E. Barnard, they and each of them, be and they are hereby released and discharged from any and all penalties imposed by said section 711 and from any and all failures to comply with the provisions of said section 754 during their term of office as Commissioners of Currituck County, North Carolina, now expired.

Applicable to
actions now
pending.

SEC. 2. That this act shall be in force and effect from and after its ratification, and shall apply to actions now pending and which may be brought to enforce such penalties.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 744.

AN ACT FOR THE RELIEF OF REUBEN D. HARRIS, CLERK OF THE SUPERIOR COURT OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Leave of absence
granted.

SECTION 1. That Reuben D. Harris, Clerk of the Superior Court of Hyde County, be allowed to absent himself from his office of Clerk two Mondays in the year 1903 and two Mondays in the year 1904: *Provided*, the said Clerk shall not absent himself on any first Monday in any month of the years 1903 and 1904.

Proviso.

Leave of absence
granted.

SEC. 2. That the said Reuben D. Harris, Clerk of the Superior Court of Hyde County, be allowed to absent himself from his office of Clerk of the Superior Court on any two consecutive days in any

week during the years 1903 and 1904: *Provided*, the said Clerk Proviso. shall not absent himself from his said office for two consecutive days during the first three days of any week.

SEC. 3. That the said Clerk shall be exempt from the provisions, Not liable to pen- penalties and liabilities mentioned in sections 114 and 115 of The alties under sections 114 and 115 of The Code. Code for absenting himself from his office as provided in sections one and two of this act: *Provided*, that said Clerk shall leave a compe- Proviso: com- tent deputy to perform all duties authorized to be performed by petent deputy to be provided. said deputy.

SEC. 4. That this act shall be in force from and after its ratifi- cation.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 745.

AN ACT TO REGULATE HUNTING AND FISHING IN THE WATERS OF BLACK CREEK, WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt or shoot or kill wild ducks in or upon the mill-pond of E. T. Lucas, or in or upon the waters of Black Creek, in Wilson County, between April the first and October the first of each year. Unlawful to shoot wild ducks in certain waters at certain times.

SEC. 2. That it shall be unlawful for any person or persons to set or place gill nets in the waters of Black Creek between the Goldsboro public road and the high water mark of E. T. Lucas' mill-pond, in Wilson County, or to shoot fish in said waters, between the first day of May and the first day of August of each year. Fishing in certain waters regulated.

SEC. 3. That it shall be unlawful for any person or persons to seine with a hand-seine or a drag net in the waters of Black Creek, between the Goldsboro public road and the high water mark of E. T. Lucas' mill-pond, in Wilson County, at all times of the year.

SEC. 4. That it shall be unlawful for any person or persons to fell any trees, or to hedge or obstruct the free passage of fish in the waters of Black Creek from E. T. Lucas' mill-pond to the place where said Black Creek empties into Contentnea Creek: *Provided*, that where there are any hedges or obstructions now in said Black Creek any person may remove same. Unlawful to obstruct free passage of fish. Proviso.

SEC. 5. 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 ten dollars nor more than fifty dollars, or imprisoned not more than thirty days for each offense: *Provided*, that one-half of the fine shall go to the person furnishing evidence Penalty for viola- tion.

sufficient to convict and the other one-half to go to the public schools of Wilson County.

Applicable only to
Wilson county.

SEC. 6. This act shall apply only to the county of Wilson.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 746.

AN ACT TO ESTABLISH GRADED SCHOOLS IN MT. PROSPECT DISTRICT OF UNION COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Graded school district,
boundaries.

SECTION 1. That beginning on the Plyler Mill road and John W. Lathan's northeast corner, thence with said J. W. Lathan's line to P. V. Richardson's, including said Richardson, thence straight to the forks of the Rocky River and Lancaster road, at corner of J. W. Richardson's lot; thence to and including J. W. Fincher's; thence to and including W. M. Baker's; thence to and including S. A. Belk's; thence to and including Steve Hinson's; thence to and including R. C. Nesbit's; thence to and including A. M. Nesbit's; thence to and including J. G. Starnes'; thence to a straight line to Cain Creek Baptist Church; thence to and including D. C. Hinson's place where Butler Starnes now resides; thence south to a point on new cut road; thence with said road to the State line, including R. P. Plyler's; thence with State line to the eastern boundary of Will Montgomery's; thence to and including Bettie Plyler's; thence to and including Charlie Plyler's; thence to the cross road at Mrs. Emeline Melton's; thence with the Plyler Mill road to and including W. L. Preslar's; thence with said road to and including P. P. Ross'; thence with said road to J. W. Lathan's northeast corner, the beginning, shall constitute a public school district for the whites and colored, to be known as Mt. Prospect School District of Union County.

Name of district.

County commissioners to order
election.

SEC. 2. That the Board of Commissioners of Union County are authorized and required to order an election to be held in the said "Mt. Prospect School District" for the whites and colored of Union County, on the first Monday in May next, and at said election to submit to the qualified voters of said district the question of levying an annual special tax on the property and polls of white and colored persons in said district for the purpose of supporting and maintaining public schools for the whites and colored children in said school district.

Purpose.

SEC. 3. That at said election those in favor of levying said special taxes shall vote "For Schools," and those opposed shall vote "Against Schools," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general laws of this State, and the said Board of County Commissioners shall, at the time of ordering said election, designate a polling place at which said election shall be held.

Ballots.

Election, how conducted.

SEC. 4. That if a majority of the qualified voters of said school district shall vote for schools, the County authorities of Union County legally authorized to levy taxes shall, in addition to other taxes laid upon property in said school district, annually compute and levy, at the time of levying other taxes, a sufficient special tax upon the property and polls of the white and colored persons of said school district to raise such a sum of money as the trustees hereinafter named of said school district shall deem necessary, and shall report annually to said authorities, to support and maintain said schools, which sum shall not be less than fifteen cents on one hundred dollars worth of property and forty-five cents on the poll, nor more than fifty cents on the one hundred dollars worth of property and one hundred and fifty cents on the poll, annually, of white and colored persons in said district; said trustees hereinafter mentioned shall immediately, after the election herein provided for, report to the county authorities empowered to levy taxes what sum said trustees deem necessary to support and maintain said schools during the first year and annually thereafter; said trustees, thirty days prior to levying county taxes, shall report to said authorities what sum of money is necessary to support said schools during the next year. And the taxes for the support of said schools shall be annually collected as other taxes are collected, and paid over by the Sheriff or other collecting officers to the County Treasurer, which officers shall give good and sufficient bonds, to be approved by the said Commissioners, for the safe keeping and proper distribution of said taxes, and the taxes levied and collected for these purposes shall be kept separate and distinct from other taxes by the officers in charge, and shall be used only for the purposes for which they were levied and collected, which shall be for the purpose of establishing and maintaining and supporting white and colored schools in said district, and for this purpose the trustees hereinafter named shall have full power and authority to purchase or condemn land for such purpose and hold the same in trust, and may convey such lands as is held by them in trust and deemed by them to be the best interest of said school district, and may erect such buildings as in their opinion are necessary for such schools.

Special tax.

Tax rate.

Trustees to report amount needed.

Proceeds of tax payable to county treasurer.

County treasurer's bond.

Disbursement and application.

Power of trustees to purchase or condemn land.

SEC. 5. The taxes levied for the purpose of said school under this act and under the general school law shall be paid out by the officers

Trustees to control disbursement of school funds.

having them in charge, upon such warrants and to such persons as the trustees hereinafter mentioned may prescribe.

Duty of trustees. SEC. 6. The board of trustees provided for in this act shall appropriate the amount raised or received by them for school purposes in the "Mt. Prospect School District" so as to give the same length of school term for the whites and colored, and so as to pay due regard to the cost of maintaining and keeping the public [school] of both races: *Provided*, separate [schools] shall be established and maintained for both races.

Trustees named. SEC. 7. That H. L. Yarbrough, R. P. Plyler, W. L. Preslar, P. W. Plyler, A. L. Helms, S. A. Lathan and P. V. Richardson are hereby constituted a board of trustees for the public graded school of "Mt. Prospect School District," Union County, and they and their successors are hereby vested a body corporate under the name of trustees for the public schools of "Mt. Prospect School District," Union County, and they and their successors shall have perpetual succession, may sue and be sued, plead and be impleaded in all the courts of this State and the United States, have a common seal, make all by-laws and regulations necessary or expedient, as deemed by them for the purpose of their incorporation, purchase, sell and convey, lease, let and control all school property in said district, real and personal, proper and requisite for their corporate purposes, have power to fill all vacancies occurring in said board, to employ and dismiss all officers and teachers of said schools and regulate their salaries, to elect one of their own number chairman and another secretary, and do and perform all acts proper and necessary for the best advantages of said schools.

**Board of trustees incorporated.
Corporate name.
Powers.**

Employment of teachers; etc.

Chairman and secretary.

All school funds for said district to go to said schools.

SEC. 8. That the public school money which shall from time to time be collected under the general school laws for the white and colored children of said "Mt. Prospect School District" shall be applied to the support and maintenance of the graded school provided for in this act, under the orders and direction of said board of trustees.

Admission of pupils, etc.

SEC. 9. That the board of trustees aforesaid may admit as pupils in said school children who reside outside of the boundaries of said "Mt. Prospect School District," upon the payment of such sums as shall be fixed by said board of trustees.

Tuition.

SEC. 10. That the board of trustees aforesaid may fix a scale of prices for subjects other than those required to be taught under the general school law for the requirements of public schools, the said prices to be paid by pupils resident in said school district.

**Superintendent.
Duties.**

SEC. 11. The board of trustees shall elect annually a superintendent for the schools, who shall be principal for the schools for the whites, and who shall examine all applicants for the teacher's position in said schools and issue certificates to the same, and who shall do and perform such other duties as may be prescribed by the

board of trustees for such schools: "*Provided*, that this shall not *Proviso*. exempt such teachers from being examined by the County Superintendent."

SEC. 12. That the superintendent and teachers of said schools shall *Salaries*. not be subject to any restriction or limitations as to salary prescribed by any law or statute, but may be paid such compensation as the board of trustees deem just and proper: *Provided*, that no trustee of said school, while acting as such, shall be a teacher therein.

SEC. 13. That it shall be unlawful for any person, firm or corporation, druggist, apothecaries and dispensaries not excepted, to sell, to manufacture, barter or exchange, or purchase as the agents for any other person, or to deliver to any person, or to bring within or procure the bringing in any spirituous or fermented liquors for the purpose of delivery, within five miles of the said "Mt. Prospect School District." Any person, firm or corporation violating this section shall be guilty of a misdemeanor, and upon conviction fined not less than \$10 nor more than \$500, or imprisoned for a term of not less than three months nor more than two years, or both fined and imprisoned, at the discretion of the court. *Manufacture, sale, etc., of liquors prohibited.*

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed. *Penalty for violation.*

SEC. 15. That this act shall be in force from and after its ratification. *Conflicting laws repealed.*

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 747.

AN ACT TO PERMIT COMMISSIONERS TO REDUCE BOND OF CLERK SUPERIOR COURT PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Pamlico County be and they are hereby empowered in their discretion to reduce the penalty of the official bond of the Clerk of the Superior Court of said county to an amount not less than five thousand dollars, which amount may from time to time be changed between the limit of \$5,000 and the amount allowed by the general laws. *Authority to reduce bond of Clerk Superior Court.*

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 748.

AN ACT TO AMEND CHAPTER 689, PUBLIC LAWS OF 1899.

The General Assembly of North Carolina do enact:

Former act amended.

Stock law territory.

Penalty.

SECTION 1. That chapter 689, Public Laws of 1899, be and the same is hereby amended by striking out in line 15 of section one thereof the word "Neuse" where it occurs the second time in said line and inserting in its stead the word "Trent": *Provided*, that it shall be unlawful for any person to permit their stock to run at large out of the territory covered by the boundaries of the land amended by this act; and any person permitting his said stock to run at large outside of the said boundaries shall be guilty of the same offense and punished as is provided for in the act establishing the said stock law territory, and to which this act is amendatory.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 749.

AN ACT TO PROHIBIT THE SHOOTING OF WILD FOWL FROM BATTERIES IN CERTAIN WATERS OF CURRITUCK SOUND.

The General Assembly of North Carolina do enact:

Shooting of wild fowl from box or battery prohibited.

Prohibited territory.

Penalty for violation.

Conflicting laws repealed.

SECTION 1. That it shall be unlawful for any person or persons to shoot any wild fowl from any box or battery within the following boundaries in Currituck Sound, to-wit: North of a line extending from the north end of Duce Quarter Island to Great Gap, thence a straight course to Caffey's Inlet Life-saving Station and south of a line extending from the wharf at Poplar Branch to Roanoke Channel, thence to the Currituck Club-house.

SEC. 2. That this act shall apply only to that portion of Currituck Sound lying within the boundaries described in section one, and shall not be construed to repeal or invalidate any existing law for the regulation of hunting wild fowl in Currituck Sound.

SEC. 3. That any person violating this act shall be guilty of a misdemeanor for each and every offense, and fined not less than ten dollars nor more than fifty dollars, or imprisoned not more than thirty days.

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

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 750.

AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE AND DIRECT THE ISSUE OF STATE BONDS TO PAY OFF APPROPRIATIONS MADE BY THE STATE, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying off the indebtedness of the State of North Carolina arising out of appropriations heretofore made for educational, charitable and other purposes, and for the purpose of continuing the good work already commenced for the upbuilding of the State, the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable ten years after the first day of January, 1903, to an amount not to exceed the sum of three hundred thousand dollars.

Purpose of bond issue.

State Treasurer authorized to issue.
Term.
Amount.

SEC. 2. All of said bonds shall bear interest at a rate not exceeding four per cent. from the 1st day of January, 1903, until paid, which said interest shall be payable semi-annually on the 1st days of January and July of each and every year so long as any portion of the said bonds shall remain due and unpaid.

Rate of interest.

SEC. 3. That the bonds authorized and directed to be issued by the preceding section shall be coupon bonds of the denominations of \$100, \$500 and \$1,000 each, as may be determined by said State Treasurer, and shall be signed by the Governor and the State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone, or may have a

To be coupon bonds; denominations.

How executed.

fac simile of his signature printed, engraved or lithographed thereon, and the said bonds shall in all other respects be in such form as the said State Treasurer may direct; and the coupons thereon shall, after maturity, be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of North Carolina of any kind whatsoever, which shall be expressed on the face of said bonds.

Coupons receivable in payment of all State taxes, fines, dues, etc.

The Treasurer may, in his discretion, instead of coupon bonds of the denominations named, issue as many as one hundred thousand dollars of registered bonds of the denomination of \$50 each as part of the amount mentioned in section one of this act. Before selling

Discretion of State Treasurer. May make \$100,000 of said issue registered bonds.

the coupon bonds herein authorized to be issued, the Treasurer shall advertise the sale and invite sealed bids, in such manner as in his judgment may seem to be most effectual to secure the best price.

Treasurer to advertise for bids.

He is authorized to accept bids for the entire issue, or any portion thereof, and where the conditions are equal, he shall give the preference of purchase to the citizens of North Carolina. And he is authorized to sell the registered bonds herein authorized in such manner as in his judgment will produce the best price.

Acceptance of bids.

Sale of registered bonds.

Bonds and coupons exempt from all State, county and municipal taxation, etc.

SEC. 4. The said bonds and coupons shall be exempt from all State, county or municipal taxation or assessment, direct or indirect, general or special, whether imposed for purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income.

Fiduciaries may invest in said bonds.

SEC. 5. It shall be lawful for all executors, administrators, guardians and fiduciaries generally to invest in said bonds.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 751.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FORTY-THREE, PUBLIC LAWS OF NINETEEN HUNDRED AND ONE, RELATING TO APPROPRIATIONS FOR PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Former act amended.

SECTION 1. That chapter five hundred and forty-three, Public Laws of nineteen hundred and one, being an act to appropriate two hundred thousand dollars to the public schools of North Carolina, be and the same is hereby amended by adding at the end of section three thereof the following: "The further provisions of this act as hereinafter set out, shall apply only to the distribution of the hundred thousand dollars appropriated under this section, and in the event that such sum shall be insufficient for the purpose specified, then the said sum shall be apportioned by the State Board of Education pro rata, or in such manner as they may deem fair and equitable, among the counties applying for aid hereunder."

Application of this act.

New sections substituted.

SEC. 2. That all of said chapter five hundred and forty-three, Public Laws of nineteen hundred and one, after section three thereof, be stricken out, and in lieu thereof the following be inserted:

County Boards of Education to report to Superintendent of Public Instruction.

* SEC. 4. That at the January meeting of each year the County Board of Education of each county shall report to the State Superintendent of Public Instruction the school districts in such county which cannot have a four months' term, designating each by number and township, with a statement of funds available for school purposes for each of such districts, funds obtained by special local taxes and balances brought over from preceding fiscal year not to be included in such statement, the census and monthly running expenses thereof, the number of pupils enrolled, the average daily attendance, the salary paid to teachers in such district and other and further facts in regard thereto that may be required by the

Contents of report.

State Superintendent. The County Board of Education shall likewise report the school census of the entire county, the total school funds available, the total apportionment made at said January meeting and the total amount left unapportioned.

SEC. 5. The State Superintendent shall forthwith lay these facts before the State Board of Education, which shall thereupon, after full investigation, fix and determine the amount which must necessarily be apportioned to each district to enable it to have a four months' term: *Provided*, that in fixing such amount no consideration shall be had of any funds available by reason of special local taxes, and any rural district having funds raised by such local tax shall be entitled to the same appropriation under this act as if there had been no such funds.

State Superintendent to lay facts before State Board, etc.

Apportionment.

Proviso.

SEC. 6. That when such apportionment shall have been so made, itemized statement thereof shall be filed with the State Auditor, who shall thereafter, upon the warrant of the State Superintendent of Public Instruction, issue his warrant upon the State Treasurer, payable to the County Treasurer of each of the respective counties in the sum shown by said itemized statement to have been appropriated to such county. The amount designated as having been apportioned to each district shall be usable by that district only and only for the specific purpose of providing a four months' school term.

Statement of apportionment to be filed with Auditor.

Duty of Auditor.

SEC. 7. That no school with a school census of less than sixty-five shall receive any benefit under this act unless the formation and continuance of such district shall have been for good and sufficient reasons, to-wit, sparsity of population or peculiar geographical conditions, such as intervening streams, swamps or mountains, said reasons to be set forth in an affidavit by the chairman of the County Board of Education and the County Superintendent of Schools, and to be approved by the State Superintendent of Public Instruction.

Schools of less than 65 pupils.

SEC. 8. No appropriation shall be made to any county unless the County Superintendent of Schools, the chairman of the Board of County Commissioners and the Clerk of the Superior Court shall make affidavit to the effect that all fines, penalties, forfeitures and other moneys properly belonging to the school fund have been so applied, and that the constitutional limit of taxation has been reached in said county, and any officer who shall fail to perform the duties herein required, or who shall knowingly make any misrepresentation of facts in any report required by this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be removed from office and may be fined or imprisoned, in the discretion of the court.

Duty of county officers before appropriation is made.

SEC. 9. That in calculating the necessary monthly expenses of districts applying for aid under this act, not more than the average monthly salary paid white teachers in the State for the preceding year shall be allowed each white teacher and not more than the

Salaries of teachers in districts applying for aid.

average monthly salary paid colored teachers in this State for the preceding year shall be allowed each colored teacher, and no second grade teacher of either race shall be allowed more than the salary paid second grade teachers of that race in that county. And to any school having more than one teacher only the said average salary shall be allowed for every thirty-five pupils enrolled therein.

Percentage of school fund allowed to be set aside for buildings.

SEC. 10. No appropriation shall be made to any county wherein has been expended or set aside during the fiscal year for the purpose of building school-houses a percentage of the total school fund of such county greater than the following: In counties with a total school fund of five thousand dollars or less, not to exceed twenty per cent. thereof; in counties with a total school fund of over five thousand dollars and not more than ten thousand dollars, not to exceed sixteen per cent. thereof; in counties with a total school fund of over ten thousand dollars and not more than twenty-five thousand dollars, not to exceed ten per cent. thereof; in counties with a total school fund of over twenty-five thousand dollars, not to exceed seven and one-half per cent. thereof. Nor shall any appropriation be made under this act to any county if it appear that the requirements of the School Law in regard to the apportionment of funds to the various districts have not been complied with in all respects.

State Superintendent may go or send to any county, etc.

SEC. 11. That the State Superintendent of Public Instruction is authorized to go or to send his clerk to any county when necessary for the execution of this act creating a "Permanent Loan Fund" for building public school-houses, and the traveling expenses of the Superintendent or his clerk shall be paid upon itemized account therefor, approved by the State Board of Education.

Payment of expenses.

Annual report of State Superintendent.

SEC. 12. That the State Superintendent of Public Instruction shall include in his annual reports a full showing of everything done under the provisions of this act.

Conflicting laws repealed.

SEC. 13. That chapter 637 of the Public Laws of 1899, and all other laws and clauses of laws in conflict with the provisions of this act, be and the same are hereby repealed.

This act in force, when.

SEC. 14. That this act shall be in force from and after the thirtieth day of June, 1903.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 752.

AN ACT TO AMEND CHAPTER 49 OF PUBLIC LAWS OF 1891.

The General Assembly of North Carolina do enact:

Former act, regulating fishing in Croatan sound, amended.

SECTION 1. Amend by striking out in section one all after the word "sound" in line four (4) to the word "provided" in line six

(6) and insert the following: That any such Dutch or pod net set or fished shall not extend more than eleven hundred (1,100) yards from the point or points extending furthest into said sound, which shall be the extreme limit for all other Dutch or pod net [set] or fished in said sounds. That this amendment shall apply to both shores of Croatan County [Sound].

SEC. 2. That this act shall be in force from and after May 1st, 1903. This act in force, when.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 753.

AN ACT TO CREATE A SCHOOL DISTRICT OUT OF THE COUNTIES OF MONTGOMERY, RICHMOND AND MOORE.

The General Assembly of North Carolina do enact:

SECTION 1. That the following territory of the counties of Montgomery, Richmond and Moore shall constitute and make a free school district, to be known as the Craigrownie School District, viz.: Beginning at a stake in the bank of Drawing Creek about north from Craigrownie, and thence a southeasterly direction to a stake in the county line between Montgomery and Richmond County about one and one-half miles from Craigrownie, then about south one and a half miles to a stake; then east to a stake in the bank of Drawing Creek about one and one-half miles from Craigrownie; then about one and one-half miles to a stake $1\frac{1}{2}$ miles from Craigrownie; then about one and one-half miles to a stake $1\frac{1}{2}$ miles from Craigrownie; then a direct line to the beginning. Boundaries of school district.

SEC. 2. That this school district shall be under the control of the Board of Education of Montgomery County. Under what control.

SEC. 3. That the County Treasurer of Richmond and Moore Counties shall pay over to the County Treasurer of Montgomery all free school moneys belonging to the children of the counties of Richmond and Moore included within the boundaries of the district as set forth in section one of this act. Treasurers of Richmond and Moore counties to pay school funds to treasurer of Montgomery county.

SEC. 4. That James Ammon, A. L. Currie and Jno. E. Patterson shall constitute the school committee for this district for a period of two years. School committee named.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 754.

AN ACT TO REPEAL CHAPTERS 471 AND 746 OF THE PUBLIC LAWS OF 1901, RELATING TO RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Former acts, regulating manufacture and sale of liquor, amended.

SECTION 1. That chapter 471 of the Public Laws of 1901, regulating the manufacture and sale of spirituous, vinous and malt liquors in Richmond County, as amended by chapter 746 of the Public Laws of 1901, shall be in force and effect in Richmond County until the first day of January, 1904, when the same shall be and are hereby repealed.

General State law to govern after January 11, 1904.

SEC. 2. That the general statute law of the State regulating local option elections shall apply to the county of Richmond and all towns therein from and after the ratification of this act, and on and after the first day of January, 1904, the manufacture and sale of all liquors in Richmond County shall be regulated by the general statute law of the State and the charters of the towns of Richmond County.

Sales by manufacturers regulated.

SEC. 3. That from and after the passage of this act it shall be unlawful for any manufacturer of liquor in the county of Richmond to sell the same in a less quantity than ten gallons, and only in unbroken packages, without first obtaining a retailer's license, which shall only be granted in incorporated towns and in the manner prescribed by law.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 755.

AN ACT TO AMEND SECTION 6, CHAPTER 479, LAWS OF 1901, IN RELATION TO THE BRANDING OF FERTILIZERS.

The General Assembly of North Carolina do enact:

Former act in relation to branding fertilizers amended.

SECTION 1. That in place of the first sentence of said section, closing with the words "for which tags are issued," in line seven of said section, the following shall be substituted: "Every bag, barrel or other package of such fertilizers or fertilizing material as above designated, offered for sale in this State, shall have plainly printed or stamped thereon, or on a tag attached thereto, the following data:

Contents of brand.

1. Net weight of package.

2. Name of brand or trade-mark.

3. Guaranteed analysis, consisting of available phosphoric acid, nitrogen, potash.

4. Name and address of manufacturer.

All of which must correspond identically with the registration as filed in the office of the Commissioner of Agriculture.

SEC. 2. A copy of the brand or stamp on the bag or other package, or on the label attached thereto, shall be filed with the Commissioner of Agriculture on or before delivery of said fertilizer to dealers, agents or consumers in this State, and which shall be uniformly used, and which shall not be changed during the fiscal year for which tags have been issued

Copy of brand to be filed with Commissioner of Agriculture.

SEC. 3. That that part of said section 6 beginning with the words "alphabetically in groups" in line 19 down to and including the words "and so with others" in line 23, be stricken out.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 756.

AN ACT TO PROHIBIT HUNTING ON THE LANDS OF ANOTHER IN JONES COUNTY WITHOUT WRITTEN CONSENT OF THE OWNER.

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, or both, upon the lands of any person, firm or corporation in Jones County whose lands are duly posted according to law, without the written consent of such person, firm or corporation.

Unlawful to hunt on land without consent of owner.

SEC. 2. That any person or persons violating the provisions of the above section shall be guilty of a misdemeanor, and shall be fined not exceeding ten dollars or imprisoned not exceeding ten days.

Penalty for violation.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 757.

AN ACT TO DEFINE THE OWNERSHIP OF LAND BOUNDED BY WATER.

The General Assembly of North Carolina do enact:

- Ownership of land bounded by water. SECTION 1. That all deeds or other conveyances of land calling for any creek, river, sound, ocean or any other body of water as a boundary line or any part of such boundary, shall convey all land to the low water mark of such creek, river, sound, ocean or other water-way instead of to the high water mark.
- Conflicting laws repealed. SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Applicable only to New Hanover county. SEC. 3. That this act shall apply only to the county of New Hanover.
- SEC. 4. This act shall be in force from and after its ratification.
- In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 758.

AN ACT TO PREVENT PUBLIC DRUNKENNESS IN PUNGO, BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

- Public drunkenness made misdemeanor. SECTION 1. That any person found drunk or intoxicated on the public highway or public road or at any public meeting in Pungo, in Pantego Township, Beaufort County, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars or more than fifty dollars, or imprisoned not less than fifteen days.
- Penalty. SEC. 2. That upon complaint before any justice of the peace he shall forthwith issue a warrant for the arrest of the accused, and in the absence of a duly authorized officer to execute said warrant, shall deputize any citizen to execute the same.
- Arrest. SEC. 3. That this act shall be in force from and after its ratification.
- In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 759.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE
OF LIQUOR NEAR CERTAIN CHURCHES IN GRAHAM
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to manufacture or sell any spirituous, vinous or malt liquors within a radius of three miles from Panther Creek Baptist Church and Fairview Baptist Church, in Graham County.

Unlawful to manufacture or sell liquor in what territory.

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

Penalty for violation.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 760.

AN ACT TO PREVENT DUMPING SAWDUST INTO STREAMS
OF CHEROKEE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for the owner or operator of any saw-mill in Cherokee County to dump the sawdust from such mill into any creek or river of said county: *Provided*, that this act shall not apply to any mill or mills operated by water-power, and which have no means of diverting the dust from the stream.

Dumping of sawdust in streams prohibited. Proviso.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not more than ten dollars or imprisoned not more than ten days.

Penalty for violation.

SEC. 3. That this act shall apply only to Cherokee County, and shall be in force from and after its ratification.

Applicable only to Cherokee county.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 761.

AN ACT FOR THE ELECTION OF TRUSTEES OF THE MONROE
GRADED SCHOOLS.*The General Assembly of North Carolina do enact:*

SECTION 1. That section six, chapter 147 of the Public Laws of 1897, be amended as follows: Strike out the words "by a joint

Former act amended.

Election of
trustees.

meeting of the Board of Town Commissioners and the Board of Trustees," occurring in lines ten and eleven of said section, and insert in their stead the words "by the Board of Aldermen of the city of Monroe": and strike out the words "except by expiration of the terms of office," occurring in lines twelve and thirteen of said section six, chapter 147 of the Public Laws of 1897. That said section be further amended by adding thereto after the word "board" at the end of the section, the words "of Aldermen of the city of Monroe."

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 762.

AN ACT TO LICENSE DOGS IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Tax listers to take
list of dogs.

SECTION 1. That it shall be the duty of the Commissioners of Edgecombe County to have taken annually by the tax listers, at the time of listing the taxable property of said county, a list of all dogs over three months old, showing whether male or female, with the name of owner or person in whose possession the same is found, upon oath or affirmation of the owner or house-keeper or head of the family with whom or on whose premises any dog or dogs may be found, or may be on his or her premises, whether owned by him or not, and shall return such list of dogs to the Clerk's office at the time when said listers shall return their list of taxable property, and under the same laws that now exist for listing and the return of taxable property.

County commis-
sioners to assess
license tax on
dogs.

SEC. 2. That when said Commissioners of the county shall have ascertained the number of dogs, they shall assess a license tax of fifty cents per head on all male dogs and one dollar per head on all female dogs, and the said sums so assessed shall be collected and accounted for by the Sheriff or his deputies of said county when collecting other taxes, and the said sums paid over to the County Treasurer, and he shall keep a separate account of the funds arising from said tax, and the said fund shall be appropriated for the purpose of establishing libraries for free school-houses in the county, where the county and State has not yet provided for, and any balance on hand may be used on the public roads or as the Commissioners may deem best.

Collection of same.

Application of
proceeds.

SEC. 3. That in every case where the owner of the dog fails to pay by the first day of July next succeeding the return of said list, the license tax provided for in this act, it shall be the duty of the Constable of the township in which said delinquent resides, to kill said dog, for which he shall receive a fee of fifty cents, and said Constable shall obtain annually during the month of July, from the Sheriff of said county, a list of all delinquents under this act in his township, and shall, within thirty days after receiving such list, kill said dogs unless the tax on them, together with a fee of fifty cents to said Constable, is forthwith paid; and on his failure so to do, when practicable, he shall pay a fine of five dollars for each dog he so fails to kill, and said Constable shall, at the expiration of thirty days, account to the Treasurer for all moneys collected by him under this act.

When tax not paid,
dog to be killed.

Fee for killing.

List of delinquents,
etc.

SEC. 4. All fees of officers employed in the execution of this act shall be similar to those received for like services, and when none are prescribed by law, the Board of Commissioners shall make such compensation as they may deem right, all of which must be paid out of said fund, and all payments made by the Treasurer out of funds created by this act shall be by order of the Board of said Commissioners.

Fees of officers.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 763.

AN ACT TO AMEND CHAPTER 6, PUBLIC LAWS OF 1893.

The General Assembly of North Carolina do enact:

SECTION 1. That section one (1), chapter 6, Public Laws of 1893, be and the same is hereby amended by adding thereto the following words: "and that in any case in which judgment has been or shall be docketed, whether such judgment shall be in favor of or against the person bringing such action, or shall be claimed by him, or shall affect real estate claimed by him, or whether such judgment shall be in favor of or against the person against whom such action may be brought, or shall be claimed by him, or shall affect real estate claimed by him, the lien of said judgment shall be such claim of an estate or interest in real estate as is contemplated by this act."

Former act to determine conflicting claims to real estate amended.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 764.

AN ACT TO REGULATE HUNTING IN LITTLE RIVER TOWNSHIP, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to hunt on certain lands without permission of owner.

SECTION 1. That it shall be unlawful for any person or persons to hunt for game of any kind, either with dog or gun, in Little River Township, Harnett County, on the lands of J. S. Bethea, W. M. McKay, Paul McKay, F. W. McKay, E. J. McKay, J. J. McKay, Josephine McKay, C. R. Bethea, S. P. McKay, J. K. Haighwood, A. M. McKay, J. H. Withers, H. T. Faucette, without first obtaining the written consent of the owners thereof, bearing day and date for which it was given.

Penalty for violation.

SEC. 2. That any person or persons violating the provisions of this act shall, upon conviction, be fined not less than five nor more than ten dollars for each and every offense.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 765.

AN ACT TO PROVIDE FOR THE ELECTION OF TRUSTEES OF KINSTON GRADED SCHOOLS, AND FOR THE APPROPRIATION OF FINES, PENALTIES AND FORFEITURES IN SAID TOWN.

The General Assembly of North Carolina do enact:

Trustees, when and by whom elected.

SECTION 1. That the Board of Aldermen of the town of Kinston, in the county of Lenoir, shall, at the first regular meeting of said Board of Aldermen in April, nineteen hundred and three, elect seven members of the Board of Trustees of Kinston Graded Schools, who shall be residents of the town of Kinston, and whose term of office shall begin on the first Monday in May, nineteen hundred and three, and continue until their successors shall be elected and qualified.

Term of office.

Trustees divided into two classes.

SEC. 2. That the trustees so elected as provided in the preceding section shall be divided by said Board of Aldermen into two classes, the first class to consist of three members, whose term of office shall expire on the first Monday in May, nineteen hundred and five, the second class to consist of four members, whose term of office shall expire on the first Monday in May, nineteen hundred and seven.

When term of each class to expire.

SEC. 3. That at the first regular meeting of the Board of Aldermen of said town in April, nineteen hundred and five, and biennially thereafter, the said Board of Aldermen shall elect the successors to the members of said board of trustees whose term will expire on the first Monday in May then next succeeding, and the term of office of the trustees so elected shall begin on the first Monday in May next following their election and shall continue four years, or until their successors are elected and qualified.

Election of successors.

Terms of office.

SEC. 4. That before entering upon the duties of his office each member of the Board of Trustees of Kinston Graded Schools shall take an oath before the Mayor of said town or some judicial officer, to faithfully perform the duties of Trustees of Kinston Graded Schools to the best of his knowledge and ability.

Trustee's oath of office.

SEC. 5. That any vacancy occurring on the said board of trustees by death, resignation or otherwise, shall be filled for the remainder of the term by the said board of trustees.

Vacancy, how filled.

SEC. 6. That the Board of Trustees of Kinston Graded Schools be and are hereby authorized and fully empowered to sell and convey in fee-simple to the purchaser or purchasers the lands and premises on Lenoir street, in said town of Kinston, adjoining the lands of J. W. Grainger and others, now occupied and used by the graded schools of said town for white children; and also to sell and convey in fee-simple to the purchasers the lands and premises now occupied by the public graded schools for colored children, situate corner of McLewane and Shine streets, in said town of Kinston; and that the purchase money and proceeds of the lands and premises referred to in this section be paid to the Treasurer of said town, to be expended and disbursed under the direction of the Board of Trustees of Kinston Graded Schools for maintaining the public graded schools of said town, or for the erection or equipment of the public graded school building now in process of erection under the direction of said board of trustees on Peyton avenue, in said town of Kinston.

Authorized to sell and convey certain graded school property in Kinston.

Proceeds, how disposed of.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 766.

AN ACT TO AMEND CHAPTER 2, PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That section 57 of chapter 2 of the Public Laws of 1901 be and the same is hereby repealed, and the following section

Corporation law amended; section 2 repealed.

Substituted section.
Foreign corporation before permission to do business in State to file with Secretary of State copy of charter, etc.
To file statement. Contents of statement.

Fees to be paid.

Forfeiture in case of failure to comply with above requirements.
How recoverable.

inserted in lieu thereof: Hereafter each foreign corporation before being permitted to do business in the State of North Carolina, railroad, banking, insurance, express and telegraph companies excepted, shall file in the office of the Secretary of State a copy of its charter or articles of agreement, attested by its president and secretary, under its corporate seal, and a statement attested in like manner of the amount of its capital stock authorized, the amount actually issued, the principal office in this State, the name of the agent in charge of such office, the character of the business which it transacts and the names and post-office address of its officers and directors. And such corporation shall pay to the Secretary of State, for the use of the State, ten cents for every one thousand dollars of the total amount of the capital stock authorized to be issued by such corporation, but in no case less than ten dollars nor more than one hundred dollars. And every corporation failing to comply with the provisions of this section shall forfeit to the State five hundred dollars, to be recovered, with costs, in an action to be prosecuted by the Attorney-General, who shall prosecute such actions whenever it shall appear that this section has been violated.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 767.

AN ACT TO ESTABLISH AN HISTORICAL COMMISSION.

The General Assembly of North Carolina do enact:

Duties.

SECTION 1. That an Historical Commission be and the same is hereby established, whose duty it shall be to have collected from the files of old newspapers, from court records, church records and elsewhere valuable dockets pertaining to the history of the State.

Number.

SEC. 2. That the Commission shall consist of not more than five persons, of whom three shall constitute a quorum. They shall be appointed by the Governor, and shall hold office for a term of two years from date of their appointment. They shall serve without salary, mileage or per diem.

Quorum.

Appointment.

Term of office.
No remuneration for service.

Expenditures in performance of duties.

SEC. 3. That the Commission shall be authorized to expend a sum not exceeding five hundred dollars annually, in the collection and transcription of documents.

Documents to be published and printed.

SEC. 4. That the documents collected and approved shall be published by the State Printers as public printing, and shall be dis-

tributed by the State Librarian, under the direction of the Commission.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 768.

AN ACT TO APPOINT MEMBERS OF THE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the following named persons are hereby appointed members of the County Board of Education in and for their respective counties, to-wit:

COUNTY BOARDS OF EDUCATION.

- Alamance*—A. N. Roberson, J. I. White, Willie J. Graham.
Alexander—A. C. McIntosh, Thomas F. Murdock, R. L. Downs.
Alleghany—Fred Jones, O. R. Black, Martin Higgins.
Anson—M. W. Gaddy, John W. Kiker, L. L. Little.
Ashe—R. A. Hamilton, A. A. Price, W. M. Bledsoe.
Beaufort—E. W. Ayers, H. D. Satterthwaite, Alex. Hudnell.
Bertie—Dr. H. V. Dunston, William R. Rayner, Thomas A. Smithwick.
Bladen—W. S. Ballard, C. McA. Council, William Whitted.
Brunswick—J. W. Gay, James H. Swain, J. D. Galloway.
Buncombe—Julius C. Martin, R. C. Clayton, R. J. Gaston.
Burke—J. A. Lackey, E. A. Tilley, W. H. Pool.
Cabarrus—W. F. Smith, G. F. McAlister.
Caldwell—P. G. Moore, M. G. Shearer, Milton Greer.
Camden—O. G. Pritchard, G. H. Riggs, J. B. Williams.
Carteret—Dr. C. N. Mason, B. B. Arrington, D. W. Morton.
Caswell—T. P. Featherston, L. T. Gwynn, C. B. Flintoff.
Catawba—George R. Wooten, D. P. Rowe, W. E. Wilson.
Chatham—Oran A. Hanner, James R. Rives, Dewit M. Norwood.
Cherokee—S. W. Davidson, P. E. Nelson, J. M. Richardson.
Chowan—A. T. Bush, W. H. Winborne, W. D. Welch.
Clay—G. S. McClure, James A. Penland, J. Taylor Ledford.
Cleveland—K. P. Allison, D. S. Lovelace, T. D. Falls.
Columbus—H. D. Holton, J. E. Winecoff, Henry Coleman, Jr.
Craven—Daniel Lane, R. A. Nunn, John S. Morton.
Cumberland—John A. Oates, John H. Currie, John W. Hall.

- Currituck*—J. F. Summerell, J. L. Decormis, F. Bonney, Jr.
Dare—S. C. Gray, W. G. Forbes, John D. Midgett.
Davidson—S. W. Finch, J. C. Skeen, W. S. Owen.
Davie—N. A. Peeples, Isaac Roberts, F. M. Johnson.
Duplin—O. P. Middleton, W. B. Southerland, S. O. Middleton.
Durham—John W. Umstead, Paul C. Graham, George E. Pope.
Edgecombe—James R. Gaskill, Richard G. Hart, J. T. Howard.
Forsyth—J. F. Griffin, E. W. Hauser, J. W. Pinnix.
Franklin—John H. Uzzell, John C. Winston, George S. Baker.
Gaston—R. K. Davenport, F. P. Hall, R. P. Rankin.
Gates—T. W. Costen, Sr., John S. Felton, Franklin Matthews.
Graham—W. H. Garrison, J. C. Edwards, L. H. Rogers.
Granville—G. B. Royster, J. T. Sanderford, F. W. Hancock.
Greene—L. V. Morrill, W. A. Darden, L. J. H. Mewborn.
Guilford—J. A. Holt, W. T. Whitsett, C. H. Ireland.
Halifax—H. P. Robinson, John A. Collins, E. W. Hyman.
Harnett—J. D. Ezzell, Lonnie Smith, Daniel B. Stewart.
Haywood—J. N. Mease, James R. Boyd, Sr., J. L. Morgan.
Henderson—J. D. Dermid, C. Oates, J. W. Morgan.
Hertford—W. P. Taylor, S. M. Aumack, G. C. Picot.
Hyde—William P. Burrus, Milton S. Credle, Z. T. Fortescue.
Iredell—J. Henry Hill, M. W. White, J. W. Albea, Jr.
Jackson—R. L. Madison, M. Buchanan, N. T. Dentz.
Johnston—W. F. Gerald, John W. Wood, John Stephenson.
Jones—T. A. Bell, F. M. Dixon, B. L. Brock.
Lenoir—R. H. Lewis, Shade I. Wooten, Herbert David.
Lincoln—R. B. Sullivan, J. O. Allen, D. C. K. Wilkinson.
Macon—Rev. J. A. Deal, J. R. Pendergrass, J. P. Moore.
Madison—James E. Bryan, R. H. Hipps, W. L. Hensley.
Martin—S. R. Biggs, J. T. Waldo, J. A. Whitley.
McDowell—E. E. Sams, J. L. Padgett, H. A. Tate.
Mecklenburg—William Anderson, John McDowell, M. A. Alexander.
Mitchell—J. H. Green, John Bailey, J. Melvin Parsons.
Montgomery—C. L. Cox, D. B. Batten, A. H. Saunders.
Moore—T. M. Langley, G. H. Humber, J. Robert Watson.
Nash—Thos. Westray, T. V. Avent, J. C. Beal.
New Hanover—W. A. Johnson, Donald McRae, W. H. Sprunt.
Northampton—J. W. Fleetwood, Dr. H. W. Lewis, F. E. Foster.
Onslow—U. W. Mills, N. A. Burton, J. F. Henderson.
Orange—John P. Lockhart, Stephen T. Forrest, Davis W. Burch.
Pamlico—W. T. Mayo, B. F. McCotter, P. J. Daniels.
Pasquotank—M. N. Sawyer, E. V. Davenport, W. J. Williams.
Pender—J. B. Davis, J. T. Bland, A. C. Ward.
Perquimans—G. H. Newby, Robt. A. Brim, John H. Ward.
Person—W. R. Hambrick, C. R. Vernon, Charles A. Whitfield.
Pitt—A. G. Cox, J. L. Fleming, B. M. Whitehurst.

Polk—A. A. Cannon, Ellis Walker, Dock Foster.
Randolph—John W. Birkhead, W. T. Foushee, George T. Murdock.
Richmond—P. C. Whitlock, A. J. Little, J. M. Jamison.
Robeson—Thos. M. Watson, M. Shepherd, E. F. McRae.
Rockingham—G. W. Martin, D. W. Johnston, W. M. Cummings.
Rowan—Rev. Robt. S. Arrowood, John K. Goodman, P. A. Sloop.
Rutherford—J. F. Flack, Robert F. Henderson, Plato Gettys.
Sampson—W. J. Pugh, C. E. Daniel, W. A. Bizzell.
Stanly—Dr. W. T. Sinclair, E. F. Eddins, J. M. Hartsell.
Scotland—William F. Gibson, E. L. McNair, John D. Shaw, Jr.
Stokes—Spots B. Taylor, N. A. Martin.
Surry—Milton Cundiff, John C. Kapp, Allen Gentry.
Swain—J. H. Teague, A. M. Fry, Martin DeHart.
Transylvania—J. W. McMinn, Thos. Wood, Dr. Whitfield Brooks.
Tyrrell—Gilbert Brickhouse, John W. Cahoon, Arthur L. Walker.
Union—Frank B. Ashcraft, John W. Bivens, J. N. Price.
Vance—W. E. Gary, R. J. Gill, Thomas Taylor.
Wake—Thomas Johns, B. S. Franklin, J. L. Foster.
Warren—W. G. Coleman, A. S. Webb, W. E. Davis.
Washington—C. J. Norman, R. N. Peacock, W. H. Hardison.
Watauga—T. P. Adams, H. C. Miller, J. Watts Farthing.
Wayne—Joseph E. Robinson, W. F. English, Barnes Aycock.
Wilkes—R. A. Spainhour, J. I. Dimmette, T. C. Land.
Wilson—John F. Bruton, Jesse A. Moore, C. W. Knight.
Yadkin—H. W. Douglass, M. L. Woodhouse, L. A. Spees.
Yancey—Charley Wilson, E. M. Honeycutt, A. B. Silver.

SEC. 2. The Secretary of State shall, within sixty days after the ratification of this act, send a certified copy of the names of the members of the County Board of Education for their respective counties to the Clerk of the Superior Court of each county in the State; thereupon the said Clerk shall immediately notify each member of his appointment and direct said members to meet at the court-house on the first Monday in July for the purpose of qualifying and of organizing said board.

Secretary of State to send certified copy to Clerk Superior Court of each county.

Clerk to immediately notify members of their appointment, etc. When to meet to qualify and organize.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 769.

AN ACT TO AMEND CHAPTER 750, LAWS 1901, RELATIVE
TO ELECTIONS IN THE TOWN OF LENOIR.*The General Assembly of North Carolina do enact:*

General election
law for towns not
applicable to
Lenoir, Caldwell
county.

SECTION 1. That chapter 750, Public Laws 1901, be amended as follows, to-wit: Add after the word "Davidson," at end of section 21 of said chapter, the words "Lenoir, in Caldwell County."

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 770.

AN ACT TO PROHIBIT SEINING AND FISHING WITH SET
NETS IN CONETOE CREEK, IN EDGECOMBE AND PITT
COUNTIES.*The General Assembly of North Carolina do enact:*

Unlawful to fish
with seines or set
nets without writ-
ten consent of
adjacent land
owner.

SECTION 1. That it shall be unlawful for any person or persons to fish in Conetoe Creek, in Edgecombe and Pitt Counties, with seines or set nets of any kind whatsoever, without the written consent of the owner or owners of the land or lands along and through which the said creek runs.

Unlawful to cut
trees into said
creek.

SEC. 2. That it shall be unlawful for any person or persons to cut or fell any trees into said creek, thereby in any manner obstructing the free flow of water or the passage of fish in said creek.

Violation a mis-
demeanor.

SEC. 3. Any person or persons guilty of the violation of any provision of this act shall be guilty of a misdemeanor, and fined not less than five dollars or more than fifty dollars, or imprisoned not more than thirty days.

Penalty.

Where not appli-
cable.

SEC. 4. That the provisions of this act shall not apply to said creek above the double bridges, known as the Jas. Whitehurst or J. W. Bullock crossing.

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 771.

AN ACT TO AMEND CHAPTER 710, PUBLIC LAWS OF 1901,
RELATING TO INSURANCE ON STATE PROPERTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 710 of Public Laws of 1901 be amended by inserting in line two, after the word "State" and before the word "to," the words "to prepare a schedule or schedules of the different properties of the State and to procure policies of insurance thereon according to said schedules, for such amount or amounts as may be agreed upon by the Insurance Commissioner and the board or officer having such property in charge and."

Line 2, section 1, amended.

Provides for schedule of State properties and insurance thereon.

SEC. 2. Amend said chapter, section 2, by striking out after the word "shall," in line four, all of said section, and inserting in lieu thereof the words "receive and file among their records a certificate of the Insurance Commissioner that he has examined and approved of the policies of insurance, and giving the number, amount, date, term and property covered of said policies, and the name or names of the companies in which they are written. And it shall be the duty of the different officers or boards having in their custody any property belonging to the State to inform the Insurance Commissioner, giving him in detail a full description of same, and keep him informed of any changes in said property or its location or surroundings."

Line 4, section 2, amended.

Examination and approval of policies by Insurance Commissioner.

Duty of boards as to property they have in charge.

SEC. 3. Add to said chapter as section three the following words: "That the premiums on all insurance of State property placed as provided in this act shall be paid on the order of the Insurance Commissioner, by the officer or board having said property in charge, out of the appropriation to said institution or any sum available therefor, unless the General Assembly shall make a special appropriation therefor or provide otherwise for its payment." Add to said chapter as section four the following words: "That it shall be the duty of the Insurance Commissioner at least once in each year, or oftener, if deemed necessary, to visit, inspect and thoroughly examine each State institution or other State property, with a view to its protection from fire, as well as to the safety of its inmates or the property therein in case of fire, and call to the attention of the board or officer having the same in charge any defect noted by him, or any improvement deemed necessary. That to reimburse the Insurance Commissioner for his services and expenses under this act, it shall be lawful for him to collect not exceeding 3 per cent. of the amount of the premiums, written in said policies, of the agents of the companies writing them."

Section 3 added.

Premiums, how paid.

Section 4 added.

Duties of Insurance Commissioner relative to insurance of State property and protection from fire.

Expenses of Commissioner, how paid.

SEC. 4. Add to said chapter as section five the following words: "That the Insurance Commissioner shall submit annually to the

Section 5 added.

Annual report of
Insurance Com-
missioner to Gov-
ernor and Legisla-
ture.
Section 3 num-
bered section 6.

Governor a full report of his official action under this act, with such recommendations as shall commend themselves to him, and it shall be embodied in or attached to his annual report to the Legislature"; and number section three in said act as section six.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 772.

AN ACT TO PREVENT FISHING WITH STATIONARY NETS IN MOCCASIN RIVER.

The General Assembly of North Carolina do enact:

Unlawful to fish
with certain ap-
paratus in said
river.

SECTION 1. That it shall be unlawful for any person to place, set or fish any traps, Dutch net, pad net, weir net or other stationary net in the waters of Moccasin River or any of its tributaries, below the town of Grifton.

Violation a mis-
demeanor.
Penalty.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than twenty dollars, or imprisoned not more than ten days.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 773.

AN ACT TO EMPOWER AND AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF ENFIELD TO DONATE A PART OF THE WHISKEY AND PRIVILEGES TAXES OF SAID TOWN TO THE GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Empowered to
donate part of
said taxes to
graded school.

SECTION 1. That the Board of Commissioners of the town of Enfield be and they are hereby empowered and authorized to contribute and donate annually such an amount as they deem proper, from the whiskey and privileges taxes of said town, to the Enfield Graded School District, for the support and maintenance of said graded schools.

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

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

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 774.

AN ACT TO AMEND CHAPTER 54, PUBLIC LAWS OF 1899, IN REGARD TO LICENSES OF INSURANCE AGENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 54 of the Public Laws of 1899, section 81, be amended by adding after the word "license" in line 12 the words: "Provided, that any such company having assets invested and maintained in bonds of this State or of any county, city or town of this State, or in any property situated in this State and taxable therein, amounting to three-fourths of its total assets, shall only be charged for such license fifty cents." Line 12, section 81, amended.
License charge for companies having assets invested in this State.

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

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 775.

AN ACT TO PREVENT THE SALE OF WINES AND OTHER INTOXICATING DRINKS IN CERTAIN PLACES IN PAM- LICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to sell any wine, medicated bitters which are intoxicating, or any intoxicating drinks of any kind, within two miles of any of the following named places in Pamlico County, namely, the post-office at Grantsboro, the post-office at Alliance, the Missionary Baptist Church at Bayboro, the school-house at Maribel, the Vandimere Academy and Barnes' Chapel Methodist Church. Certain places in Pamlico county incorporated against sale of liquor within two miles thereof.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than two hundred dollars nor less than one hundred dollars, or imprisoned not more than six months nor less than three months, at the discretion of the court. Violation a misdemeanor. Penalty.

Act null and void if petition against filed, signed by majority of qualified voters in territory.

SEC. 3. *Provided*, that if a majority of the qualified voters residing within a radius of two miles of any of the places mentioned in section one of this act shall sign a petition asking for the repeal of this act at that place, and present it to the Board of County Commissioners of Pamlico County, to be by them filed in the office of the Register of Deeds for the inspection of the public, then in such case this act shall be null and void in that particular place or territory.

SEC. 4. That this act shall be in force on and from the first day of July, 1903.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 776.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF SPIRITUOUS AND INTOXICATING LIQUORS IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Prohibition for Warren county.

SECTION 1. It shall be unlawful for any person, company or corporation to manufacture, barter or sell any spirituous, vinous, malt, fermented or other intoxicating liquors in Warren County.

Place of delivery construed to be place of sale.

SEC. 2. The place where delivery of any spirituous, vinous, malt, fermented or other intoxicating liquors is made in the county of Warren shall be construed and deemed to be the place of the sale thereof, and any station or other place within said county to which any person, company, firm or corporation shall ship or convey any spirituous, malt, vinous, fermented or other intoxicating liquors, for the purpose of delivery or carrying the sale to a purchaser, shall be construed to be the place of sale: *Provided*, this section shall not be construed to prevent the delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors to druggists, in sufficient quantities for medical purposes only, or to legally organized dispensaries.

Not applicable to liquors shipped to druggists for medical purposes

Sale by druggists upon physician's prescription.

SEC. 3. This act shall not be construed to forbid the sale of spirituous, vinous or malt liquors by a druggist for sickness, upon a written prescription of a regularly practicing physician licensed by the Medical Society of North Carolina, and having such sick person in charge.

Druggist filling same prescription more than once guilty of misdemeanor. Physician prescribing for one not bona fide sick guilty of misdemeanor.

SEC. 4. Any druggist who shall more than once fill the prescription mentioned in this act without each time receiving a new written direction of the physician who gave the same, shall be guilty of a misdemeanor; and any physician who shall make any prescription or written direction to a druggist for the purpose of aiding or abetting any person who is not *bona fide* sick and under his care, to pur-

chase any intoxicating liquor contrary to this act, shall be guilty of a misdemeanor, and shall forfeit his license to practice medicine.

SEC. 5. This act shall not be construed to prohibit any person from manufacturing and selling wine or cider manufactured from grapes, berries or fruit grown on his own land.

SEC. 6. This act shall not interfere with the lawful purchase and sale of any spirituous liquors by dispensaries authorized by any other act to do business in Warren County.

Penalty.
Manufacture and sale of wine and cider from fruit, etc., grown on person's own land.
Not to interfere with dispensaries.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 777.

AN ACT TO REPEAL CHAPTER 750, PUBLIC LAWS OF 1901, SO FAR AS IT RELATES TO MUNICIPAL ELECTIONS IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 750 of the Public Laws of the year one thousand nine hundred and one (1901) be and the same is hereby repealed, in so far as said chapter relates to the holding of elections in towns in Harnett County.

General election law for township and municipal elections not applicable to Harnett county.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 778.

AN ACT TO ALLOW BENNETT RUSSELL, AN EX-CONFEDERATE SOLDIER, TO PEDDLE WITHOUT LICENSE.

The General Assembly of North Carolina do enact:

SECTION 1. That Bennett Russell, an old ex-Confederate soldier of Co. H, 14th Regt., N. C. State Troops, be allowed to peddle without license.

Allowed to peddle without license.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 779.

AN ACT TO PROTECT GAME IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Time when unlawful to kill quail.

SECTION 1. That it shall be unlawful for any person or persons to shoot, trap or kill, in any way, partridges or quail from February 1st to November 1st in any year.

Unlawful to hunt without written consent of land owner.

SEC. 2. That it shall be unlawful for any person or persons to hunt upon the lands of another in the county of Nash, with or without gun or dog, except by the consent of the owner first had and obtained in writing.

Violation a misdemeanor. Penalty.

SEC. 3. That any person offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars.

Civil action of land owner.

SEC. 4. That in addition to the fine imposed by the preceding section the owner of the land may recover fifty dollars to his own use against the offender in a civil action. This act shall apply only to Nash County.

To apply to Nash county only.

SEC. 5. That this act shall go into effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 780.

AN ACT TO PREVENT AND REGULATE THE KILLING OF BIRDS IN THE COUNTY OF WILSON.

The General Assembly of North Carolina do enact:

Section 2834 of Code amended.

SECTION 1. That section twenty-eight hundred and thirty-four (2834) of The Code be amended by adding to said section the following:

Penalty for having in possession dead birds which are prohibited from being killed.

"That any person or persons having in possession such dead birds as are, by this section and the laws amendatory thereof, prohibited to be killed between the first day of March and the fifteenth day of November in each year, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars or imprisoned not exceeding thirty days for each offense."

Section 1, chapter 109, Public Laws 1895, amended. Time limit for killing birds changed. Applicable to Wilson county only.

SEC. 2. That section one (1), chapter 109, Public Laws 1895, be amended by striking out the word "February" in line five thereof and insert the word "March" in lieu thereof.

SEC. 3. This act shall only apply to the county of Wilson.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 781.

AN ACT TO AMEND SECTION 3743 OF THE CODE, RELATIVE
TO THE DUTIES OF CORONERS.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 3743, Volume II of The Code of North Carolina, be amended as follows: By inserting at the end of said section the words: "*Provided, however, in any county in this State where the Coroner is a physician and surgeon he shall, at the request of one or more of the jurymen, make the investigation as to the cause and manner of death, and shall receive such fee or compensation as the Board of Commissioners of the county wherein such inquest is held shall deem just and reasonable, in addition to the fee for holding the inquest over said dead body.*"

Chapter 3743, Volume II, of Code amended.

When Coroner a physician, duty on request to investigate cause and manner of death. Compensation.

SEC. 2. This act shall apply only to Buncombe County.

Applicable to Buncombe county only.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 782.

AN ACT TO VALIDATE THE ELECTION OF JUSTICES OF THE
PEACE.*The General Assembly of North Carolina do enact:*

SECTION 1. All persons heretofore elected or appointed justices of the peace whose term has not yet expired, and who, prior to the ratification of this act, have taken and subscribed the oath of office as required by law before the Clerk of the Superior Court, are declared to be duly authorized justices of the peace, and all acts and decisions of such justices of the peace are hereby declared valid to all intents and purposes.

Certain justices of the peace and their acts and decisions validated.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 783.

AN ACT FOR THE PROMOTION OF GOOD ORDER DURING THE TIME OF RELIGIOUS SERVICES AT PARKER'S METHODIST EPISCOPAL CHURCH, SOUTH, IN THE COUNTY OF GATES.

The General Assembly of North Carolina do enact:

Unlawful to barter, sell or manufacture liquor in two miles of church during services.

SECTION 1. That it shall be unlawful for any person or corporation, during the time of religious services at Parker's Methodist Episcopal Church, South, in Gates County, to manufacture or barter or sell in any way intoxicating liquors of any kind, including wine and cider, within two (2) miles of said church.

Unlawful to sell "soft drinks," cigars, cigarettes, refreshments, etc., during services without consent of trustees. Not applicable to stores.

SEC. 2. That without the consent of the trustees of said church during the time of said religious services, it shall be unlawful for any person or corporation to sell or barter, directly or indirectly, any drinks of any kind, or refreshments, cigars, cigarettes, confectioneries or other edibles within one mile of said church: *Provided*, that nothing in this act shall prevent any person or corporation from selling any articles of merchandise not forbidden by law, in a regular store kept open for that purpose.

Penalty for violation of act.

SEC. 3. That any one violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days.

SEC. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 784.

AN ACT TO CREATE THE OFFICE OF TAX COLLECTOR AND TREASURER FOR HENDERSON COUNTY AND TO PROVIDE FOR THE ELECTION OF A TAX COLLECTOR AND TREASURER FOR SAID COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Office of tax collector and treasurer for Henderson county created separate from sheriff's office. Duties.

SECTION 1. That there shall be an office of Tax Collector and Treasurer for Henderson County, and the same is hereby created separate, apart and distinct from the Sheriff's office.

SEC. 2. That the duties of the officer who may be hereafter elected or appointed to fill the said office shall be the same as those now performed by the Sheriff of said county in his capacity as Tax Collector and Treasurer *ex officio*, and his compensation the same.

SEC. 3. That the Tax Collector and Treasurer of said county of Henderson shall be elected by the justices of the peace of said county on the third Monday after the first Monday in June, A. D. 1905, and biennially thereafter, and his term of office shall begin on first Monday in June, 1905, and last for the period of two years.

How elected.

Term of office.

SEC. 4. That for the purpose of the said election the justices of the peace in said county shall meet at the court-house in said county on the said third Monday after the first Monday in June, A. D. 1905, at 12 o'clock noon, and biennially thereafter, and elect one of their number chairman and proceed to elect, by ballot, the officer provided for in section 1 of this act. The candidate receiving a majority of the votes cast shall be declared elected.

Provisions for meeting of justices of peace to elect said officer.

Majority of votes cast elects.

SEC. 5. That it shall be the duty of the Superior Court Judges who hold the Spring Term of Henderson Superior Court to appoint a finance committee, composed of three freeholders and citizens of Henderson County, whose duty it shall be to examine into all the accounts of and make settlements with the various county officers; it shall be their duty also to examine into the affairs of the county government generally. They shall have charge of the publication of the annual exhibit of the county's finances and shall have it published in any paper in the county that they may select. Their term of office shall begin with the Spring Term of Henderson Superior Court, 1903, and last one year, or until their successors are appointed and qualified annually thereafter. The compensation of members of said finance committee shall be the same as that now received by the County Commissioners of said county, for the days they are actually employed in the work required to be performed under this act.

Appointment of finance committee.

Duties.

Term of office.

Compensation.

SEC. 6. That all laws and clauses of laws in conflict with [this] act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 785.

AN ACT TO REGULATE THE DISCHARGING OF FIRE-ARMS IN AND AROUND THE TOWN OF COLUMBIA.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be a misdemeanor for any person or persons to discharge any fire-arms within the corporate limits of the town of Columbia, or one-half mile therefrom, between the hours of sunset and sunrise: *Provided*, this act shall not apply to any person or

Discharging fire-arms within or in half mile of corporate limits of Columbia, N. C., a misdemeanor.
Exception.

persons discharging same when necessary for the protection of life or property.

Penalty.

SEC. 2. Any person violating the provisions of this act, on conviction shall be fined not less than ten dollars or imprisoned thirty days, one-half of the said fine to the informer.

Not to affect existing ordinances.

SEC. 3. This act shall not interfere to the existing ordinances of the town of Columbia.

SEC. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 786.

AN ACT TO EMPOWER THE COUNTY OF BRUNSWICK TO IMPROVE THE PUBLIC ROADS.

The General Assembly of North Carolina do enact:

Mayors and justices of peace may sentence convicted persons to work on public roads in Brunswick county.

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 person shall work on said roads as hereinbefore provided until he be discharged according to law.

Judges of Superior Court may sentence convicted persons to work on Brunswick county roads.

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 provisions 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.

Upon application may sentence convicts from other counties.

Superintendent of convicts.

SEC. 3. That the County Commissioners of said county of Brunswick, in their discretion, are hereby empowered to 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 enclosure wherein said convicts may be placed and kept during the terms of imprisonment and while engaged in any of the work herein provided for.

SEC. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 787.

AN ACT TO AMEND CHAPTER 169 OF THE PUBLIC LAWS OF 1901, RELATING TO COTTON-WEIGHER FOR THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section 2 of chapter 169 of the Public Laws of 1901 be amended by striking out in line two the words "one year" and inserting in lieu thereof the words "two years"; and by striking out in line three the word "annually" and inserting in lieu thereof the words "every two years."

Term of office
lengthened.

Time of election
changed.

SEC. 2. That said act be further amended by adding after section 6 an additional section in the following words: "Section 7. That said cotton-weigher shall receive pay for all cotton weighed or delivered to purchasers in Greenville, and that he may weigh in any part of Pitt County if mutually agreed to between buyer and seller." The said weigher shall have authority to appoint assistants, who, after being duly sworn, shall have same authority as the weigher, and for whose acts the said weigher and his bond shall be responsible.

Compensation.

Right to weigh
anywhere in Pitt
county.

Appointment of
assistants.

SEC. 3. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 788.

AN ACT TO AMEND CHAPTER 329, PUBLIC LAWS OF 1901, IN SO FAR AS IT APPLIES TO ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter 329 of the Public Laws of 1901 be and the same is hereby repealed, in so far as it applies to Robeson County, and the following inserted in lieu thereof:

Section 2 of said
chapter repealed
as to Robeson
county.

Clerk and register's fees for probate and registering crop liens in Robeson county.

Proviso.

Conflicting laws repealed.

That the fees for the probate and registration of liens executed according to the forms set out in section one of said chapter shall be as follows: To the Clerk for probating, ten (10) cents, and to the Register of Deeds for registering the instrument, together with the probate and all necessary acknowledgments and certificates, thirty (30) cents. The fees shall be the same, whether said instrument conveys a lien on crops alone or a lien on crops and a conveyance of chattels also: *Provided*, the above fees shall not apply to other forms of lien or mortgage.

SEC. 2. That all laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 789.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE IN CERTAIN TOWNSHIPS IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Stock law in Court-house, South Mills and Shiloh townships, Camden county. Names of fence commissioners.

Erection of fences and gates.

Term of office.

Vacancy, how filled.

Annual report.

Cost of fence.

Provisions for collecting, keeping and disbursing fence tax.

SECTION 1. That it shall be unlawful for any live stock to run at large in Court-house, South Mills or Shiloh Townships, in the county of Camden.

SEC. 2. That E. M. Deford, F. M. Mullen and J. B. Williams are hereby appointed fence commissioners, with power to contract for the erection of a substantial fence upon or near the boundaries of the several townships above described, with gates at every crossing of the public road, and that they hold their office during good behavior, and upon a vacancy occurring by death, resignation or otherwise, such vacancy shall be filled by the Board of Commissioners of Camden County.

SEC. 3. That it shall be the duty of the said fence commissioners to report annually to the Board of County Commissioners as to the cost, maintenance and condition of such fence or fences, on the first Monday in June of each and every year: *Provided*, that the cost of the said fence or fences shall not exceed in any one year one-half of one per cent. upon the one hundred dollars valuation. That said tax shall be collected by the Sheriff of Camden County at the same time that he collects the taxes for the county and State, and he shall pay the same to the Treasurer of Camden County, less his commissions, which fund shall be drawn by an order from the chairman of the fence commissioners of Camden County, and said fund shall be kept separate and distinct from the other funds in the hands of said Treasurer.

SEC. 4. That upon the completion of the fence or fences enclosing the territory described, the fence commissioners shall give public notice for thirty days by advertisement posted at five public places within said territory and at the court-house in Camden County, and from and after ten days this act shall go into effect.

Notice upon completion of fence.

SEC. 5. It shall be the duty of said fence commissioners to keep the fences and gates in said territory in proper repair, and they shall have power to do so by contracting for material and labor.

Provisions for keeping fences and gates in repair.

SEC. 6. The fence commissioners provided for by this act shall elect a chairman, who shall execute a justified bond in the sum of one thousand dollars, payable to the State, conditioned to faithfully apply all moneys received by him to the construction and repair of the said fences and gates, and upon default of said chairman it shall be the duty of the Commissioners of Camden County to remove the said chairman and to appoint his successor, and in the name of the chairman of the Board of Commissioners of Camden County to sue for the recovery of the funds due by said defaulting chairman, and pay the same to his successor.

Chairman of fence commissioners. Bond.

Removal upon default and appointment of successor. Provisions for recovery of funds due.

SEC. 7. It shall be unlawful to injure or destroy said fence or gates, or for any person to leave said gates open, and every person so offending shall be fined not more than fifty dollars or imprisoned not more than thirty days, at the discretion of the court.

Unlawful to injure fence, gates, or leave gates open. Penalty.

SEC. 8. Any person who shall knowingly permit his live stock to run at large within the territory embraced in section one of this act, after it goes into effect, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days at the discretion of the court.

Penalty for knowingly permitting stock to run at large.

SEC. 9. The term live stock used in this act shall include and mean horses, mules, hogs, cattle, goats, sheep and geese.

Term "live stock" defined.

SEC. 10. If any live stock shall be found running at large in said territory it shall be lawful for any person to take up and impound the same, and after five days' notice to the owner any justice of the peace shall, upon application, order the sale of the same at public bidding, for cash, and of the proceeds the person impounding the same shall receive, for a horse fifty cents per day, and for any other stock twenty cents per day, for the feed and care of the same while impounded, after the payment of one dollar and the costs to the justice, and the balance to the owner of said stock.

Procedure when live stock found running at large in said territory.

SEC. 11. That the Board of Commissioners of Camden County shall call an election for the different townships described in section one of this act, in the manner prescribed by law, upon petition of one-fourth of the voters of each township or townships, said election to be held on the first Thursday in August, 1903, and the question of "Stock Law" or "No Stock Law" shall be submitted to the qualified voters of said township or townships. If at said election a majority of said voters shall vote for stock law, then this act shall take effect thirty days from and after the result of said election.

Provisions for election on stock law question first Thursday in August, 1903.

Effect of result.

Act to apply separately to each township.

SEC. 12. That this act shall apply separately to each township in the county of Camden.

SEC. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 790.

AN ACT CONCERNING THE GOVERNMENT OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Chapter 488, Laws 1899, repealed.
Chapter 135, Laws 1895, re-enacted except sections 4 and 5.
Section 716 of Code repealed.
Substitute.
Election of County Commissioners and Board of Education.

SECTION 1. That chapter 488 of the Laws of 1899 be and the same is hereby repealed, and chapter 135 of the Laws of 1895 be and the same is hereby re-enacted, with the exception of sections 4 and 5.

SEC. 2. That section 716 of The Code be and the same is hereby repealed, and the following substituted in lieu thereof, viz.: "There shall be elected in each county of the State at the general election to be held in the year 1904, and every two years thereafter by the duly qualified electors thereof, five persons to be chosen from the body of the county, who shall constitute the Board of Commissioners of the county, and also three persons to be chosen from the body of the county who shall constitute the Board of Education for the county; all of said officers shall hold their office for two years from the date of their qualification and until their successors shall be elected and qualified, and they shall be qualified by taking the oath of office before some person duly empowered to administer an oath.

Term of office. ~

How to qualify.

Election of justices of the peace.

Number.

Term of office.

How to qualify.

SEC. 3. That there shall be elected at said general election to be held in the year 1904 and every two years thereafter by the duly qualified electors in each and every township in said county, one justice of the peace for each and every one hundred duly qualified electors in each township, and for every fraction of one hundred over fifty, and one Constable; said officers shall hold their office for two years from the date of their qualification and until their successors shall be elected and qualified, and said officers shall qualify by taking the oath of office before some person empowered to administer an oath.

Chapter 17 of Code to apply to officers named in this act.

SEC. 4. That all the provisions of chapter 17 of The Code shall apply to said Board of Commissioners and other officers named in this act as are not inconsistent with the provisions of this act.

Applicable only to Edgecombe county.

SEC. 5. This act shall apply only to the county of Edgecombe.

SEC. 6. This act shall take effect from its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 791.

AN ACT TO REPEAL CHAPTER 286, LAWS 1887, AND CHAPTER 298, LAWS 1901, AND CHAPTER 566, LAWS 1899 IN REFERENCE TO MURFREESBORO TOWNSHIP, HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 286 of the Laws of 1887, authorizing Murfreesboro Township, in Hertford County, to subscribe to the capital stock of the Roanoke and Tar River Railroad Co., and chapter 566, Laws 1899, and 298, Laws 1901, in reference to the funding of the debt of said township, be and the same are hereby repealed in whole: *Provided*, that the repeal of said act, chapter 286 of the Private Laws of 1887, shall not be pleaded in bar of any proceedings that may be taken by the holder of the bonds of Murfreesboro Township issued under the provision of chapter 365 of the Private Acts of 1887, to enforce the collection of said bonds or judgments rendered on past-due coupons thereof.

Act authorizing subscription to Roanoke and Tar River Railroad Company, and act for funding debt repealed.

Repeal shall not be pleaded in bar of action to enforce collection of bonds, etc.

SEC. 2. This act to take effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 792.

AN ACT TO REGULATE THE REGISTERING OF LIEN BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That all lien bonds in which real estate is conveyed shall be registered, indexed and cross indexed as real estate mortgages, and the Register of Deeds in the several counties shall receive the same fee for registering such lien bonds as is received for real estate mortgages. That in the county of Granville the fee for recording said crop liens shall be the same as allowed by the Laws of 1901: *Provided*, that this act shall apply only to the following counties: Hertford, Gates, Northampton, Wake, Buncombe, Craven and Granville.

How registered and indexed.

Fee for registration. Fee in Granville county.

What counties act applies to.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 793.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO REGULATE PRIMARY ELECTIONS.

The General Assembly of North Carolina do enact:

Chapter 752, Public Laws 1901, not applicable to Henderson county.

SECTION 1. That chapter 752, Public Laws of 1901, be amended by striking out the word "Henderson" in line 3 of section 12.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 794.

AN ACT TO AMEND CHAPTER 279, PUBLIC LAWS 1893, RELATIVE TO WORKING PUBLIC ROADS IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Line 1, (a) section 2, amended.

SECTION 1. Amend (a) section 2 by striking out the last word of line 1, the word "twenty," and the first word of line 2, the word "one," and insert in lieu thereof the word "eighteen";

Line 14, (b) section 3, amended.
Section 3 further amended.
Relative to superintendent's pay.

(b) section 3, line 14, between the words "services" and "as" the words "while supervising labor," and also adding to the end of said section 3 the following: "Provided, however, that no superintendent shall receive pay for any day superintending less than sixteen hands; and further, that no superintendent shall receive any pay for any services whatever until he shall have fully complied with all the requirements of law relative to working the roads in Mitchell County;

Line 6, (e) section 5, amended.

(c) section 5, line 6, after the word "him" and before the word "every" insert the following: "For which services he shall receive

(d) Section 11 amended.
Superintendent's responsibility for care of implements.

no compensation"; (d) section 11, by adding the following: "And each superintendent of his respective township shall be both personally and officially responsible for the care and safe keeping of such implements, which shall be used for no other purpose than the

(e) Section 17 amended.

work on public roads"; (e) section 17, by adding at the end of same the following: "And if the road supervisors in their respective townships, or any one of them, should fail to perform the duties incumbent on them as such road supervisors by law, such person or persons shall be deemed to have forfeited the office as such supervisor, and the County Commissioners shall so enter in the minute book of their proceedings and report the same to the Clerk of the Superior Court, who shall proceed at once to fill the vacancy by appointment."

Superintendent failing to perform duties forfeits office.

Vacancy, how filled.

Provided, however, that the superintendent of any township may, upon application of any road worker, allot the said applicant a certain section of road, to be agreed upon between him and the superintendent, beginning on some permanent natural object and extending a certain number of yards along the public road in a given direction as his, the applicant's, share; to build, maintain and keep in the condition as prescribed in chapter 279, Public Laws of 1903, as amended by this act. Said section so allotted shall not be less in number of yards than the dividend obtained by dividing the whole number of yards of public roads in the township by the number of hands in the township, and such allotment set forth in writing, signed by the road superintendent and indorsed by a majority of the road supervisors, shall be binding on them and their successors for the period of six years or for the period of time agreed upon, and any such applicant so receiving an allotment and putting and keeping same in condition, as prescribed by law, shall, upon application prior to the first Monday in June of each year, receive from the superintendent of his respective township a certificate of approval, which certificate shall be received by the Sheriff or Tax Collector as full payment of poll tax assessed against him for roads. If such applicant or road worker should fail and refuse to build, maintain and keep his section allotted to him in the condition prescribed by law, he shall be subject to the penalties prescribed by section 8, Public Laws of 1893, and also forfeit his right to such allotment; (f) section 18, by striking out in line 3 the words "eighteen hundred and ninety-three" and insert in lieu thereof the following: "Nineteen hundred and three" (1903).

Allotment of section to road-worker.

Road-worker putting and keeping allotment in good condition entitled to certificate which cancels road poll tax.

Penalties for failure or refusal to build, maintain and keep in good condition the allotment.

(f) Section 18 amended.

SEC. 2. This act shall be in force from and after June 10th, 1903.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 795.

AN ACT TO PROTECT RAILROAD CONDUCTORS AND STEAM-BOAT OFFICERS.

The General Assembly of North Carolina do enact:

SECTION 1. Any passenger purchasing or holding a second-class ticket, after being requested or directed by any conductor or other officer in charge of any train on any railroad or steam-boat in this State, riding in any first-class coach or cabin, who refuses to pay the difference between a first-class and second-class fare or rate, or refuses to go into the second-class coach or cabin of any railroad or steam-boat company, shall be guilty of a misdemeanor, and upon

Misdemeanor to remain in first-class coach or cabin, or refuse to pay difference, after request from proper official, where passenger riding on second-class ticket.

Penalty.

Proviso.

Jurisdiction of
such offence.

conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided, however,* there shall be a comfortable second-class coach or cabin in said train or on said steam-boat.

SEC. 2. Any justice of the peace in the county where such offense is committed shall have jurisdiction of said offense, upon the sworn complaint of any officer of such railroad or steam-boat company.

SEC. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 796.

AN ACT TO REGULATE THE SALE OF LIQUOR IN BATH TOWNSHIP, BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Election to be held
in said township
May 5, 1903, on
question of selling
liquor in town
of Bath.

SECTION 1. That there shall be held on the first Tuesday of May, 1903, an election in Bath Township, Beaufort County, to determine the question whether or not liquor shall be sold in the town of Bath, in said township.

Provisions for
appointment of
registrars and
judges, and hold-
ing election.

SEC. 2. That it shall be the duty of the County Board of Elections of Beaufort County to meet in the city of Washington on the first Monday in April, 1903, to appoint a registrar and two judges of election for each voting precinct in said Bath Township, whose duty it shall be to hold the election as provided for in this act; both of the judges for each precinct shall not belong to the same political party.

Registration
books.

SEC. 3. That it shall be the duty of said registrars to open the registration books in said precincts at eight (8) o'clock A. M. on the second Monday in April, 1903, and keep them open each day, Sundays excepted, from eight (8) o'clock in the morning until six (6) o'clock in the evening, until noon on Saturday, May the second, 1903, when said books shall be closed for registration. For the purpose of this election the registration had for the general election in November, 1902, shall be revised, and a new registration of such voters who neglected to register for said election and who have become qualified electors since said election in 1902, will be had. All persons who are legally qualified to vote under the Constitution and Laws of North Carolina shall be entitled to register and vote in said election.

New registration
of certain voters.

Who entitled to
register and vote.

Challenge day and
challenges.

SEC. 4. That it shall be the duty of the registrar and judges of election in each precinct to meet at the polling place in said pre-

cinct at twelve (12) o'clock noon on Saturday, May second, 1903, for the purpose of receiving and hearing challenges, which shall be determined in the same manner as provided by law in elections for members of the General Assembly.

SEC. 5. That the polls for said election shall be open from sunrise to sunset on said first Tuesday of May, 1903, when the same shall be closed. If any judge of election appointed to hold said election shall neglect or refuse to serve, then it shall be the duty of the registrar to appoint some other person to serve in his stead. Each person participating in said election shall vote a ticket on which shall be written or printed the words "For Saloons" or "No Saloons." At sunset on said day the registrar and judges of election shall count the votes and certify under their hands the number of votes cast "For Saloons" and the number cast for "No Saloons," and shall appoint one of their number to act as a member of the Board of Township Canvassers, as hereinafter provided.

Provisions for election.

SEC. 6. That the board appointed as aforesaid shall constitute the Board of Canvassers, whose duty it shall be to meet in the town of Bath at noon on the day after the election and canvass the returns and declare the result of the said election, which said returns and declaration of the result of said election shall be certified by the said Board of Canvassers to the Register of Deeds of Beaufort County, and by him recorded in his office.

Board of canvassers.

Canvass of returns and declaration of result.
Result to be certified.

SEC. 7. That the registrars shall be paid by the said county of Beaufort three (3) cents for each new name registered and one (1) cent for each name revised on said registration book. The registration books required under the provisions of this act shall be provided by the county of Beaufort. The registration of voters for this election shall be lawful, to all intents and purposes, in all other elections held in said township, until otherwise provided for by law.

Compensation of registrars.

Registration books, by whom provided.

Force and effect of registration for this election.

SEC. 8. If in said election a majority of the votes cast be "For Saloons," then it shall be lawful for spirituous, vinous and malt liquors to be sold in said town of Bath by such persons as shall receive a license so to sell from the Board of County Commissioners of the county of Beaufort to the Board of Commissioners of the town of Bath. Nothing in this act is to be construed to permit the manufacture or sale of such liquors at any other place in said Bath Township except within the corporate limits of the town of Bath, and nothing in this act is to be construed to permit the sale of such liquors until the applicant for license has complied with all the provisions of the laws of North Carolina, regulating the granting of license for the sale of liquors, and of the ordinances of the town of Bath regulating the same.

If majority vote for saloons liquor to be sold on license.

Manufacture and sale restricted to town.

Requirements of applicant for license.

SEC. 9. If in said election the majority of the votes are cast for "No Saloons," then it shall be unlawful for any person or persons, firm or corporation to manufacture, sell or otherwise dispose of for

If majority vote "no saloon" prohibition obtains in said town.

Exception as to
druggists.

Exception as to
manufacture of
wine or cider from
fruit or grapes
grown on land of
manufacturer.

Restriction on sale
and drinking of
such wine.

Violation of pro-
visions of act a
misdemeanor.

Penalty.

Secretary of State
to transmit copy.

Duty of County
Commissioners.

Notice by chair-
man board of
elections.

Conflicting laws
repealed.

gain any spirituous, vinous or malt liquors or intoxicating bitters in said town of Bath or elsewhere in said Bath Township: *Provided*, this act shall not be construed to forbid the sale of such liquors by druggists for sickness, upon the written prescription of a legally qualified physician having such sick person under his charge: *Provided further*, that nothing in this act shall be construed to forbid the manufacture of wine or cider from fruit or grapes grown on the land of the persons so manufacturing, but the sale of such wine is prohibited in less quantities than one gallon, and when sold in quantities of one gallon or more it shall not be drunk upon the premises where sold.

SEC. 10. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding six (6) months, or a fine not exceeding one hundred dollars (100), or both, in the discretion of the court.

SEC. 11. That it shall be the duty of the Secretary of State, immediately after the ratification of this act, to transmit a certified copy of the same to the chairman of the County Board of Elections of Beaufort County, who is directed to assemble his board the said first Monday in April, 1903, for the purpose of appointing the registrars and judges of election, as herein provided for. And said chairman of the County Board of Elections of Beaufort County shall cause a notice to be published once a week from said first Monday in April, 1903, until the election is held under this act, in some newspaper published in said county, notifying the people of said Bath Township of the time and place of holding said election.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 797.

AN ACT TO AID IN PAYING JURORS, AND IN WORKING THE
CHERRY RIDGE AND POINT OF MARSH ROADS IN TYR-
RELL COUNTY.

The General Assembly of North Carolina do enact:

Surplus tax funds
under chapter
255, Public Laws
1901.

SECTION 1. That the surplus special tax money, collected by authority of chapter 255, Public Laws of 1901, shall be used as directed in sections 3 and 4 of this act, and for no other purpose.

SEC. 2. That should there be a surplus of special tax money collected by authority of an act passed at this session of the Legislature, 1903, and known as the Tyrrell County poor and bridge tax, said surplus shall be used as directed in sections 3 and 4 of this act, and for no other purpose.

Surplus tax funds under Tyrrell county law.

SEC. 3. That one-fifth of said surplus money shall be used in aid of paying the jurors in said county.

Application of same to payment of jurors.

SEC. 4. That two-fifths shall be used in aid of keeping up the Cherry Ridge Landing Road, and two-fifths shall be used in aid of keeping up the Point of Marsh Road.

Application of same to keeping up certain roads.

SEC. 5. That Charles Roughton is appointed overseer of the Cherry Ridge Landing Road, beginning at the Guilford fork and running to the Alligator River, and D. W. Hassell is appointed overseer of Point of Marsh Road. The term of said overseers shall be to August 15th, 1905.

Overseers of roads.

SEC. 6. That when the time of said Charles Roughton has expired the justices of the peace for Gum Neck Township shall appoint an overseer to succeed the said Charles Roughton: *Provided*, that nothing in this act shall prevent the working of the said Cherry Ridge Landing Road as is now the law, it being the intention of this act for the said Charles Roughton to be overseer so as to use the special tax surplus money by hiring hands to work on said road; said hands are not to receive more than one dollar a day, and the said Charles Roughton is not to receive more than one dollar and fifty cents a day for ten days each year, and said Roughton shall be exempt from all other road work during said term.

Appointment of successor.

Proviso.

SEC. 7. That the justices of the peace of Gum Neck Township shall inspect the Cherry Ridge Landing Road quarterly, and when a road order, signed by the said Charles Roughton, is presented to them for approval, if in their opinion the money so ordered has been properly applied, they shall approve said road order or orders. The said Charles Roughton shall not use more money in any one year than there is to the credit of said Cherry Ridge Landing Road.

Inspection of road.

SEC. 8. That the justices of the peace of Scuppernong Township shall inspect the Point of Marsh Road, in Scuppernong Township, quarterly, and when the overseer of said Point of Marsh Road shall draw a road order, if in the opinion of the said justices of the peace of said Scuppernong Township said money so drawn for has been well applied, the said justices of the peace shall approve of said road order.

Inspection of Marsh road.

SEC. 9. That the said D. W. Hassell, overseer of Point of Marsh Road, shall receive one dollar and fifty cents a day for his services as road overseer, but shall not be paid for more than twelve days in any one year. The said Hassell shall employ hands to work the said road, not paying more than one dollar a day to each hand for such work, but he shall not have work done beyond what money there is to the credit of said road.

Compensation.

Employment of hands.

Treasurer to keep road money separate.

SEC. 10. That the Treasurer of said county shall keep all money to be used as the road money separate from the general county tax money, and shall pay the orders of said overseers as is provided for by this act.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict with this act are repealed.

SEC. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 798.

AN ACT TO ESTABLISH A TRAINING SCHOOL FOR TEACHERS IN WESTERN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporators.

SECTION 1. That W. C. Fields and A. S. Carson of the county of Alleghany, J. D. Thomas and T. C. Bowie of the county of Ashe, Adolphus Taylor and W. P. Horton of the county of Wilkes, F. P. Moore and J. M. Bernhardt of the county of Caldwell, Moses H. Cone and E. F. Lovill of the county of Watauga, J. R. Prichard and T. A. Love of the county of Mitchell, and J. B. Ray and E. F. Watson of the county of Yancey, are hereby created a body politic and corporate under the name of "The Appalachian Training School for Teachers," and as such may sue and be sued, implead and be impleaded in all the courts of the State, may purchase and hold real estate, receive donations, and do all things useful and necessary to carry out the true intent and meaning of this act.

Body politic.

Corporate name.

Powers.

First meeting and organization.

SEC. 2. That the said board of trustees shall meet in the town of Blowing Rock, in the county of Watauga, in month of May after the passage of this act, at the call of the Superintendent of Public Instruction of North Carolina, and shall organize by electing a president, secretary and treasurer, and shall meet annually thereafter at a time and place to be fixed by said board.

Election of officers.

Books of subscription.

SEC. 3. That the said board of trustees at their first meeting shall open books of subscription, and shall have power to appoint an agent to solicit and collect subscriptions for the purpose of erecting buildings suitable and necessary for the establishment of said school.

State appropriation.

SEC. 4. That whenever a sum of \$1,500 is subscribed and paid to the Treasurer of the Board of Trustees, a like amount is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, and it shall be the duty of the Auditor of the State to draw his warrant on the State Treasurer for fifteen hundred

Duty of Auditor.

dollars when he shall have received proper evidence that a like amount has been actually paid by private individuals, and said warrant shall be drawn in favor of the treasurer of said board of trustees.

SEC. 5. That the sum of \$2,000 is hereby annually appropriated for the payment of teachers and the maintenance of said school. Annual State appropriation.

SEC. 6. That tuition in said institution shall be free to all persons in the State who shall sign a pledge to teach in the public schools of North Carolina for a term of not less than two years. Free tuition.

SEC. 7. That it shall be the duty of the County Superintendents of the counties of Alleghany, Ashe, Wilkes, Watauga, Caldwell, Mitchell and Yancey to meet with the board of trustees hereinbefore mentioned at their first meeting, and, together with the said board of trustees, shall choose at some future time a site for the location of said institution, having due regard to the donations that may be given for the establishment of said school at any particular place, the cheapness of board, the convenience of attendance and the locality in the counties hereinbefore mentioned. Location of site for institution.

SEC. 8. That the said board of trustees shall elect all teachers, fix their salaries and length of the term of the school. Election of teachers, etc.

SEC. 9. That all property acquired under the provisions of this act shall be conveyed by deed to the State of North Carolina, for the purposes hereinbefore mentioned. Conveyance of property to State.

SEC. 10. That the treasurer of said board of trustees shall execute a bond to the State of North Carolina, to be approved by said board, in a sum not less than double the amount of the money that shall go into his hands. Treasurer of board of trustees to execute bond.

SEC. 11. That the said board of trustees shall fill all vacancies which may occur for any cause in the board of trustees by election. That said vacancies shall be filled from residents of the county from which the vacancy may occur. Full annual reports of the works and complete financial statements of the treasurer shall be made to the State Superintendent of Public Instruction on or before the first day of October, and such other reports as the Superintendent may require. Vacancies on board, how filled.

SEC. 12. That this act shall take effect and be in force from and after its ratification. Annual reports to State Superintendent.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 799.

AN ACT TO PROVIDE FOR COMPULSORY ATTENDANCE IN
THE PUBLIC SCHOOLS OF CHEROKEE COUNTY.*The General Assembly of North Carolina do enact:*Compulsory school
attendance.
Ages; time.

SECTION 1. That all children residing in the county of Cherokee of the age of eight years and not over sixteen years of age, and of sufficient mental and physical strength, be and they are hereby required to attend the public schools of the county for a term of at least three months or twelve weeks in each year: *Provided, however,* that attendance in any private or other literary school for such term in each year shall excuse any child so attending.

Proviso.

Parents, etc., fail-
ing to comply,
punished.

SEC. 2. That the parent or guardian of any child of the age above recited, and which child shall not otherwise be excused from the requirements of this act, who shall fail to keep their said child or children in the public schools of their district or elsewhere as herein provided for a term of twelve weeks in each year, if said schools are taught for such length, shall be guilty of a misdemeanor, and subject to a fine of one dollar for the first offense and two dollars for each offense thereafter, or imprisonment for not more than ten days, and for the purposes of this act a failure to send said child or children for more than one week without sufficient cause shall render the parent or guardian subject to indictment under this act.

Penalty.

Duty of each
teacher to report.

SEC. 3. That it shall be the duty of each teacher of a public school to report at the end of each month to the committee of the district the names of all children in his school, and the number of days attended by each during the month, and it shall be the duty of each school committee to prosecute all parents or guardians who fail to comply with the provisions of this act.

Children excused
from attendance,
how.

SEC. 4. That the school committee of each district shall have power to excuse any child or children from the requirements of this act on account of poverty, infirmity or other good cause to them appearing, and when so excused the parent or guardian of such child shall not be subject to indictment under this act.

Furnishing of free
books by county
superintendent.

SEC. 5. That if any child of the age hereinbefore recited shall, on account of poverty, be unable to procure the necessary books for use in the public schools, it shall be the duty of the Superintendent of Public Instruction of the county to purchase the same and furnish to such child or children: *Provided, however,* that such books shall only be furnished on application from the school committee of the district, setting forth for whose use they are desired and the merits of the same; thereupon the said superintendent shall draw an order on the County Treasurer for such sum as may be necessary to purchase the books, and the County Treasurer shall pay the same

Proviso.

out of the general school fund of the county: *Provided, however, Proviso.*
that any book or books furnished under the provisions of this sec-
tion to any child or children shall remain the property of the County
Board of Education and subject to the order of the committee of the
respective school districts.

SEC. 6. That this act shall not be in effect in any township or This act to have no
effect until ratified
by vote of people.
school district of the county until a majority of the qualified voters
therein shall have petitioned the County Commissioners asking
for the same, which petition or petitions shall be counted and the
result declared by said Commissioners and placed upon their min-
utes, and if it shall appear that a majority of the qualified voters
of the district or township have so petitioned, and the Commissioners
shall so declare, then in that case this act shall be in full force and
effect in such district or township thereafter.

SEC. 7. That this act shall apply only to the county of Cherokee, Applicable only to
Cherokee county.
and shall be in force and effect from and after its ratification, as is
provided in section six.

In the General Assembly read three times and ratified this the 9th
day of March, 1903.

CHAPTER 800.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT
TO PROMOTE AND PROTECT THE OYSTER INDUSTRY OF
NORTH CAROLINA," RATIFIED THE 6TH DAY OF MARCH,
1903.

The General Assembly of North Carolina do enact:

SECTION 1. That section 14 of an act ratified the 6th day of March, Oyster law of the
session amended.
Section 14
amended.
1903, entitled "An act to promote and protect the oyster industry
of North Carolina," be amended by inserting in line 5 of said sec-
tion between the words "river" and the word "or" in said line the
words "Neuse River."

SEC. 2. Add a new section between sections 28 and 29, to be num- Section 28 (a)
added.
Printing of act.
bered as section 28a. to read as follows: SEC. 28a. That the Oyster
Commissioner shall have as many copies of this act as he may deem
necessary printed, and the cost of such printing shall be paid for
out of the oyster fund.

SEC. 3. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th
day of March, 1903.

CHAPTER 801.

AN ACT TO AMEND SECTION THIRTY-SIX HUNDRED AND THIRTY-TWO OF THE CODE.

The General Assembly of North Carolina do enact :

Eleven copies of laws for Supreme Court library.

SECTION 1. That section thirty-six hundred and thirty-two of The Code be and the same is hereby amended by striking out the word "five" in line seventeen of the said section and inserting in lieu thereof the word "eleven."

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 802.

AN ACT TO REPEAL CHAPTER 424, LAWS 1901.

The General Assembly of North Carolina do enact :

Act appointing board of examiners to visit State institutions repealed.

SECTION 1. That chapter 424, Laws of 1901, is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 803.

AN ACT TO REPEAL CHAPTER 462, ACTS OF 1901, SUBMITTING TO THE VOTE OF THE PEOPLE IN JUDKINS TOWNSHIP, WARREN COUNTY, THE MANNER OF WORKING THE PUBLIC ROADS IN SAID TOWNSHIP.

The General Assembly of North Carolina do enact :

Question of repealing chapter 462, Public Laws 1901, submitted to vote, how.

SECTION 1. That the question as to whether the township of Judkins, in Warren County, shall remain as it now is as to the working of the public roads of said township. or whether chapter 462, Acts of 1901, shall be repealed as to Judkins Township. It shall be submitted to a vote of the people in said township upon the petition of the County Commissioners of one-third (1-3) of the qualified voters of said township.

On presentation of petition election to be ordered.

SEC. 2. That upon the presentation of such a petition to the Board of County Commissioners the said board shall call an election and

appoint the last registrar for said township in the general election, and one poll holder. And the Board of Road Commissioners for Election officers. Judkins Township shall appoint one poll holder, and these three shall have all the power and rights of registrars and judges of election in said township as in general elections.

SEC. 3. The registrar shall publish the notice of the election in Notice of election. the nearest newspaper published in said county for thirty days prior to said election. The election shall be held as near as can be, Election, how governed. except as to time, with the election laws of the general election.

SEC. 4. The County Commissioners shall set the time and place Election. for holding said election as near as can be in the center of the township. And if a majority of the votes cast shall be "For re- Result. pealing chapter 462, Public Laws of 1901, as to Judkins Township," then upon said vote being approved by the chairman of the Board of County Commissioners, the said chapter, in so far as it relates to Judkins Township, is repealed. But if a majority of the votes cast shall be against repealing said chapter, in so far as it relates to Judkins Township, in said county, and after the vote is approved as above, it shall stand.

SEC. 5. The votes shall read: "For repealing chapter 462, Laws Ballots. of 1901, as to Judkins Township," and "Against repealing chapter 462, Laws of 1901, as to Judkins Township."

SEC. 6. This act shall not repeal any law as to River Township, Applicable to Judkins township only. but shall relate to Judkins Township only.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 804.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ELECTION OFFICERS FOR MUNICIPAL ELECTIONS IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the County Board of County board of elections to Elections of Iredell County to appoint registrars and judges of appoint election officers for municipal elections. election for municipal elections in said county.

SEC. 2. That said Board of Elections shall meet in Statesville on the first Monday in April in each and every year preceding any municipal election in said county and appoint one registrar and two judges of election for each voting precinct of all cities and Meeting for that purpose.

towns in said county holding elections for that year. Both of said judges of election shall not belong to the same political party.

New registration.

SEC. 3. That said County Board of Elections shall have power to order a new registration in any city or town whenever in the judgment of the board a new registration is necessary.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 805.

AN ACT TO PROVIDE A STENOGRAPHER FOR THE SUPREME COURT.

The General Assembly of North Carolina do enact:

Stenographer for
Supreme Court.
Salary.

SECTION 1. That the Supreme Court is hereby authorized to employ a stenographer at a cost not exceeding one thousand dollars per annum, to be paid by the Treasurer out of any moneys not otherwise appropriated, upon the warrant of the Auditor.

SEC. 2. That this act shall be in force from its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 806.

AN ACT TO AMEND SECTION 192 OF THE CODE, TO DEFINE THE RESIDENCE OF DOMESTIC CORPORATIONS FOR THE PURPOSE OF SUING AND BEING SUED.

The General Assembly of North Carolina do enact:

Residence of
domestic corpora-
tion defined.

SECTION 1. That section one hundred and ninety-two of The Code shall be amended by adding to said section the following: *Provided*, that for the purpose of suing and being sued the principal place of business of a domestic corporation shall be the residence of such corporation.

SEC. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 807.

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR NUMBER FOUR TOWNSHIP, PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. C. Alecock and S. J. Clark are hereby appointed justices of the peace for No. 4 Township, Pamlico County, for a term of six years. Justices of the peace appointed.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 808.

AN ACT TO APPOINT L. F. HAMME A JUSTICE OF THE PEACE FOR OXFORD TOWNSHIP, GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That L. F. Hamme be and he is hereby appointed a justice of the peace for Oxford Township, Granville County, for six years from the first day of April, 1903. L. F. Hamme appointed justice of the peace.

SEC. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 809.

AN ACT TO APPOINT A JUSTICE OF THE PEACE FOR COURTHOUSE TOWNSHIP, CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That D. W. Harris is hereby appointed a justice of the peace for Court-house Township, Camden County, for a period of six years from the passage of this act. D. W. Harris appointed justice of the peace.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 810.

AN ACT TO AUTHORIZE THE STATE TREASURER TO PAY INTEREST ON DEBTS DUE BY STATE, NOT PROVIDED FOR BY THE BOND ISSUE OF \$300,000.

Preamble. WHEREAS, the bond issue leaves a balance of debt to be paid out of the State Treasury of about \$30,000, which will have to be continued, and interest paid on same until paid: Therefore,

The General Assembly of North Carolina do enact:

State Treasurer authorized to continue notes and pay interest. SECTION 1. That the State Treasurer is directed to continue said notes from time to time until the receipts from taxes are sufficient to pay them off.

SEC. 2. That the State Treasurer is hereby authorized to pay interest on said indebtedness from any money not otherwise appropriated.

SEC. 3. This act is in force on and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 811.

AN ACT TO ESTABLISH A GRADED SCHOOL AT COPELAND, IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Graded school district established. SECTION 1. That a school district be and is hereby established at Copeland, in the county of Surry, to be composed of the territory for two miles in all directions from the school-house now being constructed at or near the village of Copeland. The Board of Education of Surry County may attach any person or persons to said district outside of said territory who desire to be so attached, upon their complying with the provisions of this act hereinafter set forth.

Power of county board.

Special tax authorized. SEC. 2. That the inhabitants of said district may be taxed in a sum not to exceed twenty-five cents on the one hundred dollars valuation of the property therein and seventy-five cents on each poll, to supplement the public school fund of said district: *Provided*, that said tax shall not be levied or collected until the same shall have been submitted to the qualified voters therein. And to the end that the sense of the residents of said district may be ascertained thereon,

Proviso: submission to vote.

Election.

an election shall be held in said district on the first Thursday of June, 1903, in the same manner as elections are now held for members of the General Assembly of North Carolina, and those favoring said tax shall vote a printed or written ticket "For School Tax," and those against shall vote a like ticket "Against School Tax."

Ballots.

SEC. 3. That in order that said election may be held as above provided, the Board of County Commissioners of Surry County shall appoint a registrar and two judges of election therein to hold said election, and all persons who are qualified to vote for members of the General Assembly shall be entitled to vote at said election. Election officers.

SEC. 4. That in case a majority of the votes cast at said election shall be cast in favor of said tax, the Board of Education shall appoint three committeemen in said district who shall levy said tax as other taxes are levied in Surry County; and they shall appoint a Tax Collector to collect the same, who shall enter into a bond of double the sum of the taxes so levied in said district, to be approved by said committee. Levy and collection of special tax.

SEC. 5. That said Tax Collector shall have the same power and authority to collect said taxes as is now conferred on Sheriffs for the collection of taxes, and be subject to like penalties. Powers of tax collector.

SEC. 6. That in case a majority of the votes in said district shall be cast against said tax, then this act shall be void and of no effect. If result unfavorable, this act to be void.

SEC. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 812.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WAYNE AND DUPLIN COUNTIES TO LEASE, HIRE OUT AND WORK THE CONVICT FORCE OF SAID COUNTIES ON PUBLIC OR PRIVATE PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Wayne and Duplin Counties be and they are hereby authorized and empowered, in addition to the powers heretofore granted by law, to work the convict force in said county on the public roads, to hire out, farm, let, lease or work the convict force in said county upon public or private property in their discretion, for a consideration agreed upon by them and the party or parties contracted with for the use and benefit of the county. That the said convict force mentioned in this act shall mean all prisoners sentenced to work on the public roads of Wayne and Duplin and other counties. Authority to hire out convicts.

SEC. 2. That the convict force when so hired out or leased shall at all times be under the control and management of said board, superintended and guarded by officers elected by the said Board of Commissioners. Election of guards and superintendents.

Care and treatment of convicts.

SEC. 3. That the convicts composing said force shall not be subject to hazardous risks as to their health, but due regard shall be had for their comfort and health consistent with their imprisonment and punishment inflicted by the court.

Conflicting laws repealed.

SEC. 4. All laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 813.

AN ACT TO AUTHORIZE CHARLES F. BAHNSON, AN EX-CONFEDERATE SOLDIER OF DAVIE COUNTY, TO BE AN ITINERANT OPTICIAN WITHOUT THE PAYMENT OF A LICENSE TAX.

The General Assembly of North Carolina do enact:

Authority to peddle without license.

SECTION 1. That Charles F. Bahnson, an ex-Confederate soldier of Davie County [be allowed] to sell spectacles and eye-glasses in the several counties of the State as an itinerant optician, without the payment of a license or other tax.

SEC. 2. This act shall be in force from its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

CHAPTER 814.

AN ACT TO DECLARE CERTAIN TERRITORY IN MITCHELL COUNTY UNDER THE "STOCK LAW," AND TO AMEND CHAPTERS 182 AND 292, PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

Stock law territory.

Boundaries.

SECTION 1. That the following territory in Mitchell County is hereby declared "Stock Law Territory," to-wit, the territory embraced within the following lines, viz.: Beginning on the north bank of Toe River, just east of the mouth of Pigeon Roost Creek; thence eastward up Toe River with its meanders to a point directly opposite the termination of the leading ridge extending downward from the "Yellow" to the left of "Flat Rock, in Snow Creek Township, toward the river; thence northeastward up and with the main top of said leading ridge to the main top of the Yellow Mountain;

thence northward with the main top of the mountain dividing the waters of Toe River from the waters of Cane Creek to the top of the Hawk Mountain; thence a westward course with the main height of the mountain dividing the waters of Little Rock Creek from the waters of Cane Creek by way of Big Spring Gap, Med Lock Mountain and the Pumpkin Patch Gap, to the main high top of the Pumpkin Patch Mountain; thence westward with the main height of said Pumpkin Patch Mountain to and down with the leading ridge terminating near the mouth of Bad Creek; thence across Big Rock Creek and up the leading ridge to the right of said Bad Creek, with its main height, to the top of the Big Ridge; thence westward down the Big Ridge, with its main height, to the beginning.

SEC. 2. That the boundaries set forth in section 1 of this act shall be deemed and the same are hereby declared, to all intents and purposes, a "Lawful Fence," and a full compliance with the requirements of section 2823, chapter 20 of The Code; and any horse or horses, mule or mules, cow or cows, hog or hogs, jack or jacks, jennet or jennets of any age, or any other live stock found running at large within said boundaries, may be taken up and impounded and subject to all the provisions of law with respect to "live stock" running at large in "stock law territory," as provided in chapter 20, sections 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2828, 2829 and 2830 of The Code.

Boundaries declared a lawful fence.

What laws to govern.

The Code.

SEC. 3. That if the owners of any live stock, living within the boundaries set forth in section 1 of this act, shall permit such live stock enumerated in section 2 of this act to run at large outside of said boundary and commit any trespass or damage to any growing or other crops, outside of said boundaries, then 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 the "stock law territory," as set forth in section 2 of this act.

Impounding of stock, etc.

SEC. 4. That chapter 182, section 1, Laws of 1901, be and the same is hereby amended by striking out after the word "Watauga," in line 4 of said section, the word "Mitchell."

Mitchell county stricken out of former stock law.

SEC. 5. That chapter 292, section 1, Laws 1901, be and the same is hereby amended by striking out after the word "Watauga," in line 4 of said section, the word "Mitchell."

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 815.

AN ACT REQUIRING CLAIMS AGAINST RICHMOND COUNTY
TO BE PRESENTED WITHIN SIX MONTHS.*The General Assembly of North Carolina do enact:*Claims to be pre-
sented.

SECTION 1. That all persons holding claims against the county of Richmond that were issued before the division of Richmond County and the creation of Scotland County, that is, before the 1st Monday in December, 1900, shall be and they are hereby required to present the same to the Board of Arbitrators heretofore appointed to audit the outstanding indebtedness against said County of Richmond, and apportion the amount of indebtedness that is justly due by each of said counties respectively, within six months from the ratification of this act.

Claims not pre-
sented to be barred.

SEC. 2. That claims which are not presented to said Board of Arbitrators before the expiration of six months from the ratification of this act shall be barred, and that this statute may be pleaded in bar of their recovery: *Provided*, that this act shall not be construed to require a re-presentation of claims which have already been presented to said arbitrators.

Proviso.

Publication of
this act.

SEC. 3. That notice of the provisions of this act shall be published for four successive weeks in some newspaper published in Richmond County and for four successive weeks in some newspaper published in Scotland County.

SEC. 4. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

CHAPTER 816.

AN ACT TO APPOINT W. M. SURRATT A JUSTICE OF THE
PEACE [FOR] JACKSON HILL TOWNSHIP, IN THE COUNTY
OF DAVIDSON.*The General Assembly of North Carolina do enact:*W. M. Surratt ap-
pointed justice
of the peace.

SECTION 1. That W. M. Surratt be and he is hereby appointed a justice of the peace for Jackson Hill Township, in the county of Davidson.

SEC. 2. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 817.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF WILSON COUNTY TO FIX THE COMPENSATION OF
THE CHAIRMAN OF THE BOARD.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Wilson County are authorized to pay the chairman of the board, for his services as chairman, a sum not exceeding one thousand (\$1,000) dollars per annum.

Compensation of chairman board of county commissioners.

SEC. 2. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

CHAPTER 818.

AN ACT TO PROVIDE FOR THE HEATING AND VENTILATION
OF THE CAPITOL BUILDING.*The General Assembly of North Carolina do enact:*

SECTION 1. That the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any public funds not otherwise appropriated for the purpose of thoroughly renovating and carpeting the hall of the House of Representatives.

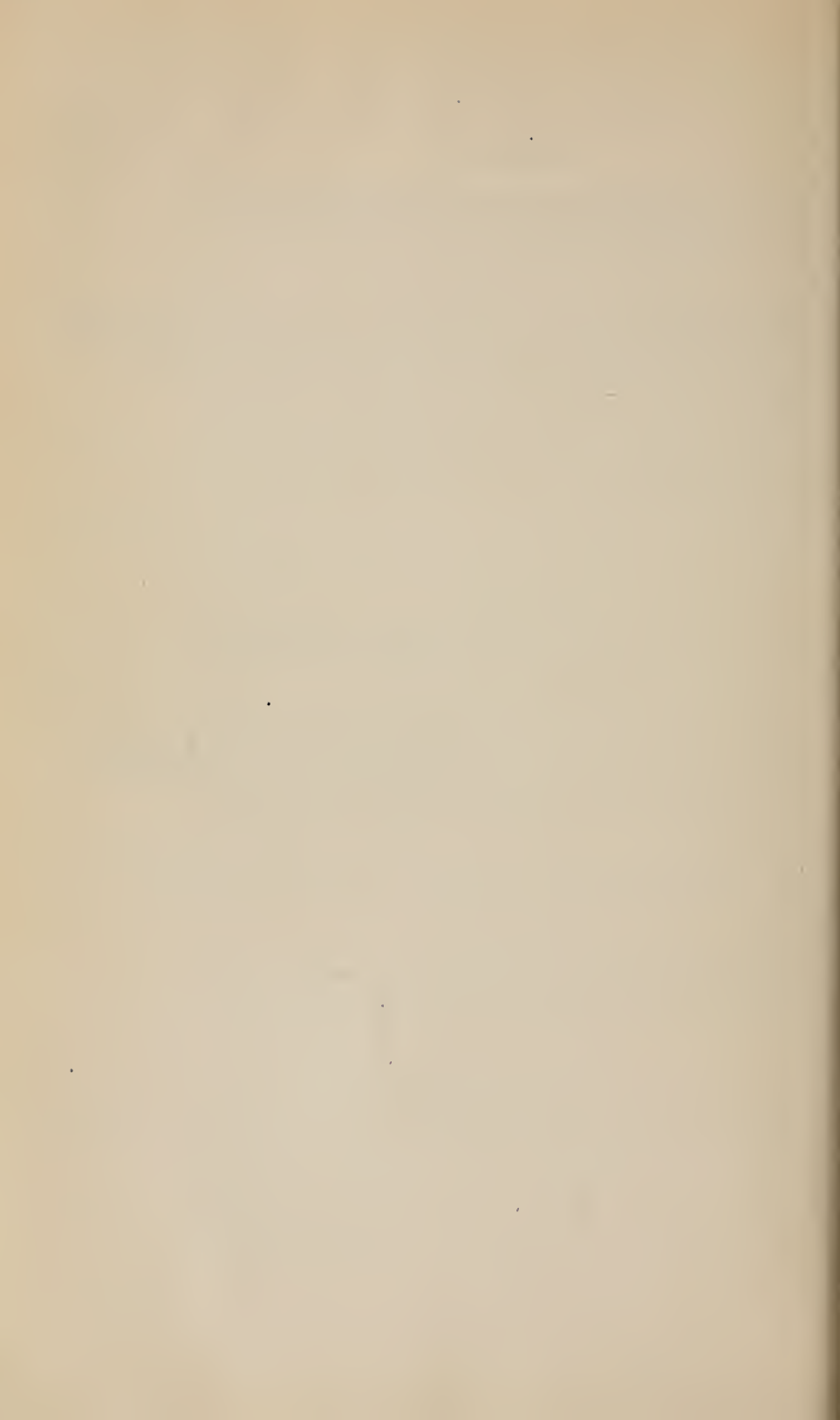
Appropriation for carpeting, etc., hall of House of Representatives.

SEC. 2. That the work shall be done under the direction of the Board of Public Buildings, and completed prior to January 1st, 1904.

Board of public buildings to direct work.

SEC. 3. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.



RESOLUTIONS

OF THE

GENERAL ASSEMBLY,

SESSION 1903.

RESOLUTION TO PAY CAPT. FRANK BENNETT, DOOR-KEEPER SESSION 1901, FOR ASSISTANCE IN ORGANIZING THE HOUSE.

Resolved by the House of Representatives, the Senate concurring:

That the Clerk of the House be instructed to issue a voucher to Capt. Frank Bennett, Door-keeper for the Session of 1901, for one day's pay and mileage for his services in the organization of the present House, and that the Auditor and Treasurer be authorized to pay same.

Capt. Frank Bennett, ex-door-keeper, to be paid per diem and mileage.

In the General Assembly read three times and ratified this 10th day of January, 1903.

RESOLUTION IN REGARD TO PRINTING THE CALENDARS, BILLS AND JOURNALS.

Resolved by the House of Representatives, the Senate concurring:

That a committee of three on the part of the House of Representatives and two on the part of the Senate be appointed to take into consideration the advisability of having the Calendars, Bills and Journals printed daily.

Committee authorized to consider advisability of printing.

In the General Assembly read three times and ratified this 16th day of January, A. D. 1903.

RESOLUTION IN REGARD TO EMPLOYEES OF LEGISLATIVE DEPARTMENT.

Resolved by the House of Representatives, the Senate concurring:

That a joint committee of five be appointed, two on the part of the Senate and three on the part of the House, whose duty it shall be to investigate and report as soon as practicable the number of

Legislative committee appointed to investigate number of necessary employees.

employees, other than those elected, actually necessary in the Legislative department for the proper conduct of the business of the General Assembly.

In the General Assembly read three times and ratified this 14th day of January, A. D. 1903.

RESOLUTION IN REFERENCE TO COUNTING VOTE OF STATE OFFICERS.

Resolved by the House of Representatives, the Senate concurring:

Day set for canvassing returns for State officers.

That the General Assembly meet at noon on Tuesday, January the 13th, 1903, in joint session for the purpose of opening and publishing the returns of the State officers voted for at the late election, in accordance with law.

In the General Assembly read three times and ratified this 16th day of January, A. D. 1903.

RESOLUTION FOR JOINT COMMITTEE ON CODIFICATION OF THE LAWS.

Resolved by the Senate, the House of Representatives concurring:

Joint committee authorized.

Duties and powers.

SECTION 1. That a joint committee, three on the part of the Senate and five on the part of the House of Representatives, be appointed, whose duty it shall be to fully consider the matter of the codification of the laws of North Carolina, and as early as practicable to draft and submit a proper bill, providing for said codification, for passage by this General Assembly. That if the joint committee deem it not practicable to codify the laws that it so report to the General Assembly.

In the General Assembly read three times and ratified this 22d day of January, A. D. 1903.

RESOLUTION INVITING NON-RESIDENT NATIVE NORTH CAROLINIANS TO REVISIT THE STATE AND PARTICIPATE IN A CELEBRATION TO BE HELD IN THE CITY OF GREENSBORO ON "NORTH CAROLINA DAY," OCTOBER 12TH, 1903.

WHEREAS, the city of Greensboro, through its chief executive and its Industrial and Immigration Association and Young Men's Business Association, has planned a reunion of non-resident native

sons and daughters of North Carolina, to be held at Greensboro on "North Carolina Day," October 12th, 1903; and

WHEREAS, it is eminently fitting that on a day set apart by the General Assembly as one devoted to fostering patriotic love of commonwealth and people, all sons and daughters of the State should meet together on the soil that gave them birth and there renew the bonds of love and allegiance to a common mother: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That in hearty concurrence with this expressed purpose of our city of Greensboro, the State of North Carolina unites with its appointed committees of invitation in extending to the absent sons and daughters of the State a cordial invitation to visit again the home of their nativity, and in assuring them of a welcome both hearty and sincere.

Inviting absent native North Carolinians to visit State at Greensboro October 12, 1903.

In the General Assembly read three times and ratified this 24th day of January, A. D. 1903.

RESOLUTIONS REQUESTING OUR SENATORS AND REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES TO USE THEIR BEST EFFORTS TO OBTAIN APPROPRIATIONS FOR CLEANING OUT AND DREDGING SHALLOTTE RIVER, IN BRUNSWICK COUNTY, FROM ITS MOUTH TO THE TOWN OF SHALLOTTE.

Resolved by the House of Representatives, the Senate concurring:

That our Senators and Representatives in Congress be and they are hereby requested to use their best efforts to obtain from the Congress of the United States an appropriation not exceeding fifty thousand dollars for the cleaning out and dredging Shallotte River from the bar at the mouth of said river to the town of Shallotte, Brunswick County.

Requesting Senators and Representatives to obtain appropriation to clean out and dredge Shallotte river.

Second. That a copy of these resolutions be sent to our Senators and each one of our Representatives in Congress.

In the General Assembly read three times and ratified this 2d day of February, A. D. 1903.

A JOINT RESOLUTION TO INVESTIGATE THE MANAGEMENT OF THE STATE PRISON IN REMOVING CONVICTS IN CAMP AT SPRUCE PINE, N. C., FROM SPRUCE PINE, N. C., TO MARION, N. C.; AND FOR OTHER PURPOSES.

WHEREAS, it is alleged by J. L. C. Bird, of Marion, N. C., "that the conduct of the Penitentiary authorities in removing those con-

victs (referring to the removal of convicts from a camp at Spruce Pine, N. C., in Mitchell County, to Marion, N. C., in McDowell County) at the time and in the manner it was done, is a shame and disgrace to civilized people"; and

WHEREAS, other charges of inhumanity, cruelty and misconduct on the part of the Penitentiary authorities at the time of the removal of said convicts from Spruce Pine, N. C., to Marion, N. C., above referred to and on other occasions, have been made by said J. L. C. Bird in a letter dated January 29th, 1903, published in the Charlotte Observer; and

WHEREAS, the charges above set out have been denied by the Penitentiary authorities: Now, therefore, it is

Resolved by the Senate, the House of Representatives concurring:

To investigate certain charges against management of State Prison.

Joint committee to investigate charges.

Subcommittee to visit Marion and other places and take evidence.

Powers of committee.

1st. That said charges be investigated by the Committee on Penal Institutions of the Senate and the Committee on Penal Institutions of the House of Representatives sitting in joint session.

2d. That said joint committee investigate such other charges of misconduct on the part of the management and employees of the State Prison as may be brought to their attention.

3d. That a subcommittee, consisting of the chairman of the Senate Committee on Penal Institutions and one other member of said committee, to be named by the chairman, and the chairman of the House Committee on Penal Institutions and two other members of said committee, to be named by the chairman, shall visit Marion, N. C., and such other places as may be necessary, and take evidence, under oath, of such witnesses as may appear, or be produced, before it, pertinent to the charges above mentioned, or any other charges that may be brought to the attention of the joint committee herein provided for. Such joint committee and subcommittee shall have power to compel the attendance of witnesses, the production of books and papers, to examine witnesses, under oath, as in courts of law, and shall report the result of such investigations and make such recommendations as in the judgment of the joint committee are necessary for the correction of abuses and the punishment of offenders.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

JOINT RESOLUTION RELATIVE TO ALLEGED DISCRIMINATION AGAINST CERTAIN PERSONS IN NORTH CAROLINA IN THE MATTER OF FREIGHT CHARGES BY RAILROADS.

WHEREAS, certain persons have alleged that they are being discriminated against by railroads in the matter of freight charges, and

have, through the Executive Committee of the Associated Board of Trade, asked for a hearing before a committee of the General Assembly: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That a subcommittee on the part of the Committee on Railroads and Railroad Commission of the Senate and of the House of Representatives be appointed by these committees, two on the part of the Senate and three on the part of the House, to hear evidence in regard to said complaints; and it shall have the power to send for persons and papers and administer oaths, and it shall report such evidence as it thinks proper to the Senate and House of Representatives, together with such recommendation, by bill or otherwise, as may to it seem wise.

Committee to investigate freight discriminations.

In the General Assembly read three times and ratified this 5th day of February, A. D. 1903.

JOINT RESOLUTION DIRECTING THE PAYMENT TO GEORGE A. JONES, JUDGE OF THE 16TH JUDICIAL DISTRICT, FOR SERVICES IN HOLDING SPECIAL TERM OF BUNCOMBE SUPERIOR COURT.

WHEREAS, section 10, chapter 28, Laws of 1901, provides that the Fifteenth (Judicial) District shall take effect from and after the 25th day of March, 1901, and after that date courts shall be held in said Fifteenth District at the time herein provided, and said courts shall be presided over by the Judge of the Sixteenth District, who shall be appointed by the Governor on or prior to the 25th day of April, 1901; and whereas, the Governor appointed Geo. A. Jones Judge of the Sixteenth Judicial District prior to the said 25th day of April, 1901, and the said Geo. A. Jones, pursuant to the said act and appointment, proceeded to hold the court in the county of Buncombe; and whereas, the Supreme Court decided in the case of State vs. Shuford, 128th N. C. Reports, that said appointment was void; and whereas, the said Geo. A. Jones has received nothing as compensation for his services or expenses incurred in holding said term of Buncombe Superior Court: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That Geo. A. Jones be allowed the sum of one hundred dollars for his services and expenses for holding the term of Buncombe Superior Court aforesaid, and that the State Auditor issue his warrant on the State Treasurer for the same.

To pay ex-Judge George A. Jones \$100 for holding Buncombe county Superior Court.

In the General Assembly read three times and ratified this 9th day of February, A. D. 1903.

RESOLUTION TO PAY MISS SARAH WILEY BURKHEAD FIVE DOLLARS FOR TYPE-WRITING FOR COMMITTEE ON PROPOSITIONS AND GRIEVANCES IN BELVIN CLAIM CASE.

Resolved by the House of Representatives, the Senate concurring:

To pay Miss Sarah Wiley Burkhead five dollars.

That the Auditor be and he is hereby directed to issue to Miss Sarah Wiley Burkhead his warrant for five dollars, and that the State Treasurer be and he is hereby authorized and directed to pay the same, the above mentioned amount being due Miss Sarah Wiley Burkhead as stenographer and type-writer in taking testimony for Committee on Propositions and Grievances in the Belvin claim case against the State.

In the General Assembly read three times and ratified this 12th day of February, A. D. 1903.

JOINT RESOLUTION CONCERNING THE DISTRIBUTION OF THE PEABODY FUND.

WHEREAS, George Peabody gave in trust for a period of thirty years for the advancement of public education in the South, one million dollars February 7, 1867, and gave one million dollars additional June 29, 1869; and

WHEREAS, in his letter of donation of said date, June 29, 1869, he expressed his wish in regard to the final distribution of the fund as follows: "It is my desire that, when the trust is closed and the final distribution is made by yourselves or your successors, all the fourteen Southern States, including Maryland, Kentucky, Missouri and Texas, shall share in that distribution according to their needs"; and

WHEREAS, it is stated in the public press that the trustees of the Peabody Fund contemplate closing the trust and concentrating the fund in one large teachers' college instead of distributing it among the Southern States according to their respective needs: Therefore,

Resolved by the House of Representatives, the Senate concurring:

Relative to division of Peabody fund.

1. That the trustees of the Peabody Fund be requested to set aside for educational purposes in North Carolina the sum to which the State may seem to be entitled under the said deeds of trust of February 7, 1867, and June 29, 1869.

Governor and Superintendent Public Instruction to confer with trustees.

2. That the Governor and the Superintendent of Public Instruction be requested to confer with the trustees of the Peabody Fund in regard to this matter.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

RESOLUTION TO APPOINT A JOINT SPECIAL COMMITTEE TO EXAMINE THE STATE PRISON BUILDINGS AT RALEIGH, WITH A VIEW OF ASCERTAINING AT WHAT COST THEY CAN BE CONVERTED INTO A HOSPITAL FOR THE INSANE OR INTO SOME OTHER USEFUL INSTITUTION FOR THE STATE.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That a joint committee of one on the part of the Senate and two on the part of the House be appointed to make a thorough examination of the buildings at the State Prison in Raleigh, and report at what cost the same could be converted into a hospital for the insane, or into some other useful institution for the State.

Relative to cost of converting State Prison buildings into hospital for insane, etc.

SEC. 2. That said committee shall also submit estimates of the cost of the erection on the Caledonia Farm, belonging to the State, in Halifax County, a building or buildings suitable for the safe keeping and comfort of the criminal insane and a hospital for the sick convicts.

Committee to submit estimates on cost of erecting building for criminal insane at State farm.

SEC. 3. That said committee shall also submit estimates of the cost of the purchase of other buildings elsewhere in the State, if they can be procured for such purposes.

To report cost of purchase of other buildings for such purposes.

SEC. 4. That said committee shall report at the earliest day practicable.

In the General Assembly read three times and ratified this 12th day of February, A. D. 1903.

A RESOLUTION IN FAVOR OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

WHEREAS, when the State of North Carolina was enlisting her citizens in May, 1898, in the Second Regiment of North Carolina Volunteer Infantry, for the purpose of furnishing her quota of men for the war with Spain, it was necessary to enlist a band of musicians; and

WHEREAS, it was impossible to get a band in the State of North Carolina to volunteer as a body, and the Adjutant-General of North Carolina arranged to secure sixteen men in Scranton, Pennsylvania, to come to Raleigh and enlist as musicians in the Second North Carolina Regiment; and

WHEREAS, he requested the Delaware, Lackawanna and Western Railroad Company to furnish said sixteen men necessary tickets to Raleigh, which they did on May 27, 1898, and transported said sixteen men to Raleigh, where they enlisted in the Second North Carolina Regiment, with which regiment they served during the war; and

WHEREAS, tickets were furnished and sixteen men transported upon the faith and credit of the State of North Carolina, a bill being rendered by direction of the Adjutant-General of North Carolina therefor in the sum of \$201.92; and

WHEREAS, the United States government has disallowed said bill and refused to pay for the transportation of the men ordered by the Adjutant-General of North Carolina, upon the grounds that the Adjutant-General was without authority to recruit from without the State of North Carolina to be here enlisted in one of the State's regiments: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Treasurer to pay Delaware, Lackawanna and Western Railroad Company \$201.92.

That the Auditor be and he is hereby directed to draw his warrant on the Treasurer of North Carolina in favor of the Delaware, Lackawanna and Western Railroad Company in the sum of two hundred and one dollars and ninety-two cents (\$201.92). This sum to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated.

In the General Assembly read three times and ratified this 16th day of February, A. D. 1903.

JOINT RESOLUTION PERMITTING THE JOINT COMMITTEE ON JUSTICES OF THE PEACE TO EMPLOY A CLERK.

Resolved by the House of Representatives, the Senate concurring:

Committees on justices of peace authorized to employ clerk.

That the Committees of the Senate and House on Justices of the Peace be authorized to employ a clerk for the joint use of said committees for the remainder of the session.

In the General Assembly read three times and ratified this 2d day of March, A. D. 1903.

A RESOLUTION PROVIDING FOR THE ELECTION OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

Resolved by the House of Representatives, the Senate concurring:

Time fixed for electing Trustees of University of North Carolina.

That a joint ballot of the two houses be taken on Saturday, the 28th day of February, 1903, at 12 o'clock M., to elect trustees of the University of North Carolina.

In the General Assembly read three times and ratified this 2d day of March, 1903.

JOINT RESOLUTION FAVORING THE PASSAGE OF THE
APPALACHIAN PARK BILL BY CONGRESS.*Resolved by the Senate, the House of Representatives concurring:*

That the recommendations of the Water-works Association of North Carolina, favoring the passage of an act by Congress establishing the "Appalachian Park Reserve," meets with the approval of the Senate and House of Representatives of North Carolina, and the Senators and Members of the House of Representatives in Congress from North Carolina are requested to urge the passage of said bill.

United States Senators and Representatives from North Carolina requested to urge passage of bill.

In the General Assembly read three times and ratified this 26th day of February, A. D. 1903.

A JOINT RESOLUTION OF INQUIRY AS TO AN ENLARGEMENT OF THE CAPITOL.

Resolved by the House of Representatives, the Senate concurring:

WHEREAS, by reason of the great increase in the population, wealth and governmental business of this State the Capitol has become much too small for the purposes for which it was designed; and whereas, the original plan, foreseeing this, provided for the addition of a north and south wing, as in the Capitol at Washington; and whereas, further, the Judicial Department, the State Library, the Attorney-General and Superintendent of Public Instruction have been crowded out of the present building, and the valuable libraries of the Supreme Court of the State are exposed to great danger of fire, and their loss would be irremediable, by reason of these and divers other deficiencies in the present Capitol:

Resolved, That a committee of five shall be appointed, consisting of one Senator appointed by the President of the Senate, and two members of the House of Representatives, the Governor of the State *ex officio* and the Chief Justice of the Supreme Court *ex officio*, who shall investigate and report to the next General Assembly a plan or plans, together with the probable cost thereof, for the addition of the aforesaid wings. Said wings shall provide on the ground floor for additional rooms of executive officers of the State, including the Attorney-General and Superintendent of Public Instruction; the second floor shall provide a suitable chamber in the north wing for the Senate and a suitable chamber in the south wing for the House of Representatives, the present halls of these two bodies to be remodeled and converted into committee rooms. The third floor of the north wing shall be reserved for the Supreme Court and its

Authorizing committee (and stating of whom committee shall consist) to investigate and report to next General Assembly plans and probable cost of two additional wings to capitol.

For what purposes additional wings to be utilized.

library, and the third floor of the south wing shall be provided for the State Library, and an elevator shall be provided in each wing.

Committee to serve without compensation. Vacancies, how filled. Power to employ architect.

Resolved further, That said committee shall serve without compensation, and shall fill any vacancies (other than in the *ex officio* members) occurring in their body. They shall have power to employ an architect to make the necessary drawings and plans, with an estimate of the cost of each plan reported.

Use of plans adopted for such enlargements in other States.

Said committee may avail themselves of such plans or parts of plans as they may see fit to use, adopted for similar enlargements of capitol buildings in other States.

In the General Assembly read three times and ratified this 4th day of March, A. D. 1903.

JOINT RESOLUTION TO CAUSE SEARCH TO BE MADE FOR THE ORIGINAL PAPER ON WHICH WAS WRITTEN THE LIBERTY POINT DECLARATION OF INDEPENDENCE, CUMBERLAND COUNTY.

WHEREAS, the citizens of Cumberland County in June, 1775, met at Liberty Point, in the town of Fayetteville, in said county, and did there and then bond themselves together by the most sacred of all obligations, the duty of good citizens towards an injured county, binding themselves by every tie of religion and honor for her defence against every foe; and

WHEREAS, the citizens of Cumberland County, in the city of Fayetteville did, in June, 1902, form an association to be known as "The Liberty Point Monument Association," whose object is to raise funds to erect a monument to commemorate the "Declaration of Independence" adopted there in June, 1775; and

WHEREAS, Wheeler's History of North Carolina states that the original paper was on file amongst the State papers in the executive office in Raleigh in 1850: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Search to be made by custodians of State's papers.

If found, to be preserved with great care and certified copy sent to city of Fayetteville.

That diligent search for this "great historic treasure" be made by the custodians of the State's papers, and when found, to cause great care to be exercised in its further preservation, and that a certified copy, bearing the imprint of the Great Seal of State of North Carolina, be sent to the city of Fayetteville for the use of the said "Liberty Point Monument Association."

In the General Assembly read three times and ratified this 5th day of March, 1903.

RESOLUTION TO PAY MRS. ELLEN W. DANIEL AND MRS. W. W. FAUCETT FOR BUILDINGS REMOVED FROM THEIR LANDS IN NORTHAMPTON COUNTY, WHILE THE SAME WERE LEASED TO THE STATE OF NORTH CAROLINA.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Auditor be and he is hereby directed to draw his warrant on the Treasurer of the State of North Carolina in favor of Mrs. Ellen W. Daniel and Mrs. W. W. Faucett for the sum of five hundred and fifty dollars, in full payment for buildings removed from the lands of said Mrs. Daniel and Mrs. Faucett while the same were leased to the State of North Carolina for use of the Penitentiary from 1890 to 1900 under the terms of the lease: *Provided*, that such appropriation shall be made out of the funds now or hereinafter to the credit of the Penitentiary fund in the Treasury.

Mrs. Ellen W. Daniel and Mrs. W. W. Faucett to be paid \$550 out of penitentiary fund.

SEC. 2. That the Treasurer of the State of North Carolina be and he is hereby authorized and directed to pay the said warrant when so drawn.

Treasurer to pay same.

SEC. 3. That this resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, A. D. 1903.

RESOLUTION TO PAY EXPENSES OF JOINT COMMITTEE TO INVESTIGATE CHARGES OF CRUELTY AGAINST THE STATE PRISON, TO PAY EXPENSES OF WITNESSES APPEARING BEFORE SAID COMMITTEE, AND THEIR EXPENSES IN SAID INVESTIGATION.

Resolved by the House of Representatives, the Senate concurring:

That the Auditor be authorized to issue his warrants on the Treasurer for the following amounts to the persons hereinafter named, to defray the actual expenses incurred by the joint committee investigating charges against State Prison, witnesses appearing before said committee, the Sheriff of McDowell County, and secretary and stenographer to the committee:

Amounts authorized to be paid committee, witnesses, officers and employees who participated in the investigation of charges against the State Prison.

Marion Committee—Senator T. D. Warren, \$21.50; Senator H. N. Pharr, \$19.10; Representative Geo. L. Morton, \$9.75; Representative T. W. Blount, \$19.60; Representative W. C. Newland, \$20.10.

Dover Committee—Senator D. J. Aaron, \$8.40; Senator C. W. Richardson, \$8.40; Representative V. C. Bullard, \$8.40; Representative I. G. Riddick, \$8.40; Representative S. H. Crocker, \$8.40; Representative J. D. Thomas, \$8.40; Sheriff P. H. Mashburn, \$20; T. B. Heartt, secretary and stenographer, \$160; Whitfield Sparks,

Spruce Pine, N. C., \$7.80; A. D. Wiseman, Spruce Pine, N. C., \$7.80; W. D. Wiseman, Spruce Pine, N. C., \$7.60; S. B. Biggerstaff, Spruce Pine, N. C., \$7.60; C. M. Corpening, Woodlawn, N. C., \$5.80; Wood Huskins, Woodlawn, N. C., \$3.80; W. C. Shuping, Marion, N. C., \$1.40; W. H. Harrison, Marion, N. C., \$1.80; W. Y. Willson, Mocksville, N. C., \$11.

In the General Assembly read three times and ratified this 6th day of March, 1903.

RESOLUTION CONCERNING ST. LOUIS EXPOSITION.

Resolved by the House, the Senate concurring:

Governor to appoint commission to represent North Carolina at Louisiana Purchase Exposition. One from each congressional district. Officers of commission.

That the Governor is authorized to appoint a commission to represent the State of North Carolina at the Louisiana Purchase Exposition in St. Louis in 1904. The said commission shall consist of ten citizens of this State, one from each Congressional District. The commission shall have power to select a president, secretary and such other officers as may be necessary to enable it to carry out the purposes of its creation:

To receive no compensation.

Provided, that no member, officer, agent or servant of the commission shall receive any compensation for services or expenses in this respect from any moneys or funds which have been or may hereafter be appropriated by this State or any department or institution thereof in support of said Exposition.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

JOINT RESOLUTION RELATIVE TO COMPENSATION OF THE PAGES AND G. W. PARTIN.

Resolved by the House of Representatives, the Senate concurring:

Allowed actual railroad fare to and from Raleigh.

SECTION 1. That the Pages of the Senate and House be and they are hereby allowed their actual railroad fare from their respective homes to the city of Raleigh and return, in recognition of their faithful and efficient services during the present session of the General Assembly, the amount to be ascertained and paid as other similar expenses of the General Assembly are.

G. W. Partin allowed \$25 for services to committee on finance.

SEC. 2. That G. W. Partin be and he is hereby allowed the sum of twenty-five dollars as compensation for his faithful and efficient services to the House Committee on Finance and the joint meetings of the Senate and House Committees on Finance, the same to be paid as other expenses of the House are.

SEC. 3. That this resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

JOINT RESOLUTION AS TO THE DISPOSITION OF THE PROCEEDS OF THE THREE HUNDRED THOUSAND DOLLARS IN STATE BONDS AUTHORIZED TO BE ISSUED BY THE TREASURER OF THE STATE UNDER THE LAW ENACTED BY THE GENERAL ASSEMBLY AT THE PRESENT SESSION TO MEET THE DEFICIT IN THE STATE TREASURY.

Resolved by the House of Representatives, the Senate concurring:

That the Treasurer of the State be and he is hereby authorized and directed to apply the proceeds of the bonds of the State authorized to be issued at the present session of the General Assembly to meet the deficit in the State Treasury, as follows:

Directs how State Treasurer shall apply proceeds of State bond issue provided for by General Assembly of 1903.

The amount due the Park National Bank of New York for borrowed money	\$200,000	
Interest on same.....	4,500	\$204,500
Accounts and notes due by the Agricultural and Mechanical College (not including the \$20,000 due the Raleigh Savings Bank), not exceeding.....		48,786
Accounts and notes due by the Western Hospital at Morganton, not exceeding.....		7,000
Amounts due by the Institute for the Deaf and Dumb at Morganton to A. C. Miller and others, not exceeding....		5,000
Amount due Citizens National Bank by the Geological Survey of the State.....		5,000
State Hospital at Goldsboro.....		4,766
Deaf, Dumb and Blind Institution at Raleigh.....		10,000
Citizens National Bank, loaned the University.....		6,000
Balance on appropriation for State Guard in 1901, about..		854
		<hr/> \$300,000

Resolved further, That the State Treasurer be and he is hereby directed to examine all of said accounts with care, and discard such as in his opinion may not be lawful claims against the State.

State Treasurer to examine all accounts and discard those not lawful.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

JOINT RESOLUTION TO PROVIDE FOR THE PRINTING OF
THE REPORTS OF THE COMMITTEES APPOINTED TO IN-
VESTIGATE CHARGES OF CRUELTY AGAINST MANAGE-
MENT OF STATE PRISON.

Resolved by the Senate, the House of Representatives concurring:

Report of commit-
tee to investigate
charges against
management of
State's Prison to
be printed.

SECTION 1. That two hundred copies of the report of the committees appointed by the General Assembly of North Carolina to investigate the charges of cruelty against the management of the State Prison be printed and distributed by the Secretary of State in some manner like public documents are now distributed by law.

SEC. 2. That the resolution shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

RESOLUTION PROVIDING FOR THE PAYMENT OF COSTS
OF STENOGRAPHIC WORK FOR THE JOINT COMMITTEE
ON APPROPRIATIONS.

Resolved by the Senate, the House of Representatives concurring:

O. H. Guion to be
paid \$2.00.

That O. H. Guion be paid the sum of two dollars, in full of amount paid to Mrs. Mary S. Calvert for stenographic work done for the Joint Committee on Appropriations.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

RESOLUTION IN BEHALF OF THE NORTH CAROLINA INSTI-
TUTION FOR THE EDUCATION OF THE DEAF AND DUMB
AND THE BLIND.

Resolved by the Senate, the House of Representatives concurring:

Relative to ex-
penses of board of
directors of Deaf,
Dumb and Blind
Institution.

That the board of directors of the North Carolina Institution for the Education of the Deaf and Dumb and the Blind be authorized to make the same arrangement for the expenses of its members as is made by the other educational institutions of the State.

In the General Assembly read three times and ratified this 9th day of March, 1903.

JOINT RESOLUTION TO APPROPRIATE \$10,000 FOR STATE
EXHIBIT AT ST. LOUIS.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That there be appropriated the sum of not exceeding ten thousand dollars (\$10,000) for the purpose of providing an exhibit for the State at the St. Louis Exposition in 1904, which appropriation shall be used under the direction of the Council of State.

Appropriation for State exhibit at St. Louis exposition in 1904.

SEC. 2. *Provided*, that this money shall not be expended except in the event it is foreseen by the Governor and the Council of State that there will be no deficit in the State Treasury for the years 1903 and 1904.

Not to be expended unless certain there will be no deficit in treasury.

SEC. 3. *Provided*, that no portion of this money shall be expended except in the event that an amount equal to that portion shall be raised by subscription for the purpose herein set forth, and deposited in the State Treasury, and until as much as five thousand dollars (\$5,000) has been so raised and deposited.

To be available only when equal amount raised by subscription, and half deposited.

SEC. 4. This resolution shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

JOINT RESOLUTION IN FAVOR OF G. F. KENNEDY.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Treasurer of the State be and he is hereby directed to pay G. F. Kennedy, upon the warrant of the Auditor, the sum of fifty dollars for extra services during the session of the General Assembly.

Treasurer to pay G. F. Kennedy \$50.

In the General Assembly read three times and ratified this 9th day of March, 1903.

JOINT RESOLUTION AUTHORIZING THE ENROLLING CLERK
AND SUCH ASSISTANTS AS HE MAY NEED, TO BE PAID
THEIR PER DIEM FOR STRAIGHTENING UP THE AFFAIRS
OF HIS OFFICE AND DELIVERING ALL PAPERS, ETC., TO
THE STATE LIBRARIAN.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Enrolling Clerk, together with such assistants as he may require and need, remain after the adjournment of the General Assembly a sufficient number of days, not exceeding three

How long after adjournment to remain.

Per diem of chief
and assistants.

days, to arrange affairs in his office and deliver all bills and books to the State Librarian, and for such services said Enrolling Clerk shall receive five dollars and such assistants shall receive four dollars per diem, to be paid by the Auditor of State issuing his warrant on the Treasurer for such per diem.

SEC. 2. That this resolution shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

RESOLUTION CONCERNING ADJOURNMENT.

Resolved by the House of Representatives, the Senate concurring:

Time for adjourn-
ment sine die.

That this General Assembly adjourn *sine die* at one o'clock P. M., on Monday, March 9th, 1903.

In the General Assembly read three times and ratified this the 9th day of March, 1903.

JOINT RESOLUTION TO PROVIDE FOR THE PAYMENT OF THE SECOND \$100,000 APPROPRIATED BY CHAPTER 543, LAWS 1901, FOR THE PURPOSE OF BRINGING UP TO THE CONSTITUTIONAL REQUIREMENT OF FOUR MONTHS THE TERM IN EACH SCHOOL DISTRICT IN THE STATE.

Preamble.

WHEREAS, by the Public Laws of 1901, chapter 543, there was appropriated out of the State Treasury the sum of \$100,000 for the benefit of the public schools, to be divided per capita as to school population; and

Preamble.

WHEREAS, by section 3 of said act an additional sum of \$100,000, or so much thereof as may be necessary, was appropriated annually out of the State Treasury for the purpose of bringing up to the constitutional requirement of four months the term in each school district in the State; and

Preamble.

WHEREAS, owing to the unexpected deficit in the State Treasury, caused by the Revenue Act of 1901 to raise sufficient money to meet all the appropriations made by the General Assembly of 1901, including the said amount of \$100,000, there is now no money out of which the said last \$100,000 can be paid; and

WHEREAS, there is in said Treasury \$143,250 in North Carolina four (4) per cent. bonds and \$2,000 in North Carolina six (6) per cent. bonds and \$53,989.55 in cash, known as the State Literary Fund, derived from the sale of swamp lands in the eastern part of

the State, upon which the State pays interest annually to the general school fund; and

WHEREAS, it is necessary that immediate provision should be made to meet the payment of the \$100,000 appropriated by the Law of 1901 to bring up to the constitutional requirement of four months the term in each school district in the State: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

1. That the Treasurer of the State be and he is hereby authorized and directed to use \$53,989.55 in cash and so much on the North Carolina four per cent. bonds now in the State Treasury to the credit of the State Board of Education as may be necessary to pay off the one hundred thousand dollars, or so much thereof as may be necessary, appropriated under section 3, chapter 543 of the Laws of 1901, to bring up the term of each school district in the State to the constitutional requirement of four months.

State Treasurer authorized to use \$100,000.00 in cash and bonds, belonging to State literary fund, to pay State appropriation, second \$100,000.00 for four months schools.

2. That the said Treasurer be directed to replace said one hundred thousand dollars, or so much thereof as may have been used for the purposes aforesaid, with the bonds of the State duly executed, payable to the State Board of Education on or before the first day of June, 1906, with interest at three per centum per annum, payable semi-annually until the principal shall have been paid.

To replace said amount with 3 per cent. State bonds.

3. That the said Treasurer of the State be and he is hereby authorized and directed to apply from time to time any funds in the Treasury not otherwise appropriated to the payment of said bonds mentioned above.

Provision for payment of bonds.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

A RESOLUTION CONCERNING THE APPALACHIAN NATIONAL PARK AND FOREST RESERVE.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Board of Agriculture and the Geological Survey be and the same are hereby authorized and directed to make such examination and investigation as may be deemed advisable as to the necessity for the utility of the National Forest Reserve, proposed to be established in this State and others adjacent thereto, by an act of the Congress of the United States, and they are further authorized and directed to gather and disseminate information concerning said Forest Reserve, and to further aid in securing its establishment by Congress.

Authorizes examination by Board of Agriculture and Geological Survey for utility of national forest reserve.

SEC. 2. That this resolution shall take effect from and after its ratification.

Dissemination of information concerning same.

In the General Assembly read three times and ratified this 9th day of March, 1903.

JOINT RESOLUTION CONCERNING RECARPETING HALL OF HOUSE OF REPRESENTATIVES.

WHEREAS, the carpet on the floor of the hall of the House of Representatives is old, unsightly and practically useless; and

WHEREAS, the filth and germs of disease accumulated for many years in this carpet are a great and constant menace to the health of the members of the House: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Authority to purchase new carpe for House of Representatives.

That the Keeper of the Capitol be and is hereby instructed to purchase, under the direction of the Governor and Council of State, a suitable carpet for the hall of the House of Representatives of North Carolina, to be put in place during the recess of the General Assembly.

In the General Assembly read three times and ratified this 9th day of March, 1903.

RESOLUTION CONCERNING THE IMPROVEMENT OF THE UPPER CAPE FEAR RIVER.

WHEREAS, the maintenance of water transportation in competition with rail is of the greatest importance to all of the citizens of the entire Cape Fear section; and

WHEREAS, the Chamber of Commerce of the city of Fayetteville and the Chamber of Commerce, the Produce Exchange and the Merchants Association of the city of Wilmington have secured a survey and a recommendation for an appropriation for the improvement of the upper Cape Fear River: Therefore,

Resolved by the House of Representatives, the Senate concurring:

United States Senators and Representatives from North Carolina requested to use influence to secure legislation for improvement of Cape Fear river.

First. That our Senators and Representatives in Congress be requested to exert their united influence to secure the passage of an amendment of the River and Harbor Bill at this session authorizing the adoption of the plan for improving the Cape Fear River, recommended by Capt. E. Van C. Lucas, Corps Engineers U. S. A., Wilmington, N. C., as transmitted to Congress by the Honorable Secretary of War.

Copy to be forwarded.

Second. That a copy of this resolution be forwarded to each of our Senators and Representatives.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

RESOLUTION OF THANKS TO THE HISTORIANS AND EDITOR
OF THE FIVE VOLUMES OF NORTH CAROLINA REGI-
MENTAL HISTORIES.

Resolved by the House of Representatives, the Senate concurring:

The thanks of the people of North Carolina, through their General Assembly, are hereby tendered to the one hundred and seventy-nine officers and soldiers who wrote for the five volumes of Regimental Histories, the histories of North Carolina's regiments and battalions in the great war of 1861-'5, and also to Chief Justice Walter Clark, who supervised and edited the entire work—all of whom performed this work of great labor without compensation or expectation of reward, moved solely by their patriotic devotion to the State and a desire to preserve to future ages the fame of their gallant comrades, one-third of whom filled soldiers' graves.

Thanks of people of North Carolina tendered those who wrote, compiled, supervised and edited Regimental Histories.

In the General Assembly read three times and ratified this 9th day of March, A. D. 1903.

RESOLUTION CONCERNING THE APPALACHIAN NATIONAL
PARK FOREST RESERVE.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Board of Agriculture and the Geological Survey be and the same are hereby authorized and directed to make such examination and investigation as may be deemed advisable as to the necessity for and utility of the National Forest Reserve proposed to be established in this State and others adjacent thereto by an act of the Congress of the United States; and they are further authorized and directed to gather and disseminate information concerning said Forest Reserve, and to further aid in securing its establishment by Congress.

Provisions for investigation as to necessity for and utility of National Forest Reserve and dissemination of information concerning the same.

SEC. 2. That this resolution shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 9th day of March, 1903.

STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE,

RALEIGH, April 1, 1903.

I, J. Bryan Grimes, Secretary of State, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

J. BRYAN GRIMES,
Secretary of State.

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TO THE

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